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federal register

MONDAY, OCTOBER 4, 1976

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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
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DOT/OHMO	CSC		DOT/OHMO	CSC
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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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(For Details, See 41 FR 22997, June 8, 1976)

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Executive Order 11939 • September 30, 1976

Basic Allowances for Quarters

By virtue of the authority vested in me by Sections 1009 (c) and (d) of Title 37 of the United States Code, as added by Section 303 of the Department of Defense Appropriation Authorization Act, 1977, Public Law 94-361, July 14, 1976, and as President of the United States of America and Commander in Chief of the Armed Forces, it is hereby ordered as follows:

SECTION 1. Section 403 of Part IV of Executive Order No. 11157 of June 24, 1964, as amended, is further amended by:

(a) inserting "(a)" after "Sec. 403.",

(b) redesignating clauses (a), (b), and (c) as (1), (2), and (3) respectively, and redesignating clauses (i) and (ii) as (A) and (B), respectively, and

(c) adding the following new subsection (b):

"(b) Whenever the President exercises his authority under Section 1009(c) of Title 37 of the United States Code, to allocate up to 25 percent of certain increases in basic pay to basic allowances for quarters, a member without dependents who, under Section 403 (b) or (c) of that title, is not entitled to a basic allowance for quarters shall become entitled to a portion of such basic allowance for quarters. The amount of such partial basic allowance for quarters shall equal the amount of any increases in basic pay which are allocated by the President to the basic allowance for quarters.".

SEC. 2. This Order shall become effective on October 1, 1976.

Gerald R. Ford

THE WHITE HOUSE,
September 30, 1976.

[FR Doc.76-29248 Filed 10-1-76;9:41 am]

Executive Order 11940 • September 30, 1976

Continuing the Regulation of Exports

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a, 50 U.S.C. App. 5(b)), and as President of the United States of America, and in view of the continued existence of the national emergencies declared by Presidential Proclamation No. 2914 of December 16, 1950, and Presidential Proclamation No. 4074 of August 15, 1971, and the importance of continuing (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious inflationary impact of foreign demand, it is hereby ordered as follows:

SECTION 1. Notwithstanding the expiration of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401-2413), the provisions for administration of that act contained in Executive Order No. 11533 of June 4, 1970, as continued in effect by Executive Orders Nos. 11683 of August 29, 1972, 11798 of August 14, 1974, and 11818 of November 5, 1974, and as amended by Executive Order No. 11907 of March 1, 1976, shall continue in full force and effect and shall authorize the exercise and administration of export controls, under the authority vested in me as President of the United States of America by section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a, 50 U.S.C. App. 5(b)).

SEC. 2. Except to the extent another basis is provided in the second sentence of section 4 of this order, all rules and regulations issued by the Secretary of Commerce under the authority of the Export Administration Act of 1969, as amended, including those published in Title 15, Chapter III, Subchapter B, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued or taken pursuant thereto, shall until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this Order, except that the maximum fine which may be imposed under section 387.1(a)(1) of Title 15, Code of Federal Regulations, shall not exceed $10,000 and that the civil penalty provided for under section 387.1(b)(3) thereof will not be applicable to any violation of the regulations under this Order.

SEC. 3. Provisions for the administration of Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a, 50 U.S.C. App. 5(b)), and this Order shall constitute authority for the issuance and continuation in full force and effect of rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative action issued or taken pursuant thereto, relating to the administration of section 38(e) of the Arms Export Control Act.

SEC. 4. The delegations of authority in this order shall not affect the authority of any agency or official pursuant to any other delegation of Presidential authority, presently in effect or hereafter made, under section 5(b) of the act of October 6, 1917, as amended. Those regulations issued under the Export Control Act of 1949, as amended, to implement foreign policy set forth in Executive Orders Nos. 11322 of January 5, 1967 and 11419 of July 29, 1968, shall until amended or revoked by the Secretary of Commerce continue to apply as regulations issued under such orders.

Gerald R. Ford

THE WHITE HOUSE,
September 30, 1976.

[FR Doc.76-29274 Filed 10-1-76;11:45 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER XIII—NATIONAL COMMISSION ON PRODUCT SAFETY

PART 2300—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Deletion of Part

EDITORIAL NOTE.—The Office of the Federal Register has received a letter from the Secretary of the Consumer Product Safety Commission, in which she states that regulations presently codified as 5 CFR Chapter XIII, Part 2300, are obsolete and legally void. The letter requests the Office of the Federal Register to delete the regulations from the Code of Federal Regulations.

The National Commission on Product Safety was established by Pub. L. 90-146 for the purpose of conducting a comprehensive study and investigation into the scope and adequacy of measures then being taken to protect consumers against unreasonable risks of injury caused by consumer products. Section 5(e) of Pub. L. 90-146 provided that the Commission would cease to exist 90 days after submission of its final report, which was submitted to the President and the Congress on June 30, 1970.

Accordingly, the National Commission on Product Safety no longer exists and the regulations appearing as Chapter XIII of title 5, Code of Federal Regulations are of no effect.

Therefore, pursuant to 1 CFR 8.2, Chapter XIII and Part 2300 of title 5, Code of Federal Regulations are deleted.

Title 7—Agriculture

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

[Valencia Orange Reg. 546, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 24-30, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 546 (41 FR 41709). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof 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 restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.846 (Valencia Orange Regulation 546 (41 FR 41709) are hereby amended to read as follows: (i) District 1: 405,000 cartons; (ii) District 2: 495,000 cartons.

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

Dated: September 29, 1976.

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

[FR Doc.76-29070 Filed 10-1-76;8:45 am]

PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

Redefinition of Districts

This amendment redefines the districts into which production area is divided to reflect shifts in peach production within Mesa County.

On August 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 32234), that the Department was considering an amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 919.100-919.171) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of fresh peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This notice allowed interested persons 28 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted.

The amendment redefines the districts into which the production area is divided by expanding district 3's boundaries to include portions of district 2 and 4. Shifts of peach production within the production area, especially the removal of a large number of trees in district 3, has created the need for redefining the districts. It is desirable to have districts equal in peach production potential, because 1 producer member is selected for each district and peach producers should have equal representation on the committee. The amendment is issued under § 919.32(1) which authorizes redefinition of the districts to reflect shifts in peach production within the districts and the production area.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof) it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations, is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Such amendment is hereby approved and said rules and regulations are amended by adding a new § 919.111 Redefinition of districts, reading as follows:

§ 919.111 Redefinition of districts.

The districts into which the production area is divided are redefined as follows:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of 37.3 Road and an extension thereof to the Mesa County line.

(b) "District No. 2" shall include all that portion of Mesa County lying south of the Colorado River, known as Vineland, on the floor of the valley and northeasterly which is to include the Rapid Creek Area.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River on the west of District No. 2, known as Orchard Mesa, to the natural barrier known as the Big Wash.

(d) "District No. 4" shall include all that portion of Mesa County lying south of the Colorado River bounded on the west by the Gunnison River and bounded on the east by natural barrier known as the Big Wash.

(e) "District No. 5" shall include all that portion of Mesa County west of 37.3 Road and an extension thereof to the Mesa County line, north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all of the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

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

Dated, September 28, 1976, to become effective November 8, 1976.

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

[FR Doc.76-28949 Filed 10-1-76;8:45 am]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable, Reserve, and Export Percentages for 1976-77 Crop Year

Notice of proposed salable, reserve and export percentages of 96.8 percent, 3.2 percent and 0 percent, respectively, for California almonds for the 1976-77 crop year was published in the August 30, 1976, issue of the FEDERAL REGISTER (41 FR 36506). The 1976-77 crop year began July 1, 1976.

The proposal was unanimously recommended by the Almond Board of California pursuant to the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 41 FR 26852, 27827), regulating the handling of almonds grown in California. The marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. No comemnts were received.

This action would make 96.8 percent (255.7 million pounds) of the almond production delivered to handlers available to supply normal domestic and export outlets, and to provide adequate carryover. The Board's marketable production estimate of 264 million pounds, is based upon its 1976 crop estimate of 280 million pounds minus an estimated weight loss of 16 million pounds. This weight loss is expected from the removal of inedible kernels from the crop by handlers and various manufacturing processes.

Trade demand is estimated at 215 million pounds—95 million pounds for domestic needs and 120 million pounds for export needs. A carryover adjustment of 40.7 million pounds is the result of an estimate of 100 million pounds for desirable handler carryover from the 1976 crop minus the 59.3 million pounds handlers carried over from the 1975 crop. Adding the inventory adjustment to the total trade demand estimate equals 255.7 million pounds, the quantity of almonds from the estimated marketable production to be made available for trade demand needs.

The balance of 3.2 percent (8.3 million pounds) of the estimated marketable production delivered to handlers, would be available to develop new outlets noncompetitive with existing normal domestic and export outlets. The development of such new outlets is a long-term necessity for the industry because of anticipated larger crops.

The recent order amendment permits the Board to include export requirements with domestic requirements in its estimate of trade demand when recommending the establishment of salable and reserve percentages for any crop year. This year, the Board included estimated exports in trade demand thereby making export a salable outlet, rather than a reserve outlet. Because of this action, no reserve almonds will be exported pursuant to § 981.66(b) and an export percentage of 0 was proposed.

After consideration of the Board's recommendation and supporting information, and other available information, it is found that to establish salable, reserve and export percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable, reserve, and export percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1976, and the percentages established herein will automatically apply to all such almonds beginning with such date.

Therefore, the salable and reserve percentages for almonds received by handlers for their own accounts during the 1976-77 crop year are established as follows:

§ 981.226 Salable, reserve, and export percentages for almonds during the crop year, beginning July 1, 1976.

The salable, reserve, and export percentages during the crop year beginning July 1, 1976, shall be 96.8 percent, 3.2 percent, and 0 percent, respectively.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

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

Dated: September 28, 1976.

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

[FR Doc.76-28948 Filed 10-1-76;8:45 am]

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Grade Regulation for Shelled Filberts

Notice was published in the September 9, 1976, issue of the FEDERAL REGISTER (41 FR 38187), on a proposal recommended by the Filbert Control Board to (1) establish minimum grade regulations for shelled filberts, (2) change the grade requirement prescribed for shelled filberts declared and withheld in lieu of merchantable filberts in satisfaction of a restricted obligation, and (3) make a minor conforming change in the administrative rules and regulations. The proposal is in accordance with the provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 40 FR 53226, 55829), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

Section 982.45(a) of the order provides, in part, that no handler shall handle any shelled filberts unless they meet such minimum standards as are established by the Secretary on the basis of a recommendation of the Filbert Control Board. The Board has recommended that shelled filberts be required to meet the standards for Oregon No. 1 whole and broken grade for shelled filberts contained in the Oregon Grade Standards for Filbert (Hazelnut) Kernels.

It is necessary to establish these standards because of the continuing importance of the shelled filbert market. Mandatory inspection and certification of filbert kernels would tend to promote orderly marketing because only acceptable quality kernels could be handled, and consumers and other users could depend on the quality of each shipment.

This action also changes the standards applied to shelled filberts declared and withheld by a handler in lieu of merchantable filberts in satisfaction of a restricted obligation pursuant to

§§ 982.50(a) and 982.51(b). Section 982.50(a) provides that these shelled filberts meet the standards in effect for Oregon No. 1 grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels, or such other standards as may be recommended by the Board and established by the Secretary. Because of its recommendation to establish minimum grade regulations for shelled filberts on the basis of Oregon No. 1 whole and broken grade, the Board also recommended, as a conforming change, the establishment of this grade for shelled filberts declared and withheld in lieu of merchantable filberts in satisfaction of a restricted obligation.

Both proposals are included in a new subpart entitled Subpart—Grade and Size Regulation.

It was also proposed that the reference to "Oregon Grades and Standards for Walnuts and Filberts" in § 982.453 of Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) be changed to "Oregon Grade Standards Filberts In Shell". This conforming change recognizes a change in the title of the standards applicable under the order for inshell filberts.

After consideration of all relevant material presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that mandatory inspection and certification of filbert kernels would tend to promote orderly marketing.

(1) It is therefore, ordered as follows: A new Subpart—Grade and Size Regulation containing § 982.101 is included in Part 982—Filberts Grown in Oregon and Washington. Section 982.101 reads as follows:

§ 982.101 Minimum grade standards for shelled filberts.

(a) Pursuant to § 982.50(a), no handler shall handle any shelled filberts unless such filberts meet the requirements for Oregon No. 1 whole and broken grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels.

(b) Pursuant to §§ 982.50(a) and 982.51(b), a handler may declare and withhold shelled filberts in lieu of merchantable filberts in satisfaction of his restricted obligation. Shelled filberts so declared and withheld shall, in lieu of the standards prescribed pursuant to § 982.50(a)(3), meet the standards in effect for Oregon No. 1 whole and broken grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels.

§ 982.453 [Amended]

2. In § 982.453 of Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471), the phrase "Oregon Grades and Standards for Walnuts and Filberts" is revised to read "Oregon Grade Standards Filberts In Shell".

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Handlers will soon begin receiving new crop filberts in the current season; (2) handlers have been operating voluntarily under self-imposed standards for filbert kernels for several years; (3) handlers are aware of the minimum standards prescribed in this action and need no additional time to comply with them; and (4) no useful purpose would be served by delaying the effective time of this action.

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

Dated September 28, 1976, to become effective October 6, 1976.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.76-28947 Filed 10-1-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 5]

PART 102—DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974

Change in Privacy Act Implementation Procedures and Clarification of Exempt Records

On February 25, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 8190) concerning amendments to 13 CFR Part 102, Subpart B—Privacy Act of 1974, §§ 102.27, 102.29, and 102.30, to inform the public how a requestor's identity is to be verified, where a request for amendment to a record should be sent, that the time and place for reviewing a record shall be specified when a request for access is granted, and that prior recipients of a record will be provided with a copy of an amended record or notation of dispute. Interested persons were invited to submit comments. No comments were received and accordingly, the proposed amendments are adopted as proposed and are set out below.

In addition, the Office of Management and Budget has recently advised the Agency that § 102.35, Specific Exemptions, may not be fully in accordance with the Privacy Act and the OMB Guidelines and should be amended to specify the systems for which exemptions are claimed, the provisions of the Privacy Act from which the systems are exempted, and the reasons for the exemptions. Since OMB's advice is predicated on a requirement of law, since this exemption information was previously published in the FEDERAL REGISTER on September 10, 1975, in SBA's Notice of Systems of Records (40 FR 42132) and public comment was invited on all parts of the Notice, and since no comment was received, no useful purpose would be served by publishing this part of amendment 5 as proposed rulemaking and the Agency finds it unnecessary to do so. Section 102.35 is therefore amended below substantially in accordance with information on specific exemptions from the Privacy Act previously included in SBA's Notice of Systems of Records.

Because the first part of this amendment clarifies Agency procedures and is more advantageous to persons seeking to review or amend records and the second part of the amendment is essentially mandated by the Privacy Act and OMB Guidelines, the Agency finds it unnecessary to delay its effective date for 30 days following publication as normally required by 5 U.S.C. 553(d).

Pursuant to the authority in section 5 of the Small Business Act (72 Stat. 385, 15 U.S.C. 634), Subpart B of Part 102 of Title 13 of the Code of Federal Regulations is amended, effective October 4, 1976, as follows:

1. In § 102.27 paragraph (c) is revised, and paragraph (e) is amended by adding the following sentences at the end of the paragraph, as follows:

§ 102.27 Requests by individuals to gain access to records.

* * * * *

(c) All such requests for information may be made in writing or on forms which shall be available in all SBA offices and provided free of charge for such purposes. The Systems Manager, after reviewing the request for information, may also request other identification of the individual for verification, such as (1) the employe number, (2) the dates of employment, (3) Disaster Home Loan number, (4) driver's license, (5) Medicare card, (6) a signed statement or (7) any additional information as he deems necessary for conclusive verification. The Systems Manager may request a Social Security Number for individual verification, although access may not be denied for refusal to disclose this number as provided in § 102.32(e). If he is unable to identify the record from the information submitted, he may require additional information. Requests will be honored only after showing, satisfactory to the Systems Manager, that the individual or his representatives has proper authorization.

* * * * *

(e) * * * In the event that the request is granted, the notification to the requestor should state: (1) The Agency's determination that, unless requestor objects for good cause, it can grant access to a record only by providing a copy through the mail because it cannot otherwise provide reasonable means for the individual to have access to his or her record in person; or (2) the time and place(s) where the record may be reviewed.

2. Section 102.29 is amended by adding the following sentence at the end of paragraph (a) and adding the following new paragraph (d), as follows:

§ 102.29 Requests for correction or amendment to record.

(a) * * * The request should be made to the Systems Manager concerned or, if this is not known, to the Privacy Act Officer, Small Business Administration,

1441 "L" Street NW., Washington, D.C. 20416.

* * * * *

(d) Systems Manager shall, if the request for amendment has been granted, send an amended copy of the record to prior recipients of the record.

3. Section 102.30 is amended by adding the following new paragraph (f):

§ 102.30 Appeal of initial Agency determination on correction or amendment of a record.

* * * * *

(f) In the event that an individual has filed a statement of disagreement with an Agency refusal to amend a record, the Agency shall clearly note any portion of the record which is disputed and provide copies of the statement of disagreement and, if the Privacy Act Officer deems it appropriate, copies of a concise statement of the reasons of the Agency for not making amendments requested, to prior recipients of the disputed record.

4. Section 102.35 is revised to read as follows:

§ 102.35 Specific exemptions.

(a) *Systems of records subject to investigatory material exemption under 5 U.S.C. 552a(k)(2), or 5 U.S.C. 552a(k)(5)*, or both.

(1) *Audit Reports—SBA 025*, a system containing investigations concerning the use of funds by recipients of disaster home loans;

(2) *Litigation and Claims File—SBA 220*, a system containing information concerning recipients of disaster home loans and other individuals who are parties to lawsuits or claims involving SBA;

(3) *Personnel Security Files—SBA 315*, a system containing background information on active and inactive SBA employees;

(4) *Security and Investigations Files—SBA 360*, a system which contains information on individuals seeking or receiving SBA assistance, individuals involved in businesses or other organizations seeking or receiving such assistance, representatives of applicants for SBA assistance, members of advisory councils, and SCORE/ACE volunteers;

(5) *Security and Investigation Referrals—SBA 365*, a system containing information relating to referrals for investigation of possible misconduct by SBA employees, and individuals involved in seeking or obtaining SBA assistance; and

(6) *Standards of Conduct Files—SBA 380*, a system containing information concerning outside employment and financial interests of SBA employees, conduct of SBA employees, and related matters.

(b) *Privacy Act provisions from which exempt.* The systems of records described in this section are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(1), 4G, H, and I (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a.

(c) *Reasons for exemptions.* The systems of records described in this section are exempt for one or more of the following reasons:

(1) To prevent the subject of investigations from frustrating the investigatory process.

(2) To protect investigatory material compiled for law enforcement purposes.

(3) To fulfill commitments made to protect the confidentiality of sources and to maintain access to necessary sources of information.

(4) To prevent interference with law enforcement proceedings.

Dated: September 24, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-28961 Filed 10-1-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14455; Amdt. 39-2739]

PART 39—AIRWORTHINESS DIRECTIVES

Airbus Industrie, and McDonnell Douglas, Lockheed, and Boeing Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2262 (40 FR 29269), AD 75-15-05, to cover the Airbus Industrie Model A-300 Series airplane was published in the FEDERAL REGISTER on February 26, 1976 (41 FR 8390). Subsequently, by letter dated May 7, 1976, the Air Transport Association of America (ATA), on behalf of its member airlines, petitioned for an amendment to AD 75-15-05 to revise the compliance date to permit compliance with the AD in accordance with an approved schedule on or before December 31, 1978.

Interested persons have been afforded an opportunity to participate in the making of the amendment to AD 75-15-05 to cover the Airbus Model A-300 airplane. Two comments were received. One commentator concurred with the proposed amendment. The other commentator requested an extension of the compliance date of the AD for the Airbus Model A-300 airplane and a reduction in the 20 square foot fuselage hole size to be considered under the AD.

The FAA has reviewed the available service history and data dealing with possible sources of holes in the lower cargo compartments which may lead to unwanted in-flight depressurization. Fatigue failures leading to large openings have occurred in service. Sudden large openings attributable to mid-air collisions and several other sources are possible and have occurred. The aircraft covered by the AD, as well as the Airbus Model A-300 airplanes, will not accommodate such failures. It is therefore necessary that sufficient capability be provided to accommodate known types of failures and to provide a margin for other possible failure modes that could occur during the anticipated service life of these airplanes. Thus, the 20 square foot requirement of the AD is considered to be the minimum which will provide the necessary level of safety to preclude possible injury to passengers or loss of the aircraft.

The FAA agrees that an additional time period may be necessary to accomplish the required modifications on the Airbus Model A-300 airplanes. However, based on informal contacts between FAA and Airbus Industrie prior to the issuance of AD 75-15-05 and information currently available, the FAA does not believe that the 30 month compliance provision for the Airbus Model A-300 airplane, suggested by the commentator, is necessary to accomplish the required modifications.

With respect to the ATA petition and the need to extend the AD compliance date, ATA presented supporting information, including contemplated compliance schedules, in letters dated May 7, June 22, and July 2, 1976, indicating that in order to meet the December 31, 1977, compliance date of the AD, over 1500 airplane out-of-service days will be needed for the fleet of 326 affected aircraft, that the requested time extension, while it would not completely eliminate this out-of-service time, will reduce it almost 30%, and that with revenue losses ranging from approximately $20,000 per day for the passenger versions of the Model DC-10 and L-1011 airplanes to $58,000 per day for passenger versions of the Model B-747 and up to $75,000 per day for Model B-747 freighters, this reduction in out-of-service time would reduce revenue losses $14.5 million.

The FAA's assessment of the information and data received from ATA and otherwise available indicates that by the original AD compliance date of December 31, 1977, most affected aircraft will be completely or partially modified as required under the AD. Providing for an extension of the compliance date for the remaining aircraft will not adversely affect safety so as to cause an unsafe condition and will relieve the operators of an unnecessary economic burden. Therefore, AD 75-15-05 is being amended to permit individual operators to obtain up to a 12 month extension of the December 31, 1977, AD compliance date. Since providing for an extension of the AD compliance date relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2262 (40 FR 29269), AD 75-15-05 is amended as follows:

1. By revising the applicability statement to read as follows:

MCDONNELL DOUGLAS, LOCKHEED, BOEING, AND AIRBUS INDUSTRIE. Applies to McDonnell Douglas Model DC-10 Series, Lockheed Model L-1011 Series, Boeing Model

B-747 Series, and Airbus Industrie Model A-300 Series airplanes certificated in all categories.

2. By revising the sentence following the applicability statement to read as follows:

Unless already accomplished, compliance is required on or before December 31, 1977, or in accordance with a schedule of accomplishment approved by the Chief, Aircraft Engineering Division, FAA Western Region, for McDonnell Douglas Model DC-10 Series and Lockheed Model L-1011 Series airplanes; the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, for Boeing Model B-747 Series airplanes, or the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region, for Airbus Industrie Model A-300 Series airplanes, but not later than December 31, 1978.

3. By revising paragraph (c) to read as follows:

(c) The modification and determinations required under paragraphs (a) and (b) of this AD must be approved by the Chief, Aircraft Engineering Division, FAA Western Region, for McDonnell Douglas Model DC-10 Series and Lockheed Model L-1011 Series airplanes; the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, for Boeing Model B-747 Series airplanes; or the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region, for Airbus Industrie Model A-300 Series airplanes.

This amendment becomes effective November 3, 1976.

Issued in Washington, D.C., on September 24, 1976.

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

[FR Doc.76-28718 Filed 10-1-76;8:45 am]

[Docket No. 76-NW-21-AD; Amdt. 39-2736]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplanes

Amendment 39-2720 (41 FR 38759) AD 76-18-11 requires inspections of the aft cargo door four lower stop fittings, two forward and two aft, on Boeing Model 727-100 and 727-100C series airplanes. Subsequent to the issuance of Amendment 39-2720, the FAA has reassessed the stop fitting design of the aft cargo door relative to structural capability with a cracked fitting and has determined that only the two lower stops, one forward and one aft, should be considered by the AD. This finding is supported by service experience which indicates the lowest stop fitting cracks well in advance of the adjacent fitting above. Accordingly, terminating action which consists of replacement of the aluminum alloy fitting with a steel fitting is only required on the two lower fittings. Therefore, the AD is being amended to only require inspection and replacement of the aft cargo door two lower fittings, one forward and one aft.

Since this amendment is relieving and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-2720 (41 FR 38759) AD 76-18-11 is amended by striking out the words "lower stop fittings (two forward and two aft)" from paragraphs A and B and inserting the words "lowest side stop fittings (one forward and one aft)" in place thereof.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

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

This amendment becomes effective October 15, 1976.

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

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

Issued in Seattle, Washington, September 22, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.76-28717 Filed 10-1-76;8:45 am]

[Airworthiness Docket No. 76-SW-31; Amdt. 39-2735]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Airplanes

There has been one incident on a Swearingen Model SA226-TC aircraft involving a fire originating in the left hand Main Landing Gear Wheel Well. This incident is believed to have been caused by hydraulic fluids coming in contact with the bleed air line in the wheel well.

Since this condition is likely to exist or develop in other airplanes of the same type design in either the left or right hand wheel well, an airworthiness directive is being issued to require initial and continued inspection of: (a) the hydraulic components located in the left and right hand wheel wells; (b) fuel supply lines in the left and right wheel wells.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SWEARINGEN. Applies to all Model SA226-T, SA226-AT, and SA226-TC airplanes with Serial Numbers as follows:
Model SA226-T: T201 through T274.
Model SA226-AT: AT001 through AT054.
Model SA226-TC: TC201 through TC228E.

Within the next 25 hours time in service after the effective date of this airworthiness directive and within each subsequent 50 hours of time in service, inspect the left hand and right hand wheel wells for evidence of fuel or hydraulic leaks as follows:

A. *Hydraulic System:*

1. Inspect the hydraulic power pack area in the left hand wheel well and all hydraulic lines in both landing gear wheel wells for condition or hydraulic leakage. Special attention should be given to the hydraulic gage line, P/N 27-81006-37, 731, 749, and 775, particularly in the area of bends.

2. Use either engine to pressurize the system to 2000 ± psi and inspect the hydraulic lines, fittings and other components in both left and right wheel wells for any signs of leakage, including fluid misting from a spraying-type leakage.

3. If damaged lines or hydraulic leaks are found, repair or replace in accordance with FAA-approved maintenance procedures before further flight.

B. *Fuel System:*

1. By using airframe boost pump, pressurize and inspect fuel supply line aft of firewall and inside wheel wells for leakage.

2. If fuel leaks are found, repair in accordance with FAA-approved maintenance procedures before further flight.

C. Voluntary written reports on the results of the inspection conducted in accordance with Paragraphs A and B, either positive or negative, should be forwarded to Chief, Aircraft Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

D. Special flight permits may be issued pursuant to §§ 21.197 and 21.199 of the Federal Aviation Regulations to authorize flights to a base for accomplishment of the inspections required by this airworthiness directive.

This amendment becomes effective October 11, 1976.

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

Issued in Forth Worth, Texas, on September 21, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-28721 Filed 10-1-76;8:45 am]

[Airspace Docket No. 76-CE-11]

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

Alteration of Transition Area

On Page 33280 of the FEDERAL REGISTER dated August 9, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fort Madison, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below:

In § 71.181 (41 FR 440), the following transition area is amended to read:

FORT MADISON, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa, VORTAC 258° radial, extending from the 6-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

This amendment shall be effective 0901 G.m.t., December 30, 1976.

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

Issued in Kansas City, Missouri, on September 21, 1976.

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

[FR Doc.76-28720 Filed 10-1-76;8:45 am]

[Airspace Docket No. 76-CE-10]

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

Alteration of Transition Area

On Page 31567 of the FEDERAL REGISTER dated July 29, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Belleville, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

In § 71.181 (41 FR 440), the following transition area is amended to read:

BELLEVILLE, KANSAS

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Belleville Municipal Airport (latitude 39°49'04" N, longitude 97°39'30" W); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5 mile radius to 8.5 miles north of the airport, within 3 miles each side of the 196° bearing from the Belleville Municipal Airport, extending from the 5 mile radius to 8.5 miles south of the airport.

This amendment shall be effective 0901 G.m.t., December 30, 1976.

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

Issued in Kansas City, Missouri, on September 21, 1976.

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

[FR Doc.76-28719 Filed 10-1-76;8:45 am]

[Docket No. 16143; Amdt. No. 1040]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective November 18, 1976.*

Kahului, HI—Kahului Arpt., VOR Rwy 2 (TAC), Amdt. 1.
Houston, TX—Intercontinental Arpt., VOR TAC Rwy 32, Amdt. 4.
Temple, TX—Draughon-Miller Muni. Arpt., VOR Rwy 15, Amdt. 11.

* * * *effective November 11, 1976.*

Owatonna, MN—Owatonna Muni. Arpt., VOR Rwy 12, Amdt. 5.
Greenville, MS—Greenville International Arpt., VOR Rwy 17R, Original.
Manchester, NH—Grenier Field-Manchester Muni. Arpt., VOR Rwy 35, Amdt. 10.

* * * *effective October 21, 1976.*

Lawton, OK—Lawton Muni. Arpt., VOR Rwy 35, Amdt. 16.

* * * *effective October 7, 1976.*

Lincoln, IL—Logan County Arpt., VOR Rwy 3, Amdt. 1.
Hillsboro, OR—Portland-Hillsboro Arpt., VOR-A, Amdt. 2.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., VOR Rwy 35L, Amdt. 2.
Memphis, TN—Memphis Int'l Arpt., VOR Rwy 35R, Amdt. 1.
Memphis, TN—Memphis Int'l Arpt., VOR/DME Rwy 17R, Amdt. 1.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective November 18, 1976.*

Kahului, HI—Kahului Arpt., LOC/DME(BC) Rwy 20, Amdt. 4.
Temple, TX—Draughon-Miller Muni. Arpt., LOC(BC) Rwy 33, Amdt. 3.

* * * *effective November 11, 1976.*

Middletown, OH—Hook Field Muni. Arpt., LOC Rwy 23, Amdt. 4.

* * * *effective November 4, 1976.*

* * * *effective October 14, 1976.*

Columbus, NE—Columbus Muni. Arpt., LOC Rwy 14, Original.

Cordova, AK—Cordova Mile 13, LOC/DME Rwy 27, Amdt. 9, cancelled.

* * * *effective October 7, 1976.*

Hillsboro, OR—Portland-Hillsboro Arpt., LOC-B, Amdt. 1, cancelled.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., LOC (BC) Rwy 27, Amdt. 17.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective November 18, 1976.*

Carlsbad, CA—Palomar Arpt., NDB Rwy 24, Original.
Kahului, HI—Kahului Arpt., NDB Rwy 20, Amdt. 1.
Chesterfield, VA—Chesterfield County Arpt., NDB Rwy 33, Amdt. 1.

* * * *effective November 11, 1976.*

Greenville, MS—Greenville Int'l Arpt., NDB Rwy 35L, Original.
Lebanon, NH—Lebanon Regional Arpt., NDB-B, Original.
Manchester, NH—Grenier Field, Manchester Muni. Arpt., NDB Rwy 35, Amdt. 9.
Bryan, OH—Williams County Arpt., NDB-A, Amdt. 2.
Cincinnati, OH—Cincinnati Muni. Lunken Field, NDB Rwy 24, Amdt. 1.
Circleville, OH—Pickaway County Memorial Arpt., NDB Rwy 18, Amdt. 1.
Middletown, OH—Hook Field Muni. Arpt., NDB Rwy 5, Amdt. 9.
Middletown, OH—Hook Field Muni. Arpt., NDB Rwy 23, Amdt. 4.

* * * *effective November 4, 1976.*

Cordova, AK—Cordova-Mile 13, NDB-A, Amdt. 4.

* * * *effective October 28, 1976.*

Fort Dodge, IA—Fort Dodge Muni. Arpt., NDB Rwy 6, Amdt. 2.

* * * *effective October 14, 1976.*

Columbus, NE—Columbus Muni. Arpt., NDB Rwy 14, Amdt. 7.

* * * *effective October 7, 1976.*

Lincoln, IL—Logan County Arpt., NDB Rwy 21, Original.

* * * *effective September 21, 1976.*

Paris, TN—Henry County Arpt., NDB Rwy 1, Amdt. 4.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., NDB Rwy 9, Amdt. 21.

Memphis, TN—Memphis Int'l Arpt., NDB Rwy 35R, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective November 18, 1976.*

Austin, TX—Robert Mueller Muni. Arpt., ILS Rwy 12R, Amdt. 1.

Temple, TX—Draughon-Miller Muni. Arpt., ILS Rwy 15, Amdt. 3.

* * * *effective November 11, 1976.*

Lebanon, NH—Lebanon Regional Arpt., ILS Rwy 7, Amdt. 3.

Manchester, NH—Grenier Field, Manchester Muni. Arpt., ILS Rwy 35, Amdt. 8.

* * * *effective November 4, 1976.*

Cordova, AK—Cordova-Mile 13, ILS/DME Rwy 27, Original.

* * * *effective October 28, 1976.*

Fort Dodge, IA—Fort Dodge Muni. Arpt., ILS Rwy 6, Amdt. 1.

* * * *effective October 21, 1976.*

Lawton, OK—Lawton Muni. Arpt., ILS Rwy 35, Amdt. 2.

* * * *effective October 7, 1976.*

Watertown, NY—Watertown, New York Int'l Arpt., ILS Rwy 6, Original.

Hillsboro, OR—Portland-Hillsboro Arpt., ILS Rwy 12, Original.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt. ILS Rwy 9, Amdt. 19.

Memphis, TN—Memphis Int'l Arpt., ILS Rwy 17L, Amdt. 2.

Memphis, TN—Memphis Int'l Arpt., ILS Rwy 35L, Amdt. 2.

Memphis, TN—Memphis Int'l Arpt., ILS Rwy 35R, Amdt. 1.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective November 18, 1976.*

Kahului, HI—Kahului Arpt., RADAR-1, Amdt. 1.

* * * *effective November 11, 1976.*

Cleveland, OH—Cleveland Hopkins Int'l Arpt Arpt., RADAR-1, Amdt. 22.

* * * *effective September 15, 1976.*

Memphis, TN—Memphis Int'l Arpt., RADAR-1, Amdt. 30.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective November 18, 1976.*

Moses Lake, WA—Grant County Arpt., RNAV Rwy 21, Amdt. 5.

* * * *effective October 7, 1976.*

Hillsboro, OR—Portland-Hillsboro Arpt., RNAV Rwy 12, Amdt. 1.

Hillsboro, OR—Portland-Hillsboro Arpt., RNAV Rwy 20, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on September 23, 1976.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.76-28716 Filed 10-1-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-158; Amdt. 1; Docket No. 29626]

PART 300—RULES OF CONDUCT IN BOARD PROCEEDINGS

Amendment Postponing Effectiveness of Reissuance of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 29, 1976.

This amendment postpones the effectiveness of the reissuance of Part 300 from September 30, 1976, until October 18, 1976.

By PR-154, adopted August 10, 1976 (41 FR 34587, August 16, 1976), the Board reissued Part 300 of its Procedural Regulations, providing for a substantial revision of the Rules of Conduct in Board Proceedings on an interim basis. The regulation was to become effective on September 30, 1976, with interested persons being afforded an opportunity to file comments with respect thereto until September 15, 1976.

Pursuant to the foregoing provisions a number of comments have been filed. The Board has those comments under consideration but has not completed its deliberations with respect to them. The Board has therefore determined to postpone the effectiveness of PR-154 from September 30, 1976 to October 18, 1976.

Accordingly, it is ordered that the effectiveness of PR-154, the reissuance of Part 300, Rules of Conduct in Board Proceedings, be and it hereby is postponed from September 30, 1976, to October 18, 1976.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324.)

Effective: September 29, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28986 Filed 10-1-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0313]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIMETHYL DIALKYL AMMONIUM CHLORIDE

The Food and Drug Administration is amending the food additive regulations to provide for the safe use of dimethyl dialkyl ammonium chloride, where the alkyl groups (C_{12}–C_{18}) are derived from tallow, as a decolorizing agent in the manufacture of sugar. This amendment is effective October 4, 1976; objections by November 3, 1976.

Notice was given by publication in the FEDERAL REGISTER of December 22, 1971 (36 FR 24234) that a petition (FAP 2A2751) had been filed by Tate & Lyle, Lt'd., Research Centre, Westerham Rd., Keston, Kent, England BR2 6HJ, (current address: Cosmos House, Bromley Common, Bromley, BR2 9NA, England), proposing issuance of the food additive regulation described above.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended in Subpart D by adding new § 121.1268 to read as follows:

§ 121.1268 Dimethyl dialkyl ammonium chloride.

Dimethyl dialkyl ammonium chloride may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is produced by ammonolysis of natural tallow fatty acids to form amines that are subsequently reacted with methyl chloride to form the quaternary ammonium compounds consisting primarily of dimethyl dioctadecyl ammonium chloride and dimethyl dihexadecyl ammonium chloride. The additive may contain residues of isopropyl alcohol not in excess of 18 percent by weight when used as a processing solvent.

(b) The food additive contains not more than a total of 2 percent by weight of free amine and amine hydrochloride.

(c) The food additive is used as a decolorizing agent in the clarification of refinery sugar liquors. It is added only at the defecation/clarification stage of sugar liquor refining in an amount not to exceed 700 parts per millions by weight of sugar solids.

(d) To assure safe use of the additive, the label and labeling of the additive shall bear, in addition to other information required by the act, adequate directions to assure use in compliance with paragraph (c) of this section.

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 3, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

erally related financial assistance for

Effective date: This regulation shall become effective October 4, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: September 28, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-28931 Filed 10-1-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2299]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). •

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

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

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Missouri	Andrew	Country Club, village of	Sept. 13, 1976, emergency	Aug. 22, 1975	290004
Nebraska	Perkins	Venago, village of	do	July 11, 1975	310329
•	•	•	•	•	•
California	Los Angeles	Hawaiian Gardens, city of	Sept. 25, 1970, emergency; Sept. 1, 1976, regular		065032B
Indiana	Jasper	De Motte, town of	Mar. 24, 1975, emergency; Sept. 1, 1976 regular		180100A
New York	Suffolk	East Hampton, town of	June 11, 1971, emergency; Sept. 30, 1976, regular.	Aug. 29, 1975	360794A
Oklahoma	Kingfisher	Kingfisher, city of	Dec. 23, 1971, emergency; Sept. 30, 1976, regular.	Apr. 12, 1974	400082A
Texas	Galveston	Crystal Beach, town of	Oct. 8, 1971, emergency; Sept. 30, 1976, regular.	June 28, 1974	480243A
•	•	•	•	•	•
Kansas	Elk	Howard, city of	Sept. 16, 1976, emergency	Aug. 8, 1975	200507
Texas	Hockley	Sundown, city of	do	Apr. 12, 1974 Mar. 19, 1976	480355A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 9, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28678 Filed 10-1-76;8:45 am]

[Docket No. FI-2298]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

• The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.) •

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Massachusetts	Barnstable	Dennis, township of	Dec. 10, 1971, emergency; Oct. 6, 1976, regular; Nov. 1, 1976, suspension.	Aug. 26, 1974	250005
Missouri	Taney	Branson, city of	Dec. 10, 1971, emergency; Oct. 26, 1976, regular; Nov. 1, 1976, suspension.	July 7, 1974 May 28, 1976	290436

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28679 Filed 10-1-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-31; RE: Notice No. 297]

PART 201—DISTILLED SPIRITS PLANTS

Operational Loss Allowance

Background. On May 28, 1976, there appeared in the FEDERAL REGISTER (41 FR 21784) a notice of proposed rulemaking to amend 27 CFR Part 201 to provide a separate operational loss allowance for the production of cordials, liqueurs, cocktails, mixed drinks, and specialities including flavored products. The purpose of an operational loss allowance is to compensate distilled spirits plant proprietors for the internal revenue tax liability due on spirits which are lost during rectification and bottling. The existing regulatory loss schedule was devised to cover losses incurred in the production of all spirit products and does not take into account that actual operating losses vary greatly between different kinds of distilled spirits. The proposed amendments are intended to more nearly provide for the actual losses sustained during the manufacture and bottling of cordials, liqueurs, cocktails, mixed drinks, and specialities.

Comments. Interested persons were given 30 days during which to comment on the proposed amendments. Four comments were received from bottlers of cordials and liqueurs: Hiram Walker & Sons, Inc.; Joseph E. Seagram & Sons, Inc.; Mohawk Liqueur Corporation; and Mr. Boston Distiller Corporation. All comments favored the issuance of a separate, higher loss allowance applicable to cordial and liqueur products. One comment recommended that the proposed loss allowance be raised to a flat 2 percent of completions (gallons of bottled product) for all bottlers regardless of their volume of completions for cordial and liqueur products.

The proposed loss allowance for cordials and liqueurs was derived from a survey conducted by the Bureau at selected distilled spirits plants where cordial and liqueur-type products are produced. Analysis of actual operational losses revealed that, in general, the percentage loss to completions decreases as the volume of cordial and liqueur completions increases. Thus, distilled spirits plants with only a small volume of cordial and liqueur bottling experience much higher percentage losses when processing and bottling these items than do plants which produce a greater volume of these products. The Bureau concluded that the loss allowance should be keyed to the volume of cordial and liqueur production and should grant a higher percentage loss for plants with relatively small volume production. The schedule, therefore, grants an allowance of up to 2 percent for less than 24,000 proof gallons of completions in a computation year (formerly fiscal year), 1½ percent for completions between 24,000 and 600,000 proof gallons, and of 1 percent for completions in excess of 600,000 proof gallons. This same type of graduated scale exists in the general loss allowance applicable to other distilled spirits. The Bureau feels that this graduated loss schedule will adequately protect the revenue while compensating plant proprietors for most losses incurred in the production of these products.

One additional comment was received from the Independent American Whiskey Association. They requested that the proposed higher loss allowance for cordial and liqueur products be applied instead to all classes and types of distilled spirits.

The Bureau cannot adopt this suggestion since the loss allowance was proposed only for cordials, liqueurs, cocktails, mixed drinks, and specialities. Moreover, the recent study of operational losses revealed that, in general, the existing loss allowance is providing adequate coverage for losses incurred in the processing and bottling of other types of distilled spirits such as whisky, brandy, rum, gin, blended whisky, and vodka.

Change of fiscal year. The Congressional Budget and Impoundment Control Act of 1974, Pub. L. 93-344, changed the United States Government Fiscal Year from the July 1 through June 30 period, to the period October 1 through September 30 beginning October 1, 1976. Congress, however, chose not to change the period for which operational loss claims are determined; as a consequence, legislation implementing the fiscal year change, the Fiscal Year Adjustment Act, Pub. L. 94-273 approved April 21, 1976, changed the term "fiscal year" to "computation year" in 26 U.S.C. 5008(c) which refers to the operational loss period. Therefore, the claim period for such losses remains the traditional July 1 through June 30 period but it is now referred to as a "computation year".

Implementation of regulations. The regulations as set forth below provide a loss allowance applicable to the production of cordials, liqueurs, cocktails, mixed drinks, and specialities, including flavored products, which is separate from, and higher than, the general loss allowance applicable to other distilled spirits. Use of the separate allowance for cordials, liqueurs, etc. is optional and a proprietor bottling these products may elect to apply the overall loss schedule which remains unchanged. All claims filed during a computation year must be determined using either the overall schedule or using both schedules for each period; if a proprietor elects to change schedules during a computation year, it will be necessary to amend all claims previously filed. Proprietors desiring to use the new loss allowance will be required to maintain the records necessary to provide a statement of losses for liqueur and cordial-type products, and this statement will be used as supporting data for their claim for refund or credit of taxes. ATF inspectors will verify the statement of losses at bottling premises during on-site inspections. A new form, Form 2611 Page 2, will be available soon from the Bureau of Alcohol, Tobacco and Firearms Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206. Proprietors filing a claim for losses using both the general schedule and the schedule for cordial-type prod-

ucts must execute both Form 2611 and Form 2611 Page 2 as supporting data for their claims.

Changes subsequent to notice of proposed rulemaking. The phrase "cordials, liqueurs, cocktails and similar compounds" wherever appearing in the proposed regulations, is changed to read "cordials, liqueurs, cocktails, mixed drinks, and specialities". This change is being made to more completely describe the products covered by the new loss allowance schedule. Also, the term "computation year" is used in place of the term "fiscal year" wherever the latter term appears in the regulations. Section 201.11 is amended by defining "computation year" and by deleting the term "fiscal year". Lastly, §§ 201.485, 201.485a, 201.486, 201.488, 201.489, and 201.491 are rewritten to provide better understanding and clarity.

Text of regulations. In view of the foregoing, 27 CFR Part 201 is amended as follows:

PARAGRAPH 1. Section 201.11 is amended by deleting the term "fiscal year" and by adding in alphabetical order a definition of "computation year". As amended, § 201.11 reads as follows:

§ 201.11 Meaning of terms.

* * * * *

Completions. * * *

Computation year. The period from July 1 of one calendar year through June 30 of the following year.

Container. * * *

* * * * *

Fiduciary. * * *

Gallon or wine gallon. * * *

* * * * *

(T.D. 6851, T.D. 6954, T.D. 7003, T.D. 7005, T.D. 7008, T.D. 7018, T.D. 7060, T.D. 7112, T.D. ATF-2, T.D. ATF-4.)

PAR. 2. Section 201.45 is amended by changing the reference in paragraph (d) (2) from § 201.485 to read § 201.485a. As amended, § 201.45 reads as follows:

§ 201.45 Claims relating to spirits lost or destroyed after tax determination.

* * * * *

(d) * * *

(2) In the case of loss by reason of authorized rectifying, packaging, bottling, or casing operations as provided for in § 201.482, the period covered by the claim, and the quantity of spirits so lost not in excess of the limitation contained in § 201.485a;

* * * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008) (T.D. 7112).)

PAR. 3. Section 201.485 is revised (1) by deleting the loss allowance schedule, (2) by changing "fiscal year" to read "computation year", and (3) by dividing the section into paragraphs. As revised, § 201.485 reads as follows:

§ 201.485 Operating losses.

(a) *Claim for loss.* A proprietor may compute and make claim for operational loss of spirits under the conditions stated in § 201.482(b) at any time during the computation year. The regional director may tentatively allow such claims as provided in §§ 201.488 and 201.489. However, the proprietor shall adjust the tentative claims on a computation year basis before they will be finally allowed by the regional director.

(b) *Extent of losses.* The regional director may allow operating losses (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) in an amount not greater than the excess of losses over gains, and to an extent not greater than is set forth in § 201.485a.

(c) *Unusual losses.* The proprietor shall promptly report to the assigned officer any such loss which is substantial and unusual in nature.

(d) *Accidental losses.* (1) Accidental losses of less than 10 proof gallons in respect to any one accident, occuring before completion and in the course of authorized rectifying, packaging, bottling, or casing operations are includable in losses under this section subject to the same limitations.

(2) Accidental losses of 10 proof gallons or more in respect of any one accident may be claimed under the provisions of § 201.45(c) relating to losses of spirits due to accident, flood, fire, or other disaster; such claims under § 201.45 (c) are not subject to the limitations set forth in § 201.485a. In order to file a separate claim under § 201.45(c), the proprietor must make a quantative determination of the actual amounts of such accidental losses.

(3) Accidental losses claimed under § 201.45(c) shall not be included as operating losses under this section.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008) (T.D. 7112).)

PAR. 4. A new section, § 201.485a, providing the maximum allowable loss schedules, is added immediately following § 201.485. As added, § 201.485a reads as follows:

§ 201.485a Maximum allowable losses.

(a) *General.* The proprietor has the option of computing and claiming operating losses collectively for all spirits, using the general schedule of maximum allowable losses provided in paragraph (b) (1) of this section; or computing and claiming operating losses separately for cordials, liqueurs, cocktails, mixed drinks, and specialities, using the optional schedule of maximum allowable losses provided for those products in paragraph (b) (2) of this section and the general schedule (paragraph (b) (1) of this section) for all other products. Maximum allowable losses shall be computed in the same manner for all claims (tentative and final) during a computation year; if a proprietor finds it necessary to change schedules during the year, he will be required to amend all claims previously filed.

(b) *Maximum loss schedules*—(1) *General schedule.* The following maximum allowable losses apply to all products not claimed under paragraph (b) (2) of this section:

If completions during the computation year in proof gallons are—	*The maximum allowable loss in proof gallons is—*
Not over 24,000	2 pct of completions.
Over 24,000 but not over 120,000.	480 plus 1 pct of excess over 24,000.
Over 120,000 but not over 600,000.	1,440 plus 0.6 pct of excess over 120,000.
Over 600,000 but not over 2,400,000.	4,320 plus 0.3 pct of excess over 600,000.
Over 2,400,000	9,720 plus 0.2 pct of excess over 2,400,000.

(2) *Cordials, liqueurs, cocktails, mixed drinks, and specialities.* The following may be used to compute a separate allowance for cordials, liqueurs, cocktails, mixed drinks, and specialities (including flavored rums, flavored whiskies, flavored gins, flavored vodkas, and flavored brandies):

If completions during the computation year in proof gallons are—	*The maxmium allowable loss in proof gallons is—*
Not over 24,000	2 pct of completions.
Over 24,000 but not over 600,000.	480 plus 1.5 pct of excess over 24,000.
Over 600,000	9,120 plus 1 pct of excess over 600,000.

(Sec. 201 Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008).)

PAR. 5. Section 201.486 is revised by (1) providing a definition of "ineligible ingredients", (2) by including instructions concerning ineligible ingredients when a proprietor is computing allowable loss under both loss allowance schedules, and (3) by dividing the section into paragraphs. As revised, § 201.486 reads as follows:

§ 201.486 Ineligible ingredients.

(a) *Definition.* For the purpose of determining operational loss, ineligible ingredients shall mean alcoholic ingredients such as wines, alcoholic flavoring and blending materials and spirits which are not withdrawn from bond by the proprietor of the bottling premises on payment or determination of tax for removal to his premises for rectification or bottling.

(b) *Ineligible ingredient ratio.* When a proprietor uses ineligible ingredients in the manufacture of spirits products, he shall reduce the loss otherwise allowable in a ratio equal to the ratio of the total proof gallons of such ineligible alcoholic ingredients used, to the total proof gallons of all alcoholic ingredients used in the finished products.

(c) *Split claim.* When the proprietor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b) (1)) and the loss allowance schedule for cordials, liqueurs, cocktails, mixed drinks, and specialties (§ 201.485a(b) (2)), the allowable loss provided under each schedule shall be reduced by the ratio of proof gallons of

ineligible ingredients to total proof of gallons in each category.

(d) *Closed system.* When ineligible spirits are used in the manufacture of gin and vodka in a closed system, as provided in § 201.487, the loss from the closed system otherwise allowable shall be reduced in a ratio equal to the ratio of the total proof gallons of the ineligible spirits entered into the closed system, to the total proof gallons of all spirits entered into such system.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008).)

PAR. 6. Section 201.488 is revised (1) by including instructions concerning tentative allowances when a proprietor is computing allowable loss under both loss schedules, (2) by changing the term "fiscal year" to read "computation year", and (3) by dividing the section into paragraphs and rewriting the section to increase understanding. As revised, § 201.488 reads as follows:

§ 201.488 Tentative allowances.

(a) A proprietor may at any time during a computation year, make claim for tentative allowance of operating losses, as described in §§ 201.485 and 201.487, from the beginning of the computation year through the close of any calendar month of that computation year except June. To determine the maximum tentative allowable operating loss through the end of any month (within the limitations of § 201.485a), the proprietor shall:

(1) Project the total completions for the full computation year on the basis of completions made from the beginning of the computation year to the end of that calendar month;

(2) Compute the loss which would be allowable for the computation year based on the projected total completions for the full computation year; and

(3) Reduce the computed loss in proportion to the fractional part of the computation year remaining.

(b) When the allowable loss is being computed under both the general loss allowance schedule, 201.485a(b)(1), and the loss allowance schedule for cordials, liqueurs, cocktails, mixed drinks, and specialties, § 201.485a(b)(2), the proprietor shall determine the maximum tentative allowable loss for each of the two categories in the manner described in paragraph (a) of this section.

(c) No claim for tentative allowance shall include any amount previously claimed.

(d) Each claim for tentative allowance of operating loss shall be plainly marked "Tentative Claim".

(e) A proprietor who has filed a tentative claim for allowance of loss for any part of a computation year shall file a final claim for that computation year or for the portion of that computation year that he was qualified to operate the plant.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended, (26 U.S.C. 5008).)

PAR. 7. Section 201.489 is revised by changing the phrase "fiscal year" to read "computation year", and by dividing the section into paragraphs. As revised, § 201.489 reads as follows:

§ 201.489 Losses during short-term operations.

(a) *Maximum loss.* The maximum amount of loss allowance to any proprietor shall be limited to an amount proportionate to that which would have been allowed for the full computation year at the rate of loss and the rate of completions prevailing in his operations during the period which he was qualified to operate the bottling premises. When the period of qualification is other than a calendar month or months, computations shall be based on the exact number of days involved and on a year of 365 days.

(b) *Alternating proprietors.* Each alternating proprietor shall, when not considered as one proprietor under § 201.490, show in his claim the exact number of days (or calendar months, if complete) he was qualified to operate the bottling premises during the period covered by the claim. Losses shall be limited to the quantity determined in paragraph (a) of this section.

(c) *Alternating facilities.* Where bottling facilities are qualified and operated alternately for bottling spirits in bond and bottling spirits after withdrawal from bond on payment or determination of tax, for the purpose of computing loss allowance, the bottling premises remain qualified throughout any periods during which operations may be temporarily suspended for bottling-in-bond activities.

(d) *Curtailment of premises.* Where bottling premises are curtailed for alternate use in a Class 6 customs manufacturing bonded warehouse as provided in § 201.175b, the proprietor shall exclude the number of days the bottling premises are used in that capacity from the period of qualified operation in computing losses allowable under § 201.485a. When only a part of the bottling premises is curtailed for use in a Class 6 customs manufacturing bonded warehouse, and when the remainder of the qualified bottling premises is not curtailed and may still be operated as bona fide bottling premises, no adjustment of the period of qualification will be required.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008) (T.D. 6749).)

PAR. 8 Section 201.491 is revised by (1) including instructions concerning supporting data when a proprietor is computing allowable loss under both loss allowance schedules, (2) by changing the phrase "fiscal year" to read "computation year", and (3) by dividing the section into paragraphs. As revised, § 201.491 reads as follows:

§ 201.491 Claims and supporting data.

(a) Any person filing a claim under § 201.45(d) shall file with the claim, as supporting data, Form 2611 to show computation of the losses described in §§ 201.485 and 201.487, as applicable. Page 2 of Form 2611 shall also be required when the proprietor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1)), and the loss allowance schedule for cordials, liqueurs, cocktails, mixed drinks, and specialities (§ 201.485a(b)(2)).

(b) Any person filing a final claim for operational loss under §§ 201.485 and 201.487 shall file the final claim within 6 months of the close of the computation year.

(c) Any person filing a claim under § 201.45(c) to cover losses by accident or disaster as described in § 201.484 shall file the claim within 6 months from the date of the loss.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008).)

Effective date. Because claims for operational loss are made on the basis of a computation year, and because final claims for the current computation year may not be submitted before July 1, 1977, this Treasury decision is effective July 1, 1976.

Authority. This Treasury decision issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Signed: September 8, 1976.

REX D. DAVIS,
Director.

Approved: September 24, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-29028 Filed 10-1-76;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Subpart C—Description of Forms Prescribed Under This Subpart

REVISION OF FOREIGN CURRENCY FORM FC-3

The Department of the Treasury finds it necessary to amend the reporting requirements contained in 31 CFR Part 128 by revising Foreign Currency Form FC-3 described in 31 CFR Part 128.35. The revisions to Form FC-3 will reduce the number of firms required to report by exempting small businesses employing under 100 persons and raising reporting thresholds from $1 million for U.S. firms and $200,000 for their domestic branches partnerships, and subsidiaries, to $2 million and $400,000, respectively. Other revisions include the addition of the definition of "majority-owned foreign subsidiaries", revisions of the definition of spot foreign exchange contracts and inclusion of language to exclude investments in majority-owned foreign subsidiaries from the category of "other assets." In addition, the quarterly Form FC-3a will be eliminated. The amendment to the regulation reflects only the elimination of Form FC-3a and the deletion of reference to quarterly reporting requirements, as the other revisions to the Form can be made without requiring further amendment of the regulation.

The Department further finds that notice and public procedures under the

provisions of 5 U.S.C. 553 are not necessary in this case since the amendment pertains only to rules of agency procedure and practice, are minor in scope, and serve generally to reduce the reporting burden upon the public. In addition, there is good cause to make the amendment effective immediately on October 4, 1976. The amendment shall apply to all affected transactions after November 1, 1976.

Accordingly, Subpart C, Part 128, Chapter I of Title 31 of the Code of Federal Regulations is amended by revising § 128.35 to read:

§ 128.35 Foreign Currency Form FC-3: Monthly report of assets, liabilities, and positions in specified foreign currencies of firms in the United States.

On this form nonbanking business concerns and nonprofit institutions in the United States are required to report monthly to the Federal Reserve Bank of New York their assets, liabilities, and positions in the foreign currencies specified on the form, as of the last day of business of the month.

Dated: September 28, 1976.

GERALD L. PARSKY,
Assistant Secretary for International Affairs.

[FR Doc.76-28966 Filed 10-1-76;8:45 am]

Title 32A—National Defense Appendix

CHAPTER I—FEDERAL PREPAREDNESS AGENCY, GENERAL SERVICES ADMINISTRATION

PART 113—POLICY GUIDANCE AND DELEGATION OF AUTHORITIES FOR USE OF PRIORITIES AND ALLOCATIONS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES IN ACCORDANCE WITH SUBSECTION 101(c) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED (DMO-13)

Providing Priorities and Allocations Authority To Maximize Domestic Energy Supplies

This order implements Pub. L. 94-163, and Executive Order 11912, of April 13, 1976, to provide for the coordination, direction, and delegation of priorities and allocation authority in subsection 101(c) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(c)).

1. *Purpose.* This order (a) establishes policy guidance on determination and use of priorities and allocations for materials and equipment to maximize domestic energy supplies pursuant to section 104 of the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 878), which added subsection 101(c) to the Defense Production Act of 1950, as amended (the Act), and (b) delegates authority and assigns responsibility related thereto pursuant to sections 7 and 8 of Executive Order 11912, dated April 13, 1976.

2. *Policies.* a. The authority of subsection 101(c) of the Act to require the allocation of, or priority performance under contracts or orders relating to, supplies of materials and equipment to maximize domestic energy supplies shall be limited to those exceptional circumstances when it is found that:

(1) Such supplies of material and equipment are scarce, critical, and essential; and

(2) The maintenance or furtherance of exploration, production, refining, transportation, or conservation of energy supplies, or the construction and maintenance of energy facilities, cannot reasonably be accomplished without exercising this authority.

b. The authority contained in subsection 101(c) shall not be used to require priority performance under contracts or orders relating to, or the allocation of, any supplies of materials and equipment except for programs or projects to maximize domestic energy supplies as specifically determined by the Administrator of the Federal Energy Administration, after coordination with the Director, Federal Preparedness Agency, as the representative of the Administrator of General Services.

c. The allocation of, or priority performance under contracts or orders relating to, supplies of materials and equipment in support of authorized programs or projects shall be so undertaken as to ensure that:

(1) Supplies of the specified materials and equipment are available to the extent practicable on time and in proper quantity to authorized programs or projects.

(2) The demands of these authorized programs or projects are distributed among suppliers on a fair and equitable basis.

(3) Allotments of supplies of materials and equipment are not made in excess of actual current requirements of these authorized programs or projects.

(4) Fulfillment of the needs of these authorized programs and projects are achieved in such manner and to such degree as to minimize hardship in the market place.

d. The authority of subsection 101(c) of the Act will not be used to control the general distribution of any supplies of material and equipment in the civilian market, as that phrase is used in subsection 101(b) of the Act, except after Presidential approval as required by subsection 7(d) of Executive Order 11912.

3. *Delegation of authority.* a. The functions of the Administrator of General Services under subsection 101(c) of the Act are hereby delegated to the Secretary of Commerce with respect to the areas of responsibility designated and subject to the limitations prescribed and section 7 of Executive Order 11912. Specifically:

(1) The Secretary of Commerce is delegated the function, provided in subsection 101(c)(1) of the Act, of requiring the allocation of, or priority performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment to maximize domestic energy supplies, if the findings specified in subsection 101(c)(3) of the Act are made.

(2) The Secretary of Commerce is delegated those functions provided in subsection 101(c)(3) of the Act, but shall redelegate to the Administrator of the Federal Energy Administration the function of making the findings that supplies of materials and equipment are critical and essential to maximize domestic energy supplies. The Secretary of Commerce shall retain the functions of finding that supplies of materials and equipment are scarce, and that the purposes described in subsection 101(c)(3)(B) of the Act cannot reasonably be accomplished without exercising the authority specified in subsection 101(c)(1). This finding will include, to the extent practicable, an assessment of the effects of using the authority for the project in question on other significantly impacted projects.

b. The authorities and responsibilities assigned to, or retained by, the Administrator of General Services have been redelegated to the Director, Federal Preparedness Agency, General Services Administration. The Director shall be responsible for the overall coordination and direction of the functions provided by subsection 101(c) of the Act in a manner similar to the exercise of functions under subsections 101(a) and 101(b) of the Act. In line with these functions, the Director, Federal Preparedness Agency, is also responsible for resolving any conflicts between claimant agencies regarding particular supplies of materials and equipment. In addition, the Federal Preparedness Agency will monitor the impact of the implementation of the authorities of subsection 101(c) and other authorities under section 101 of the Defense Production Act on each other and on the national economy.

c. The functions assigned, delegated, or required to be redelegated by this order to the Secretary of Commerce and Administrator of the Federal Energy Administration may not be redelegated to other agencies without first being coordinated with the Director, Federal Preparedness Agency.

d. Procedures to execute the above delegations will be carried out in accordance with guidance provided by the Director, Federal Preparedness Agency, pursuant to this order and Executive Order 11912.

4. *Effective date.* This order is effective on October 4, 1976.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-28917 Filed 10-1-76; 8:45 am]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

Certificate of Mailing of Correspondence

On June 21, 1976, notice was published in the FEDERAL REGISTER (41 FR 24895) of a proposal to amend Title 37, Code of Federal Regulations by adding new §§ 1.8, 3.55 and 4.23. Interested persons were invited to comment on the pro-

posal on or before August 20, 1976. Twenty-two comments were submitted. Nineteen were favorable to the proposal and two were neutral. One adverse comment was received. Consideration was given to these comments, as well as to 147 comments received in response to an earlier notice published in the Official Gazette of the Patent and Trademark Office on January 20, 1976 (942 O.G. 1073). Of these 147 comments, 131 were in favor of a certificate of mailing procedure, 11 were opposed and 5 were neutral. Both sets of comments, and a summary and analysis of each set, are available for public inspection in Room 11E10 of Crystal Plaza Building 3 at 2021 Jefferson Davis Highway in Arlington, Virginia.

These rule changes are intended to solve, in part, the problems caused by delays in the delivery of papers by mail to the Patent and Trademark Office within the time periods set for response by applicants. Except in those cases spelled out in new § 1.8, papers and fees will be considered as being timely filed if they are deposited with the U.S. Postal Service on or before the expiration of the period set for response. However, the date of deposit in the mails will be considered only to determine the timeliness of the response. The actual date of receipt of the correspondence or fee will continue to be used for all other purposes, such as for example, determining when an appeal brief is due (two months after the receipt of the Notice of Appeal, 37 CFR 1.192).

The exceptions spelled out in new § 1.8 are intended to exclude from the new procedure those cases where filing in the Office, or with the Commissioner, is a requirement of statute. In view of five comments questioning the authority of the Commissioner to adopt the new procedure, two further exceptions have been included in § 1.8. In all other cases, the new procedure would not be inconsistent with statute, and therefore would be within the authority of the Commissioner to adopt. The suggestion, advanced in eight comments, that there should be no exceptions, was not adopted.

One comment suggested that attestation be made on a personal knowledge basis and this suggestion has been adopted. In response to another comment, the text of § 1.8 has been amended to indicate more clearly who may sign the certificate. Finally, several comments expressed concern about the possibility of fraud. However, the use of a post card receipt (see Notice dated November 21, 1968) would seem to minimize this possibility.

The addition of a new § 1.8(a) establishes a Certificate of Mailing procedure. New § 1.8(b) would establish a procedure for situations where correspondence is deposited under § 1.8(a) but is not delivered.

Form § 3.55 is designed for use in patent cases and form § 4.23 is designed for use in trademark cases when making a certificate under § 1.8(a).

In consideration of the comments received and pursuant to the authority contained in section 6 of the Act of July 19, 1952, as amended (85 Stat. 364; 35 U.S.C. 6), Parts 1, 3 and 4 of Title 37, Code of Federal Regulations, are hereby amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. By adding a new § 1.8 as follows:

§ 1.8 Certificate of mailing.

(a) Except in the cases enumerated below, papers and fees required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if (1) they are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and deposited with the United States Postal Service with sufficient postage as first class mail prior to expiration of the set period, and (2) they are accompanied by a certificate stating the date of deposit (see forms, §§ 3.55 and 4.23). The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated. The actual date of receipt of the paper or fee will be used for all other purposes. This procedure does not apply to the following:

(i) The filing of patent applications;

(ii) The filing of trademark applications;

(iii) The filing of agreements between parties to an interference under 35 U.S.C. 135(c);

(iv) The filing of an affidavit showing that a mark is still in use or containing an excuse for nonuse under Section 8 (a) or (b) or Section 12(c) of the Trademark Act, 15 U.S.C. 1058(a), 1058(b), 1062(c);

(v) The filing of an application for renewal of a mark registration under Section 9 of the Trademark Act, 15 U.S.C. 1059;

(vi) The filing of a petition to cancel a registration of a mark under Section 14 (a) or (b) of the Trademark Act, 15 U.S.C. 1064(a), 1064(b);

(vii) The filing of an affidavit under Section 15, subsection (3) of the Trademark Act, 15 U.S.C. 1065;

(viii) The filing of a notice of election to proceed by civil action in an inter partes proceeding under 35 U.S.C. 141 or Section 21(a)(1) of the Trademark Act, 15 U.S.C. 1071(a)(1), in response to another party's appeal to the Court of Customs and Patent Appeals;

(ix) The filing of a notice and reasons of appeal under 35 U.S.C. 142 or a notice of appeal under Section 21(a)(2) of the Trademark Act, 15 U.S.C. 1071(a)(2); and

(x) The filing of a statement under 42 U.S.C. 2182 or 42 U.S.C. 2457(c).

(b) In the event that correspondence or fees are timely filed in accordance with paragraph (a) of this section, but not received in the Patent and Trade mark Office, and the application is held to be abondoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence or fee will be considered timely if the party who forwarded such correspondence or fee (1) informs the Office of the previous mailing of the correspondence or fee promptly after becoming aware of the Office action, (2) supplies an additional copy of the previously mailed correspondence or fee and certificate, and (3) includes a declaration under § 1.68 or § 2.20 which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing.

PART 3—FORMS FOR PATENT CASES

2. By adding a new § 3.55 as follows.

§ 3.55 A suggested format for the certificate under 37 CFR 1.8(a) to be included with the correspondence.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on _____.

Date

_____

Name of applicant, assignee, or Registered Representative

_____

Signature

_____

Date

PART 4—FORMS FOR TRADEMARK CASES

3. By adding a new § 4.23 as follows.

§ 4.23 A suggested format for the certificate under 37 CFR 1.8(a) to be included with the correspondence.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on _____.

Date

_____

Name of applicant, assignee, or applicant's attorney

_____

Signature

_____

Date

Effective date: These amendments shall become effective on November 1, 1976.

Dated: September 28, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: September 17, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-28915 Filed 10-1-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-193]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.48—Exhibits

PROCUREMENT LEADTIMES

This regulation provides changes in estimated leadtimes for items purchased by GSA for other agencies.

Section 101-26.4801 is revised to read as follows:

§ 101-26.4801 Procurement leadtimes.

The following table shall be used to estimate delivery dates of items purchased by GSA for other agencies:

Federal supply classification (FSC) codes	Commodities	Leadtime in calendar days [1]
1000-1399	Weapons, ammunition, and explosives	150
1400-1599	Civil aircraft	150
1600-2499 [2]	Aircraft components, railway equipment, and motor vehicles	235
2500-2599	Vehicle parts	100
2600-2799	Tires and tubes	135
2800-2899	Engines, turbines, and parts	175
2900-3199	Engine accessories, power equipment, and bearings	175
3200-3499	Woodworking and metalworking machinery	180
3500-3599	Service and trade equipment	150
3600-3699	Special industry machinery	150
3700-3799	Agricultural machinery and equipment	250
3800-3999 [3]	Construction, highway, and materials handling equipment	195
4000-4099	Rope, cable, chain, and fittings	140
4100-4199	Refrigeration and air-conditioning equipment	150
4200-4219	Firefighting equipment other than fire trucks	135
4210	Fire trucks	400
4220-4299	Rescue and safety equipment	135
4300-4399	Pumps and compressors	190
4400-4499	Furnace, steam plant, and drying equipment	190
4500-4899	Plumbing, heating, and related equipment	150
4900-5099	Maintenance and repair shop equipment	175
5100-5129	Handtools, nonpowered	170
5130-5132	Handtools, power-driven	180
5133-5139	Drill bits, taps, dies, and collets	120
5140-5179	Tool and hardware boxes	135
5180-5199	Sets, kits, and outfits of handtools	180
5200-5299	Measuring tools	120
5300-5339	Screws, fasteners, and nails	135
5340-5344	Miscellaneous hardware	135
5345-5399	Disks, stones, and abrasives	135
5400-5499	Prefabricated structures	165
5500-5599	Lumber	135
5600-5799	Construction and building materials	140
5800-5899 [4]	Communication equipment	150
5900-5959	Electrical and electronic components	135
5970-5999	Electrical parts	150
6000-6199	Electrical wire	175
6200-6299	Lighting fixtures and lamps	140
6300-6399	Alarm and signal systems	95
6400-6599	Medical, dental, and veterinary equipment and supplies	150
6600-6699	Instruments and laboratory equipment	150
6700-6799	Photographic equipment	135
6800-7099	Chemicals, training materials, and data processing and related equipment and supplies	175
7100-7199	Household furniture	210
7110-7121	Office furniture	255
7125-7194	Cabinets, lockers, bins, and shelving	255
7195-7199	Miscellaneous furniture and fixtures	255
7200-7219	Household furnishings	140
7220-7229	Floor coverings	250
7230-7239	Draperies, awnings, and shades	150
7240-7289	Household and commercial containers	140
7290-7299	Miscellaneous household and commercial furnishings and appliances	140
7300-7329	Food, cooking, baking, and warming kitchen equipment	150
7330-7399	Kitchen handtools and utensils	140
7400-7459	Office machines	120
7460-7489	Visible record equipment	150
7490-7499	Miscellaneous office machines	110
7500-7519	Office supplies	150
7520-7529	Office devices and accessories	150
7530-7539	Stationery and record forms	150
7540-7599	Standard forms	160
7600-7699	Books and other publications	180
7700-7799	Musical instruments, phonographs, and radios	150
7800-7899	Recreational and athletic equipment	150
7900-7999	Cleaning equipment and supplies	140
8000-8019	Paints, varnishes, enamels, etc.	120
8020-8029	Brushes, paint and artist	150
8030-8099	Sealers and adhesives	150
8100-8299	Containers, packaging, and packing supplies	140
8300-8399	Textiles, leathers, and furs	160
8400-8499	Clothing and individual equipment	160
8500-8519	Perfumes and toiletries	145
8520-8539	Toilet soap and personal toiletry articles	180
8540-8599	Toiletry paper products	130
8600-8899	Agricultural supplies and live animals	150
8900-9099	Subsistence	150
9300-9399	Nonmetallic fabricated materials	155
9400-9799	Nonmetallic crude materials, metals, and ores	150
9800-9999	Miscellaneous	150

[1] Deduct 30 d from time shown when total requirements can be made under small purchase procedures.

[2] For vehicles in Federal supply classes 2310, 2320, and 2330 included in GSA's consolidated volume and monthly purchase programs, see sec. 101-26.501-4 for procurement and delivery time schedules. For other vehicles in these classes and those in Federal supply class 2340, the leadtime shown is for standard vehicles without special features or attachments.

[3] The following classes will be considered on an individual basis because of special features that may be required. The leadtime shown is for routine requirements:

Federal supply classification (FSC) codes:	Items
3805	Earth moving and excavating equipment.
3810	Cranes and crane-shovels.
3895	Miscellaneous construction equipment.

[4] All classes in FSC group 58, communication equipment, will be considered on an individual basis because of special features that may be required. The leadtime shown is for routine requirements.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).)

Effective date. This regulation is effective October 4, 1976.

NOTE: It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: September 15, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-28658 Filed 10-1-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Coal Resources Regs. Guideline No. 1]

PART 3040—ENVIRONMENT AND SAFETY

Subpart 3041—Surface Management

WITHHOLDING LANDS OWNED BY THE UNITED STATES FROM LEASING FOR SURFACE MINE DEVELOPMENT

The Department of the Interior regulations governing the surface management of Federal coal resources, 43 CFR Subpart 3041 (41 FR 20252, May 17, 1976), provide in § 3040.2-1(a) that following completion of a technical examination and environmental analysis of areas covered by an application for a coal lease, permit or license or on Bureau of Land Management motion, the authorized officer shall prepare a report which sets forth recommendations as to lands which should be excluded from any lease, permit or license in order to avoid mining where reclamation is not attainable or assured. The purpose of this guideline is to prescribe the criteria upon which the authorized officer shall make his determination. In making any such determination, the authorized officer shall take into account, and shall base his determination upon a finding that:

1. Reclamation in accordance with the standards contained in 43 CFR 3041.2-2 and 30 CFR 211.40 of the affected lands after mining cannot be attained by the application of known technology; or

2. Mining by such methods would create hazardous conditions that would involve significant risk to public health and safety, including, but not limited to, destruction of public or private property from rock or land slides, geological instability, significant adverse changes in natural flood patterns or conditions, or unavoidable deterioration of water quality or quantity in contravention of applicable law; or

3. Mining by such methods would be incompatible with, and would prevent, other recognized land uses of a higher value. In determining that such a higher value exists, the authorized officer shall take into account—

The productivity and natural resource potential of the lands involved, including, but not limited to, significant and intensive irrigated or subirrigated agricultural or ranching uses;

The presence of unique key wildlife habitats;

Characteristics of exceptional fragility or of unique historic, cultural, scientific, or esthetic value; and

Action by regional, State, or local governmental bodies to designate or recommend the designation of such lands, or adjacent lands which are geologically, hydrologically, or biologically related, as unsuitable for mining based upon criteria substantially similar to those set forth herein.

Any such determination may take place during the course of preparation of United Resources Analysis, Management Framework Plans or other Bureau of Land Management analyses undertaken

during review of nominations submitted pursuant to the EMARS coal leasing process or at other times. Any such determination shall be made pursuant to the procedural requirements set forth in 43 CFR 3041.1 and 3041.4 including consultation with other officers, bureaus, or agencies of the Department or the appropriate Federal surface managing agency, State governments, and the surface owner if other than the United States.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1976.

[FR Doc.76-28978 Filed 10-1-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 4 to S.O. No. 1202]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of September, 1976.

Upon further consideration of Service Order No. 1202 (39 FR 40765;) 40 FR 14318, 43914, and 41 FR 13926 and good cause appearing therefor:

It is ordered, That: § 1033.1202 Service Order No. 1202 Missouri-Kansas-Texas Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., September 30, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29080 Filed 10-1-76;8:45 am]

[Amdt. No. 3 to S.O. No. 1211]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Ashley, Drew & Northern Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of September, 1976.

Upon further consideration of Service Order No. 1211 (40 FR 14765, 45440; and 41 FR 13592); and good cause appearing therefor:

It is ordered, That: § 1033.1211 Service Order 1211 Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Ashley, Drew & Northern Railway Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 a.m., September 30, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple and Thomas J. Byrne. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29079 Filed 10-1-76;8:45 am]

[Amdt. No. 1 to S.O. No. 1241]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks Formerly Operated by South Omaha Terminal Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of September, 1976.

Upon further consideration of Service Order No. 1241 (41 FR 17394) and good cause appearing therefor:

It is ordered, That: § 1033.1241 Service Order No. 1241 Chicago and North Western Transportation Company authorized to operate over tracks formerly operated by South Omaha Terminal Railway Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., September 30, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple and Thomas J. Byrne. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29078 Filed 10-1-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Ottawa National Wildlife Refuge, Ohio; Opening to Hunting of Migratory Game Birds

On August 12, 1976, there was published in the FEDERAL REGISTER (41 FR 34049) a notice of proposed rulemaking proposing to add Ottawa National Wildlife Refuge, Ohio, to the list of refuge areas which are open for the hunting of migratory game birds. This list is published at 50 CFR 32.11. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until opened by regulation.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director has determined that the opening of Ottawa National Wildlife Refuge to public hunting would not be contrary to the provisions of law applicable to the area,

would be compatible with the principles of sound wildlife management, would be in the public interest, and would not be detrimental to the objectives for which the area was established.

The public was provided a 30 day comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection.

Seven letters were received. Two requested copies of the environmental assessment. No further comment was received.

Three others supported the hunt, although one objected to the State permit fee of $10.00, since it placed another cost burden on the hunter. They suggested a State Migratory Bird Stamp.

Two letters expressed opposition to the hunt. One called it a reprehensible encroachment on wildlife and that the refuge was being turned into a shooting gallery—an alleged "outrage." A conflict with bald eagle nesting was also referred to. The Service has determined that the hunt will be rigidly controlled. The entire Ottawa Refuge is not open to hunting, and there are other refuge units in the vicinity that are not being hunted and will provide sufficient undisturbed sanctuary. Also, since bald eagle nesting is well over by the hunting season, there is no direct conflict from the hunting program.

A comment received from the Defenders of Wildlife opposed the opening because the Service, "in keeping with the purpose and function of the National Wildlife Refuge System, must fulfill an affirmative burden by demonstrating that hunting would be beneficial to the welfare of the species to be hunted and to the other species inhabiting the same lands." This is not the applicable statutory or regulatory standard. See 16 U.S.C. sections 668dd(d), 460k; 50 C.F.R. 32.1 (1975); *The Humane Society of the United States, et al* v. *Morton, et al.*, Civil No. 3627-70 (D.D.C. March 13, 1973).

Based on the preceding an evaluation of the environmental assessment, it has been determined that the hunting of migratory game birds, on the Ottawa National Wildlife Refuge, Ohio, is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Because of the rapid approach of the State hunting season, which begins October 15, and because this is a cooperative program with the State, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of section 553(d)(3) of the Administrative Procedures Act to expedite the implementation of this rulemaking. Therefore, this rulemaking will become effective on October 15.

Accordingly, the proposed rulemaking is hereby adopted without change, and § 32.11 is amended as set forth below:

§ 32.11 List of open areas; migratory game birds.

* * * * *

OHIO

OTTAWA NATIONAL WILDLIFE REFUGE

* * * * *

Effective date: October 15, 1976.

Dated: September 28, 1976.

GEORGE W. MILIAS,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc.76-28799 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 8, 1976 through January 5, 1977.

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

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Hunting of fox, raccoon and opossum on the Chincoteague National Wildlife Refuge, Virginia is permitted on areas designated as open to deer hunting, by authorized deer hunters, on dates open for deer hunting. Hunting will be in accordance with all applicable State regulations governing the hunting of fox, raccoon and opossum.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1977.

G. C. BALZER, Jr.,
Acting Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28922 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 8, 1976 through January 5, 1977.

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

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Virginia, is permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, P.O. Box 62, Chincoteague, Virginia 23336, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting will be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Archery Hunt—Sika and white-tailed deer, either sex; (b) Stag hunt—Sika and white-tail stag (five points or better) must be taken first. An adult white-tail female or a white-tail buck with unbranched antlers may be taken after a stag is bagged.

(2) Bag Limits: (a) Archery Hunt—One per day, two per license year, either sex; (b) Stag hunt—One per day, two per license year, with the provisions that the first deer must be a stag (five points or better) and the second an adult white-tail female or white-tail buck with unbranched antlers.

(3) Season: (a) Archery—October 9 to November 6, 1976, except Sundays; (b) Stag hunt—November 15-19, November 29-December 3, December 6-10, December 13-17, 1976. The number of Stag hunts will depend on the number of hunters applying.

(4) Weapon: (a) Archery—Long bow and arrow only. Archers must use broadhead arrows with blades at least ⅞ inches wide and bows capable of propelling any arrow in their possession 125 yards. All arrows in an archers possession while hunting must be permanently marked with hunters name and address. Archers may not have firearms or illegal arrows in their possession. (b) Stag hunt firearms—Rifles and shotguns, modern or antique, capable of holding only one round will be acceptable. Rifles of .23 caliber or larger and shotguns of 20 gauge or larger will be permitted. Slugs only will be permitted in shotguns. Possession of firearms or ammunition on refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours—Same as State hunting hours. All hunters must be clear of hunting areas by 8:00 P.M.

(7) Carrying loaded firearms or nocked arrows in or on or shooting from a vehicle is prohibited.

(8) Camping and fires on refuge are prohibited.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) All hit deer will be reported to refuge personnel immediately so that data on hit deer can be gathered. All deer taken on the area must be brought by the maintenance area to be checked out. Jawbone may be removed by refuge personnel.

(11) Before a permit will be issued to any hunter he must take and pass a hunter qualification test based on State and Refuge hunting regulations. (a) Archery—To qualify for an archery permit, archers must submit a certified target to the refuge office. This target must bear the name and address of the archery range and the signature of the range official who actually witnessed the placing of at least three out of five arrows within a 12-inch bullseye from 25 yards or better. Hunter's name and address should be on the target. Permits will be issued to hunters at the refuge, after they have had an orientation briefing of approximately 6 hours or a certificate from National Field Archery Association, certifying that hunter has

completed Part I, II A, and II B of Bowhunters Education Program. All hunters may be asked to prove that they have maintained their shooting competency by shooting again while they are hunting on the refuge. Hunters must fill in data section on back of permit and return it to refuge office by November 30, 1976. Failure to return permit may result in hunter being refused a permit in future hunts. (b) Stag Hunt—Hunters will be selected by a drawing held on October 27 and will be notified of their selection by mail. To apply for the hunt, each hunter must submit a target that will be received in the refuge office before October 27 (the day of the drawing). The target must bear the name and address of the range and range official who actually witnessed the firing of three consecutive shots held within a 12-inch bullseye, from 50 yards or better. Hunter's name and address must be written on the target. This target will qualify hunters for the drawing but all hunters not qualified by the refuge staff will have to be qualified by the refuge at an orientation to be held the Sunday before the hunt. Hunters should specify on the target the hunt date they prefer. Permits to hunt will be issued after an orientation briefing to be held at 1:00 P.M., the Sunday before each hunt. Hunters will need to bring their license, big game tag, and firearm to the briefing. A refuge official will show each hunter the boundaries of his or her assigned hunting area. All applicable Virginia game laws and Federal regulations shall be in effect.

(12) There are two species of endangered wildlife (Delmarva Fox Squirrel and Peregrine Falcon) found on the refuge, therefore, hunters must not shoot at any squirrels or birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 32 and are effective through January 5, 1977.

G. C. BALZER, Jr.,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28923 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, NY

The following special regulation is issued and is effective during the period of October 13, 1976 through December 31, 1976.

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Iroquois National Wildlife Refuge, New York, is permitted in designated areas. Information on this program is available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

(1) Waterfowl hunting is by permit only.

(2) Hunting is permitted on Monday, Tuesday, Thursday and Saturday.

(3) Prior registration is required for opening day, and the first two Saturdays. On other hunt days permits are issued on the basis of a daily drawing held prior to legal opening time. On prior registration days, hunters will draw for hunting sites on the morning of the hunt. On other hunt days, hunters will have a choice of available hunting sites as their names are drawn.

(4) All hunting ends each day at 12 noon local time, and all hunters must check out and present harvested game at the permit station on Casey Road, not later than 1:00 P.M. local time.

(5) No loaded guns are permitted beyond a 50-foot radius of the hunting stand marker and no more than two hunters are permitted to each stand.

(6) Hunters will be limited to 15 steel shotshells not larger than #1. Possession of lead shotshells or more than 15 shotshells is not permitted.

(7) Disorderly conduct, intoxication, "sky busting" or otherwise unsportsmanlike conduct will not be tolerated and the permittee will be ejected from the area.

(8) A hunter who leaves his stand must have permission from official personnel to return.

(9) Hunters who have completed the New York State Waterfowl Hunter Training Course will be given preference for permits on Tuesdays.

(10) No person shall use or hunt from a boat.

(11) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and effective through November 21, 1976.

G. C. BALZER, Jr.,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28918 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, NY

The following special regulation is issued and is effective during the period October 8, 1976 through February 28, 1977.

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of woodcock and crow on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons, except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and crow.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

G. C. BALZER, Jr.,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28919 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, NY

The following special regulation is issued and is effective during the period October 8, 1976 through February 28, 1977.

§§ 32.22 Special regulations: upland game birds, for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds and small game mammals, including foxes, opossums, red squirrels, and woodchucks is permitted during the respective State seasons except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State Regulations subject to the following special condition:

(1) A seasonal permit is required for the nighttime hunting of raccoon. Permits may be obtained by applying person at the refuge office.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

G. C. BALZER, Jr.,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28920 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, NY

The following special regulation is issued an is effective during the period

November 1, 1976 through December 31, 1976.

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

G. C. BALZER, Jr.,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28921 Filed 10-1-76;8:45 am]

PART 32—HUNTING

Presquile National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 15, 1976 through November 5, 1976.

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

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquile National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) A Federal permit will be required at no charge to the applicant. Permits will be issued for a two consecutive day period except for October 30, and November 5, which will be for one day only. Permits will be limited to 135 for each two-day period and 80 for each one-day hunt. They will be issued in advance of the season to hunters selected from a public drawing to be held in the refuge office, Hopewell, Virginia. Applications must be printed or typed and contain the following information: Name, address, specify gun hunt or archery hunt, up to three other names and addresses of members in party, preference dates, and whether hunter will use boat or not. Bow hunters must pass a qualification test which will consist of placing 3 out of 5 arrows in a 9 by 14 inch chest area of a standard deer size target at 25 yards. In order to be in the drawing for an archery permit, archers must submit a certification statement to the refuge office. The statement must bear the name and address of the archery range and signature of range official who actually witnessed the qualification. Permits are non-transferable and will be mailed to selected applicants after the drawing. Alternates will also be selected from standby hunters at the ferry landing to fill any vacant slots if permittees do not show up.

(2) Only white-tailed deer may be taken from one half-hour before sunrise to one half-hour after sunset with bow and arrow only on October 15, 16, 22 and 23; and with shotguns on October 30, and November 5.

(3) Bag limits: One deer per day, either sex.

(4) All hunters must enter the refuge on the ferry at 6 a.m. E.D.T. (5 a.m. E.S.T.) except that boats will be permitted only for those hunters desiring to hunt in the swamp. All boat occupants must wear life jackets. Only small boats will be permitted with outboard engines no larger than 10 h.p. There will be an official State checking station at the refuge headquarters. Hunters must be checked out by refuge officials before leaving the island and leave the refuge by 7 p.m. E.D.T. (6 p.m. E.S.T.).

(5) All travel on the refuge will be on foot or by refuge vehicles. Boats will be permitted in the swamp creeks. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge during the bow and arrow only hunts is prohibited.

(7) All arrows in the possession of each hunter must be marked with the stand number issued to the hunter.

(8) Only buckshot is permitted during the shotgun hunts.

(9) One-hundred thirty-five stands corresponding to the allowable number of hunters on each day of the bow hunts and 80 stands corresponding to the allowable number of hunters on each day of the gun hunts are located throughout the refuge. Each hunter will be assigned the stand corresponding to his permit number. Fluorescent orange must be visible on each gun hunter. Bow hunters will remain at their assigned stands from one half-hour before sunrise to 10 a.m. From 10 a.m. to one half-hour after sunset, they may hunt anywhere within the open area. Archers must wear fluorescent orange when going to and from their stand, and when hunting away from their stand. Shotgun hunters will remain on their stands throughout the day's hunt. Boats must be moored throughout the day. Boats leaving the creek during the day cannot return that day.

(10) All hunters under 18 years of age must be accompanied by an adult.

(11) Scouting will be permitted on October 8 and 9. The refuge ferry will take passengers to the island at 8 a.m. E.D.T., and return to the mainland at 10 a.m. and 12 noon.

(12) These special regulations and maps are available at refuge headquarters, Hopewell, Virginia, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Parts 28 and 32, and are effective through November 5, 1976.

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

SEPTEMBER 27, 1976.

[FR Doc.76-28924 Filed 10-1-76;8:45 am]

PART 32—HUNTING

White River National Wildlife Refuge, Arkansas; Correction

In FR Doc. 76-24809 appearing on page 35850 of the issue for Wednesday, August 25, 1976, under § 32.32, item (3) erroneously prescribes either-sex bag limits for all hunts set forth in item (2), and is corrected as follows:

(3) Bag limits: One deer of either sex during the Archery (October 16-30) and Muzzle-loading rifle (October 22-23) hunts; and one legal buck only during the Gun hunt (November 8-9, 1976).

CRAYTON J. LANKFORD,
Acting Regional Director, United States Fish and Wildlife Service.

SEPTEMBER 27, 1976.

[FR Doc.76-28952 Filed 10-1-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

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

Methodology for Determining Date for Prohibiting Further Setting on Porpoises

On July 27, 1976, the National Marine Fisheries Service published in the FEDERAL REGISTER (41 FR 31227) proposed regulations for the methodology by which NMFS will determine the date for prohibiting further setting of purse seines on porpoise if this becomes necessary to comply with the 1976 quota of 78,000 porpoises. One comment was received regarding the proposal which suggested a modification of Step 1 of the methodology to take into account those vessels which may not be fishing exclusively for yellowfin. After due consideration, the methodology has been modified and is hereby adopted by the National Marine Fisheries Service.

Method for Determining Date When Limit Will be Reached. The date when the 78,000 limit will be reached will be determined in two steps. In Step 1 an estimate will be made of the total porpoise kill through the end of the preceding month using the methodology published on April 5, 1976 (41 FR 14401), which extrapolates available data to the entire U.S. fleet. The methodology will use kill-per-trip data for complete trips carrying NMFS observers and kill-per-day data reported by radio from observed

vessels at sea, except that the kill-per-day and kill-per-trip statistics prorated to vessels not carrying observers and which are within the CYRA will be adjusted for the amount of yellowfin tuna they are allowed to catch under IATTC regulations.

Vessels participating in the NMFS/industry cooperative gear study have an average kill rate substantially below the fleet average. These vessels will be separated from the rest of the fleet for analysis, using a kill-per-day methodology.

In the second step the kill will be projected for each following month and will be added to the kill computed in Step 1 until the quota level of 78,000 is reached. This projection will be computed by multiplying the kill-per-ton of yellowfin tuna (from 1976 NMFS field technician data on complete trips) by the historical average monthly catch of yellowfin tuna taken in association with porpoise for each month (from IATTC records, 1972–1975). Interpolation will be used to estimate the day of the month when the quota will be reached as shown in the example in the proposal published on July 27, 1976 (41 FR 31227).

The complete two-step procedure will be repeated on a monthly basis to allow refinement of the estimated date of closure. As the estimated date for reaching the quota is approached, calculations on a shorter time period may be warranted.

Results of each calculation will be available to the public. The effective date when fishing on porpoise will be prohibited, will be published in the FEDERAL REGISTER not less than 7 days prior to that date.

Section 216.24(d) (2) (i) (A) which now provides for a notice not less than 30 days prior to the date upon which the prohibition is to become effective is amended by adoption of this methodology.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

SEPTEMBER 28, 1976.

50 CFR Part 216 is amended as follows:

§ 216.24 [Amended]

Section 216.24(d) (2) (i) (A) is amended by deleting "30" and inserting "7" in the last sentence.

[FR Doc.76-28904 Filed 10-1-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

[FRL 623-6]

PART 35—STATE AND LOCAL ASSISTANCE

Grants to State and Designated Areawide Planning Agencies—Conditions, Policies and Procedures

Section 208 of the Federal Water Pollution Control Act (Pub. L. 92-500 as amended) authorizes the Administrator of the Environmental Protection Agency to make grants to designated State and Areawide Water Quality Management Agencies for payment of the reasonable costs of developing and operating a continuing waste treatment planning process.

On July 20, 1976, notice was published in the FEDERAL REGISTER (41 FR 29867) that the Environmental Protection Agency intended to amend section 208 grant regulations, 40 CFR Part 35, Subpart A to include additional procedures for providing grants to State and areawide agencies for the development of a Water Quality Management Plan pursuant to 40 CFR 130.12 and 130.13.

The need for the amended regulations resulted from an order of the U.S. District Court for the District of Columbia entered on June 2, 1976, in National Association of Regional Councils v. Train, No. 75-1706. The pertinent part of that order states:

> The unobligated balance of the amounts authorized to be appropriated to carry out * * * Section 208 of the Federal Water Pollution Control Act * * * for the fiscal years ending June 30, 1973 and June 30, 1974 * * * shall remain available for further obligation * * * to and including September 30, 1977 * * * Defendants shall, no later than July 15, 1976, propose regulations or amendments to present regulations and shall no later than September 30, 1976 promulgate final regulations or amendments to present regulations necessary to implement fully this order * * *.

A decision with regard to an appeal of this court order has not been made, and EPA is proceeding to implement the court's decision.

The amount of funds made available for obligation by this order is approximately $137 million.

An allocation formula based on 75% net population 25% net land area was used to distribute funds appropriated for the program in FY 1976. At the time of the promulgation of the existing regulations, 40 FR 55321 published November 28, 1975, EPA believed that this formula used to distribute the FY 1976 funds would become increasingly unsatisfactory if larger amounts of money were added to the program. Although this formula was judged to be suitable for an initial allocation of funds by Federal Regions to establish State-wide planning under Section 208, the 75/25 formula is not satisfactory when applied to significantly larger amounts of funds.

The allocation formula, as amended in these regulations, uses a weighting of 85% for net population and 15% for net land area.

EPA intends that this formula will be complemented by functional criteria and guidance for use by EPA Regional Offices. This guidance sets forth specifications on the use of funds at the State and areawide level to meet program objectives. The guidance is developed on a functional category basis, an example of a category being urban runoff. Support of necessary administrative, management and public participation activities will be provided. In addition, special funding of a limited number of projects which address water quality management problems of national significance such as those affecting national parks is contemplated.

EPA is reviewing procedures that would promote an equitable distribution of funds to grantees that have received 75% Federal share funds and are penalized solely because of the timing of the grant, when compared to grantees that have received or will receive 100 percent Federal share funds.

Written comments on the proposed amendment were solicited and received. The following availed themselves of the opportunity to comment within the established time period: 19 States; 12 local governments; 3 national associations; 1 United States Senator; and, 2 EPA Regional Offices. All comments received have been carefully considered. They remain on file with the Environmental Protection Agency in the Grants Administration Division (PM-216).

The great majority of the comments received concerned the substantive issues which are discussed below:

1. *Lack of justification for the proposed 85%–15% formula.* Some commenters objected to the use of population and land area as the sole factors in a national distribution formula. A formula based upon actual extent of the pollution problem among all geographic areas in the United States would, of course, represent the optimum manner for distributing funds. Unfortunately, no objective, accepted measurement of the non-point source portion of the problem exists. The lack of these data precludes the development of any nationally acceptable objective method of distribution. It should be noted that no commenter offered information that would have provided such a data base. Consequently, in the absence of agreed upon data of the extent of the pollution problem, the Agency maintains that population and land area are the best surrogate measures of funding need.

Several commenters did suggest specific formulae which differ from the proposed 85/15 formula. For example, four commenters advocated the use of gross population and land in lieu of net population and land in the proposed 85/15 formula. Gross population and land area were considered and rejected on the basis that the total funding distribution would favor those regions or States which have already received substantial funds to the detriment of those areas that had not.

Other commenters suggested that a higher weighting be given to land area relative to population. The reverse was also suggested. Alternative formulas, including several with significantly greater emphasis on land area or population were considered. These were not selected on the grounds that the inequities between Regions became too pronounced when compared with reasonable anticipated needs.

Several commenters suggested that non-point source pollution should be a larger factor in any allocation formula.

A review of the State submissions in the report submitted pursuant to Section 305(b) of the FWPCA indicates that "a greater emphasis is needed to determine more accurately the amounts, causes, effects, and control of non-point sources." Based on the report, there is inadequate data available to provide an equitable basis for formula distribution.

A comparison of the results of the 75/25 formula and the 85/15 formula when applied to $137 million indicates that the latter is a more equitable distribution of funds. For example, Regions containing 37 of the 56 States and Territories receive more funds from the 85–15% formula than under the 75–25% formula.

The determination to use the 85%–15% formula was based in part on EPA's perception that the 75%–25% formula, used for distributing $53 million of the $216 million obligated to date, would, if continued in use, distort the distribution of funding between urban and rural pollution control problems. A few States with large land areas and predominantly non-urban pollution control problems would likely benefit inordinately from continued application of that formula. While Section 208 of the Act requires EPA to provide financial assistance to meet all types of substantial water quality control problems, it specifically focuses on problems which result from urban-industrial concentrations. It is EPA's judgment that the adjustment in the formula will distribute the total available sums to reflect the remaining pollution problems in urban and rural areas. In addition, EPA again emphasizes the discretion of the Regional Administrator to distribute funds allocated in accordance with his best judgment.

The following table provides a comparison of the two formulae and their respective distributions by Region.

Current formula versus revised formula

	Number of States and territories	75–25 pct formula	85–15 pct formula
Region:			
I	6	$6,385,756	$6,918,054
II	4	11,947,643	13,258,265
III	6	10,282,801	11,092,256
IV	8	22,709,315	23,924,616
V	6	17,511,064	18,348,084
VI	5	19,406,206	18,912,012
VII	4	10,565,580	10,379,290
VIII	6	6,682,198	5,127,354
IX	7	19,368,214	19,904,765
X	4	11,969,793	8,953,874
Total	56	136,818,570	136,818,570

In addition, a significant number of commenters interpreted the proposed formula as shifting emphasis from non-point source problems associated with sparsely populated land areas, to problems, particularly point source problems, associated with highly populated urban-industrial areas. On the contrary, the intent of the 85%–15% formula is not to stress either point or non-point source problems. Rather, the intent is to make an equitable geographical distribution among Federal Regions based on the extent of both types of problems measured by the surrogate indicators, population and land area. Once the distribution is made to the ten Federal Regions, Regional Administrators will negotiate grant amounts with each eligible applicant (State and designated areawide planning agencies) within the limits of each final Regional allotment. These grants may focus on point-source or nonpoint source or on urban or rural problems.

For example, if a determination is made that a large majority of a State's point source problems are being addressed by other programs, substantially all of the funds distributed under this formula could be directed toward solutions of non-point source problems. The Regional Offices, in conjunction with the States, are best able to make these decisions, and, these decisions will reinforce Regional Office and State capability to carry out long-term planning.

2. *Failure of the proposed revision to address the question of funding priorities.* Many commenters expressed concern about the order of funding priorities to be established between States, prior designations, and prospective new designations.

The Regional Office is responsible for decisions regarding the mix of funding among the States and the designated local areas within a geographical area. These decisions are made with consideration of specific factors, such as type and extent of problem, previous funding support level and institutional capabilities of the grantees present in that Region. While no specific formula dividing these funds between State and areawide agencies is set forth, EPA recognizes that the statute mandates a significant role for areawide agencies in the Water Quality Management process and thus expects Regional Administrators to seek an equitable distribution of these court released funds between State and areawide agencies, consistent with their discretion to determine how funds can best be used to impact significant pollution control problems.

Some commenters expressed the opinion that agencies funded in FY 76 at the 75% Federal participation level were funded at a lower rate of Federal assistance, and that in light of the present situation, should be entitled to funding at the 100% Federal participation level. EPA is presently examining possible approaches to augmenting FY 1976 grant awards with alternative funding sources.

3. *Reserve fund.* One commenter had the impression that a "reserve fund" maintained in EPA Headquarters could be used to fully fund agencies which were considered to be underfunded. No such reserve fund exists in EPA Headquarters.

4. *Other.* The remainder of the comments concerned time schedules, funding delays, continuing funding, and, insufficient funding, which are not appropriate to the purpose of these amended regulations.

Pursuant to the authority of the Administrator of the Environmental Protection Agency set forth in 40 CFR 30.101, Part 35 is amended as follows:

§ 35.204 [Amended]

The introductory text of paragraph (a) is amended, new paragraphs (a)(1) through (a)(3) are added, and paragraph (b) is revised as follows:

In § 35.204(a), delete the word "formula" in the fourth line and substitute the word "formulae;" add, following the colon and immediately before the formula presently contained in the regulations, a new paragraph (a)(1) as follows:

(1) for fiscal year 1976 funds:

Add, following the formula presently contained in the regulations, the following: paragraphs (a)(2) and (a)(3) and revise paragraph (b) as follows:

(2) for funds authorized for Fiscal Years 1973 and 1974, but not previously obligated prior to the end of each of those Fiscal Years, and for funds appropriated for the transition quarter of Fiscal Year 1976:

$$.85\left[\frac{\text{(Population of region)} = \text{(Population of region's previously funded designated planning areas)}}{\text{(Population of United States and territories)} = \text{(Population of previously funded designated planning areas nationally)}}\right]$$

Plus

$$.15\left[\frac{\text{(Land area of region)} = \text{(Land of region's previously funded designated planning areas)}}{\text{(Land area of the United States and territories)} = \text{(Land area of previously funded designated planning areas nationally)}}\right]$$

Equals allocation factor

(3) for subsequent Fiscal Year funds: (Reserved).

(b) the Regional Allotment ratio for each Region established pursuant to § 35.204(a) will be applied to sums which the Administrator determines will be available in each fiscal year for allotment to the Regions. In paragraph (e), delete the phrase "on June 1, 1976," in the first line, and substitute "on dates to be established in each fiscal year by the Administrator'."

Dated: September 30, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-29187 Filed 10-1-76;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

FIRE-CURED, DARK AIR CURED AND VIRGINIA SUN-CURED TOBACCO

Grade Loan Rates for Price Support on 1976 Crop

Correction

In FR Doc. 76-27943, appearing at page 41920 in the issue of Friday, September 24, 1976, in the third column on page 41920, § 1464.18, the second from the last entry reading:

C4G	68	68	76	64	50

should read:

C4G	68	68	68	64	50

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

INCIDENTAL TAKE OF MARINE MAMMALS

Intent Regarding Hearing and Proposed Regulations

The National Marine Fisheries Service hereby publishes notice of intent to promulgate regulations and to hold a hearing on proposed regulations for 1977 to govern the take of marine mammals incidental to commercial fishing operations for yellowfin tuna.

A hearing on the proposed regulations pursuant to amended hearing procedures is expected to begin on or about November 8, 1976, in Washington, D.C. This hearing will be conducted under procedural regulations promulgated on October 1, 1976.

Proposed regulations to govern the take of marine mammals incidental to commercial fishing operations for yellowfin tuna in 1977 and subsequent years are expected to be published for public comment on or about October 7, 1976.

Dated: September 30, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-29167 Filed 10-1-76;8:45 am]

Patent and Trademark Office

[37 CFR Part 1]

PATENT EXAMINING AND APPEAL PROCEDURES

Proposed Rulemaking

Notice is hereby given that, pursuant to the authority contained in section 6 of Title 35 of the United States Code, the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by revising or amending §§ 1.11, 1.14, 1.52, 1.56, 1.65, 1.175, 1.194, 1.196, 1.291, 1.292 and 1.346, and by adding §§ 1.69, 1.97, 1.98, 1.99 and 1.109.

All persons are invited to present their views, objections, recommendations or suggestions relating to the proposed rule changes to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on or before December 7, 1976, on which date a hearing will be held at 9:30 a.m. in Room 11-C24, Building 3, 2021 Jefferson Davis Highway, Arlington, Virginia. All persons wishing to be heard orally at the hearing are requested to notify the Commissioner of their intended appearance. All comments received will be available for public inspection in Room 11E10 of Building 3.

This proposal has been reviewed pursuant to EO 11821 and OMB Circular A-107 and determined to have no major inflationary impact.

BACKGROUND

The purpose of the proposed changes is to improve the quality and reliability of issued patents by strenghtening patent examining and appeal procedures.

In recent years there has been extensive public discussion concerning the U.S. patent examining system. Much of it stemmed from the 1966 Report of the President's Commission on the Patent System. The Commission made 35 recommendations for improvements, most of them requiring legislation. As as result, bills were introduced in the 90th Congress in 1967 and hearings were held on those and subsequent bills. The most recent patent bill to receive Congressional attention, S. 2255, 94th Congress, was passed by the Senate on February 26, 1976. It now appears, however, that no patent legislation will be enacted during the current year.

Certain of the proposals that have been made in the various bills can be implemented under the Commissioner's rulemaking authority and within the confines of the Office's current budget. In other cases more limited changes can be implemented in this way. Since it may be some time before the law is revised, it is believed appropriate at this time to consider rule changes of this nature. The Patent and Trademark Office has prepared the present proposals after a review of the various bills and taking into account comments and suggestions received from interested parties.

In addition to strengthening examining and appeal procedures, the proposed rules might serve as models for subsequent legislation or simplify the patent law revision effort by dispensing with the need for certain legislative changes. The proposed rules are intended to: (1) Permit patent owners and others to bring new prior art to the attention of the Office more readily through reissue applications; (2) assist examiners by providing them with "patentability statements" in all applications; (3) define and clarify the duty of applicants and others to bring information relevant to pending applications to the attention of the examiner; (4) modify the requirements for oaths and declarations to help ensure that relevant information is disclosed; (5) make available to the public Office decisions that would be of important precedent value; (6) refine the existing rules governing public use proceedings and protests to the grant of patents; (7) modify appeal procedures to authorize, in appropriate cases, oral arguments by examiners and rejections of allowed claims by the Board; and (8) create a more complete record of reasons for allowing patents.

REISSUE APPLICATIONS

Proposed § 1.175 permits a patent owner to have new prior art considered by the Office by way of a reissue application without making any changes in the claims or specification. Existing § 1.175 requires reissue applicants to file an oath or declaration alleging that they believe "the original patent to be wholly or partly inoperative or invalid * * *" This requirement is dispensed with in proposed § 1.175(a)(1) unless the applicant believes this to be the case. New paragraph (a)(4) recognizes that reissues may be filed to have the patentability of the original patent considered in view of prior art or other information relevant to patentability which was not previously considered by the Office.

Thus the proposed section permits a patentee to file a reissue if he believes his patent is valid over prior art not previously considered by the Office but would like to have a reexamination. The procedure could be used at any time during the life of a patent. During litigation a court might, if it chose, stay proceedings to permit new art to be considered initially by the Office in a simpler and less expensive proceeding. In accordance with existing § 1.176, reissue applications will continue to be acted on by the examiner in advance of other applications.

If a reissue application is filed as a result of new prior art with no changes in the claims or specification and the examiner finds the claims patentable over the new art, the application will be rejected as lacking statutory basis for a reissue, since 35 U.S.C. 251 does not authorize reissue of a patent unless it is "deemed wholly or partly inoperative or invalid." However, the record of prosecution of the

reissue application will indicate that the prior art has been considered by the examiner.

Proposed § 1.11 opens reissue applications to inspection by the general public. It is already Office policy to open reissue applications to inspection by opponents of the patentee in litigation or an interference at the opponent's request. The proposed rule opens all reissue applications. Since reissue applications contain no new disclosure, and therefore no trade secrets or confidential information, they are considered to present a "special circumstance" within the meaning of 35 U.S.C. 122.

Proposed § 1.11(b) provides for announcement of the filings of reissue applications in the Official Gazette. This announcement would give interested members of the public an opportunity to submit to the examiner information pertinent to patentability of the reissue application. However, in accordance with proposed § 1.291 members of the public will not be permitted to participate as parties in proceedings before the examiner. See discussion below.

PATENTABILITY STATEMENT

Proposed §§ 1.97–1.99 provide for the filing of a patentability statement, similar to what has sometimes been called a patentability "brief", in every patent application. The statement would assist examiners by informing them of the relevant prior art considered by the applicant and giving an explanation of the most relevant references before they undertake their searches. The statement is not intendd to serve as a substitute for the search by the examiner, but only as a starting point and supplement for the search. The statement should provide a more complete written record distinguishing the claims from the prior art.

While the statement will impose some additional burden on applicants, applicants are already required by existing law to bring pertinent information to the attention of the examiner. The statement will serve as a reminder to applicants, attorneys and agents of their responsibility for citing pertinent information.

The patentability statement proposal represents an extension of the Office's existing policy on citation of prior art by applicants.[1] The proposal is similar to the rule change proposal published on September 9, 1969,[2] and to section 131(b) of S. 2255, 94th Congress.

Proposed § 1.97(a) requires the statement to be filed within two months after filing an application, in order to make it available by the time of the examiner's first action. Section (b) makes clear that applicants will not be refused an examination or a patent for any inadvertent failure to comply with the requirements for the statement. Paragraph (c) is intended to avoid any inference as to the thoroughness of any search that is made, or any implied obligation to make any search at all.

[1] See notice of August 12, 1974, 926 O.G. 2.
[2] 34 FR 14176, 866 O.G. 1402.

Section 1.98(a), specifying the content of the statement, requires a listing of relevant information and a "concise" explanation of the references considered most relevant. This emphasizes that a lengthy legal document is not desired. The term "patentability brief" is avoided because the statement contemplated generally would be less detailed than an appellate brief. Only the key features of pertinent references and the most important differences from the claimed invention need be discussed in a few sentences.

Section 1.98(a) states that the statement is to explain why the invention is patentable over prior art which the applicant considered most "relevant" during preparation of the application. The term "relevant" is defined. As to the "most relevant" references, the requirement is for an explanation of those references which meet this qualification in the opinion of the applicant, which will not necessarily be the same as the opinion of the examiner or subsequent reviewing body. The requirement that only the most relevant references need be explained is an attempt to minimize extra burden on the applicant and the Office.

It of course requires persons to exercise judgment in deciding what information to cite. No way has been found to avoid the exercise of judgment if the examiner is to be provided only with information useful to him. The intent of the Office is to avoid penalizing persons for good faith errors in judgment in deciding what information to bring forward. Reasons for patentability need not be stated if no relevant information was considered in preparing the application. The statement could comprise a mere statement that no information was considered.

Proposed § 1.98 requires, except in the case of duplicative references, that a copy of the pertinent portion of each patent or publication considered relevant be submitted. This includes copies of United States patents as well as foreign patents. While patents are of course available in the Office, if the applicant does not include copies the examiner will have to interrupt his examination until copies can be ordered or located. Since the person making the citation has copies in hand, it is believed than an overall saving in time can be achieved by requiring the applicant to supply the copies in all cases. With the widespread availability of copying equipment this burden is now less than in the past. While translations of pertinent portions of foreign language references will be helpful to the examiner, this has not been made a requirement of the proposed rule. When existing translations are readily available they should be submitted.

Proposed § 1.99 provides for updating patentability statements. This is consistent with the duty under existing case law to cite relevant information at any time during the prosecution of an application.

DUTY OF DISCLOSURE

Proposed § 1.56 defines the duty to disclose information to the Office and the criteria for striking an application when that duty is violated. The proposal codifies the existing Office policy on fraud and inequitable conduct, which is believed consistent with the prevailing case law in the Federal courts. The expanded wording of § 1.56 is intended to be helpful especially to those individuals who are not expert in the judicially developed doctrines concerning fraud. The section should have a stabilizing effect on future decisions in the Office and, although not binding on them, may perhaps offer useful guidance to the courts.

The first sentence of § 1.56(a) names the individuals who have a duty to disclose information to the Office. The second sentence states that the duty is to disclose all information that they believe might reasonably be expected to affect a decision of the examiner.[3] It is somewhat more than that information which in fact would or should cause the examiner to reject claims allowable "but for" the information.[4] As noted below, however, paragraph (c) of proposed §1.56 does not necessarily provide for a penalty when relevant information is not disclosed. The third sentence of paragraph (a) makes clear that the duty of disclosure is less for those persons who are less involved in the preparation or prosecution of the application.

Proposed section 1.56(b) retains the substance of existing § 1.56 and further defines with more particularity the grounds for striking an application. Since the courts have held patents unenforceable under the equitable doctrine of unclean hands when the requirements for fraud in the common law sense are not met, the term "inequitable conduct" is added to the rule. Paragraph (b) also makes clear that a failure to comply with the duty of disclosure may amount to fraud or inequitable conduct.

Paragraph (c) sets forth the criteria that must be satisfied before an application will be stricken for failing to comply with the duty of disclosure. It is believed to reflect the current state of the case law. For fraud or inequitable conduct most courts require "clear and convincing evidence" and an intent to withhold information, or gross negligence equivalent to intent.[5] The cases are not uniform on how material or relevant the information withheld must be. Paragraph (c)(1) adopts a "might reasonably be expected to affect" test. Paragraph (c), however, establishes only the minimum requirements that must be met for

[3] See S. 2255, 94th Congress, § 131(b)(1)(B).
[4] See e.g., In re Multi-District Litigation Involving Frost Patent, 398 F. Supp 1363, 1369, 185 USPQ 729, 741, (D. Del. 1975); Kayton et al, Fraud in Patent Procurement: Genuine and Sham Charges, 43 Geo. Wash. L. Rev. 1, 40 (1974).
[5] E.g., Norton v. Curtiss, 433 F. 2d 779, 167 USPQ 532 (CCPA 1970).

striking an application. It leaves the Office with discretion to require a higher degree of materiality (for example, a "but for" test) in appropriate circumstances.

Proposed § 1.346 explicitly requires a reasonable basis to support every assertion of improper conduct under § 1.56 made by a registered practitioner in any Office proceeding. The change in § 1.346 is not a change in substance but is only for emphasis. Concern has been expressed over the increasingly common practice of making "boiler plate" allegations of fraudulent procurement. Proposed § 1.346 gives specific notice that groundless charges of fraud or inequitable conduct may serve as a basis for disciplinary proceedings against registered practitioners under § 1.348.

OATHS AND DECLARATIONS

Proposed § 1.69 is intended to correct the anomalous situation in which foreign applicants are required to sign an oath or declaration in a language that they may not understand. It requires use of a language which is understood.

Proposed § 1.69(a) requires that persons must understand the content of documents to which foreign language oaths or declarations relate. The term "understands" provides flexibility for persons who cannot read the language in which the specification and claims are written to have the content explained to them.

Proposed section 1.69(b) anticipates that the Office will publish oaths and declaration forms in the languages of those countries from which a significant number of applications are received. An applicant who does not or is unable to use such a form, or any reproduction of such a form, must submit a verified English translation of the oath or declaration at the time it is filed. An exception is made for oaths or declarations under § 1.65, for which a verified English translation may be filed no later than two months after the filing date.

Proposed § 1.52 is changed to be consistent with the requirement of § 1.69 for foreign language oaths and declarations.

Proposed section 1.65(a)(1) requires inventors to acknowledge a duty to disclose information relevant to the patentability of their inventions. While the oath will not define the duty of disclosure fully, acknowledgement in general terms that such a duty exists will emphasize the importance of the duty to inventors who may not be familiar with the trequirements of patent law and regulations. If this proposal is adopted the change in § 1.65 also would be incorporated in all appropriate sections in 37 CFR Part 3, "Forms for Patent Cases".

DECISIONS MADE PUBLIC

Proposed section 1.14(d) is intended to make more explicit the conditions under which significant decisions of the Patent and Trademark Office will be made available to the public. The proposed rule includes reference to decisions of the Board of Patent Interferences as well as the decisions of the Board of Appeals and the Commissioner, which were previously covered.

It provides for public disclosure of the subject decisions whenever the applicant or party in interest fails to take the prescribed steps to prevent such disclosure after being given appropriate notice. It is applicable in the case of decisions that would have significant precedent value, where such decisions are contained in either pending or abandoned applications or in interference files not otherwise open to the public. It places the burden on the Office to identify significant decisions. It is anticipated that no more than a few dozen decisions each year would be considered of sufficient importance for publication under the authority of this paragraph.

PROTEST AND PUBLIC USE PROCEEDINGS

Proposed §§ 1.291 and 1.292 give greater recognition to the value of written protests and public use petitions as aids in avoiding the issuance of invalid patents.

Section 1.291(a) provides that protests will be entered in the application file and will, if they meet stated requirements, be considered by the examiner. To guarantee consideration by the examiner, protests would have to be accompanied by copies of prior art documents relied upon, although protests without copies would not necessarily be ignored. This is similar to the requirement of proposed § 1.98 that copies of patents and publications accompany patentability statements. § 1.291 does not contemplate permitting a protester to participate in any further proceeding as a party. In the case of applications available to the public, such as reissue applications, the protester could file papers rebutting statements made by the applicant. The examiner at his discretion might request a protester to submit additional written information or might provide extra time for comments by a protester to be filed.

Section 1.291(b) incorporates the existing Office policy of permitting persons to submit prior art citations or copies of prior art after a patent has been granted.[6] The material submitted is not examined by the Office, but is available to members of the public inspecting Office records.

Materials submitted to the Office under §§ 1.291 and 1.292 are to be served upon the applicant, patentee, attorney or agent when possible. If service is not possible, materials are to be submitted in duplicate so that the Office can attempt to send the duplicate copy.

In § 1.292 the requirement that petitioner offer to bear the Office's expenses in conducting the public use proceeding is deleted.

Proposed § 1.292 is also intended to ensure that the application file wrapper records the existence of public use proceedings. Notice of a petition for a public use proceeding will be entered in the file in lieu of the petition itself when the petition and the accompanying papers are too bulky to physically accompany the file. Any public use papers not physically entered in the file will be publicly available whenever the application file wrapper itself is available.

PATENT APPEALS

Proposed § 1.194, first, makes clear that oral hearings should be requested only when the appellant considers a hearing necessary or desirable for a proper presentation of his appeal and, second, provides for oral arguments by examiners before the Board in certain appeals.

In most instances, well-written, fully developed arguments in the appellant's brief and the examiner's answer are the most effective way of arguing a case before the Board of Appeals. The legal and technological issues presented in appeals are, for the most part, best presented and understood using the precision of the written word. No adverse implications will be drawn as to the merits of the appeal from an applicant's waiving an oral hearing.

If an appellant considers an oral hearing necessary or desirable for a proper presentation of his appeal, an oral hearing will be scheduled upon request.

Proposed § 1.194(b) permits oral argument by, or on behalf of, the primary examiner whenever either the examiner or the Board believes it would be helpful. It incorporates the present practice of permitting examiners to present oral argument before the Board of Appeals (MPEP 1209). It gives the Board the additional discretionary authority to require examiners to present oral argument to ensure that all issues are fully and accurately presented.

It has been the Board's experience that effective oral argument, when needed, can be presented in less than the 30 minutes allowed in the present rule. Since March 20, 1975, it has been the Board's practice to limit oral argument to 20 minutes.[7] This practice is reflected in the proposed rules. Arguments by examiners would also be limited to a maximum of 20 minutes. It is anticipated that examiners often would utilize substantially less than 20 minutes since their role would be one of rebuttal and answering questions.

Proposed § 1.196(b) authorizes the Board of Appeals to reject allowed claims. The Board's lack of authority in the past has resulted in some anomalous situations. This proposal is not intended, however, as an instruction to the Board to reexamine every allowed claim in every appealed application. It is intended to give the Board authority to act when it becomes apparent during the Board's consideration of rejected claims that one or more allowed claims should also be rejected, on either the same or on different grounds than applied against the rejected claims.

[6] See notice of August 12, 1974, 926 OG 2.

[7] See notice of March 20, 1975, 933 O.G. 1010.

Although the statutory authority of th Board of Appeals to review "adverse decisions of examiners" (35 U.S.C. 7) has not been narrowly construed,[8] it has been held that since a general rule authorizing review of favorable decisions of the examiner has not been promulgated, the Board lacked such authority.[9]

The Commissioner can "prescribe as a rule of practice, generally applicable, that a favorable decision by a primary examiner may be reviewed, in the Commissioner's behalf, by some officer or by some board to which has been delegated the duty of making such review."[10] Proposed § 1.196(b) exercises the Commissioner's discretion to designate the Board of Appeals to review in their capacity as Examiners-in-Chief favorable decisions by the examiner in cases which are otherwise before it.

As proposed, § 1.196(b) would permit an applicant, at his option, to waive reconsideration by the examiner and by the Board of Appeals and treat the Board's rejection of allowed claims as the final decision of the Board. If the applicant elects to follow that course, the Board's rejection of allowed claims would be directly reviewable by the Court of Customs and Patent Appeals or the District Court for the District of Columbia.[11]

REASONS FOR ALLOWANCE

Proposed § 1.109 authorizes examiners to prepare a written record of the reasons for allowing claims in an application when they believe the reasons will not be apparent from other papers of record. In many cases the reasons for allowance will be evident from the examiner's rejections and the applicant's amendments and arguments overcoming the rejections. Moreover when the examiner's reason for allowance is merely that he can locate no relevant prior art, a statement of reasons probably will be meaningless.

On the other hand, courts and others occasionally have commented that statements of examiners' reasons for allowance would be useful in some circumstances.[12] When an applicant submits several arguments for allowing a claim and the examiner finds not all of them persuasive, an explanation could be helpful to anyone later attempting to evaluate the patent. When an examiner withdraws a rejection for reasons not suggested by the applicant, an explanation could be useful.

Proposed § 1.109 gives the examiner discretion as to whether to prepare a statement of reasons for allowance. The last sentence of proposed § 1.109 permits the applicant to file a statement commenting on the reasons for allowance. Although the examiner would routinely consider the applicant's comments, his reasons would not ordinarily be amended. It is anticipated that the Patent and Trademark Office would prepare guidelines for examiners on administration of the rule. An experiment might be undertaken with a small number of applications before deciding whether to adopt a permanent rule.

PROPOSED RULES

The text of the proposed added and revised sections and paragraphs of sections is as follows (additions are indicated by arrows; deletions are bracketed):

§ 1.11 Files open to the public.

* * * * *

(b) ►All reissue applications and applications◄ [Applications] in which the Office has accepted a request filed under § 1.139►, and related papers in the application file,◄ are open to inspection by the general public, and copies may be furnished upon paying the fee therefor. ►The filing of reissue applications will be announced in the Official Gazette.◄

§ 1.14 Patent applications preserved in secrecy.

* * * * *

(d) ►Any decision of the Board of Appeals or the Board of Patent Interferences, or any decision of the Commissioner on petition,◄ [Selected decisions of the Board of Appeals, or of the Commissioner, in abandoned applications] not otherwise open to public inspection ►(§ 1.11 and paragraphs (a) and (b) of this section) shall◄ [(paragraph (b) of this section) may] be published or made available for ►public inspection if: (1) The Commissioner believes the decision involves an interpretation of patent laws or regulations that would be of important precedent value; and (2) the applicant, or any party involved in the interference, does not, within one month after being notified of the intention to make the decision public, object in writing on the ground that the decision discloses a trade secret or other confidential information. If a decision discloses such information, the applicant or party shall identify the deletions in the text of the decision considered necessary to protect the information. If it is considered the entire decision must be withheld from the public to protect such information, the applicant or party must explain why. Applicants or parties will be given time to request reconsideration and seek court review before any portions of decisions are made public over their objection◄ [publication at the Commissioner's discretion, unless the applicant timely presents sufficient reasons for not doing so. The applicant will be notified, through the attorney of record in the application file, when it is proposed to release such a decision and a time not less than thirty days set for presenting any such reasons. The fact that the subject matter of the application has not been made public in any manner, or that the same subject matter is being prosecuted in a pending application, will be considered sufficient reason for not releasing the decision if the applicant so requests unless the text of the decision contains no description of such subject matter. Other reasons presented will be duly considered.] See § 2.27 for trademark applications.

§ 1.52 Language, paper, writing, margins.

(a) The specification and oath or declaration must be in the English language ►except as provided in § 1.69◄. All papers which are to become a part of the permanent records of the Patent and Trademark Office must be legibly written or printed in permanent ink or its equivalent in quality. All of the application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing or printing thereon to permit the production of readily legible copies in any number by use of photographic, electrostatic, photooffset, and microfilming processes. If the papers are not of the required quality, substitute typewritten or printed papers of suitable quality may be required.

* * * * *

§ 1.56 ►Duty of disclosure; striking of◄ [Improper] applications.

►(a) A duty to disclose information to the Patent and Trademark Office rests on the inventor, each of the attorneys or agents who prepares or prosecutes the application, and every other individual who is involved in the preparation or prosecution of the application and who is associated with the inventor, the assignee or anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they believe to be relevent to the patentability of the claimed invention, i.e., information that might reasonably be expected to affect the decision of the examiner. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.◄

►(b)◄ Any application [signed or sworn to in blank, or without actual inspection by the applicant, and any application altered or partly filled in after being signed or sworn to, and also any application fraudulently filed or in connection with which any fraud is practiced or attempted on the Patent and Trademark Office,] may be stricken from the files ►if:

(1) Signed or sworn to in blank, or without actual inspection by the applicant;

(2) Altered or partly filled in after being signed or sworn to; or

(3) Any fraud or inequitable conduct is practiced or attempted on the Office in connection with it, including any violation of the duty of disclosure.◄

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[8] In re Loehr, 500 F.2d 1390, 183 USPQ 56 (CCPA 1974); In re Haas, 486 F.2d 1053, 179 USPQ 623 (CCPA 1973); In re Hengehold, 58 CCPA 1099, 169 USPQ 473, 480 (1971); In re Searles, 164 USPQ 623 (CCPA 1970).

[9] Watson v. Bruns, 239 F.2d 948, 111 USPQ 325 (D.C. Cir. 1956).

[10] Id.

[11] See In re Crowell, 17 CCPA 1009, 39 F.2d 681, 5 USPQ 84 (1930). See also In re Forstrom, 27 CCPA 1160, 111 F.2d 181, 45 USPQ 343 (1940), and In re Kirschbraun, 18 CCPA 735, 44 F.2d 675, 7 USPQ 132 (1930), for direct review of Board's decision on claims presented for the first time before the Board.

[12] E.g., Album Graphics, Inc. v. Ivy Hill Lithograph Corp., 378 F. Supp. 705, 709–10, 181 USPQ 321, 324–25 (S.D.N.Y. 1973).

►(c) In order for an application to be stricken for failure to comply with the duty of disclosure, it must be established by clear and convincing evidence that:

(1) Information was withheld which might reasonably be expected to affect a decision of the Office on patentability; and

(2) The withholding was deliberate or grossly negligent.◄

§ 1.65 Statement of applicant.

(a) (1) The applicant, if the inventor, must state that he verily believes himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to his application or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. ►He must acknowledge a duty to disclose information that he believes relevant to the patentability of the invention.◄ He shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself, or his legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the application in this country.

(2) * * *

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►§ 1.69 Foreign language oaths and declarations.◄

►(a) Whenever an individual making an oath or declaration cannot understand English, the oath or declaration must be in a language that such individual can understand and shall state that such individual understands the content of any documents to which the oath or declaration relates.◄

►(b) Unless the text of any oath or declaration in a language other than English is a form provided or approved by the Patent and Trademark Office, it must be accompanied by a verified English translation, except that in the case of an oath or declaration filed under § 1.65, the translation may be filed in the Office no later than two months after the filing date.◄

►PATENTABILITY STATEMENT◄

§ 1.97 Filing of patentability statement.

►(a) At the time of filing the application or within two months thereafter, there shall be filed a patentability statement. The statement must be separate from the specification but may refer to matter contained in the specification.◄

►(b) The examiner will decline to examine any application in which the statement is defective or has not been filed. If a statement has been filed but is defective, the applicant will be given an opportunity to submit an amended statement. If no statement has been filed within two months after filing the application, the applicant may submit one later, provided the failure to file has been inadvertent and there is presented an adequate explanation of why it was not submitted earlier.◄

►(c) The statement shall not be construed as a representation that a search has been made or that no better art exists than that which has been considered. This section does not impose an obligation to make any search of patents, publications or other information outside the knowledge of the individuals who have a duty of disclosure under § 1.56.◄

►§ 1.98 Content of patentability statement.◄

►(a) The statement shall include: (1) A listing of the relevant patents, publications or other information, if any, considered by the applicant and/or any attorney or agent during preparation of the application; (2) a copy of at least the pertinent portion of each listed patent or publication; and (3) a concise explanation of the reasons why the claimed invention is believed patentable over the patents, publications or other information which applicant considers most relevant. If no such information was considered, the statement shall so state. By "relevant" information is meant that which might reasonably be expected to affect the decision of the examiner.◄

►(b) When two or more patents or publications considered relevant are substantially identical, a copy of a representative one may be included in the statement and others merely listed. A translation of the pertinent portions of foreign language patents or publications considered relevant should be transmitted if an existing translation is readily available to the applicant.◄

►(c) Information cited or referred to by the examiner or applicant in a parent application must be included in the statement if considered relevant.◄

►§ 1.99 Updating of patentability statement.◄

►If an applicant, attorney or agent learns of additional relevant patents, publications or other information after filing the patentability statement and prior to issuance of a patent, the additional information shall be submitted to the examiner promptly, together with the explanation and copies required by § 1.98. This material may be incorporated into other papers or amendments being submitted to the examiner concurrently.◄

►§ 1.109 Reasons for allowance.◄

►If the examiner believes his reasons for allowing claims in an application will not be apparent from other papers of record, he may notify the applicant of the reasons for allowance. Such reasons may be incorporated into an Office action rejecting other claims of the application or may be the subject of a separate communication to the applicant. The applicant may file a statement commenting on the reasons for allowance within such time as may be specified by the examiner.◄

§ 1.175 Reissue oath or declaration.

(a) Applicants for reissue, in addition to complying with the requirements of the first sentence of § 1.65, must also file with their applications a statement under oath or declaration as follows:

(1) ►When the◄ [That] applicant verily believes the original patent to be wholly or partly inoperative or invalid, ►stating such belief◄ and the reasons why.

(2) When it is claimed that such patent is so inoperative or invalid "by reason of a defective specification or drawing," particularly specifying such defects.

(3) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming more or less than he had a right to claim in the patent," distinctly specifying the excess or insufficiency in the claims.

►(4) When the applicant is aware of prior art or other information relevant to patentability, not previously considered by the Office, which might cause the examiner to deem the original patent wholly or partly inoperative or invalid, particularly specifying such prior art or other information and requesting that if the examiner so deems, the applicant be permitted to amend the patent and be granted a reissue patent.◄

►(5)◄ [(4)] Particularly specifying the errors ►or what might be deemed to be errors◄ relied upon, and how they arose or occurred.

►(6) Stating that◄ [(5) That] said errors ►, if any,◄ arose "without any deceptive intention" on the part of the applicant.

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§ 1.194 ►Oral◄ Hearing.

►(a) An oral hearing should be requested only in those circumstances in which the appellant considers such a hearing necessary or desirable for a proper presentation of his appeal. An appeal decided without an oral hearing will receive the same consideration by the Board of Appeals as appeals decided after oral hearing.◄

►(b) If appellant requests an oral hearing, an oral argument may be presented by, or on behalf of, the primary examiner if considered desirable by either the primary examiner or the Board.◄

►(c)◄ If no request for oral hearing has been made by the appellant, the appeal will be assigned for consideration and decision. If the appellant has requested an oral hearing, a day of hearing will be set, and due notice thereof given to the appellant. Hearing will be held as stated in the notice, and oral argument will be limited to [one-half hour] ►twenty minutes each for the appellant and for the primary examiner◄ unless otherwise ordered before the hearing begins.

§ 1.196 Decision by the Board of Appeals.

* * * * *

(b) ►Although the Board of Appeals normally will confine its decision to a review of rejections made by the primary examiner, should it◄ [Should the Board of Appeals] have knowledge of any grounds not involved in the appeal for rejecting any appealed claim, ►or knowledge of any grounds for rejecting any allowed claim,◄ it may include in its decision a statement to that effect with its reasons for so holding, which statement shall constitute a rejection of the claims. The appellant may submit an appropriate amendment of the claims so rejected or a showing of facts, or both, and have the matter reconsidered by the primary examiner. The statement shall be binding upon the primary examiner unless an amendment or showing of facts not previously of record be made which, in the opinion of the primary examiner, avoids the additional ground for rejection stated in the decision. The applicant may waive such reconsideraiton before the primary examiner and have the case reconsidered by the Board of Appeals upon the same record before them. Where request for such reconsideration is made the Board of Appeals shall, if necessary, render a new decision which shall include all grounds upon which a patent is refused. The applicant may waive reconsideration by the Board of Appeals and treat the decision, including the added grounds for rejection given by the Board of Appeals, as a final decision in the case.

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§ 1.291 Protests ►and prior art citations by public.◄ [to the grant of a patent.]

►(a)◄ The patent statutes do not ►prohibit◄ [provide for] opposition to the grant of a patent on the part of the public. [Protests to the grant of a patent are ordinarily merely acknowledged, and filed after being referred to the examiner having charge of the subject matter involved for his information.] ►A protest to the grant of a patent specifically identifying the application to which the protest is directed will be entered in the application file, and if timely submitted and accompanied by a copy of any prior art documents relied upon will be considered b ythe examiner.◄

►(b) Citations of prior art may be entered in the patent file after a patent has been granted, at the request of a member of the public or the patentee. Such citations will be entered without comment by the Patent and Trademark Office.◄

►(c) Protests and prior art citations by the public, and any accompanying papers or exhibits, should either (1) reflect that a copy of the same has been served upon the applicant or patentee or his attorney or agent of record; or (2) be filed in duplicate in the event service is not possible.◄

§ 1.292 Public use proceedings.

* * * * *

(b) The petition and accompanying papers should [be filed in duplicate, or served upon the applicant, his attorney or agent of record, and petitioner should offer to bear any expense to which the Office may be put in connection with the proceeding] ►either (1) reflect that a copy of the same has been served upon the applicant, his attorney or agent of record; or (2) be filed in duplicate in the event service is not possible. The petition and accompanying papers, or a notice that such a petition has been filed, shall be entered in the application file.◄

§ 1.346 Signature and certificate of attorney.

Every paper filed by an attorney or agent representing an applicant or party to a proceeding in the Patent and Trademark Office must bear the signature of such attorney or agent, except papers which are required to be signed by the applicant or party in person (such as the application itself and affidavits or declarations required of applicants). The signature of an attorney or agent to a paper filed by him, or the filing or presentation of any paper by him, constitutes a certificate that the paper has been read; that its filing is authorized; that to the best of his knowledge, information, and belief, there is good ground to support it ►(including good ground to support any assertion of improper conduct under § 1.56)◄; and that it is not interposed for delay.

Dated: September 17, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: September 28, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-28916 Filed 10-1-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Fair Housing and Equal Opportunity Office

[24 CFR Part 115]

[Docket No. R-76-419]

RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Recognition of State Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, and in accordance with 24 CFR Part 115 which implements section 810(c) and concerns recognition of State and local fair housing laws that provide rights and remedies that are substantially equivalent to those provided by Title VIII, notice is hereby given to the following:

STATES

Alaska	Nebraska
Colorado	Nevada
Connecticut	New Hampshire
Delaware	New Jersey
Hawaii	New Mexico
Indiana	New York
Kansas	Oregon
Kentucky	Pennsylvania
Maine	Rhode Island
Massachusetts	Virginia
Michigan	West Virginia
Minnesota	Wisconsin

LOCALITIES

District of Columbia

and all interested persons and organizations that the U.S. Department of Housing and Urban Development proposes to grant recognition to these States and the District of Columbia that said laws are substantially equivalent. Recognition is proposed to be granted in accordance with 24 CFR 115.11. The evaluation of these laws was conducted pursuant to 24 CFR Part 115, particularly §§ 115.2 (a), 115.3 and 115.8.

Section 115.2 Procedure for Recognition provides in (a): Recognition under this part shall be based on consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization of the agency responsible for administering and enforcing such law; (3) the amount of funds and personnel made available to such agency for fair housing purposes during the current operating year; (4) when considering agencies which have been in operation for 1 year or more, any available indicia of the agency's ability to satisfactorily administer its law consonant with the performance standards delineated in § 115.8; and (5) any additional documents which the agency may wish to have considered.

Section 115.3 Criteria provides: In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the Act, the law or ordinance must:

(a) Provide for an administrative enforcement body to receive and process complaints;

(b) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate complaint matters;

(c) Not place any excessive burdens on the complainant which might discourage the filing of complaints;

(d) Not contain exemptions which substantially reduce the coverage of housing accommodations as compared to section 803 of the Act which provides coverage with respect to all dwellings except, under certain circumstances, single family homes sold or rented by the owner, and units in owner occupied dwellings containing living quarters for no more than four families; and

(e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, sex, or national origin:

(1) Refusal to sell or rent.

(2) Refusal to negotiate for a sale or rental.

(3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions, or privileges of sale or rental, or in the provisions of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale, or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

Provided, That a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts based on discrimination because of sex, or with respect to one or more of the cases described in paragraphs (e) (7), (8), and (9) of this section.

(f) In addition to the factors described in paragraph (a), (b), (c), (d), and (e) of this section, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express provision for access to State or local courts.

Section 115.8 provides: (a) The initial and continued recognition by the Secretary that a State or local fair housing law provides rights and remedies substantially equivalent to those provided in the Act will be dependent upon, where applicable, an assessment of the State or local agency's administration of its fair housing law to insure that the law is in fact providing substantially equivalent rights and remedies. The performance standards set forth in paragraph (b) of this section will be used in making such assessment.

(b) A State or local agency must:

(1) Consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law;

(2) Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices;

(3) Establish a mechanism for monitoring compliance with any agreements or orders entered into or issued by the State or local agency to resolve discriminatory housing practices;

(4) Engage in comprehensive and thorough investigative activities; and

(5) Commence and complete the administrative processing of a complaint in a timely manner, i.e., the average complaint should, under ordinary circumstances, be investigated, and where applicable, set for conciliation, within 30–45 days.

Interested persons and organizations may, on or before Thursday, November 5, 1976, file written comments on the proposal. If after evaluating any comments so received the Assistant Secretary for Fair Housing and Equal Opportunity is still of the opinion that recognition is appropriate, the Assistant Secretary shall grant such recognition by amending 24 CFR 115.11 and 115.12.

Comments should be forwarded to: the Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, attention: Kenneth F. Holbert, 451 7th Street, S.W., Washington, D.C. 20410.

Issued on September 29, 1976.

JAMES H. BLAIR,
Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc.76-29085 Filed 9-29-76;5:11 pm]

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2303]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Myrtle Beach, Horry County, S.C.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Myrtle Beach, Horry County, South Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board, City Hall, 10th Avenue and Broadway, Myrtle Beach, South Carolina.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Robert J. Hirsch, Mayor of Myrtle Beach, 10th Avenue and Broadway, Myrtle Beach, South Carolina 29577. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Atlantic Ocean	29th Ave. South	13	960
	22th Ave. South	13	640
	26th Ave. South	13	430
	18th Ave. South	13	440
	13th Ave. South	13	640
	9th Ave. South	13	550
	5th Ave. South	13	1,060
	4th Ave. South	13	2,000
	1st Ave. South	13	285
	3d Ave. North	13	230
	7th Ave. North	13	275
	11th Ave. North	13	330
	14th Ave. North	13	560
	19th Ave. North	13	325
	23d Ave. North	13	330
	24th Ave. North	13	1,000
	29th Ave. North	13	570
	30th Ave. North	13	345
	37th Ave. North	13	345
	43d Ave. North	13	390
	45th Ave. North	13	470
	50th Ave. North	13	420
	52d Ave. North	13	380
	Hampton Circle	13	1,180
	Beach Place	13	400
	Sunset Trail	13	220
	60th Ave. North	13	220
	68th Ave. North	13	1,800
	69th Ave. North	13	400
	74th Ave. North	13	680
	76th Ave. North	13	480
	78th Ave. North	13	280
	80th Ave. North	13	200
	82d Ave. North	13	190
	Bear Branch	13	2,000

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28674 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2305]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Oil City, Venango County, Penn.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Oil City, Venango County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board, City Hall, 1 Sycamore Street, Oil City, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Terence Farren, City Manager of Oil City, City Hall, 1 Sycamore Street, Oil City, Pennsylvania 16301. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Oil Creek	Corporate limits (North)	1,009	5	340
	Conrail	1,007	60	20
	Cornplanter Ave. (extended)	1,005	340	(1)
Allegheny River	Corporate limits (South)	989	40	(1)
	Cowell St. (extended)	990	0	20
	Innis St. (extended)	991	20	30
	U.S. Highway 62	992	60	50
	Conrail	997	20	20
	Corporate limits (East)	1,002	(1)	20

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28672 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2304]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Pottsville, Schuylkill County, Penn.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Pottsville, Schuylkill County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain

management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Clerks Office, City Hall, 401 North Center Street, Pottsville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Robert Allen, Mayor of Pottsville, City Hall, 401 North Center Street, Pottsville, Pennsylvania 17901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Collins St	617	[1] 50	50
	Route 61	614	175	125
	Conrail Bridge	612	80	75
	do	606	200	200
Norwegian Creek (culvert):	Norwegian St	[2] 1.1	80	75
	East Arch St	[2] 1.1	60	50
West branch of Schuylkill River.[3]	Upstream corporate limits		200	
	Route 209		100	
	Downstream corporate limits		60	(4)

[1] Width in feet from left bank of stream to corporate limit.
[2] "Sheet flow" average depth.
[3] Studied by approximate methods.
[4] Right bank, outside of corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28673 Filed 10-1-76;8:45]

[24 CFR Part 1917]

[Docket No. FI-2307]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Sandusky, Erie County, Ohio

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Sandusky, Erie County, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board, City Building, 222 Meigs Street, Sandusky, Ohio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Frank A. Link, City Manager of Sandusky, City Hall, 222 Meigs Street, Sandusky, Ohio, The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Pipe Creek	Upstream corporate limits	583	660	165
	Conrail	581	370	460
	Cleveland Rd. and U.S. Highway 6	579	540	800
Cold Creek, main branch.	State Route 2	583	50	50
	Bardshar Rd. (State Route 99)	585	50	50
Mills Creek	Upstream corporate limits	597	20	200
	U.S. Highway 6 (extended)	583	260	580
	Conrail	587	10	400
	do	586	200	50
	Monroe St	585	50	200
Sandusky Bay		577.2		
Lake Erie		577.2		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28670 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2300]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; City of Wausau, Wis.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Wausau, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Wausau must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 407 Grant Street, Wausau, Wisconsin 54401.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Kannonberg, City Hall, 407 Grant Street, Wausau, Wisconsin 54401. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Wisconsin River	East Thomas St	1,170	200	300
	Bridge St	1,195	100	100
Jim Moore Creek	10th St	1,209	0	380
Eau Claire River	East Kent St	1,171	20	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28677 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2301]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; County of Waupaca, Wisc.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the County of Waupaca, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County of Waupaca must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Waupaca County, 109 South Main Street, Waupaca, Wisconsin 54981.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Woodrow Smith, Chairman, Waupaca County Board, Waupaca County Courthouse, 109 South Main Street, Waupaca, Wisconsin 54981. The period for comment will be ninety days following the second publication of this notice in a newspeper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Little Wolf River	CTH "P"	1,008	100	50
	Culvert Bridge	923	150	150
	CTH "C"	867	50	200
	Kretchmer Rd	835	200	100
	STH "22"	820	25	50
	STH "54"	782	50	100
	Ostrander Rd	771	20	50
South Branch, Little Wolf River.	CTH "Q"	906	50	100
	STH "49"	899	200	80
Crystal River	STH "22" Bridge	973	20	10
	Sanders Rd	860	50	10
	Rural Rd	856	50	10
	Parfreyville Rd	851	100	50
	Shadow Rd	835	100	50
Waupaca River	Weyauwega corporate limits (downstream).	729	50	20
Wolf River	500 line railroad bridge	737	6,200	10,300
Pigeon River	A centerline extended west from Sienbrook Rd.	812	100	600
	Section line between land secs. 21 and 22	809	50	50

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28670 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2308]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; Town of Mayodan, N.C.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Mayodan, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Mayodan must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Mayodan, North Carolina 27027.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James Collins, Town Hall, P.O. Box 498, Mayodan, North Carolina 27027. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mayo River	NC 135	577	400	300
Big Beaver Island Circle.	SR 1169	607	30	60
	NC 704	609	40	300

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28669 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2302]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; Town of North Myrtle Beach, Horry County, S.C.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of North Myrtle Beach, Horry County, South Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 17th Avenue South and Highway 17, North Myrtle Beach, South Carolina.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable J. Bryan Floyd, Mayor of North Myrtle Beach, City Hall, P.O. Box 1038, North Myrtle Beach, South Carolina 29582. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Intercoastal waterway	Basin St. (extended)	11	100
Point Creek	Route 17	13	265
Atlantic Ocean	47th Ave. South	13	1,400
	45th Ave. South	13	380
	39th Ave. South	13	420
	28th Ave. South	13	215
	21st Ave. South	13	960
	15th Ave. South	13	580
	13th Ave. South	13	540
	6th Ave. South	13	300
	Main St.	13	520
	7th Ave. North	13	1,380
	11th Ave. North	13	1,160
	17th Ave. North	13	1,120
	23d Ave. North	13	3,520
	33d Ave. North	13	3,840
	43d Ave. North	13	(1)
	47th Ave. North	13	3,920
	53d Ave. North	13	(1)
	60th Ave. North	13	(1)
	63d Ave. North	13	3,520

[1] To north corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28675 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2309]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations; Town of Vestal, Broome County, N.Y.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Vestal, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Main Entrance of the Town Hall, 605 Vestal Parkway West, Vestal, New York 13850.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Joe B. Munk, Town Supervisor of Vestal, 605 Vestal Parkway West, Vestal, New York 13850. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	West corporate limits	828	1,750	(1)
	Cast Rd. (extended)	829	925	(1)
	Elizabeth St. (extended)	830	1,400	(1)
	Vestal Ave	831	50	(1)
	New York Route 26	831	70	(1)
	New York Route 17	833	40	(1)
	African Rd. (extended)	833	1,200	(1)
	Conrail	835	700	(1)
	CFJ Memorial Bridge	837	50	(1)
	East corporate limits	839	100	(1)
Choconut Creek	Front St	839	100	140
	Main St	873	100	20
	Main St	887	10	400
	Mecker St	890	10	200
	Sheedy Rd. (extended)	920	70	220
	West Hill Rd	937	20	400
	Castleman Rd	1,023	200	100
	South corporate limits	1,030	40	500

[1] Outside corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28608 Filed 10-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2306]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations, Township of Upper Makefield, Bucks County, Penn.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Upper Makefield, Bucks County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Building, Eagle Road, Newton, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Michael Strange, Chairman, Upper Makefield, Township Building, Eagle Road, R.D. 2, Newton, Pennsylvania 18940. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Delaware River	Upstream corporate limit	61	(1)	650
	East Brownsburg Rd. (extended)	60	(1)	420
	Milyard Dr. (extended)	56	(1)	1,330
	Washington Crossing Rd	52	(1)	5
	Downstream corporate limit	48	(1)	650
Jericho Creek	Stony Brook Rd	73	500	170
	Slack Rd. (extended)	75	230	220

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28671 Filed 10-1-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 76-SW-52]

AIRWORTHINESS DIRECTIVES

Bell Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206L helicopters. There has been a reported failure of a main rotor blade tension-torsion strap on a Bell Model 206B that resulted in loss of the main rotor blade. The Model 206L is equipped with a similar tension-torsion strap and is subject to similar operating conditions. Amendment 39-2675 (41 FR 30099), AD 76-15-03 was issued for the 206A, 206B, 206A-1, and 206B-1 to require a one-time inspection of each tension-torsion strap for adequate torsional resistance and to require removal of certain straps that may possibly contain wires improperly formed. Since issuing this AD, Bell Helicopter Textron issued Service Bulletin No. 206-76-7 for the 206A, 206B, 206A-1, and 206B-1 to require replacement of the tension-torsion strap every 1200 hours and replacement of the present retention strap fitting with a new, 100 percent shot peened fitting. Bell Helicopter Textron also issued a similar service bulletin on the Model 206L to require that the tension-torsion straps be replaced every 1200 hours. In the interest of safety, the agency is proposing to issue an airworthiness directive to require compliance with Bell Helicopter Service Bulletin No. 206L-76-3 on Bell Model 206L helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 4, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

This notice has been reviewed and does not require an inflation impact statement.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206L helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-011-127-1, certificated in all categories.

Compliance required as indicated.

(a) For straps with less than 1050 hours' total time in service on the effective date of this AD, remove and replace both straps P/N 206-011-127-1 prior to attaining 1200 hours' total time in service, in accordance with the Model 206L Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(b) For straps with 1050 hours' or more total time in service on the effective date of this AD, remove and replace both straps P/N 206-011-127-1 within the next 150 hours' time in service, unless already accomplished, in accordance with the Model 206L Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(c) The retirement time of the tension-torsion straps, P/N 206-011-127-1 is reduced from 2400 hours to 1200 hours by this AD.

(Bell Helicopter Textron Service Bulletin No. 206L-76-3 dated August 13, 1976, pertains to this subject.)

Issued in Fort Worth, Texas, on September 22, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-28723 Filed 10-1-76;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 76-SW-41]

AIRWORTHINESS DIRECTIVES

Bell Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters. There has been a reported failure of a main rotor blade tension-torsion strap on a Bell Model 206B that resulted in loss of the main rotor blade. The Models 206A, 206A-1, and 206B-1 are also equipped with the same tension-torsion straps and are subject to similar operating conditions. Amendment 39-2675 (41 FR 30099), AD 76-15-03 was issued to require a one-time inspection of each tension-torsion strap for adequate torsional resistance and to require removal of certain straps that may possibly contain wires improperly formed. Since issuing this AD, Bell Helicopter Textron issued Service Bulletin No. 206-76-7 to require replacement of the tension-torsion strap every 1200 hours and replacement of the present retention strap fitting with a new, 100 percent shot peened fitting. In the interest of safety, the agency is proposing to issue an airworthiness directive to require compliance with Bell Helicopter Service Bulletin No. 206-76-7, on Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 4, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

This notice has been reviewed and does not require an inflation impact statement.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-010-105-3, certificated in all categories.

Compliance required as indicated.

(a) For straps with less than 1050 hours' total time in service on the effective date of this AD, accomplish the following prior to attaining 1200 hours' total time in service.

(1) Remove both straps, P/N 206-010-105-3 and remove associated inboard strap fittings, P/N 206-010-155-11 and -15 if installed.

(2) Install straps, P/N 206-010-105-3 and inboard strap fittings P/N 206-011-140-1 in accordance with the Model 206 Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(b) For straps with 1050 hours' or more total time in service on the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD within the next 150 hours' time in service unless already accomplished.

(c) The retirement time of the tension-torsion straps, P/N 206-010-105-3, is reduced from 2400 hours to 1200 hours by this AD and the inboard strap fittings P/N 206-010-155-11 and -15 must be removed from service as noted in paragraph (a)(1) of this AD.

(Bell Helicopter Textron Service Bulletin No. 206-76-7, dated August 13, 1976, pertains to this subject.

Issued in Fort Worth, Texas, on September 22, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-28722 Filed 10-1-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. RM76-27]

GAS SUPPLY AND OPERATIONS DATA—NEW FORM NO. 153

Extension of Time

SEPTEMBER 24, 1976.

On July 28, 1976, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM76-27 (published August 10, 1976, 41 FR 33641), calling for comments in writing by September 27, 1976. Several motions for extensions of time within which to file comments in the above-designed rulemaking proceeding have been filed.

Upon consideration, notice is hereby given that the time for filing comments on the above-entitled rulemaking proceeding is extended to and including October 27, 1976.

In addition, there have been several requests to supply the Data Element Dictionary. However, this dictionary is not needed to assess the RIS rulemakings. The data elements are discreetly defined by both the instructions and the corresponding data fields for each schedule. The values these elements can assume are defined either in the instructions or referenced in an extended list. This list is the Register of Data Standards wherein, by mnemonic reference, the respondent can select an appropriate data item for a given data element attended by a set of detailed instructions. Consequently, the requested data element dictionary is not needed since the definitions from a respondent viewpoint are integral to a form. Also, the logical relationships of data for a schedule, hence a form, are in a data structure orientation called a logical entry and complemented with key item identification. Both of these relationships are integral to a form.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29043 Filed 10-1-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[34 CFR Ch. I]

FEDERAL PROCUREMENT REGULATORY SYSTEM

Invitation for Additional Public Comment

Several organizations have expressed concern that they are not being given an opportunity to comment on agency policies and procedures which affect business relationships between Government and industry. Further, they have expressed a desire for this office to act as the single focal point within the Government for consideration of their comments.

The Office of Federal Procurement Policy (OFPP), in accordance with Pub. L. 93-400, is responsible for providing overall direction of procurement policies, regulations, procedures, and forms for executive agencies. Draft OFPP Regulation No. 1, published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34324), proposed to establish a Federal Procurement Regulatory System. The system as proposed will include the Armed Services Procurement Regulation (ASPR), the Federal Procurement Regulations (FPR), and "the subsidiary procurement regulations of executive agencies which implement or supplement the ASPR and FPR, as well as the procurement aspects of all intra-agency regulations, procedures, directives, manuals, or other issuances." The draft regulation requires all agencies to provide an opportunity for public participation by publishing their proposed significant issuances in the FEDERAL REGISTER, normally providing at least 60 days for submission of comments. This, we believe, adequately addresses the expressed concern.

With respect to the second comment, OFPP will act as the focal point for comments on its own issuances. However, it was not the intent of Pub. L. 93-400 for OFPP to act, nor do we have the resources to act, as the single focal point for consideration of comments on all proposed agency issuances. We would welcome copies of such comments as the organizations consider appropriate, for this would assist us in carrying out our statutory mandate with respect to Government procurement policies, regulations, procedures, and forms.

We would appreciate reaction to these points in comments on proposed OFPP Regulation No. 1, due October 13, 1976.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

[FR Doc.76-28958 Filed 10-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1109]

[Ex Parte No. 331]

SEPARATE RATES FOR DISTRICT RAIL SERVICES

Expeditious Procedures for Permitting Publication

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 27th day of September, 1976.

Section 202(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) amends section 15 of the Interstate Commerce Act by adding a new subparagraph (18) relating to the publication of separate rates for distinct rail services. Section 15(18) reads as follows:

In order to encourage competition, to promote increased reinvestment by railroads, and to encourage and facilitate increased nonrailroad investment in the production of rail services, a carrier by railroad subject to this part may, upon its own initiative or upon the request of any shipper or receiver of freight, file separate rates for distinct rail services. Within 1 year after the date of enactment of this paragraph, the Commission shall establish, by rule, expeditious procedures for permitting publication of separate rates for distinct rail services in order to (a) encourage the pricing of such services in accordance with the carrier's cash-outlays for such service and the demand therefor, and (b) enable shippers and receivers to evaluate all transportation and related charges and alternatives.

This new section appears similar to the provision of section 6(1) of the Interstate Commerce Act relating to the publication of rates and specifically to that portion of 6(1) that provides that tariffs shall "state separately all terminal charges, storage charges, icing charges, and all other charges * * * In interpreting section 6(1), the Commission has permitted carriers to publish single factor rates which include all services performed in connection with the transportation of freight. However, when a carrier has proposed to separate from a single factor rate a service previously included and publish a separate charge for that service, as was the situation in Inspection in Transit, Grain and Grain

Products, 349 I.C.C. 89, 92, the Commission has held that, not only must the separate charge for the distinct service be established to be lawful, but that, "we have no alternative but to require that the line-haul rate, as increased through a diminution of service thereunder, be justified by appropriate evidence establishing that the aggregate charge for the through service is reasonable."[1] Section 15(18) of the Interstate Commerce Act, while seeking to encourage the publication of separate rates for distinct rail services so as to present shippers and receivers with the option of selecting only those services they actually require, does not preclude the continued maintenance and publication of an all-inclusive rate covering all services to be rendered in the transportation of certain types of freight. Further, section 15(18) does not appear to vary the holding in the Inspection in Transit Case, supra, in instances where reasonableness remains an issue, i.e. where the carrier proposing the change has market dominance.

In order to promote the objectives of section 15(18)[2] and to transmit to Congress the information required by section 202(g)[3] of the 4R Act, we propose the regulations set forth in Appendix A. In addition to assembling the information required by Congress, these regulations are designed to facilitate the prompt production of necessary evidence to resolve controversies that may result from the publication of separate rates for distinct rail services.

Discussion of the proposed regulations. To avoid misunderstanding and confusion, the first regulation in Appendix A defines key terms used in the remainder of the regulations. The phrase "distinct rail service" is defined as "those elements of through transportation of freight that can practically and feasibly be separated from the total transportation charge." This broad interpretation of the phrase was selected so as not to nullify the apparent intent of Congress of according shippers and receivers the opportunity to negotiate for those services that they require. The statutory term "cash-outlays" not previously utilized by the Commission in analyzing elements of cost is defined in a manner so as to distinguish it from the Commission's concept of "variable cost." The most significant difference between "variable cost" and "cash-outlays" is the total exclusion of depreciation cost from "cash-outlays." The importance of the term "cash-outlays" is established by the second proposed regulation which provides that a charge that equals the cash-outlays is presumed not to be unreasonably low.

Congress has provided that the Commission must report to it information on rates published in accordance with the new section 15(18) of the act. To assemble this information the regulations here proposed for adoption require the carriers to file relevant data with the Commission and to identify specifically at the time of filing tariff proposals which involve the publication of separate charges for distinct rail service.

As previously indicated, the regulations if adopted in their present form would establish a presumption that a charge that equals the "cash-outlays" is not unreasonably low. Similarly the regulations provide that if the carrier proposing the separate charge for a distinct rail service does not have market dominance, as that term is defined in Ex Parte No. 320,[4] then the Commision will not entertain complaints that the resulting charge is unreasonably high.

Guidelines for the submission of evidence in support of a proposed publication are set forth in the last regulation, § 1109.15(i). These guidelines identify evidence that would materially aid the Commission in its determination of the lawfulness of a separate rate for a distinct rail service in a formal proceeding. However, the regulations make it clear that the guidelines are not mandatory and specifically provide that a carrier may seek to justify its proposal on the basis of other factors not identified in the guidelines.

Wherefore, in order to provide opportunity for full consideration of the proposed rules previously discussed and set forth in Appendix A hereto, and any related matters:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 202(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (P.L. 94-210), the Interstate Commerce Act (49 U.S.C. 15(18)), and the Administrative Procedure Act (5 USC 553 and 559) with the objective of facilitating the publication of separate rates for distinct rail services.

It is further ordered, That all common carriers by railroad subject to Part I of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person interested in this proceeding shall notify this Commission by filing with the Office of Proceedings, Interstate Commerce Commission, Room 5342, Washington, D.C. 20423, on or before October 13, 1976, the original and one copy of a statement of intent to actively participate. The Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed. No oral hearing will be scheduled for the receiving of testimony unless a need therefor should later appear.

It is further ordered, That following the preparation of the service list, a procedural order will be entered designating dues dates for submission of evidence and arguments.

And it is further ordered, That a copy of this notice be served on each respondent, that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivery of a copy thereof to the Director, Office of the Federal Register for publication therein.

By the Commission.

ROBERT L. OSWALD,
Secretary.

Amend 49 CFR by adding a new § 1109.15 as follows:

§ 1109.15 Expeditious procedures for publication of separate rates for distinct services.

(a) *Definitions.* (1) Distinct rail services are those elements of through transportation of freight including accessorial services that can practically and feasibly be separated from the total transportation charge thereby according shippers and receivers the opportunity to negotiate for those services that they require. In addition to those factors set forth in 6(1) of the Interstate Commerce Act (terminal charges, storage charges and icing charges), the term "distinct rail services" shall embrace but not be limited to the following: switching, floating, lighterage, wharfage, loading, unloading, transfer, drayage, weighing, diversion, reconsignment, refrigeration, heating, elevation, other transit services, special equipment and services, absorption allowances, and any other distinct rail service on which new or changed separate rates or charges are published.

(2) The term "cash-outlays" as used in Section 15(18) of the act shall consist of the following:

[1] This holding was in accord with the Supreme Court opinion in *Atchison, T. & S. F. R. Co.* v *Wichita Bd. of Trade,* 412 U.S. 800.

[2] It should be noted that nothing in Section 202(d), which includes Section 15(18), shall be construed: (1) to modify the application of section 2, 3, or 4 of the Interstate Commerce Act (49 U.S.C. 2, 3, or 4) in determining the lawfulness of any rate or practice; (2) to make lawful any competitive practice which is unfair, destructive, predatory, or otherwise undermines competition which is necessary in public interest; (3) to affect the existing law or the authority of the Commission with respect to rate relationships between ports; or (4) to affect the authority and responsibility of the Commission to guarantee the equalization of rates within the same port. (See Section 202(f)).

[3] Section 202(g) reads as follows: The Secretary and the Commission shall separately study the effect of the amendments made by this section on the development of an efficient and financially stable railway system in the United States. Such studies shall include (1) an analysis of the effect of such provisions upon shippers and upon carriers in all modes of transportation, and (2) proposals for further regulatory and legislative changes, if necessary. The Commission shall gather all data relating to such studies as requested by the Secretary, and shall make such data available to the Secretary. The Secretary and the Commission shall transmit the results of their respective studies to each House of Congress within 20 months after the date of the enactment of this Act.

[4] An interim report was served in Ex Parte No. 320 on August 23, 1976. Although final regulations have not yet been adopted, they will be implemented prior to conclusion of this rulemaking proceeding.

(1) The annualized operating expenses, rents and taxes (including labor, materials and supplies, fuel and utilities, but excluding depreciation, amortization, and Federal income taxes) which change directly with the carrier's production of a distinct rail service:

(ii) The annualized cash-outlays equivalent to the carrier's capital investment in the equipment and facilities used exclusively to provide the distinct rail service, including the cost of providing such capital.

(b) *Presumption.* A rate or charge that equals or exceeds a carrier's cash-outlays for a disinct rail service shall be presumed to contribute to the going-concern value of the carrier. With respect to "going-concern value" section 1(5)(b) of the act provides that "No rate which contributes or which would contribute to the going-concern value of such carrier shall be found to be unjust or unreasonable, or not shown to be just and reasonable, on the ground that such rate is below a just or reasonable minimum for the service rendered or to be rendered."

(c) *Title page.* In addition to requirements of 49 CFR 1300.3, a tariff title page must also state whether the tariff or supplement contains new or changed rates for distinct rail services as defined in § 1109.15(a).

(d) *Letters of Transmittal.* In connection with separate rates for distinct rail services filed with the Commission, the letter of transmittal (required in 49 CFR 1300.29) must also bear the following notation, when applicable:

This tariff (or supplement or loose leaf amendment) contains separate rates for distinct rail services (see item(s) _____) within the meaning of 49 CFR 1109.15(a)

(e) *Notice to subscribers.* When applicable, the same information required in § 1109.15(d) shall also be transmitted to each subscriber to the publication.

(f) *Justification statements.* Justification statements in support of the publication of a separate rate or charge for a distinct rail service may be filed concurrently with the filing of the tariff. Information of the type specified in § 1109.15(i), if included in the justification statement, would assist the Commission in its initial evaluation of the proposal.

(g) *Protest(s) and Investigation.* Protests to a tariff (or supplement) making reference on the title page to § 1109.15 (a) must be verified and filed in accordance with § 1100.42(f). In the event of investigation or suspension, these proceedings will be accorded priority, and modified procedure (49 CFR 1100.45 to 1100.54), to the extent feasible, will be followed.

(h) *Reply to protest.* Replies to protests of rate proposals under this section should be filed and served promptly in accordance with § 1100.42(e). Respondents are urged to submit the information specified in § 1109.15(i) unless previously furnished.

(i) *Initial statement.* In order to expedite the proceedings in the event of the suspension of tariff schedules setting forth separate rates for distinct rail services or in the event that investigation without suspension of such schedules is ordered, respondent railroad or railroads shall submit in writing, under verification, within 20 days following service of the order of suspension or investigation, data of the type hereinafter specified.

(1) *Market dominance.* If the proposal involves a new or increased charge for a distinct service, information of the type specified in 1109.1 (regulation proposed in Ex Parte No. 320) should be supplied.

(2) *Cash-outlays.* The dollars of "cash-outlays," as that term is defined in § 1109.15(a)(2). A full explanation of the methods, procedures and data used to determine "cash-outlays" should be supplied.

(3) *Revenues.* The annualized dollars of revenue to be obtained from the rate or charge associated with providing the distinct rail service.

(4) *Outputs.* The annualized number of service outputs associated with the rate or charge per service unit. For example, if the proposed rate is stated in cents per hundredweight, per car switched, or per stop, then the number of service outputs should be expressed as x number of hundredweight, cars switched, or stops made.

(5) *Ratios.* The revenue-to-cost ratio (%) for the distinct rail service, based on the revenues to be obtained, and the carrier's "cash-outlays."

(6) *Effect.* A statement as to how the proposed rate on the distinct rail service will encourage competition, promote increased reinvestment by the railroad, and encourage and facilitate increased non-railroad investment in the production of rail services.

(7) *Alternative data.* The submission of the above evidence, items (1) through (6), represents data which the Commission believes would provide a basis for meaningful analysis of the lawfulness of such rates. However, respondents may justify their proposal on the basis of other relevant evidence or cost levels. A full explanation of the method and procedures used shall be provided.

(j) *Reporting requirements.* Commencing with the year ending December 31, 1976, and for subsequent years thereafter, until further order, all common carriers by rail, subject to section 20, Part I of the Interstate Commerce Act, shall submit annual information reports showing those distinct rail service rates published in accordance with section 15(18) of the act, showing actual or estimated revenues derived therefrom compared with the preceding year. In addition, these reports, which shall be filed with the Commission within 45 days from the end of the calendar year, shall state whether the rates accomplished their intended purpose, and if not whether they intend any change in the level of the charge or other change.

[FR Doc.76-29077 Filed 10-1-76;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 STATE

[Public Notice CM-6/105]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The ship design and equipment working group of the Subcommittee on Safety of Life at Sea concerned with nuclear ships will hold an open meeting at 9:30 am on Wednesday, October 27, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, DC.

The purpose of the meeting will be to further discuss the OECD (Organization of Economic Cooperation and Development) recommendations for nuclear ships and the U.S. position paper to be presented to the Intergovernmental Maritime Consultative Organization's (IMCO) ad hoc panel on nuclear ships.

Requests for further information on the meeting should be directed to CDR John Deck, III, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 28, 1976.

[FR Doc.76-28967 Filed 10-1-76;8:45 am]

[Public Notice CM-6/106]

SHIPPING COORDINATING COMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 8 a.m. on Thursday, October 28, 1976, in Rooms 8236 and 8238 of the Department of Transportation, 400 Seventh Street, SW, Washington, DC.

The purpose of the meeting will be to discuss documents recently submitted by other member governments of IMCO (Intergovernmental Maritime Consultative Organization) on requirements pertaining to electrical and machinery installations on special purpose vessels and to develop a collation paper on mobile offshore drilling units for submission to the 16th Session of the IMCO Subcommittee on Ship Design and Equipment scheduled to be held in London December 6-10, 1976.

Requests for further information on the meeting should be directed to Capt. D. J. Linde, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2167.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 28, 1976.

[FR Doc.76-28968 Filed 10-1-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[I.D. 76-281]

ARTHUR HOFFNUNG

Cancellation with Prejudice of Customhouse Broker License 4075

SEPTEMBER 23, 1976.

Notice is hereby given that the Commissioner of Customs on September 23, 1976, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and section 111.52(b), Customs Regulations, as amended, upon the specific request of Arthur Hoffnung, Encino, California, canceled with prejudice individual customhouse broker's license No. 4075 issued to him on December 18, 1968, for the Customs District of Los Angeles. The Commissioner's decision is effective as of September 23, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.76-28984 Filed 10-1-76;8:45 am]

Office of the Secretary

FULLY AUTOMATIC DIGITAL SCALES FROM JAPAN

Tentative Negative Determination; Antidumping

Information was received on March 8, 1976, from counsel acting on behalf of Reliance Electric Company, of Cleveland, Ohio, alleging that fully automatic digital scales from Japan were being sold in the United States at less than fair value thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of March 31, 1976 (41 FR 13638).

For purposes of this notice, the term "fully automatic digital scales" means fully automatic digital scales that display weight, unit price and total price and have a weight measuring capacity of 25 lbs. or less.

TENTATIVE DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of fully automatic digital scales from Japan is not less, nor is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that all, or virtually all, imports of the subject merchandise from Japan were manufactured by Kubota, Ltd., and Teraoka Seikosho Co., Ltd., both of Tokyo, Japan, or Yamato Scale Co., Ltd., of Osaka, Japan. Therefore, the investigation was limited to these manufacturers.

b. *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to unrelated purchasers in the United States or to an unrelated trading company in the home market which then sells the merchandise to a related firm in the United States. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of fully automatic digital scales from Japan during the period May 1, 1975, through February 29, 1976.

c. *Purchase Price.* For the purpose of this tentative determination of sales at not less than fair value, adjustments have been made on the following basis. In the import transactions, all merchandise was purchased prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act. Purchase price has been calculated on the basis of the f.o.b. port, packed price, to the United States, or to the unrelated training company, with deductions for

inland freight, insurance, and shipping charges, as appropriate.

d. *Home Market Price.* For the purposes of this tentative determination of sales at not less than fair value, adjustments have been made on the following bases. The home market price was calculated on the basis of the f.o.b. delivered price to distributors. Adjustments were made for dealer incentive rebates, inland freight, insurance, warranty costs, a government calibration fee, interest costs, a trade-in allowance, an operation manual, a warranty card, differences in merchandise, and differences in packing, as appropriate.

Adjustments for interest expenses and packing expenses relate to the difference in those costs between home market sales and sales for export to the United States.

Adjustments for differences in circumstances of sales in accordance with § 153.10, Customs Regulations (19 CFR 153.10), for rebates, warranty costs, government calibration fee, trade-in allowance, operation manual, and warranty card were based on actual costs incurred in the home market and were directly related to the sales under consideration.

Claims were made by Kubota and Yamato Scale for differences in merchandise. The adjustment relates to the differences in cost of materials and direct labor in the production of the home market scales and those exported to the United States.

Adjustments were claimed by all three manufacturers for differences in circumstances of sale in accordance with § 153.10, Customs Regulation (19 CFR 153.10), for advertising costs. Adjustments for these claims have been disallowed. Adjustments for advertising costs may be granted subsequently, if shown to be directly related to the sales under consideration.

e. *Results of Fair Value Comparisons.* Using the above criteria, purchase price was found to be not less than the home market price of such or similar merchandise. Comparisons were made on approximately 95 percent of all fully automatic digital scales from Japan sold to the United States during the period of investigation.

In accordance with §§ 153.40(a) and 153.40(b), Customs Regulations (19 CFR 153.40(a), 153.40(b)), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than October 14, 1976. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than November 3, 1976.

This tentative determination and the statement of reasons therefor are published pursuant § 153.34(a) of the Customs Regulations (19 CFR 153.34(a)).

JERRY THOMAS,
Under Secretary of the Treasury.

SEPTEMBER 28, 1976.

[FR Doc.76-28925 Filed 10-1-76;8:45 am]

DEPARTMENT OF DEFENSE

Defense Privacy Board

PRIVACY ACT OF 1974

Health Care Records and Guidelines for the Release of Information to the News Media; Correction

In FR Doc. 76-27016 appearing at page 39356 in the FEDERAL REGISTER of September 15, 1976, the fifth paragraph of column one appearing at page 39357 is corrected in the second line of that paragraph by adding the word "not" immediately following the words "third parties are" and immediately before the word "to".

Dated: September 27, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 29, 1976.

[FR Doc.76-28934 Filed 10-1-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AMOCO PRODUCTION CO. ET AL.

List of Restricted Joint Bidders

Pursuant to the authority vested in the Director of the Bureau of Land Management by the provisions of 43 CFR 3302.3-2(a), the following companies shall be restricted from bidding jointly with any other company on this same list at Outer Continental Shelf oil and gas lease sales held during the Bidding Period of November 1, 1976, through April 30, 1977:

Amoco Production Company
BP Alaska Exploration Inc.
Chevron Oil Company
Exxon Corporation
Gulf Oil Corporation
Mobil Oil Corporation
Shell Oil Company
Standard Oil Company of California
Texaco Inc.

CURT BERKLUND,
Director, Bureau of Land Management.

SEPTEMBER 27, 1976.

[FR Doc.76-28951 Filed 10-1-76;8:45 am]

EIS PREPARATION SCHEDULE

Proposed Deviation From the Livestock Grazing Environmental Impact Statement Schedule

Pursuant to paragraph 10 of the final judgment in the case entitled "Natural Resources Defense Council, Inc. v. Rogers C B Morton," the following notice of proposed deviation from scheduled preparation of an environmental impact statement on livestock grazing is published.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Civil No. 1983-73

Natural Resources Defense Council Inc., et al., plaintiffs, v. Rogers C. B. Morton, et al., defendants.

NOTICE OF PROPOSED DEVIATION FROM SCHEDULED PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS ON LIVESTOCK GRAZING

The final judgment on June 18, 1975, in the above-entitled case, involved a schedule for the preparation of a series of environmental impact statements (EISs) by the Bureau of Land Management (BLM), Department of the Interior, on the grazing of livestock in the western states, pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4321 et seq. Paragraph 10 of the Judgment contemplated the possibility of material deviations from the judgment and provided for notice as follows:

10. If the Federal Defendants believe, in good faith, that circumstances dictate that any material deviations must be made, then in that event, the Federal Defendants shall give Notice to this Court wherein a detailed explanation shall be made of the deviation which is anticipated to occur together with the reason(s) therefor. This Notice shall be filed prior to the anticipated implementation of such deviation, and contemporaneously a copy of such Notice shall be sent by registered mail to all parties to this action (No. 1983-73) and such Notice shall be published in the FEDERAL REGISTER. Thereafter, if objections are filed with the court within 30 days from the date of publication in the FEDERAL REGISTER, the Federal Defendants and the objecting parties may make such motions and present evidence to the court as to them seems proper, and the court shall determine if such deviations shall be allowed to occur or make any other appropriate order; provided, however, that if no objections are filed with the court within such 30 day period, BLM shall be authorized to implement such deviation.

This is the federal defendants' second notice for extending the time to promulgate a final environmental impact statement (EIS) on the Challis Planning Unit. Under the first notice, the federal defendants were given until October 8, 1976, to file the EIS. A draft EIS was prepared in June 1976, filed with the Council on Environmental Quality (CEQ), and circulated among governmental agencies and citizens and citizen groups for comment. A copy of the draft EIS is attached to the affidavit of Roman H. Koenings, Assistant Director for Resources, Bureau of Land Management, Department of the Interior. The federal defendants now give notice that they propose to extend the completion time for the final EIS to January 10, 1977. The need for this addition time is set-forth in the Koenings affidavit and can be briefly stated as follows.

In preparing the final EIS, Interior must consider and come to grips with the comments received from numerous governmental agencies and citizens on the draft EIS. As pointed out by Koenings, "approximately 1,000 separate comments * * * have to be analyzed, appropriate text changes made, and responses prepared prior to completion of the final EIS." In addition, certain baseline data will have to be assembled and analyzed and additional alternatives raised by NRDC, Sierra Club, Friends of the Earth, Wildlife Management Institute, and Council for Agricultural Science and Technology must be analyzed and evaluated.

It is especially important that this EIS be carefully prepared to fully comply with the requirements of NEPA since it "will be used as the initial model for preparation of future EIS's." Judgment, para. 5. Thus, as Koenings noted, the EIS will be the "basis for future livestock grazing EIS's on national resource lands."

Respectfully submitted,

Attorney for the Federal defendants: William M. Cohen, Attorney, Department of Justice, Land and Natural Resources Division, Room 2129, Washington, D.C. 20530, Telephone: (202) 739-2775.

Of counsel: James Coda, Attorney Advisor, Department of the Interior, Washington, D.C. 20240.

The above notice was filed with the U.S. District Court for the District of Columbia on September 29, 1976.

GEORGE C. TURCOTT,
Associate Director.

SEPTEMBER 30, 1976.

[FR Doc.76-29103 Filed 10-1-76;8:45 am]

National Park Service

BECKER'S OCEAN RESORT, INC.

Intention to Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before November 3, 1976, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Becker's Ocean Resort, Inc., authorizing it to provide concession facilities and services for the public at Olympic National Park for a period of one (1) year from January 1, 1977, through December 31, 1977.

An assessment of the environmental impact of this proposal has been made, and it has been determined that it will not significantly affect the quality of the environment and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, Pacific Northwest Region, Fourth and Pike Building, Seattle, Washington.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1976, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 3, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 22, 1976.

RAYMOND L. FREEMAN,
Acting Associate Director, National Park Service.

[FR Doc.76-28932 Filed 10-1-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-219]

COLEMAN AND RUNYON COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Coleman and Runyon Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Elkhorn AR3 scoops, one Paul's roof bolting machine, one Epling loading machine, and three Epling tractors.

3. The No. 3 Mine is in the No. 2 Elkhorn seam which ranges from 36 to 48 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28953 Filed 10-1-76;8:45 am]

[Docket No. M 76-244]

DAY COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Day Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 22-A Mine, located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two (2) DLE 1 scoops and one Mark IV roof bolting machine. The scoops are 32 inches in height and the roof bolting machine is 28 inches in height.

3. The No. 22-A Mine is in the Whitesburg seam which ranges from 36 to 42 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment limts the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The Kentucky Department of Mines and Minerals has ordered Petitioner not to use canopies, while MESA has ordered it to use them.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28954 Filed 10-1-76;8:45 am]

[Docket No. M 76-221]

GARDNER FORK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Gardner Fork Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Kersey 944 tractors, one Elkhorn AR4 scoop, one Galis 3500 roof bolting machine, one Joy 14BU10 loading machine and one Joy 15RU cutting machine.

3. The No. 1 Mine is in the lower Elkhorn seam which ranges from 44 to 52 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28955 Filed 10-1-76; 8:45 am]

[Docket No. M 76-222]

HOPE MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Hope Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one S & S 74 scoop, one Owens scoop, one I-D 3 Acme roof bolting machine, and one Paul's Repair Shop roof bolting machine.

3. The No. 1 Mine is in the No. 2 Elkhorn seam which ranges from 36 to 40 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition on furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28956 Filed 10-1-76;8:45 am]

[Docket No. M 76-250]

LICK FORK COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Lick Fork Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The coal seams in Eastern Kentucky average about 44 inches in height.

2. If canopies are installed on the Petitioner's equipment it will be impossible for the equipment operators to run the machines or to escape from them in case of an accident.

3. Petitioner employs eight men who do not want the canopies installed on the equipment.

4. Petitioner's equipment now is as safe as it can be made. Installation of canopies would make the equipment dangerous and impossible to mine coal with.

5. Petitioner requests that section 75.1710 be repealed or modified.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 24, 1976.

[FR Doc.76-28957 Filed 10-1-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Intent to Reestablish

The Secretary of Agriculture proposes to reestablish the Advisory Committee on State and Private Forestry for a two-year period.

This is a national advisory committee established by the Secretary on April 19, 1968, to provide counsel and advice on national forestry needs and opportunities and to strengthen and improve communication between the Department and the public on cooperative forestry matters.

The committee serves an important function by involving the public early in the process of cooperative forestry program formulation and policy development. Emphasis must be given to increasing the production from the Nation's State and private forests which are growing in importance as sources of meeting future timber, water, wildlife, and other public benefits.

The Secretary has determined that reestablishment of this committee is necessary and in the public interest in connection with the performance of the duties and responsibilities imposed on the Department by law.

Comments of interested persons concerning the reestablishment of this committee may be submitted to State and Private Forestry, Room 3107, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 19, 1976.

All written submissions made pursuant to this notice will be available for public inspection in the State and Private Forestry staff office, Room 3107, during regular business hours (7 CFR 1.27(b)).

SEPTEMBER 29, 1976.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

[FR Doc.76-29071 Filed 10-1-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

IMPORTERS TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Importers Textile Advisory Committee will be held on November 11, 1976 at 10:30 a.m. in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 19 members, was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be permitted at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S.

Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: September 29, 1976.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-28985 Filed 10-1-76;8:45 am]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on November 4, 1976 at 1:30 pm in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230.

The Committee, which is comprised of 36 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be permitted at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, DC 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, DC 20230, telephone 202-377-5078.

Dated: Sept. 29, 1976.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-28963 Filed 10-1-76;8:45 am]

VIRGINIA COMMONWEALTH UNIVERSITY, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, DC 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period * * *. If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 74-00450-33-46070. Applicant: Virginia Commonwealth University, Medical Health Sciences Center, Medical College of Virginia, 1200 East Broad Street, Richmond, Virginia 23219. Article: Scanning Electron Microscope, Model JSM-S1. Date of denial without prejudice to resubmission: April 16, 1976.

Docket Number: 75-00501-01-11000. Applicant: Indiana State Department of Mental Health, 3989 Meadows Drive, Suite 1, Indianapolis, IN 46205. Article: Gas Chromatograph-Mass Spectrometer, Model LKB 9000S. Date of denial without prejudice to resubmission: May 6, 1976.

Docket Number: 76-00289. Applicant: The University of Tennessee, Purchasing Department, 2200 Andy Holt Ave., Knoxville, TN 37916. Article: Automatic Milko-Tester, Model F3120 and accessories. Date of denial without prejudice to resubmission: May 7, 1976.

Docket Number: 76-00313. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: UV Photon Source, Model 22-101, Model 22-101A UV Lamp, Power Supply, and Cable. Date of denial without prejudice to resubmission: May 7, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-28909 Filed 10-1-76;8:45 am]

WAKE FOREST UNIV. ET AL.

Applications for Duty—Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to § 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 26, 1976.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00537. Applicant: Sandia Laboratories, Albuquerque, New Mexico 87115. Article: Scanning Electron Microscope, Model S-500 and accessories. Manufacturer: Hitachi, Ltd., Japan. Intendered use of article: The article is intended to be used for the examination of a broad range of materials including: weapons devices and components, alloys, semi-conductor materials, glasses and

ceramics, plastics, foams, and epoxies, and composites. Typical objectives of the experiments to be conducted are: (1) To determine cause of failures of devices or components, (2) To identify corrosion products or contaminants, (3) To evaluate bond strengths, (4) To relate topography to fabrication parameters, (5) To establish the effects of radiation on structure, and (6) To determine fracture mechanisms. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76-00538. Applicant: Bowman Gray School of Medicine of Wake Forest University, 300 S. Hawthorne Road, Winston-Salem, North Carolina 27103. Article: Electron Microscope, Model EM 400 HTG and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the departments of Comparative Medicine and Pathology for research projects of a varied nature which include the following:

(1) Department of Comparative Medicine—Ultrastructural characteristics, distribution and biosynthesis of arterial proteoglycans. Permeability changes of arterial endothelium in early atherosclerosis. Biosynthesis of connective tissue components by cultured smooth muscle cells and its metabolic implications in health and disease. Lysosomal changes in smooth muscle cells *in vivo* and *in vitro* under various experimental conditions. Morphogenesis and evolution of early lesion in experimental atherosclerosis. Morphogenesis and evolution of lesion-regression in experimental atherosclerosis. Production of animal models of human diseases principally cardiovascular diseases.

(2) Department of Pathology—Characterization of arterial lesions in human renovascular hypertension. Structural and angiochemical studies in human aortic medionecrosis. Correlative clinical and ultrastructural studies in human glomerular diseases. Ultrastructural characteristics and differentiating features of human malignant neoplasms.

The article is also intended to be used for educational purposes in the following courses for graduate and postgraduates:

(1) 301. Introduction to Animal experimentation—A course designed to provide the student with a knowledge of the biology and care of laboratory animals.

(2) 404. Animal Models in Biomedical Research—A course to provide the student with the current knowledge about animals models useful in biomedical research.

(3) 409-410. Advanced Topics in Comparative Medicine—An advanced lecture and student participation course dealing with areas of new knowledge in comparative medicine.

(4) 415-416. Advanced Topics in Pathology—An advanced lecture and student participation course dealing with areas of new knowledge in pathobiology.

(5) 417. Pathobiology of Atherosclerosis—A lecture course exploring in depth the pathogenetic mechanisms which underlie this most prevalent human disease.

In addition, all students and fellows have an introductory practical course on the techniques and use of the electron microscope. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76-00539. Applicant: Oklahoma Children's Memorial Hospital, 940 N.E. 13th Street, Oklahoma City, Oklahoma 73126. Article: Electron Microscope, Model JEM 100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the examination and investigation of biological materials related primarily to effects of disease or experimental conditions on living systems. Experiments to be conducted will include: (1) Studies of viral infestations as possible etiological explanations for various diseases in children. (2) Studies of the role of platelets and plasma clotting proteins in the formation of clots both in vivo and in model systems. (3) Studies of specific labeling of membrane constituents to map topography of membranes and changes which alter when parameters are altered.

The article will also be used in a course in Electron Microscopy to train people in fields other than morphological sciences how to use electron microscopy to acquire information about the molecular structure of their experimental systems to augment their own particular expertise. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76-00540. Applicant: Eye & Ear Hospital, 230 Lothrop Street, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB-Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological tissues which range in hardness from very soft (inner ear receptor cells), to medium hardness (myelinated nerve fibers), to very hard (calcium carbonate otolithic membrane and petrous bone). The research to be conducted will involve the study of the normal and pathologic anatomy of the inner ear. This includes ultrastructural studies and analysis of both single and serial sections. In addition, the article will be used in the course Graduate Research in Anatomy which includes basic electron microscopic techniques in sample preparation, sectioning, instrument operation, dark room procedures, and techniques available for quantitative analysis of data. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76-00541. Applicant: Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia, Pennsylvania 19129. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for cancer and pulmonary research, study clinical biopsy materials from patients, and for training pathology residents in electron microscopy. The article will provide an essential function in several distinct programs of research, including (1) the bioassay of urinary bladder cancer, (2) the biology of pulmonary macrophages, (3) the transport and permeability characteristics of cancerous epithelium, and (4) selective aspects of diagnostic surgical pathology. Application received by Commissioner of Customs: September 14, 1976.

Docket Number: 76-00542. Applicant: Duke University Medical Center, Box 3094, Durham, N.C. 27710. Article: Centronic Quadrupole Medical Gas Analyser, MGA 200 and accessories. Manufacturer: Twentieth Century Electronics, United Kingdom. Intended use of article: The article is intended to be used to analyze up to eight individual gases simultaneously either in a breathing mixture or in blood or other tissue fluids following, on a moment-to-moment basis, changes in gas composition in a given respired gas mixture. In addition, the article will be used to identify and subsequently, to analyze a wide variety of gases in both hyperbaric and operating room environments. This not only includes gaseous contaminants but also includes all general anesthetic gases and vapors. Water vapor content in the breath will also be analyzed on a moment-to-moment basis. Application received by Commissioner of Customs: September 16, 1976.

Docket Number: 76-00544. Applicant: Bucknell University and Geisinger Medical Center, Lewisburg, PA 17837 and Danville, PA 17821. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronics Instuments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research projects:

(a) The morphology of isolated membrane and organelle fractions from rat testis.

(b) Alterations in testicular ultrastructure following vitamin A depletion or administration of THC and other cannabinoids.

(c) Ultrastructural changes induced in liver and brain tissues following administration of THC or other cannabis derivatives.

(d) The distribution of ferritin labelled plant lectins and antibodies on lymphocyte plasma membranes of normal and cystic fibrosis patients.

(e) Ultrastructure of renal biopsy material.

(f) Ultrastructure of cardiac muscle obtained via biopsy prior to cardiac surgery.

(g) Submit structure of lipoamide dehydrogenase and other macromolecular complexes.

(h) Ultrastructure of *Golenkinia* and other algal cultures.

(i) Ultrastructure of the y-gland in crustaceans.

(j) Ultrastructure of *Drosophila* chromosomes.

The article will also be used for educational purposes in the following courses:

(1) Molecular Cytology (Biology 351)—emphasizes the basic structure of biological membranes and systematically surveys the various membrane systems and organelles which comprise the eucaryotic cell.

(2) Techniques in Electron Microscopy (Biology 353)—provides actual instruction in the use of the various instruments associated with electron microscopy and also provides the student with the theoretical background necessary for independent work in an electron microscopy laboratory.

(3) Independent Research (Biology 350, 360)—allows for individual student research in an area of their own interest.

Application received by Commissioner of Customs: Sept. 17, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-28910 Filed 10-1-76;8:45 am]

National Oceanic and Atmospheric Administration

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting Place Changed

Notice is hereby given of a change in the meeting October 26 through October 28, 1976, 9:00 a.m. at the Ramada Inn, 225 McClellan Highway, East Boston, Massachusetts of the New England Regional Fishery Management Council which was published in the FEDERAL REGISTER, September 22, 1976, Volume 41, No. 185 (41 FR 41446).

The meeting is now scheduled for October 26, 27, 28, 1976 from 10:00 a.m.–5:00 p.m.; 9:00 a.m.–5:00 p.m.; and 9:00 a.m.–3:00 p.m. respectively at the J. B. Hynes Auditorium, 900 Boylston Street, Room 201, Boston, Massachusetts.

Dated: September 29, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-28913 Filed 10-1-76;8:45 am]

Office of the Secretary

[Dept. Organization Order 10-8; Amdt. 1]

ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Delegation of Authority

AUGUST 27, 1976.

This order effective August 27, 1976 amends the material appearing at 38 FR 19707 of July 23, 1973.

Department Organization Order 10-8, dated July 5, 1973, is hereby amended as shown below. The purpose of this amendment is to revise the delegation of authority to the Assistant Secretary for Maritime Affairs, in accordance with Executive Order 11490, as amended by Executive Order 11921, to include several emergency functions assigned to MARAD but not specifically delegated in the current order.

SECTION 3. DELEGATION OF AUTHORITY TO THE ASSISTANT SECRETARY.

Substitute the following subparagraph for subparagraph .011.

"1. Executive Order 10480, as amended, and Executive Order 11490, as amended, with respect to defense mobilization and emergency preparedness of coastwise, intercoastal and overseasshipping, ports and port facilities, ship construction, conversion and repair, and support functions related thereto;"

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-28906 Filed 10-1-76;8:45 am]

[Department Organization Order 25-5B, Amdt. 2]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Delegate of Authority

SEPTEMBER 7, 1976.

This order effective September 7, 1976 further amends the materials appearing at 41 FR 795 of January 5, 1976 and 41 FR 36061 of August 25, 1976.

Department Organization Order 25-5B, dated December 4, 1975 is hereby further amended as shown below. The purpose of this amendment is to establish the new Office of Ocean Engineering under the NOAA Administrator by combining: the Manned Undersea Science and Technology program under the Associate Administrator for Marine Resources, the Data Buoy Office under the National Ocean Survey, and the standards development, interlaboratory calibration and related interagency relationships and international programs of the NOS National Oceanographic Instrumentation Center.

1. SECTION 5. ASSOCIATE ADMINISTRATOR FOR MARINE RESOURCES. a. The first paragraph is revised by inserting the words "ocean engineering," after the word "charting," in both the third and last lines.

b. The tenth paragraph is revised by deleting the words, "the manned undersea science and technology program and other."

2.a. A new Section 9. is added to read as follows:

"SECTION 9. OFFICE OF OCEAN ENGINEERING, The Office of Ocean Engineering shall exercise functional review over, and recommend policy and plans for, all of NOAA's ocean engineering and instrumentation programs. It should conduct an integrated program of research, technology development, and services related to ocean engineering and undersea operations; and serve as a national focal point for knowledge related to civil ocean engineering, a catalyst for industrial ocean engineering development, and a mechanism for technology transfer from military and space fields."

b. Sections 9. through 18. are renumbered as Sections 10. through 19., respectively.

3. SECTION 14. NATIONAL OCEAN SURVEY. a. Paragraph .06 is revised to read as follows:

".06 The Office of Marine Technology shall act as the focus of the NOS effort for technology related to testing, evaluation, and calibration of sensing systems for ocean use; and shall enhance the quality of such systems by the dissemination of operational results and technical information to the national oceanographic community. It shall provide NOAA with marine systems technology, ocean engineering, sensor systems, buoy systems, data automation systems, and other technology functions as may be assigned; and shall assist with the design, development, and procurement in these technical areas."

b. Paragraph .08 is revised to read as follows:

".08 The Atlantic and Pacific Marine Centers shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units. The Atlantic Marine Center shall also manage hydrographic, tide, and water level field units. The Atlantic Marine Center shall provide its own administrative support except where it is determined to be more practical and advantageous to NOAA to have the services furnished by other NOAA components. The Atlantic Marine Center shall provide such services to other NOAA components as directed. The Pacific Marine Center shall obtain its administrative support from the Northwest Administrative Service Office."

4. The organization chart, Exhibit 1, attached to this amendment supersedes the organization chart dated July 1, 1976. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-28907 Filed 10-1-76;8:45 am]

[Department Organization Order 30-7A, Amdt. 1]

NATONAL TECHNICAL INFORMATION SERVICE

Delegation of Authority

SEPTEMBER 9, 1976.

This order effective September 9, 1976 amends the material appearing at 41 FR 18538 of May 5, 1976.

Department Organization Order 30-7A of April 9, 1976 is hereby amended as shown below. The purpose of this amendment is to delegate authority for operating the Federal Software Exchange Center to NTIS.

1. SECTION 3. DELEGATION OF AUTHORITY. a. In pen and ink, renumber subparagraph 3.01c. as 3.01d.

b. A new subparagraph 3.01c. is added to read as follows:

"c. Temporary Regulation E-46 of the Federal Property Management Regulations, 41 FR 16882, and the provisions of an interagency agreement between NTIS, Department of Commerce, and the Automatic Data and Telecommunications Service of the General Services Administration."

2. SECTION 4. FUNCTIONS. a. In pen and ink, remove the word "and" at the end of subparagraph 4.i.

b. In pen and ink, remove the period at the end of subparagraph 4.j. and after the word "policy" insert: "; and".

c. A new subparagraph 4.k. is added to read as follows:

"k. Operate the Federal Software Exchange Center in accordance with policies, procedures and controls prescribed in an interagency agreement between NTIS, Department of Commerce, and the Automatic Data and Telecommunications Service of the General Services Administration."

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-28908 Filed 10-1-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1976:

MINORITY ADVISORY COMMITTEE, ADAMHA
October 20-22—Open Meeting
October 20, 1:00 p.m., Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852
October 21, 9:00 a.m., George-Washington University, Marvin Center, Room 401, 800 21st Street, N.W., Washington, D.C.
October 22, 9:00 a.m., Room 873, Rockwall Bldg., 11400 Rockville Pike, Rockville, Maryland 20852
Contact Ernest F. Hurst, Room 13C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3838
Purpose: The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse and the National Institute of Mental Health.
Agenda: This meeting will be open to the public. On October 20 the Committee will have a discussion with the Administrator, ADAMHA, and a panel presentation by the Institute Directors with a question-and-answer session. On October 21, there will be a Planning Session to discuss Committee FY 1977 operations, priority issues, objectives and responsibilities. On October 22, the Planning Session will continue in the morning with further orientation by Institute staff in the afternoon.

Substantive program information may be obtained from the contact person listed above.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA, will furnish, on request, summaries of the meeting and a roster of the committee members. Mr. Helsing is located in Room 16-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3783.

Dated: September 28, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-28927 Filed 10-1-76;8:45 am]

Food and Drug Administration

[Docket No. 76G-0348]

DYNAMIT NOBEL OF AMERICA

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0057) has been filed by Dynamit Nobel of America, 105 Stonehurst Ct., Northvale, NJ 07647, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that a triglyceride mixture of caprylic and capric acids to be used as a surface finishing agent, formulation aid, lubricant and release agent, and in dietary foods is generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before December 3, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: September 24, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-28930 Filed 10-1-76;8:45 am]

[Docket No. 76C-0386]

ETHICON, INC.

Filing of Petition for Color Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice is given that a petition (CAP 6C0126) has been filed by Ethicon, Inc., Route 22, Somerville, NJ 08876, proposing the issuance of a regulation (21 CFR Part 8) to provide for the safe and suitable use of D&C Green No. 5 under § 8.4069 (21 CFR 8.4069) for coloring nylon 6 nonabsorbable sutures for use in general surgery and by deleting the present requirement in § 8.4069(c)(2) that nylon (the copolymer of adipic acid and hexamethylene diamine) nonabsorbable sutures colored with D&C Green No. 5 conform in all respects to the requirements of the United States Pharmacopeia.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 24, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-28929 Filed 10-1-76;8:45 am]

[Docket No. 76F-0392]

FOOD ADDITIVE

Cyclamate; Denial of Petition

The Commissioner of Food and Drugs is issuing an order denying a petition proposing that the food additive regulations be amended to provide for the safe use of cyclamate in food. The order is effective October 4, 1976. Persons adversely affected by this order may file objections and request a public hearing on or before November 3, 1976.

Notice was given in the FEDERAL REGISTER of February 8, 1974 (39 FR 4935) that a petition (FAP 4A2975) had been filed by Abbott Laboratories, North Chicago, IL 60064, proposing that the food additive regulations be amended to pro-

vide for the safe use of cyclamic acid, calcium cyclamate, and sodium cyclamate as sweetening agents in food and for technological purposes in food other than for calorie reduction.

After extensive study of the petition and other information, including consideration of a report evaluating all available data relating to the carcinogenicity of cyclamate by a group of experts (The Temporary Committee for the Review of Data on Carcinogenicity of Cyclamate) empaneled by the National Cancer Institute, the Commissioner of Food and Drugs has concluded that the data submitted in support of the petition do not establish that cyclamic acid, calcium cyclamate, and sodium cyclamate are safe for their intended use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(c)(1)(B), 701(a), 52 Stat. 1055, 72 Stat. 1784 as amended, 1786 (21 U.S.C. 321(s), 348(c)(1)(B), 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)): *It is ordered*, That the petition be denied and that no food additive regulations authorizing the use of cyclamates, including cyclamic acid, calcium cyclamate, and sodium cyclamate be issued.

Any person who will be adversely affected by the foregoing order may at any time on or before November 3, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

This order shall be effective October 4, 1976.

Dated: September 28, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-28928 Filed 10-1-76;8:45 am]

Health Resources Administration

FEDERAL HOSPITAL COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1976:

Name: Federal Hospital Council.
Date and Time: October 27, 1976, 9 a.m.
Place: Room 6C-09, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20014.
Open for entire meeting.
Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, on matters relating to the administration of the Hospital and Medical Facilities Survey and Construction Program and also advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act.
Agenda: Agenda items include orientation of new Council members as to the Council's functions; discussion of responsibilities under section 1122 of the Social Security Act; discussion of the provisions of Public Law 93-641 and operations necessary for implementation; update on the progress of the Health Resources Administration in the implementation of P.L. 93-641; and other appropriate business as may be necessary.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Henry S. Desjarlais, Room 420, Federal Building, Health Resources Administration, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-9181.

Agenda items are subject to change as priorities dictate.

Dated: September 27, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76-28973 Filed 10-1-76;8:45 am]

HEALTH SERVICES DEVELOPMENTAL GRANTS STUDY SECTION

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1976:

Name: Health Services Developmental Grants Study Section.
Date and Time: October 25-27, 1976, 8 p.m.
Place: October 25, Delaware Room, Holiday Inn of Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20014; and October 26-27, Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open October 25, 8:00 p.m.-8:30 p.m., closed for remainder of meeting.
Purpose: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.
Agenda: Agenda items for the open portion of the meeting will cover minutes of the previous meeting; future meeting dates; and discussion of other related general matters. The remainder of the meeting will be closed to the public for the review of grant applications which relate to the development, utilization, quality, organization, and financing of services, facilities, and resources of hospital care, and other medical facilities, in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of the meetings, or other relevant information should contact Mr. David McFall, Room 15-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-2930.

Agenda items are subject to change as priorities dictate.

Dated: September 24, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76-28972 Filed 10-1-76;8:45 am]

Social Security Administration

REGIONAL REPRESENTATIVES, ET AL.

Additional Redelegation of Authority Concerning the Disclosure to the Public of Performance Review Reports and Other Formal Evaluations Regarding the Performance of Medicare Contractors

Section 249C of Pub. L. 92-603 (the Social Security Amendments of 1972) added subsections (d) and (e) to section 1106 of the Social Security Act (42 U.S.C. 1306 (d) and (e)). Paragraphs (1) and (2) of subsection (d) authorize the Secretary of Health, Education, and Welfare to make available to each State agency operating a Medicaid program under title XIX of the Social Security Act, as amended (the Act) and, subject to the limitations contained in subsection (e) of section 1106, to make available for public inspection in readily accessible form and fashion, the following official reports dealing with the operation of those health programs established by titles XVIII and XIX of the Act, except that such reports are not to include references to any internal tolerance rules and practices, working papers or other informal memoranda:

I. Under paragraph (1), individual contractor performance reviews and other formal evaluations of the performance of carriers, intermediaries and State agencies, including reports of follow-up reviews; and

II. Under paragraph (2), comparative evaluations of the performance of such contractors, including comparisons of either overall performance or of any particular aspects of contractor operations.

Subsection (e) of section 1106 specifies that no report described in subsection (d) of that section shall be made public by the Secretary, or by a State agency performing functions on behalf of the Secretary under title XIX of the Act, until the contractor or provider of services whose performance is being evaluated has had a reasonable opportunity to review the report and to offer comments on it. This period for review and comment is not to exceed 60 days. Pertinent comments thus obtained may be incorporated in the public report.

Under subsection (e) of section 1106, the Secretary is not required to include in any public report information with respect to any deficiency which is known by the Secretary to have been fully corrected within 60 days of the date such deficiency was first brought to the attention of the particular contractor or provider of services.

Authority to implement those provisions of title XI of the Act, including subsections (d) and (e) of section 1106, pertaining to the Medicare program establishing by title XVIII of the Act, has been delegated by the Secretary to the Commissioner of Social Security (33 FR 5836-37), with authority to redelegate. On November 23, 1973, the Commissioner redelegated such authority to appropriate positions stationed at Social Security Administration (SSA) Headquarters. These redelegations were effective December 28, 1973—the date that notice thereof was published in the FEDERAL REGISTER (38 FR 35519-21).

Notice is hereby given that the Commissioner has approved additional redelegations of the subject authority. Effective on October 4, 1976, Regional Representatives, Health Insurance and Deputy Regional Representatives, Health Insurance in SSA's Bureau of Health Insurance shall have the authority specified below with respect to contractor performance review reports and other formal evaluations of the performance of carriers and intermediaries under the Medicare program, including reports of follow-up reviews and comparative evaluations, pursuant to subsections (d) and (e) of section 1106 of the Social Security Act, as amended:

A. Authority to determine that references to internal tolerance rules, practices, working papers or informal memoranda have been excluded from such reports or evaluations;

B. Authority to determine that carriers and intermediaries have been afforded a reasonable opportunity to review such reports or evaluations and to offer comments thereon;

C. Authority to determine that information should not be included in such reports or evaluations as to any deficiency which is known to have been fully corrected within 60 days of the date such deficiency was first brought to the attention of the deficient party; and

D. Authority to make final and official versions of such reports or evaluations available for public inspection in readily accessible form and fashion, along with any pertinent written statements.

Further redelegations of such authority may not be made by the incumbents of the specified positions.

Dated: September 27, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.76-28976 Filed 10-1-76;8:45 am]

National Institute of Education

ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), notice is hereby given that the Panel on Basic Skills of the National Institute of Education (NIE) is scheduled to meet on October 18-20, 1976, to accomplish such external program reviews as shall be required by the Director of NIE.

This meeting will be open to the public during the time indicated below to discuss administrative details or other issues related to committee business as described in the notice.

This meeting will be closed to the public as indicated below. It is essential to close portions of the meeting to protect the free exchange of the members' views and avoid undue interference with Institute or committee operations. Such views, if reduced to writing, would be protected from mandatory disclosure under Section 552(b)(5) of Title 5, U.S.C.

AGENDA: PANEL ON BASIC SKILLS

OCTOBER 18

9:00-9:30 a.m.—(open session) Introduction of panel members, remarks by director, NIE.
9:30-12:00 noon—(open session) Program overview.
12:00-1:30 p.m.—(closed session) Executive session.
1:30-6:30 p.m.—(open session) Question and answer session with basic skills staff and informal discussion.
7:30 p.m.—Adjournment (closed session) Executive session.

OCTOBER 19

9:00 a.m.-5:00 p.m.—(closed session) Executive session.

OCTOBER 20

9:00-11:00 a.m.—(closed session) Executive session.
11:00-12:00 noon—(open session) Debriefing.

Dated: October 1, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc.76-29249 Filed 10-1-76;10:10 am]

GRANTS PROGRAM REVIEW PANEL

Notice of Establishment

After consultation with the Director, Office of Management and Budget, the Secretary of Health, Education, and Welfare has determined that the formation of a Panel on Basic Skills by the National Institute of Education under provisions of the Federal Advisory Committee Act is in the public interest in connection with performance of duties imposed on the Department by law, and that such duties can best be performed through the advice and counsel of such a group.

This Panel will be utilized to review, discuss, evaluate and rank proposals and to accomplish such program reviews as shall be required by the Director, NIE. The meeting date for this Panel will be announced in the FEDERAL REGISTER.

Dated: October 1, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc.76-29250 Filed 10-1-76;10:10 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-76-641]

CALIFORNIA SIERRA HIGHLANDS NO. 3

Hearing

In the matter of California Sierra Highlands No. 3, Tract 2279, Bob C. Gaston, President and Land Dynamics, 76-241-IS, OILSR No. 0-2299-04-461.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that:

1. California Sierra Highlands No. 3, Tract 2279, Bob C. Gaston, President and Land Dynamics, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued August 11, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for California Sierra Highlands No. 3, Tract 2279 located in Fresno County, California, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 26, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, DC, on October 26, 1976 at 2 pm.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC 20410 on or before October 4, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 2, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28937 Filed 10-1-76;8:45 am]

[Docket No. N-76-640]

CLEAR WATER DEVELOPMENT CORP.

Hearing

In the matter of: Arrowhead Bay, Clear Water Development Corporation and Stanley A. Chase, President, 76-230-IS OILSR No. 0-2140-26-22.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Arrowhead Bay, Clear Water Development Corporation and Stanley A. Chase, President, authorized agent and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued August 4, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Arrowhead Bay, located in Montcalm County, Michigan, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 23 and September 7, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, DC, on November 16, 1976 at 2 pm.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC, 20410 on or before October 25, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issude pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 9, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28936 Filed 10-1-76;8:45 am]

[Docket No. N-76-646]

LAKE GEORGE MANOR

Hearing

In the matter of: Lake George Manor, Herman G. Steiner, President, St. Johns Crescent Lakesites, Inc., OILSR No. 0-0650-09-147, Docket No. 76-177-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that:

1. Lake George Manor, Herman G. Steiner, President, St. Johns Crescent Lakesites, Inc., authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued June 28, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for LAKE GEORGE MANOR, located in Putnam County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 20, 1976, in response to the Notice of Proceedings and Opportunity for Hearings.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, DC, on November 5, 1976 at 2 p.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC 20410 on or before October 8, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 23, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28942 Filed 10-1-76;8:45 am]

[Docket No. N-76-647]

NEW KINGMAN ADDITION, UNIT 11

Hearing

In the matter of: New Kingman Addition, Unit 11, Elmer L. and Edna Mae Butler, Developers, 76-214-IS, OILSR No. 0-0188-02-39(C).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that:

1. New Kingman Addition, Unit 11, Elmer L. and Edna Mae Butler, Developers, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued July 27, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for New Kingman Addition, Unit 11 located in Mohave County, Arizona, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 17, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity

for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, DC, on November 19, 1976 at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC, 20410 on or before October 27, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 31, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28943 Filed 10-1-76;8:45 am]

[Docket No. N-76-643]

HOOT OWL RIDGE, FIRST, SECOND, THIRD AND FOURTH ADDITION

Hearing

In the Matter of: Hoot Owl Ridge, First, Second, Third and Fourth Additions, St. Johns Hills, Inc. and Sham G. Sani, President, 76-218-IS, OILSR No. 0-0596-09-126 (A) and (B).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Hoot Owl Ridge, First, Second, Third and Fourth Additions, St. Johns Hills, Inc. and Sham G. Sani, President, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued July 27, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Hoot Owl Ridge, First and Second Additions, and the Third and Fourth Additions located in Daytona Beach, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 18, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, DC, on November 10, 1976 at 2 pm.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC, 20410 on or before October 15, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 2, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28939 Filed 10-1-76;8:45 am]

[Docket No. N-76-642]

VALLEY OF THE SUN SUBDIVISION, T-R DEVELOPMENT CORP.

Hearing

In the matter of: Valley of the Sun Subdivision, T-R Development Corporation and C. Earl Tatum, Jr., President, 76-179-IS, OILSR No. 0-1370-05-94 (A-D).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Valley of the Sun Subdivision, T-R Development Corporation and C. Earl Tatum, Jr., President, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued June 28, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Valley of the Sun Subdivision located in Park County, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 19, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, DC, on November 15, 1976 at 2 pm.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building 10150, Washington, DC, 20410 on or before October 21, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 2, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28938 Filed 10-1-76;8:45 am]

[Docket No. N-76-644]

LEISURE LAKES

Hearing

In the matter of: Leisure Lakes, Samuel Cook, President, and Highlands County Land & Title Company, 76-233-IS OILSR No. 0-0340-09-73 and (A) and (B).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Leisure Lakes, Samuel Cook, President and Highlands County Land & Title Company, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued August 4, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Leisure Lakes, located in Highlands County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 26, 1976, in response to the

Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, DC, on November 8, 1976 at 2 pm.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building Room 10150, Washington, DC, 20410 on or before October 18, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 2, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28940 Filed 10-1-76;8:45 am]

[Docket No. N-76-645]

HACIENDA SAN JUAN, MEADOWLAND PROPERTIES, INC.

Hearing

In the matter of: Hacienda San Juan, Meadowland Properties, Inc., Seymour Brier, President, 76-208-IS OILSR No. 0-3152-02-628.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b). Notice is hereby given that:

1. Hacienda San Juan, Meadowland Properties, Inc., Seymour Brier, President, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued July 27, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Hacienda San Juan located in Apache County, Arizona, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 17, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, DC, on November 15, 1976 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, DC 20410 on or before October 25, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the procedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: August 31, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-28941 Filed 10-1-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition No. HS-76-6]

AROOSTOCK VALLEY RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Aroostock Valley Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a (e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. Secs. 61-64b.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-76-6, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before November 1, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on September 27, 1976.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel, Safety Regulation Division.

[FR Doc.76-28393 Filed 10-1-76;8:45 am]

[FRA Waiver Petition No. HS-76-5]

TEXAS SOUTH EASTERN RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Texas South Eastern Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employee, from the Hours of Service Act, as amended, 45 U.S.C. Secs. 61-64b.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-76-5, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before November 1, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on September 27, 1976.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel, Safety Regulation Division.

[FR Doc.76-28399 Filed 10-1-76;8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee's Adjudication and Alcohol Subcommittee to be held on October 19, 1976 in Room 6200 of the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C.

The meeting will begin at 9:00 a.m. The agenda is as follows:

The Lay Judiciary: Qualifications, Selection and Training
Lay Judge Research Needs
Training of Lay Judges
Traffic Case Seminar Presentation—Questions and Answers
NHTSA Lower Court Program Activities—Seattle and Rhode Island SAFE Projects
Lower Court Probation Resources
Mississippi Lower Court Practices
LEAA Lower Court Program Activities
Rural Court Workships Sponsored by Institute on Court Management, National Center for State Courts Summarization and Conclusion

The meeting is subject to the approval of the Secretary of Transportation. Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on September 24, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-29195 Filed 10-1-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27522]

AIRLIFT INTERNATIONAL, INC., AND SEABOARD WORLD AIRLINES

Complaint of National Air Carrier Association; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28989 Filed 10-1-76;8:45 am]

[Dockets Nos. 26328 and 27320]

ALLEGHENY AIRLINES, INC.

Complaint of Reuben B. Robertson III and Aviation Consumer Action Project; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28990 Filed 10-1-76;8:45 am]

[Docket No. 27313]

AMERICAN AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28991 Filed 10-1-76;8:45 am]

[Docket No. 27312]

BRANIFF AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28992 Filed 10-1-76;8:45 am]

[Docket. No. 27133]

BRANIFF AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28993 Filed 10-1-76;8:45 am]

[Docket No. 27460]

BRITISH CALEDONIAN AIRWAYS

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28994 Filed 10-1-76;8:45 am]

[Docket No. 27304]

CONTINENTAL AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28996 Filed 10-1-76;8:45 am]

[Docket No. 27360]

CONTINENTAL AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28995 Filed 10-1-76;8:45 am]

[Docket No. 27303]

DELTA AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28997 Filed 10-1-76;8:45 am]

[Docket No. 27316]

EASTERN AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28998 Filed 10-1-76;8:45 am]

[Docket No. 27415]

EASTERN AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28999 Filed 10-1-76;8:45 am]

[Docket No. 27719]

EASTERN AIR LINES, INC., AND REA EXPRESS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29000 Filed 10-1-76;8:45 am]

[Docket No. 27317]

FRONTIER AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C. September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29001 Filed 10-1-76;8:45 am]

[Docket No. 27302]

HAWAIIAN AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C. September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29002 Filed 10-1-76;8:45 am]

[Docket No. 27308]

HUGHES AIR CORP. d/b/a HUGHES AIRWEST

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C. September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29003 Filed 10-1-76;8:45 am]

[Docket No. 26732]

KLM ROYAL DUTCH AIRLINES

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Janet. D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29004 Filed 10-1-76;8:45 am]

[Docket No. 29000]

LAKE TAHOE SERVICE INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 9, 1976, at 9:30 a.m. (local time), in the Waystation Hotel, 3601 Lake Tahoe Boulevard, South Lake Tahoe, California 95705, before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 11, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 28, 1976.

GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.76-29027 Filed 10-1-76;8:45 am]

[Docket No. 26423]

NATIONAL AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29006 Filed 10-1-76;8:45 am]

[Docket No. 27315]

NATIONAL AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29007 Filed 10-1-76;8:45 am]

[Docket No. 27358]

NATIONAL AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29005 Filed 10-1-76;8:45 am]

[Docket No. 27311]

NORTH CENTRAL AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29008 Filed 10-1-76;8:45 am]

[Docket No. 27314]

NORTHWEST AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29011 Filed 10-1-76;8:45 am]

[Docket No. 27359]

NORTHWEST AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29010 Filed 10-1-76;8:45 am]

[Docket No. 26903]

NORTHWEST AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29009 Filed 10-1-76;8:45 am]

[Docket No. 27305]

OZARK AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29012 Filed 10-1-76;8:45 am]

[Docket No. 26200]

PAN AMERICAN WORLD AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding has been assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29013 Filed 10-1-76;8:45 am]

[Docket No. 27318]

PAN AMERICAN WORLD AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29014 Filed 10-1-76;8:45 am]

[Docket No. 27309]

PIEDMONT AVIATION, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29015 Filed 10-1-76;8:45 am]

[Docket No. 27307]

REEVE ALEUTIAN AIRWAYS, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29016 Filed 10-1-76;8:45 am]

[Docket No. 27459]

SEABOARD WORLD AIRLINES

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29017 Filed 10-1-76;8:45 am]

[Docket No. 27434]

TEXAS INTERNATIONAL AIRLINES

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29018 Filed 10-1-76;8:45 am]

[Docket No. 28942]

TOUR TRAVEL ENTERPRISES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Richard V. Backley. Future communications should be addressed to Judge Backley.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29019 Filed 10-1-76;8:45 am]

[Docket No. 27319]

TRANS WORLD AIRLINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29020 Filed 10-1-76;8:45 am]

[Docket No. 26601]

UNITED AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Janet D. Saxon. Future communications should be addressed to Judge Saxon.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29022 Filed 10-1-76;8:45 am]

[Docket No. 26904]

UNITED AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29021 Filed 10-1-76;8:45 am]

[Docket No. 27310]

UNITED AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29024 Filed 10-1-76;8:45 am]

[Docket No. 28145]

UNITED AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding has been assigned to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 28, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29023 Filed 10-1-76;8:45 am]

[Docket No. 27301]

WESTERN AIR LINES, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper, Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29025 Filed 10-1-76;8:45 am]

[Docket No. 27306]

WIEN AIR ALASKA, INC.

Enforcement Proceeding; Assignment

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper, Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29026 Filed 10-1-76;8:45 am]

[Order 76-9-149; Docket 29844]

DELTA AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of September, 1976.

By tariff revisions [1] filed August 31 and marked to become effective October 1, 1976, Delta Air Lines, Inc. (Delta), proposes to amend its rule [2] providing density discount rates to deny acceptance thereunder of live animal shipments.

In support of its proposal and in answer to the complaint, Delta asserts, inter alia, that, since shipments tendered at density discount rates are to be loaded only after the loading of all other air freight shipments, live animals could frequently be subjected to delays that would be uncomfortable and possibly injurious to the health of the animal and

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] Rule 90. The rule provides a discount of 40 percent of the applicable general commodity rates for commodities having a density of 25 pounds per cubic foot or more, subject to certain limitations.

certainly not in the best interest of the animal.[3] Delta does not believe that acceptance of such shipments is in the best interest of the public, the carrier, or the animals, and is therefore amending the tariff to preclude transportation at these rates.

A complaint requesting rejection or, in the alternative, suspension and investigation of the proposal has been submitted by the Animal Shipper Parties (ASP). The complaint contends, inter alia, that (1) the proposal would prohibit the acceptance of live animals for transportation even though such traffic would otherwise qualify for density discount ratings; (2) shippers of certain classes of animals such as mammals and/or cold-blooded animals, especially tropical fish, invertebrates, etc., which are normally shipped in water, can and do utilize these density discount rates without experiencing any of the alleged difficulties; (3) Delta has failed to submit any data substantiating its claims and thus has failed to meet the burden required under § 221.165 of the Board's Economic Regulations; (4) the carrier's existing tariff rules applicable to the acceptance and carriage of live animals provide adequate means for assuring the safe and humane air transportation of live animals; and (5) the proposed restrictions are blatantly discriminatory and prejudicial.

Upon consideration of all relevant factors, the Board finds that the proposed rule revision may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.[4] The Board further concludes that the proposal should be suspended pending investigation.

We are reluctant to permit a rule to become effective which would prohibit the acceptance of a single class of traffic that would otherwise qualify for density discount rates absent a strong showing by the carrier. Such a showing has not been made by Delta.[5] Since live animal shippers are required to make advance arrangements prior to tendering their shipments, the carrier can notify the shipper of the likelihood of a boarding delay due to heavier than normal loads. In such a circumstance, the decision to ship or not is then at the discretion of the shipper who, presumably, is better able to judge whether or not the delay will adversely affect his particular shipment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof, *It is ordered That:* 1. An investigation be instituted to determine whether the provisions in Rule No. 90(D) on 7th Revised Page 42-Q of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions in Rule No. 90 (D) on 7th Revised Page 42-Q of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, are suspended and their use deferred to and including December 29, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 29844 be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Delta Air Lines, Inc., and the Animal Shipper Parties, which are hereby made parties to Docket 29844.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28987 Filed 10-1-76;8:45 am]

[Order 76-9-139; Docket 29826]

WIEN AIR ALASKA, INC.

Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September, 1976.

On September 24, 1976, Wien Air Alaska, Inc. (Wien), requested an emergency exemption from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958 (the Act) pursuant to section 416(b) of the Act, to conduct operations for the transportation of persons, property, and mail between Anchorage, Cordova, Yakutat, Juneau, Sitka, Ketchikan, and Seattle and/or such combinations of these cities as may be appropriate in the light of traffic demands. Wien states that its petition has been prompted by the possibility of a strike against Alaska Airlines, Inc. (Alaska), by its flight attendants beginning on September 25, 1976. As a result, it is expected that the operations of Alaska to, from, and within the State of Alaska will be sharply curtailed, if not terminated. Wien requests an exemption for the purpose of assuring the continuity of essential air transportation services on which the economy of the State of Alaska depends. Such exemption is requested to be effective upon and continue for the duration of the work stoppage, should it occur.

Upon consideration of the petition, the Board has determined that an acute emergency may be created at the communities named in the petition should the work stoppage materialize. In particular, the southeast Alaska communities of Cordova, Yakutat, Sitka, Juneau, and Ketchikan are especially dependent upon air transportation to meet their transportation needs and do not receive certificated service from any air carrier other than Alaska.[1] Accordingly, we have decided to delegate authority to the Director, Bureau of Operating Rights, beginning on September 24, 1976, and terminating on October 24, 1976 (unless sooner terminated or extended), to grant or deny, in whole or in part, the petition of Wien Air Alaska, Inc., for exemption authority under section 416(b) of the Act.

Petitioner states that, even in the event of a work stoppage, Alaska may continue certain services utilizing management personnel and thus Wien may not need all of the requested exemption authority. Under these circumstances, although we are delegating power to the Director, at his discretion, to grant or deny the requested exemption authority, we will require that the petitioner obtain the telephonic approval of the Director prior to the operation of a particular scheduled service pattern authorized by any exemption.

Finally, we emphasize that, by our action herein, it is not our intention to intervene in a labor controversy nor to favor one side against the other: we do not believe that the strictly limited procedural steps taken herein will have that effect. Our sole purpose, as in the past (see Order 75-12-77, December 17, 1975) is to alleviate, to the extent possible, public hardships which inevitably result from such strikes. We believe that actions taken by the Director pursuant to the authority granted herein can have only an extremely negligible effect, if any at all, upon the economic forces normally in play between management and labor.

Accordingly, it is ordered That: 1. Authority is hereby delegated to the Director, Bureau of Operating Rights (the Director), to act for the Board on a request by Wien Air Alaska, Inc., for an emergency exemption under section 416 (b) of the Act for temporary authority to conduct operations for the transportation of persons, property, and mail between Anchorage, Cordova, Yakutat, Juneau, Sitka, Ketchikan, and Seattle and/or such combinations of these cities as may be appropriate in light of traffic demands for the duration of the work stoppage anticipated against Alaska Airlines beginning September 25, 1976;

2. In the absence of a further order of the Board, all operating authority granted pursuant to this order of dele-

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[3] The carrier states it did not expect that live animal shipments would achieve the density required to qualify for the discount rates but, since introducing the rates, Delta has had an occasional animal shipment which met the criteria.

[4] The Board does not believe that there is a valid basis for rejection of the proposal.

[5] Furthermore, in justifying its original filing, Delta claimed it was operating large amounts of empty belly capacity (Order 76-6-93, dated June 11, 1976).

[1] The city of Juneau is also served by Wien. However, since Wien must serve Juneau by way of Fairbanks, this service is virtually unusuable by traffic over the segments at issue in the subject petition. For purposes of this order, therefore, Wien's own authority is of no significance.

gation shall expire not later than October 24, 1976, or upon settlement of the strike whichever occurs sooner;

3. Prior to the operation of a particular scheduled service pattern which may be authorized by any exemption granted pursuant to this delegation, the petitioner will obtain the telephonic approval of the Director;

4. In the exercise of delegated authority the Director is authorized in his discretion to act before the receipt of answers, and petitions for review of decisions of the Director shall not stay the effective date thereof;

5. Communications subject to the procedures established herein may be made orally, but such application shall be put into telegraphic or written form within 24 hours and, if in telegraphic form, shall be followed within 5 days with a written notice served in accordance with the Board's rules of practice;

6. Any interested person objecting to any provision of this order shall file such objections with the Board within five days from the date of service of this order, but the filing of objections shall not stay the effectiveness of this order;

7. This order may be amended or revoked at any time at the discretion of the Board; and

8. This order shall be served on all certificated air carriers of interest, the states of Alaska, Washington, all affected cities, and union representatives of the employees of both Alaska Airlines and Wien Air Alaska.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28988 Filed 10-1-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

Adjusting Import Levels

On September 30, 1975, there was published in the FEDERAL REGISTER (40 FR 44862) a letter dated September 25, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, which establish specific export limitations on certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1975. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the agreement which provides that within the aggregate and applicable group limits, specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limits.

Accordingly, pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of September 29, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to man-made fiber textile products in Category 235 for the twelve-month period which began on October 1, 1975.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

SEPTEMBER 29, 1976.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

SEPTEMBER 29, 1976.

DEAR MR. COMMISSIONER: On September 25, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1975 and extending through September 30, 1976 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651, you are directed to amend, effective on September 29, 1976, the twelve-month level of restraint established for Category 235 to 1,599,000 dozen.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.76-28964 Filed 10-1-76;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the agrregate and applicable group limits, specific levels of restraint within Categories 1-38, part of 63 (shoe uppers), 64, 200-213, and 241-243 may be exceeded by 10 percent; within Categories 39-62, part of 63 (other than shoe uppers), and 214-240, by 7 percent; and within Categories 101-132, by 5 percent; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

INTERNATIONAL TRADE COMMISSION

[332-79]

LIST OF ARTICLES ELIGIBLE FOR DUTY-FREE TREATMENT UNDER THE GENERALIZED SYSTEM OF PREFERENCES

Articles Being Considered for Removal; Rescheduling of and New Site for Public Hearing

Notice is hereby given that the United States International Trade Commission's public hearing in connection with that part of investigation No. 332-79 devoted to obtaining data needed by the Trade Policy Staff Committee (TPSC), Office of the Special Representative for Trade Negotiations, for review of petitions for the withdrawal of leather wearing apparel classifiable in item 791.75 of the Tariff Schedules of the United States[1] from the list of articles eligible for duty-free treatment under the Generalized System of Preferences will be held in New York City, at a location to be announced at a later time, on Friday, October 29, 1976, beginning at 10 a.m., e.d.t.

Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in the United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, not later than noon, October 26, 1976.

This notice revokes the date and place of the subject public hearing as announced in the Notice of Investigation and Hearing issued on September 21, 1976, and published in the FEDERAL REGISTER on September 24, 1976 (41 FR 41973).

Issued: September 29, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-29082 Filed 10-1-76;8:45 am]

[1] The *Tariff Schedules of the United States Annotated (1976)* is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402; it is also available for inspection without charge at any field office of the U.S. Customs Service or the U.S. Department of Commerce and at depository libraries.

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian List No. 358, Aug. 20, 1976

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CFJC	Kamloops, British Columbia, N. 50°38'34", W. 120°27'28", (PO N. 50°43'24", W. 120°20'26", 910 kHz, 10D/1N, ND-187).	850 kHz 10D/5N	DA-2	U	III				E.I.O., Aug. 20, 1977.
CIPC	Port Cartier, Quebec, N. 49°59'29", W. 66°56'59" (correction to coordinates).	710 kHz 1	DA-1	U	II				Do.
CKLG	Vancouver, British Columbia, N. 49°07'57", W. 123°00'18" (now in operation).	730 kHz 50	DA-2	U	II				
CHYR-7	Leamington, Ontario, N. 42°00'30", W. 82°33'40" (now in operation).	750 kHz 0.5	DA-N	N	II				
CFJC	Kamloops, British Columbia, N. 50°43'24", W. 120°20'26" (vide 550 kHz).	910 kHz 10D/1N	ND-187	U	III	250	120	433	
(New)	Lac Etheemin, Quebec, N. 46°22'48", W. 70°25'00" (delete immediately).	920 kHz 1	DA-N ND-D-183	U	III				
CFLS	Levis, Quebec, N. 46° 47' 44", W. 71° 08' 39" (PO N. 46° 47' 50", W. 71° 08' 33", 1240 kHz, 0.25 kW, ND-184, U).	920 kHz 1	DA-N ND-D-183	U	III				Do.
CHPR	Hawkesbury, Ontario, N. 45°31'39", W. 74°38'09" (assignment of call letters).	1110 kHz 0.25	ND-175	D	II	150	120	356	EIO, January 20, 1977.
CKBX	100 Mile House, British Columbia, N. 51°40'11", W. 121°17'22" (now in operation).	1240 kHz 1D/0.25N	ND-180	U	IV	150	120	318	
CJRW	Summerside, Prince Edward Island, N. 46°24'10", W. 63°45'03" (correction to coordinates in Recapitulative List).	1240 kHz 0.25	ND-180	U	IV	200	120	318	
CFLS	Levis, Quebec, N. 46°47'50", W. 71°08'33" (vide 920 kHz).	1240 kHz 0.25	ND-184	U	IV	155	120	320	
(New)	Ville Degelis, Quebec, N. 47°31'51", W. 68°39'30"	1370 kHz 1	DA-1	U	III				E.I.O., August 20, 1977.
CHOA	Stettler, Alberta, N. 52°18'45", W. 112°37'19" (assignment of call letters).	1400 kHz 1D/0.25N	ND-190	U	IV	176	120	280	E.I.O. February 25, 1977.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.76-28813 Filed 10-1-76;8:45 am]

COMMON CARRIER SERVICES INFORMATION

[Report No. 825]

Applications Accepted for Filing

SEPTEMBER 27, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see Section 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22824-CD-P-(2)-76, Aircall, Inc. C.P. to replace transmitter, change antenna system and relocate facilities operating on 454.100 MHz, control, to be located at 206 First Avenue, SE., Hickory, North Carolina; and for additional facilities to operate on 459.-100 MHz, repeater, to be located at a new site: Mineral Springs Mountain, North Carolina.

22825-CD-MP-76, Tony H. Scamardo, dba Industrial Electronics (KWU336). Modification of C.P. to replace transmitter and relocate facilities operating on 152.06 MHz to be located on Rt. 290, 2 miles west of Brenham, Texas.

22826-CD-MP-76, Kearsarge Telephone Company (KUS398). Modification of C.P. to change antenna system operating on 158.-10 MHz located on Main Street, New London, New Hampshire.

22827–CD–P–(6)–76, General Communications Service, Inc. (KOA265). C.P. to replace transmitter and change antenna system operating on 152.03 MHz, base, 152.03 MHz, standby, and 152,21 MHz, base; and for additional facilities to operate on 152.-06, 152.12 and 152.21 MHz, standbys, at Loc. No. 1: White Tank Mountain, 9.1 miles WSW. of Waddell, Arizona.

22828–CD–P–76, Beepers of Jacksonville, Inc. (New). C.P. for a new 2-way station to operate on 454.225 MHz to be located at 1 Independent Plaza, Jacksonville, Florida.

22829–CD–P–76, Beepers of Jacksonville, Inc. (New). C.P. for a new 1-way station to operate on 43.22 MHz to be located at 1 Independent Plaza, Jacksonville, Florida.

22830–CD–P–76, Joliet Telephone Answering Service, Inc. (New). C.P. for a new 1-way station to operate on 35.22 MHz to be located at 12 E. Varley Blvd., Joliet, Illinois.

22831–CD–P–76, Radio Telephone Service, Inc. (KUS360). C.P. to replace transmitter, change antenna system and relocate facilities operating on 158.70 MHz to be located .45 mile N. of intersection Slim Is. Rd., and Ky. No. 67, 2 miles North of Bowling Green, Kentucky.

22832–CD–P–76, Radio Telephone Service, Inc. (KQZ 753). C.P. to change antenna system and relocate facilities operating on 152.18 MHz to be located .45 mile N. of intersection Slim Is. Rd., and Ky. No. 67, 2 miles North of Bowling Gren, Kentucky.

22833–CD–P–76, CFR Corporation dba Mobilfone of Baton Rouge (KSV898). C.P. for additional facilities to operate on 43.22 MHz located at 451 Florida Avenue, Baton Rouge, Louisiana.

22834–CD–MP–76, James D. and Lawrence D. Garvey dba Radiofone (KLF616). Modification of C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located on North side of State Highway No. 44, Garyville, Louisiana.

22835–CD–P–76, James D. and Lawrence D. Garvey dba Radiofone (KSV974). C.P. to change antenna system and relocate facilities operating on 454.275 MHz to be located at North side of State Highway No. 44, Garyville, Louisiana.

22836–CD–TC–76, Harbor Communications, Inc. Consent to Transfer of Control from A. Steve Kircos, Transferor to A. Steve Kircos and Rahn J. Farris, Transferees. Station: KWT996, Port Huron, Michigan.

22837–CD–P–(2)–76, South Central Bell Telephone Company (KQK779). C.P. to increase antenna height and change radiation direction of main lobe operating on 152.57 and 152.69 MHz located at 222nd Avenue and 18th Street, Gulfport, Mississippi.

22838–CD–P–76, Hartland and St. Albans Telephone Company (New). C.P. for a new 1-way station to operate on 158.10 MHz to be located 1.9 miles NW. of St. Albans, Maine.

22839–CD–P–(3)–76, Tel-Air Communications, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz at (3) new sites described as Loc. No. 1: 1 mile east of Sparta, New Jersey; Loc. No. 2: 1.85 mile NE. of Hamburg, New Jersey; and Loc. No. 3: Sussex Avenue at Clinton, Dover, New Jersey.

22840–CD–P–76, Farmers Telephone Cooperative, Inc. (KIJ355). C.P. to relocate facilities operating on 152.57 MHz to be located at 1101 East Main Street, Kingstree, South Carolina.

22841–CD–P–76, Gulf Central Communications and Electronics, Inc. (KKO352). C.P. for additional facilities to operate on 454.-175 MHz to be located at Loc. No. 3: 1.64 mile NE. of New Iberia, Louisiana.

22842–CD–P–76, Gulf Central Communications and Electronics, Inc. (KUO596). C.P. for additional facilities to operate on 454.-200 MHz to be located 5.8 miles NW. of Kaplan, Louisiana.

22845–CD–P–76, Pine Telephone Company, Inc. (KLB702). C.P. to change antenna system and relocate facilities operating on 152.54 MHz to be located approximately 6.5 miles NE. of Broken Bow, Oklahoma.

22647–CD–P–76, John Rex Wayland dba Live Oak Communications (KUD230). C.P. to change antenna system operating on 152.-09 MHz located .75 mile West George West, Texas. (NOTE: Delete references to PN #'s 820 & 821 for the above file number.)

MAJOR AMENDMENTS

21075–CD–P–75, Answer Inc. of Houston, Houston, Texas (New). Amend to change transmitter location to 4212 Mount Vernone, Houston, Texas and change antenna system. All other particulars to remain as reported on PN No. 739 dated February 3, 1975.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

152.24 MHz

Pine Mountains Communications, Inc., Casper, Wyoming (New). 22016–CD–P–76.

Custom Radio, Inc., Casper, Wyoming (New). 22022–CD–P–76.

Specialized Telephone Service, Casper, Wyoming (KWH348). 22339–CD–P–76.

The following application is a major action as defined by § 1.1305 of the Commission's Rules concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to Petitions to Deny on environmental grounds pursuant to § 1.1311 of the Commission's Rules:

22468–CD–MP–76, Rogers Radio Communication Service, Inc. (KTS204), 3.1 miles NNE. of Lake Zurich (Lake) Illinois.

RURAL RADIO SERVICE

60458–CR–ML–76, RCA Alaska Communications, Inc. (WBK264). Modification of license to change frequency from 157.95 MHz to 158.04 MHz located on Lot 1 at South end of Meyers Chuck, Alaska.

60459–CR–ML–76, RCA Alaska Communications, Inc. (WBK263). Modification of license to chnage frequency from 152.69 MHz to 152.78 MHz located 0.3 mile NW. of Thorne Bay Village, Thorne Bay, Alaska.

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

CORRECTIONS

60605–CG–P–76, The Offshore Telephone Company (New). Correct entry to read C.P. for a new central office station to operate on 488.225 MHz. All other particulars to remain as reported on PN No. 824 dated September 20, 1976.

60606–CG–P–76, The Offshore Telephone Company (New). Correct PN No. 824 dated September 20, 1976 to include entry which was inadvertently omitted: C.P. for a new temporary fixed station to operate on 491.-025, 491.050, 491.075, 491.100, 491.125, 491.-150, 491.175, and 491.200 MHz to be located in any temporary fixed location within the territory of the grantee (Gulf of Mexico).

POINT TO POINT MICROWAVE RADIO SERVICE:

8097–CF–P–76, The Offshore Telephone Company (WAS416). Eugene Island Area, Block 175B, Gulf of Mexico Lat. 28°46'45" N., Long. 91°43'54" W. C.P. to increase antenna height for frequency 6034.2V MHz toward Eugene Island Area, Block 128C; to add frequencies 2118.8H MHz toward South Marsh Island Area, Block 50B on azimuth 246.5 degrees and 2128.0V MHz toward Eugene Island Area, 208 E. on azimuth 120.0°.

8098–CF–P–76, Same (New). South Marsh Island Area, Block 50B, Gulf of Mexico. Lat. 28°43'38" N., Long. 91°52'00" W. C.P. for a new station on frequencies 2168.8H MHz toward Eugene Island Area, Block 175B on azimuth 66.4 degrees; and 2160.5H MHz toward South Marsh Island Area, Block 66C on azimuth 217.6°.

8099–CF–P–76. Same (New), South Marsh Island Area, Block 66C, Gulf of Mexico Lat. 28°38'48" N., Long. 91°56'14" W. C.P. for a new station on frequency 2110.5H MHz toward South Island Area, Block 50B on azimuth 37.5°.

8100–CF–P–76, Same (New), Eugene Island Area, Block 208E, Gulf of Mexico Lat. 28°39'53" N., Long. 91°30'25" W. C.P. for a new station 2178.0V MHz toward Eugene Island Area, Block 175B on azimuth 300.0°.

4864–CF–P–76, The Chesapeake and Potomac Telephone of Virginia (KIR29), 703 E. Grace St., Richmond, Virginia Lat. 37°32'-26" N., Long. 77°26'13" W. C.P. to replace transmitter on frequency 6360.3H MHz toward Ollville, Virginia and increase output power.

4865–CF–P–76, Same (KIA24), 2.5 miles ESE. of Ollville, Virginia Lat. 37°41'20" N., Long. 77°44'47" W. C.P. to replace transmitters on frequencies 6137.9H MHz toward Richmond; 6108.3V MHz toward Shannon Hill and increase output power.

4866–CF–P–76, Same (KIA25), Shannon Hill 5 miles ESE. of Fernciff, Virginia. Lat. 37°52'39" N., Long. 78°02'38" W. C.P. to replace transmitters on frequencies 6390.0V MHz toward Ollville, Va. and 6323.3H MHz toward Carter Mt., Va.; increase output power; to replace antenna on frequencies 6212.1H 10715.0H MHz toward Ollville, Va.; 6204.7H 10755.0H MHz toward Carter Mt., Va.

4867–CF–P–76, Same (KIA30), Carter Mt. 3.5 miles South of Charlottesville, Virginia Lat. 37°59'06" N., Long. 78°28'49" W. C.P. to replace transmitter on frequency 6071.2H MHz toward Shannon Hill, Va. and increase output power.

8129–CF–P–76, Southwestern Bell Telephone Company (KKZ85). 25th Street and Avenue, Galveston, Texas Lat. 29°18'03" N., Long. 94°47'38" W. C.P. to change polarizations from horizontal to vertical on frequencies 4090 4170 MHz toward Livepool RS, Texas.

8130–CF–P–76, Same (WCZ51), 620 5th Avenue North, Texas City, Texas. Lat. 29°23' 23" N., Long. 94°54'13" W. C.P. to change polarization from vertical to horizontal on frequencies 3880 3850 MHz toward Livepool RS, Texas.

4908–CF–ML–76, Southern Bell Telephone and Telegraph Company (KIB25), 51 Ivy Street, Atlanta, Georgia. Mod. of License to delete frequencies 5974.8V 6093.5V MHz toward Palmetto, Georgia on azimuth 233.5° as a partial transfer AT&T station (KID63).

4909–CF–ML–76, Same (KIB87). Palmetto, 4.5 miles NE. of Roscoe, Georgia, Mod of License to delete frequencies 6226.9H 6345.5H MHz toward Atlanta, Georgia on azimuth 53.3° and 6226.9V 6345.5V MHz toward Omaha, Alabama on azimuth 244.1° as a partial transfer to AT&T station (KIK95).

4910–CF–ML–76, American Telephone and Telegraph Company (KID63). 51 Ivy Street, Atlanta, Georgia. Mod. of License to add frequencies 6093.5V 5974.8V MHz toward Palmetto, Georgia on azimuth 233.5° as a partial from Southern Bell Telephone and Telegraph Company station (KIB25).

4911–CF–ML–76, Same (KIK95). Palmetto, 4.5 miles NE. of Roscoe, Georgia. Mod. of License to add frequencies 622.9H 6345.5H MHz toward Atlanta, Georgia on azimuth 53.4° and 622.9V 6345.5VMHz toward Omaha, Alabama on azimuth 244.1° as a partial transfer from Southern Bell Telephone and Telegraph Company station (KIB87).

8085–CF–P–76, Mountain Microwave Corp. (KZI38). Holly, 12 miles SW. of Syracuse, Kansas. (Lat. 37°53'37" N., Long. 101°56'-47" W.): Construction permit to add 6004.5V and 6063.8V MHz toward Ulysses, Kansas, via power split on azimuth 124.2°.

8094–CF–P–76, Eastern Microwave, Inc. (WDD76). Hershey NOC, 169 W. Chocolate Ave., Hershey, Pennsylvania, (Lat. 40°17'-07" N., Long. 76°39'15" W.): Construction permit to change frequency to 6360.3V MHz toward Blue Mountain, Pennsylvania, on azimuth 54.6°.

8095–CF–P–76, United Video, Inc. (New). 1 mile East of Parkville, Missouri. (Lat. 39°-11'43" N., Long. 94°39'51" W.): Construction permit for new station—10975V MHz toward Leavenworth, Kansas on azimuth 294.0°.

8096–CF–P–76, United Video, Inc. (New). Kansas City, ½ mile E. of Interstate 436 on 23rd Street, Independence, Missouri. (Lat. 39°04'57" N., Long. 94°28'46" W.): Construction permit for new station—6197.2V MHz toward Parkville, Missouri on azimuth 308.1°.

8113–CF–P–76, Eastern Microwave, Inc. (New). Beacon, New York. (Lat. 41°29'18" N., Long. 73°56'56" W.): Construction permit for new station—6167.6H MHz toward Saugerties, New York, on azimuth 357.6°.

8115–CF–P–76, Eastern Microwave, Inc. (KFN 21). NYC–GWB, 15 Columbus Circle, New York, New York. (Lat. 40°46'09" N., Long. 73°58'55" W.): Construction permit to add 11545.OH MHz toward Bergenfield, New Jersey on azimuth 352.6°.

8116—CF–P–76, Eastern Microwave, Inc. (KCL 72). Greylock 2, 2 miles NW. of Adams, Massachusetts. (Lat. 42°38'14" N., Long. 73°10'07" W.): Construction permit to add 11505.0V MHz toward Pittsfield, Massachusetts on azimuth 203.5°.

8131–CF–P–76, The Western Union Telegraph Co. (KEL 61). 2.8 miles South of Warwick, New York. (Lat. 41°12'30" N., Long. 74°-21'23" W.): Construction permit to add 3930V MHz toward New York No. 2 (WAU211), New York.

CORRECTIONS

8070–CF–P–76, First Television Corporation (New). Rockford, Minnesota (Lat. 45°02'-21" N., Long. 93°42'55" W.): This entry appearing in Public Notice dated September 20, 1976 is corrected to show frequency 11115V MHz toward IDS Building, Minneapolis, Minnesota. All other particulars remain the same.

[FR Doc.76-28811 Filed 10-1-76;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS

Ready and Available for Processing

Notice is hereby given pursuant to §§ 1.472(c) and 1.573(d) of the Commission's rules, that on November 16, 1976, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(d) and section 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 15, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on November 15, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: September 22, 1976.

Released: September 24, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

FM TRANSLATOR APPLICATIONS

BPFT-341 (new), Leadville, Colorado, Lake County TV-FM, Inc. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KVMN(FM), Pueblo, Colorado.

BPFT-342 (new), Mount Pocono Area, Pennsylvania, WGBI Radio, Inc. Req: Channel 272, 102.3 MHz, 1 watt. WGBI-FM, Scranton, Pennsylvania.

BPFT-343 (new), Prescott, Arizona, Prescott Area Antenna Television, Inc. Req: Channel 280, 103.9 MHz, 10 watts. Primary: KDKB(FM), Phoenix, Arizona.

BPFT-344 (new), Port Townsend, Washington, KIXI, Inc. Req: Channel 270, 103.1 MHz, 10 watts. Primary: KIXI(FM), Seattle, Washington.

BPFT-345 (new), Black River Falls, Wisconsin, Shalom Translator, Inc. Req: Channel 272, 102.3 MHz, 1 watt. Primary: WWIB(FM), Lady Smith, Wisconsin.

BPFT-346 (new educ.), Placerville, Colorado, San Miguel Educational Fund. Req: Channel 209, 89.7 MHz, 10 watts. Primary: KOTO(FM), Telluride, Colorado.

BPFT-347 (new), Mayaguez, Puerto Rico, Ponce Broadcasting Corporation. Req: Channel 296, 107.1 MHz, 1 watt. Primary: WZAR(FM), Ponce, Puerto Rico.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3058 (W66AC), Waymart, Pennsylvania, Northeastern Pennsylvania Educational Television Association. Req: To change frequency to Ch. 56, 722-728 MHz.

BPTT-3069 (new), Allentown-Bethlehem, Pennsylvania, Scranton Broadcasters, Inc. Req: Channel 19, 100 watts. Primary: WLVT-TV, Scranton, Pennsylvania.

BPTT-3078 (W74AR), Williamsport, Pennsylvania, Scranton Broadcasters, Inc. Req: To change frequency to Ch. 55, 716-722 MHz.

BPTT-3079 (new), Springfield, Massachusetts, Margaret S. Downey. Req: Channel 69, 100 watts. Primary: WRLP(TV), Greenfield, Massachusetts.

BPTT-3086 (K72AP), Window Rock, Fort Defiance & St. Michaels, Arizona, The Navajo Tribe. Req: To change frequency to Ch.-70, 805-812 MHz.

BPTT-3088 (K80AM), Window Rock, Fort Defiance & St. Michaels, Arizona, The Navajo Tribe. Req: To change frequency to Ch-78, 854-860 MHz.

BPTT-3077 (new), Burley, Rupert & Albion, Idaho, The Post Company. Req: Channel 61, 100 watts. Primary: KIFI-TV, Idaho Falls, Idaho.

BPTT-3072 (new), Ann Arbor, Michigan, Eastern Michigan University. Req: Channel 67, 100 watts. Primary: WJIM-TV, Lansing, Michigan.

BPTT-3074 (new), Celina & Surrounding Area, Ohio, Ohio Educational Television Network Commission. Req: Channel 17, 1,000 watts. Primary: WOET(TV), Kettering, Ohio.

BPTT-3075 (new), Wagner, South Dakota, State Board of Directors for Educational Television. Req: Channel 55, 100 watts. Primary: KUSD-TV, Vermillion, South Dakota.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5643 (new), Carbondale, Colorado, XYZ Television, Inc., Req: Channel 13, 10 watts. Primary: KREX(TV), Grand Junction, Colorado.

BPTTV-5644 (new), BP Alaska Camp—Prudhoe Bay, Alaska, Northern Television Incorporated. Req: Channel 12, 100 watts. Primary: KENI-TV, and KTVA-TV, Anchorage, Alaska.

BPTTV-5649 (new), Gateview & Lake Fork Area, Colorado, Hinsdale County Chamber of Commerce, Inc. Req: Channel 2, 1 watt. Primary: KBTV(TV), Denver, Colorado.

BPTTV-5650 (new), Lake City & Rural Area, Colorado, Hinsdale County Chamber of Commerce, Inc. Req: Channel 12, 1 watt. Primary: KBTV-TV, Denver, Colorado.

BPTTV-5651 (new), Long Lake-Suncrest, Washington, Spokane Television, Inc. Req: Channel 11, 1 watt. Primary: KXLY-TV, Spokane, Washington.

BPTTV-5653 (new), Somerset, Colorado, Somerset T.V. Association. Req: Channel 2, 1 watt. Primary: KOAA-TV, Pueblo, Colorado.

BPTTV-5652 (K03FO), NW Section of Spokane, Washington, Spokane Television, Inc. Req: To change frequency to Ch-10, 192-198 MHz.

BPTTV-5654 (new), Kipnuk, Alaska, Village of Kipnuk. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV), and KAKM(TV), Anchorage, Alaska.

BPTTV-5655 (new), Tatitlek, Alaska, Village of Tatitlek. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5656 (new), Chitina, Alaska, Village of Chitina. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5657 (new), Old Harbor, Alaska, City of Old Harbor. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5658 (new), Larsen Bay, Alaska, Village of Larsen Bay. Req: Channel 7, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5659 (new), Shungnak, Alaska, City of Shungnak. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5660 (new), Shageluk, Alaska, Village of Shageluk. Req: Channel 10, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5661 (new), Emmonak, Alaska, Village of Emmonak. Req: Channel 7, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5662 (new), Ambler, Alaska, Village of Ambler. Req: Channel 7, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5663 (new), Noatak, Alaska, City of Noatak. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV—5664 (new), Tenakee Springs, Alaska, City of Tenakee Springs. Req: Channel 10, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5665 (new), Mekoryuk, Alaska, City of Mekoryuk. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO (TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5669 (new), Holy Cross, Alaska, Village of Holy Cross. Req: Channel 9, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5669 (new), Gambell, Alaska, Village of Gambell. Req: Channel 7, 10 watts. Primary: KTVA(TV), KENI(TV), KIMO(TV) and KAKM(TV), Anchorage, Alaska.

BPTTV-5672 (new), Natoma, Kansas, City of Natoma, Kansas. Req: Channel 11, 1 watt. Primary: KLNE(TV), Lexington, Nebraska.

BPTTV-5673 (new), Natoma, Kansas, City of Natoma, Kansas. Req: Channel 13, 1 watt. Primary: KSNB(TV), Superior, Nebraska.

BPTTV-5674 (new), Rangely, Colorado, Rio Blanco County TV Assn. Req: Channel 6, 10 watts. Primary: KREX(TV), Grand Junction, Colorado.

[FR Doc.76-28810 Filed 10-1-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER76-717, etc.]

ARIZONA PUBLIC SERVICE CO.

Order Denying Applications for Rehearing, Denying Motions To Reject, Amending Prior Order, and Granting Petitions To Intervene

SEPTEMBER 28, 1976.

By order issued March 31, 1976, in Docket No. ER76-530[1] the Commission, inter alia, accepted for filing and suspended a proposed rate increase filed herein by Arizona Public Service Company (APS) as to certain of its customer,[3] and instituted an investigation pursuant to Section 206 of the Federal Power Act to determine just and reasonable rates for service to other customers.[4] By that order, the Commission also deferred action on a motion to reject filed by one customer.[5] By subsequent order issued May 14, 1976, in Docket Nos. ER76-626, et al., the rate increase was accepted, suspended, and permitted to become effective, subject to refund as to Navopache and Wickenburg. Various applications for rehearing, and other pleadings have been filed and are presently pending for decision.[6] We shall deal with the issues raised seriatim.

As to certain customers,[7] the following or similar provisions govern the rates to be charged and the right of APS to seek to increase such rates, under the *Mobile, Sierra,* and *Memphis* cases.[8]

RATES AND CHARGES

The Company shall bill the District monthly for electric power and energy supplied by the Company and delivered by the Company for the District, in accordance with Article II hereof, at the Company's standard rates applicable at such time to Irrigation Power Service in the area. The Company's standard applicable irrigation rates, a copy of the currently applicable rate schedule being attached hereto, these rates being subject to change when authorized by the Arizona Corporation Commission, will be applied to the kilowatts and kilowatt hours used monthly by each pump served for the District and the total amount thus obtained will be divided by the total kilowatt hours used that month by all of said pumps to determine the average price per kilowatt hour under the Company's standard irrigation rates. The average price so determined each month will be multiplied by the number of kilowatt hours supplied and delivered that month by the Company for the District, as determined in accordance with Paragraph (a) of Article VII hereof, to determine the monthly billing.

* * * * *

APPROVALS

The rates and charges for irrigation service provided for in Article VIII have been legally established and may be changed from time to time by the Company with the approval of the Corporation Commission, or by lawful order of any Commission having jurisdiction thereover.[9]

By the March 31 order, the Commission determined that this language demonstrated the invention of the parties that changes in rates would be prospective, by Commission order after a Section 206 investigation to determine just and reasonable rates.[10]

APS applied for rehearing of this determination, arguing that its contracts permit it to charge its wholesale customers at rates equal to or less than its retail irrigation rates, as it seeks to do by its rate increase herein. APS would have the Commission ignore the rate change provisions of its contract. It argues: "(A) Section 205 increase filing is permitted, regardless of whether the contract contains rate change provisions permitting unilateral changes in the rate" (APS Response to Petitions to Intervene of ED Nos. 1 and 7 at 2); and "The provisions of Article XVIII, regarding changes in the rate provision of the contract do not apply and are not invoked by APS in regard to the current filing with the FPC" (APS Application for Rehearing at 4).

Both APS in its Application for Rehearing and the customers opposing that Application rely on *Richmond Power and Light of the City of Richmond, Indiana* v. *FPC*, 481 F. 2d 490 (D.C. Cir. 1973). Both agree that: "The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid; rate filings inconsistent with contractual obligations are invalid" 481 F. 2d at 493. The Commission does not believe, as APS argues, that the rate change provisions of the contract can be ignored.

The issue under *Memphis*[11] is not whether the parties contemplated change by the appropriate regulatory authority, for under the law every electric power contract must contemplate such change. Instead, the question is whether the parties contemplated that the seller could unilaterally effect a change in the rate simply by filing a new tariff with the appropriate regulatory agency. (footnote omitted)

* * * * *

The parties to both the Richmond and Anderson contracts intended that the municipal buyers receive electricity under the same tariff that governed I&M's industrial retail customers. While they contemplated changes in Tariff IP, they never contemplated that those changes could be effected merely by I&M's filing a new tariff. 481 F. 2d at 499, 501.

Thus, the rate change provisions must be considered. We believe that the provisions of these contracts demonstrate that the parties contemplated that APS could charge these wholesale customers rates up to the rates charged to retail customers, after an order of the regu-

[1] By order issued June 30, 1976, the proceedings in Docket Nos. ER76-717, ER76-721, and ER76-530 were consolidated.

[2] Electrical District No. 7; Buckeye Water Conservation & Drainage District; Citizens Utilities Company; Commission Federal de Electricidad (NACO); Commission Federal de Electricidad (Sonoita); Papago Tribal Utility Authority; Compania de Servicios Publicos de Agua Prieta; Arizona Electric Cooperative, Inc.; Wellton-Mohawk Irrigation & Drainage District; Arizona Power Authority; Arizona Electric Power Cooperative, Inc.; and Electrical District No. 1.

[3] City of Wickenburg, Arizona.

[4] Electrical District No. 3; Maricopa County Municipal Water Conservation District; Roosevelt Irrigation District; and Electrical District No. 6.

[5] Navopache Electric Cooperative.

[6] Rehearing was granted by order issued May 26, 1976, for purposes of receiving responses to the applications for rehearing and for further consideration. The pleadings pending for decision are listed in Appendix A.

[7] Electrical District Number 3 (ED3); Electrical District Number 7 (ED7); Maricopa County (Maricopa); Roosevelt Irrigation District (RID); and Electrical District No. 6 of Maricopa and Pinal Counties. (ED6).

[8] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956). *FPC* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956). *United Gas Pipeline Co.* v. *Memphis Light, Gas & Water Division*, 350 U.S. 103 (1958).

[9] Compare: Southern California Edison Company, Docket No. E-8176, orders issued January 23, 1975 and March 21, 1975, affirmed, *Southern California Edison Company* v. *F.P.C.* D.C. Cir. No. 75-1511, issued April 20, 1976.

[10] Inadvertently, the rate increase as to ED 7 was permitted to becomb effective, subject to refund on May 1, 1976. We shall amend the order of March 31 to provide that the rates to ED 7 shall be the subject of a Section 206 investigation, with such increase to be effective prospectively. We shall also require APS to refund the increased amounts collected from ED 7 since May 1, 1976, with interest.

[11] *United Gas Pipeline Co.* v. *Memphis Light, Gas & Water Division*, 350 U.S. 103 (1958).

latory commission having jurisdiction over such rates. Insofar as this Commission now has jurisdiction, such order would be after the Section 206 investigation herein ordered. Accordingly, APS' Application for Rehearing shall be denied.

Arizona Electric Power Cooperative, Inc. (AEPCO) and Papago Tribal Utility Authority (PTUA) also applied for rehearing of the March 31 order. Initially, PTUA seeks rehearing of the Commission's determination that APS contract permits unilateral increases as to it.[12] The APS-PTUA contract provides:

3.6 The rates hereinabove set out in this Section 3 and Exhibits thereto are to remain in effect for the initial one (1) year of the term of the contract and thereafter unless and until changed by the Federal Power Commission or other regulatory authority, with either party hereto to be free unilaterally to take appropriate action before the Federal Power Commission or other lawful regulatory authority in connection with changes which may be desired by such party.

PTUA argues, as it did in its petition to intervene, that the reservation of the right unilaterally to take appropriate action refers to APS' right to request a Section 206 investigation of its rates (Application at 2). This interpretation would make the reservation meaningless. The Commission believes that, while the provision is not artfully drafted, it does contemplate the unilateral filing of a notice of change in rates under Section 205 of the Act. PTUA also argues that certain specific changes sought by APS are contractually barred. Insofar as we believe APS is permitted to file unilateral changes in rates to PTUA, its arguments must be rejected.

AEPCO and PTUA renew their argument that the filing does not comply with the filing requirements of the Commission's Regulations, and that an interim decision as to certain components of APS' filing should be rendered. The Commission believes that the material filed in support of the proposed rate increase complies with Section 35.13 of the Regulations. The Commission also believes that the questions raised as to the merits of the rate increase are not proper for summary disposal but should properly be asserted at the hearing ordered to determine the lawfulness of the proposed rates. Therefore, AEPCO's Application for Rehearing is denied.

An untimely Petition to Intervene was filed by Electrical District No. 1, Pinal County, Arizona, and Electrical District No. 7, Maricopa County, Arizona. The Commission believes that their interest is sufficient to warrant intervention.

[12] The language governing APS right to seek rate changes as to Electrical District No. 1 (ED 1) is the same as to the right as to PTUA and will be treated the same.

The Commission finds: (1) The intervention of the above named petitioners may be in the public interest.

(2) The Applications for Rehearing and Motions to Reject herein discussed raised no issues of law or fact not previously considered, or considered herein, to warrant change in the March 31, 1976, order, except as hereinafter ordered.

The Commission orders: (A) The order of March 31, 1976, is hereby amended to provide that the rate increase as to ED 7 shall become effective after investigation and decision as to just and reasonable rates under Section 206 of the Federal Power Act.

(B) APS shall refund, with interest at 9% per annum, amounts collected from ED 7 since May 1, 1976, in excess of amounts collected from that customer at the rates previously in effect.

(C) The Application for Rehearing and Motions to Reject are in all other respects denied.

(D) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

1. Petition to Intervene and Application for Rehearing of Electric District No. 1 and Electric District No. 7, filed April 26, 1976.
2. Application for Rehearing of APS, filed April 30, 1976.
3. Response of APS to 1, supra, filed May 7, 1976.
4. Application for Rehearing of AEPCO and PTUA, filed April 30, 1976.
5. Response of ED 3 and ED 6 to 1, supra, filed May 17, 1976.
6. Response of APS to petition for rehearing, filed June 22, 1976.
7. Response of ED 1 to 4, supra, filed June 22, 1976.
8. Response of Maricopa, et al. to 3, supra.

[FR Doc.76-29032 Filed 10-1-76;8:45 am]

[Docket Nos. RP76-94, etc.]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CO.

Extension of Procedural Dates

SEPTEMBER 27, 1976.

On September 20, 1976, Staff Counsel filed a motion to extend the date, fixed by order issued May 28, 1976, for service of Staff Top Sheets in the above-designated proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including November 30, 1976, within which Staff shall serve Top Sheets on all parties in the above-designated proceeding.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29033 Filed 10-1-76;8:45 am]

[Docket No. E-7743]

CONNECTICUT LIGHT AND POWER CO.

Further Extension of Time

SEPTEMBER 28, 1976.

On September 13, 1976, the Connecticut Light and Power Company filed a motion to further extend the date set for filing a revised cost of service and any amendments to its rate schedule necessitated by Opinion 761.

Notice is hereby given that the date for compliance filing in the above-designated proceeding is further extended until 30 days after the date the Commission issues an order pursuant to its grant of rehearing for further consideration of Opinion 761.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29046 Filed 10-1-76;8:45 am]

[Docket Nos. ER76-648 and E-9453]

DUKE POWER CO.

Compliance Filing

SEPTEMBER 24, 1976.

Take notice that on September 13, 1976, Duke Power Company tendered for filing a revised supplement to its Interconnection Agreement with Vadkin, Inc. Duke Power states that the filed supplement conforms the rate to the equivalent wholesale rate and the fuel adjustment clause to the wholesale rate's clause as required by ordering paragraph B of the Commission's August 17, 1976, order in the above-captioned dockets.

Duke Power further states that a copy of the filing will be mailed to Vadkin, Inc.

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 and 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29036 Filed 10-1-76;8:45 am]

[Docket No. ER76-904]

INDIANA & MICHIGAN ELECTRIC CO. AND OHIO POWER CO.

Tariff Change

SEPTEMBER 27, 1976.

Take notice that American Electric Power Service Corporation (AEP) on September 13, 1976 tendered for filing on behalf of its affiliates, Indiana & Michigan Electric Company (Indiana) and Ohio Power Company (Ohio), Modification No. 3 dated August 15, 1976 to the Interconnection Agreement dated December 12, 1949, between Indiana, Ohio and Cincinnati Gas & Electric Company, designated Indiana Rate Schedule FPC No. 16 and Ohio Rate Schedule FPC No. 21.

AEP states that Section 1 of Modification No. 3 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week. Section 2 of Modification No. 3 includes a new Service Schedule—Limited Term Power—with a Demand Charge of $2.75 per kilowatt per month, such rates proposed to become effective October 15, 1976. AEP states that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

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 October 8, 1976. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29037 Filed 10-1-76;8:45 am]

[Project Nos. 2756, 2764]

GREEN MOUNTAIN POWER CORP.

Further Extension of Time

SEPTEMBER 28, 1976.

On September 21, 1976, Green Mountain Power Corporation filed a motion to further extend the date set within which a party may file a protest or petition to intervene in the above-designated proceedings.

Upon consideration, notice is hereby given that the date within which a party may file a protest or petition to intervene in the above-designated proceedings is further extended to and including December 15, 1976.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29044 Filed 10-1-76;8:45 am]

[Docket Nos. RP72-32, etc.]

KANSAS NEBRASKA NATURAL GAS CO.

Certification of Stipulation and Agreement; Correction

SEPTEMBER 24, 1976.

In FR Doc. 76-28024 appearing on page 41960 in the issue of Friday, September 24, 1976, the following language was inadvertently omitted.

Any person wishing to do so may file comments in response to comments concerning the proposed settlement agreement. All such responding comments should be submitted in writing to the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before October 15, 1976. The Commission will consider all comments in determining the proper action to be taken.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29039 Filed 10-1-76;8:45 am]

[Docket No. E-9135]

MISSISSIPPI POWER CO.

Refund Filing

SEPTEMBER 24, 1976.

Take notice that on August 30, 1976, Mississippi Power Company tendered for filing a report on refunds made to the EPAs of all amounts collected since January 2, 1975, in excess of the settlement rate level together with interest calculated at 9 percent interest per annum. This refund is made in accordance with Paragraph C of the Commission's Order accepting settlement agreement, issued June 7, 1976.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, on or before October 12, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29035 Filed 10-1-76;8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPELINE CO. OF AMERICA

Filing of Report of Refund

SEPTEMBER 27, 1976.

Take notice that Natural Gas Pipeline Company of America (Natural), on September 13, 1976, tendered for filing its verified report of distribution of refunds for the period December 1, 1974 through November 30, 1975 paid to its jurisdictional customers on August 13, 1976, supplemented on August 20, 1976 and September 9, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, DC 20426, in accordance with §§ 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 October 22, 1976. 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.76-29042 Filed 10-1-76;8:45 am]

Pipeline Rates: Purchased Gas Cost, Demand Charge Credit, Advance Payments, Intervention

[Docket Nos. RP72-154, etc.]

NORTHWEST PIPELINE CORP.

Order Accepting for Filing and Suspending Proposed Tariff Sheet, Granting Waiver of Purchase Gas Cost Adjustment Clause, Establishing Hearing Procedures, and Granting Interventions

SEPTEMBER 28, 1976.

On August 13, 1976, Northwest Pipeline Corporation (Northwest) filed a rate increase[1] reflecting increased purchased gas costs, a demand charge credit adjustment, and additional advance payments. Northwest requested an effective date for the rate increase of October 1, 1976.

Notice of Northwest's filing was issued on August 27, 1976, with comments, protests or petitions to intervene due on or before September 10, 1976. Timely petitions to intervene were filed on September 9, 1976, by Colorado Interstate Gas Company and Northwest Natural Gas Company. Having reviewed these petitions to intervene, the Commission believes that the petitioners have sufficient interest in this proceeding to warrant intervention.

Northwest's filing includes an increase in purchased gas costs of $24,451,043 annually and an increase in the surcharge to recoup $12,503,968 in unrecovered purchased gas costs and $212,105 applicable to Northwest's Rate Schedule X-29 Deferred Exchange with Mountain Fuel Supply Company as authorized in Docket No. CP76-212. There are no emergency purchases or small producer purchases in excess of the applicable rate levels established by Opinion Nos. 770 and 742, as amended, respectively. The Commission's review of the increased purchased gas costs indicates that they are in compliance with the standards set forth in Docket No. R-406.

Northwest utilizes storage for the sole purpose of rendering peaking service under Rate Schedule SGS-1. Due to the substantial increase in the cost of Canadian gas to $1.80 (Canadian) per MMBtu on September 10, 1976, and to $1.94 (Canadian) per MMBtu on January 1, 1977, the cost of gas to be purchased is considerably higher than the cost of gas now in storage. Under Northwest's purchased gas cost adjustment clause, the benefit of the low priced gas now in storage would be distributed among all customers, not just the SGS customers. Northwest proposes a special

[1] First Substitute Thirteenth Revised Sheet No. 10 to FPC Gas Tariff, Original Volume No. 1.

surcharge reduction in the SGS-1 Rate Schedule during the 1976-1977 withdrawal season to give the benefits to the storage customers. Accordingly, Northwest asks for waiver of its purchased gas cost adjustment clause. Northwest's proposal for the SGS-1 surcharge reduction is similar to the adjustment approved during Northwest's 1974 to 1975 withdrawal season.[2] The Commission will grant waiver of Northwest's purchased gas cost adjustment clause in light of the good cause shown.

Northwest's filing includes a surcharge to recover $3,756,549 of demand charge credits pursuant to the Commission's order issued March 29, 1974, in Docket No. RP74-72.

Northwest's filing includes a rate increase to reflect additional advance payments of $5,706,514 pursuant to Article VIII of the Settlement Agreement in Docket Nos. RP73-109 and RP74-95. The Commission's review of the advances made under nine of the advance payment agreements[3] indicates that the advances may not be reasonably related to the producer's expenditures for exploration, development and production. Accordingly, the Commission will set the lawfulness of the advances made under those nine agreements for hearing.

The Commission will accept Northwest's proposed rate increase reflecting increased purchased gas costs, a demand charge credit adjustment, and additional advance payments for filing and suspend the use thereof for one day or until October 2, 1976, when it may be permitted to become effective subject to refund. The Commission will allow Northwest to file revised rates to be effective on October 1, 1976, excluding the questionable advance payments.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Northwest's proposed rate increase be accepted for filing, that the effectiveness thereof be suspended for one day until October 2, 1976, when the proposed rate increase may be permitted to become effective subject to refund, and that hearing procedures on the issue of the advances made under the nine advance payment agreements specified *supra* be established.

(2) Good cause exists to allow Northwest to file revised rates to be effective on October 1, 1976, excluding the amounts attributable to the advances made under the nine advance payment agreements specified, *supra*.

(3) Good cause exists to grant waiver of Northwest's purchased gas cost adjustment clause to allow Northwest's surcharge reduction in the SGS-1 Rate Schedule.

(4) Good cause exists to grant intervention to Colorado Interstate Gas Company and Northwest Natural Gas Company.

The Commission orders: (A) Northwest's First Substitute Thirteenth Revised Sheet No. 10 to FPC Gas Tariff, Original Volume No. 1 is accepted for filing and the effectiveness thereof suspended for one day until October 2, 1976, when it may be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

(B) Northwest may file a revised tariff sheet to become effective October 1, 1976, which excludes amounts attributable to the advances made under the nine advance payment agreements specified in footnote 3, *supra*.

(C) Waiver of Northwest's purchased gas cost adjustment clause is hereby granted to allow the surcharge reduction in the SGS-1 Rate Schedule.

(D) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426 to determine the lawfulness of Northwest's proposed rate increase attributable to the advances made under the nine advance payment agreements specified in footnote 3.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided in the Rules of Practice and Procedure.

(F) Northwest shall file its direct case in this advance payments proceeding on or before October 29, 1976. The Presiding Administrative Law Judge shall preside at a prehearing conference to be held on November 9, 1976, at 9:30 am, in a hearing room at the address noted in Ordering Paragraph (D).

(G) Colorado Interstate Gas Company and Northwest Natural Gas Company are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29045 Filed 10-1-76;8:45 am]

[2] See order issued September 29, 1975, in *Northwest Pipeline Corporation*, Docket Nos. RP72-154 (PGA76-1 and 76-2) and RP74-72 (DCA76-1).

[3] See the following table:

Company	Date of agreement	Balance June 30, 1976
American Resources Management.	Nov. 13, 1974	$323,403
Toledo Mining Co	Aug. 2, 1974	250,043
S. L. Bayless	Aug. 22, 1975	225,000
J. G. Merrion	do	225,000
J. E. Schelle	Feb. 1, 1975	183,056
Dugan Production Corp.	Aug. 11, 1975	675,000
Sweet Pea Oil & Gas, Inc.	Aug. 2, 1974	411,693
Reserve Oil & Gas	Oct. 17, 1975	27,580
Northwest Exploration	Aug. 5, 1975	3,935,000

[Docket No. CI76-423]

O. G. McCLAIN

Order Denying Abandonment Authorization

SEPTEMBER 27, 1976.

By application filed March 12, 1976,[1] O. G. McClain (McClain) operating under a small producer certificate[2] requested an order be issued confirming pre-granted abandonment authority allegedly contained in Opinion No. 710 issued November 8, 1974, in Docket No. CI74-173. McClain's application relates to the sale for resale of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from certain acreage located in the Amargosa Field, Jim Wells County, Tex., under contract dated November 8, 1974.[3]

In support of his position asserting pre-granted abandonment authority, McClain cites ordering paragraph (A) of Opinion No. 710 contending that implied abandonment authority was granted insofar as an election was made by McClain to accept the price of 43 cents, in lieu of 61 cents, which price of 43 cents is predicated on recovery of 1.3 Bcf of natural gas and additional new investment of $74,000. In the alternative, McClain contends that it is entitled to abandonment authorization by virtue of prior hearing testimony contained in Docket No. CI74-173 together with a letter dated January 31, 1975, from Natural stating no opposition to abandonment upon delivery of 1.3 Bcf from January 1, 1974, and the provision of its November 8, 1974, contract calling for delivery of 1.3 Bcf commencing January 1, 1974.

Opinion No. 710 mimeo pp. 3-5, did not authorize pre-granted abandonment. The Commission specifically found mimeo p. 6 that "good cause has not been shown for authorizing any abandonment."

McClain's alternative argument also lacks merit. The certificate authorization granted for the subject sale related to the original 1952 contract. The provision in the superseding 1974 contract relating to the delivery of a specific volume of gas had no effect on that authorization and thus provides no ground for abandonment now. Moreover, McClain has

[1] Published in the FEDERAL REGISTER, 41 FR 16226, on April 16, 1976.

[2] McClain holds a small producer certificate issued September 15, 1971, in Docket No. CS71-279.

[3] The contract dated November 8, 1974, between Natural Gas Pipeline Company of America and O. G. McClain, as successor in interest, superseded and replaced a prior contract dated October 1, 1952, which expired by its own terms on June 30, 1973.

stated that if abandonment is granted, the remaining recoverable reserves will be sold to the intrastate market. It is thus clear that the available supply of gas is not depleted to the extent that continuance of service is unwarranted. Nor does the present or future public convenience or necessity permit such abandonment.

Natural filed a timely petition to intervene in this case and good cause exists to grant such petition.

The Commission orders: (A) The requested approval of abandonment authority is denied.

(B) That Natural be permitted to intervene in the above entitled proceeding, subject to the rules and regulations of the Commission: *Provided, however,* that their participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene: *And Provided, further,* That the admission of Natural in the manner provided shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders entered in this proceeding and that they agree to accept the record as it now stands.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29034 Filed 10-1-76;8:45 am]

SOUTHERN CALIFORNIA EDISON CO.

[Docket No. E-8570]

Extension of Time; Correction

SEPTEMBER 13, 1976.

In FR Doc. 76-27154, appearing on page 39838 in the issue of Thursday, September 16, 1976, in the first paragraph, line 1: Change the party which filed a motion to extend the time for the filing of briefs opposing exceptions from Southern California Edison Company, to the Cities of Anaheim, Riverside, Banning, Colton and Azusa, California.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29041 Filed 10-1-76;8:45 am]

[Docket Nos. CI76-633, etc.]

TENNECO EXPLORATION, LTD. AND TENNECO OIL CO.

Order Consolidating Proceedings, Granting Interventions, Setting Date for Hearing and Denying Waiver of Section 2.75(o); Correction

SEPTEMBER 23, 1976.

In FR Doc. 76-28013, appearing on page 41964 in the issue of Friday, September 24, 1976, on page 41965, in paragraph (E), the date should be October 19, 1976, and on page 41965, in paragraph (F), the date should be November 23, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 76-29040 Filed 10-1-76;8:45 am]

[Docket Nos. AR64-2, etc.]

TEXAS GULF COAST AREA, ET AL.

Order Setting Deadline for Filing Dedication Reports

SEPTEMBER 27, 1976.

On August 2, 1976, in Docket Nos. AR64-2, et al. and AR67-1, et al., we issued an order accepting reserve dedication reports filed pursuant to Opinion No. 595[1] and Opinion No. 607-A[2] by several natural gas pipeline companies for the benefit of the producers involved.

In that order we indicated that it is our view that the subject opinions set a deadline of January 1, 1976, for the filing of reserve dedication reports. Nevertheless, in light of the apparent confusion by some producers concerning the deadline, we felt it to be in the public interest to accept the dedication reports involved there even though they had been filed subsequent to January 1, 1976.

At this time we believe it is appropriate to set a termination date for the filing of future reserve dedication reports. Accordingly, all producers seeking to discharge refund obligations through credits for additional dedications of gas reserves in the Texas Gulf Coast and Other Southwest Areas shall have their pipeline purchasers file their reserve dedication reports with the Commission on or before December 1, 1976. Any report filed subsequent to that time will not be accepted.

In addition, we think the reserve dedication reports in the Southern Louisiana and Permian II Basin Areas should be filed on or before October 1, 1977, and January 1, 1978, respectively. There should be no need for any extension of these dates on the basis that the producers were not aware of the deadline.

The Commission orders: (A) All reserve dedication reports pertaining to reserves dedicated by natural gas producers to discharge refund obligations in the Texas Gulf Coast and Other Southwest Areas shall be filed with the Commission on or before December 1, 1976.

(B) All reserve dedication reports pertaining to reserves dedicated by natural gas producers to discharge refund obligations in the Southern Louisiana Area shall be filed with the Commission on or before October 1, 1977.

(C) All reserve dedication reports pertaining to reserves dedicated by natural gas producers to discharge refund obligations in the Permian Basin Area II shall be filed with the Commission on or before January 1, 1978.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29038 Filed 10-1-76;8:45 am]

[1] Area Rate Proceeding, et al. (Texas Gulf Coast Area), Docket No. AR64-2, et al. 45 FPC 674, 723, issued May 6, 1971.

[2] Area Rate Proceeding, et al. (Other Southwest Area), Docket No. AR67-1, et al., 47 FPC 99, 102, issued January 17, 1972.

[Docket No. CP75-286]

NORTHWEST PIPELINE CORP.

Reallocation of Firm Contract Demand and Seasonal Volumes

SEPTEMBER 24, 1976.

Take notice that on August 31, 1976, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-286 a petition to amend the order of November 4, 1975, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to reallocate the firm contract demand and seasonal volumes which Petitioner is authorized to sell and deliver pursuant to its FPC Gas Rate Schedule LS-1, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by the order issued November 4, 1975, it received authorization to increase the vaporization capacity at its LNG plant from 150,000 Mcf per day to 225,000 Mcf per day, and for the sale and delivery of vaporized LNG to certain of its distributor customers, and further to deliver up to 207,716 Mcf of vaporized LNG on a peak day for the 1976-77 heating season and up to 211,544 Mcf for the 1977-78 heating season and thereafter.

Petitioner proposes to revise the currently effective allocation of its firm contract demand and seasonal delivery obligations under the FPC Gas Rate Schedule LS-1.

The current allocation is as follows:

Currently effective

	Firm contract demand		Seasonal quantity	
	Cubic feet (in thousands)	Therms	Cubic feet (in thousands)	Therms
1976-77 HEATING SEASON				
California-Pacific Utilities Co.	8,600	89,870	52,000	543,400
Cascade Natural Gas Co.	51,200	535,040	416,000	4,247,200
Intermountain Gas Co.	36,500	381,425	290,000	3,093,200
Northwest Natural Gas Co.	28,708	300,000	58,392	610,200
Southwest Gas Corp.	11,483	120,000	29,187	305,000
Washington Natural Gas Co.	54,000	564,300	180,000	1,881,000
Washington Water Power Co., The	17,225	180,000	163,421	1,700,000
Total	207,716	2,170,635	1,200,000	12,540,000
1977-78 HEATING SEASON				
California-Pacific Utilities Co.	8,600	89,870	52,000	543,400
Cascade Natural Gas Co.	51,200	535,040	416,000	4,247,200
Intermountain Gas Co.	36,500	381,425	290,000	3,093,200
Northwest Natural Gas Co.	28,708	300,000	83,062	893,000
Southwest Gas Corp.	11,483	120,000	41,531	434,000
Washington Natural Gas Co.	54,000	564,300	142,086	1,434,200
Washington Water Power Co., The	21,053	220,000	163,421	1,700,000
Total	211,544	2,210,635	1,200,000	12,540,000

The proposed reallocation is as follows:

Proposed allocation

	Firm contract demand		Seasonal quantity	
	Cubic feet (in thousands)	Therms	Cubic feet (in thousands)	Therms
1976-77 HEATING SEASON				
California-Pacific Utilities Co.	9,040	94,470	55,550	580,500
Cascade Natural Gas Co.	54,001	564,340	438,488	4,582,200
Intermountain Gas Co.	38,499	402,225	311,895	3,259,200
Northwest Natural Gas Co.	33,013	345,300	93,014	972,000
Peoples Natural Gas Co.	1,435	15,000	11,483	120,000
Southwest Gas Corp.	11,483	120,000	29,187	305,000
Washington Natural Gas Co.	42,996	449,300	103,445	1,081,000
Washington Water Power Co., The	17,225	180,000	156,938	1,640,000
Total	207,716	2,170,635	1,200,000	12,540,000
1977-78 HEATING SEASON				
California-Pacific Utilities Co.	9,040	94,470	54,785	572,502
Cascade Natural Gas Co.	54,001	564,340	432,464	4,519,248
Intermountain Gas Co.	38,499	402,225	307,611	3,214,537
Northwest Natural Gas Co.	33,013	345,300	91,743	958,713
Peoples Natural Gas Co.	1,435	15,000	11,483	120,000
Southwest Gas Corp.	11,483	120,000	41,531	434,000
Washington Natural Gas Co.	42,996	449,300	103,445	1,081,000
Washington Water Power Co., The	17,225	180,000	156,938	1,640,000
Total	207,716	2,170,635	1,200,000	12,540,000

Petitioner states that the reallocation for the 1976–77 and 1977–78 heating seasons results from requests from certain parties receiving an additional allocation of LS–1 service and by those releasing a portion of their previously authorized allocation.

The petition indicates that through an omission Petitioner has heretofore liquefied for and billed the Peoples Division of Northern Natural Gas Company (Peoples) a liquefaction and capacity charge pursuant to Petitioner's LS–1 Rate Schedule for liquefying and storing natural gas for the account of Peoples. Also, it is indicated that the liquefaction and storage of natural gas for the accounts of Washington Natural Gas Company and Washington Water Power Company did not conform to the currently effective allocation. The petition states that the service agreements submitted to the Commission on October 9, 1975, which were accepted by Commission order dated November 17, 1975, to be effective on December 1, 1976, did not conform to the allocation authorized on November 4, 1975, in these proceedings for the service year commencing April 1, 1976. However, these service agreements were said to have been used as the basis for liquefying and storing natural gas for the account of Petition's LS–1 customers.

The allocation which has been utilized by Petitioner and which conforms to the presently effective service agreements is as follows:

LS-1 service agreements

	Firm contract demand		Seasonal quantity	
	Cubic feet (in thousands)	Therms	Cubic feet (in thousands)	Therms
1976-77 HEATING SEASON				
California-Pacific Utilities Co.	8,600	89,870	52,000	543,400
Cascade Natural Gas Co.	51,200	535,040	416,000	4,347,200
Intermountain Gas Co.	36,500	381,425	296,000	3,093,200
Northwest Natural Gas Co.	28,708	300,000	58,392	610,200
Peoples Natural Gas Co.	1,435	15,000	11,483	120,000
Southwest Gas Corp.	11,483	120,000	29,187	305,000
Washington Natural Gas Co.	52,565	549,300	180,000	1,881,000
Washington Water Power Co., The	17,225	180,000	156,938	1,640,000
Total	207,716	2,170,635	1,200,000	12,540,000

Petitioner maintains that the grant of the authorization proposed herein together with new service agreements entered into between Petitioner and its LS-1 customers would properly effect the LS-1 service contemplated for the 1976-77 heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 19, 1976, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28798 Filed 10-1-76;8:45 am]

SUPPLY TECHNICAL ADVISORY TASK FORCE

Meeting

Agenda of a meeting of the Supply Technical Advisory Task Force—Regulatory Aspects of Substitute Gas will take place in Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426 on October 21-22, 1976 at 9:30 A.M. and 9:00 A.M. respectively.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative & Secretary, National Gas Survey.

(1) Call to Order—Mr. William J. McCabe.

(2) Review of Task Force Work Completed—Mr. Frank F. Jestrab, Bjella & Jestrab, Williston, North Dakota, Task Force Chairman and Mr. Martin N. Erck, Senior Counsel, Exxon Company, U.S.A., Houston, Texas, Task Force Vice Chairman.

(3) Discussion of Draft Task Force Report—Mr. Frank F. Jestrab and Mr. Earl V. Fisher.

(4) Comments of Task Force Members on Task Force Draft Report.

(5) Comments from Interested Parties.

(6) Assignment of Additional Work to Task Force Members as Required—Mr. Frank F. Jestrab.

(7) Assignment of Additional Instructions to the Task Force Drafting Committee as Required—Mr. Frank F. Jestrab.

(8) Selection of Next Meeting Date.

(9) Discussion of Other Matters.

(10) Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28969 Filed 9-29-76;2:32 pm]

TRANSMISSION, DISTRIBUTION AND STORAGE TECHNICAL ADVISORY TASK FORCE

Meeting

Agenda of a meeting of the Transmission, Distribution and Storage Technical Advisory Task Force-Rate Design will take place in Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, on October 27, 1976 at 9:30 A.M.

Presiding: Mr. John F. Craig, FPC Coordinating Representative and Secretary.

(1) Call to Order—Mr. John F. Craig.

(2) Introductory Remarks—Mr. Richard W. Walker, Task Force Chairman.

(3) Review of Report Prepared by Zinder Associates.

(4) Review of Draft Outlines and Reports Prepared by the 6 Subgroups.

(5) Establishing Next Meeting Date and Agenda.

(6) Discussion of Other Matters.

(7) Adjournment—Mr. John F. Craig.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28970 Filed 9-29-76;2:32 pm]

TRANSMISSION, DISTRIBUTION AND STORAGE TECHNICAL ADVISORY TASK FORCE

Meeting

Agenda of a meeting of the Transmission, Distribution and Storage Technical Advisory Task Force-Impact of Gas Shortage on Consumers, will take place in Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, on October 18, 1976, at 9:30 A.M.

Presiding: Mrs. Janet S. Grimes, FPC Coordinating Representative and Secretary, National Gas Survey.

(1) Call to Order—Mrs. Janet S. Grimes.

(2) Introductory Remarks—Mr. Louis Santone, Task Force Chairman-Director, Office of Business and Legislative Affairs, U.S. Department of Commerce.

(3) Review of Draft Report—Mr. Louis Santone.

(4) Discussion of Other Matters.

(5) Adjournment—Mrs. Janet S. Grimes.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28971 Filed 9-29-76;2:32 pm]

SOUTHERN CALIFORNIA EDISON CO.

[Docket No. E-8570]

Extension of Time

SEPTEMBER 28, 1976.

On September 21, 1976, the Cities of Anaheim, Riverside, Banning, Colton, and Azusa, California, filed a motion to extend the date for filing briefs on exceptions to the Initial Decision issued September 13, 1976, in the above-designated proceeding. All parties to the proceeding have been notified, and there are no objections.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions to the Initial Decision in this proceeding is extended to and including November 15, 1976, and the date for filing briefs opposing exceptions is extended to and including December 6, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29047 Filed 10-1-76;8:45 am]

HIGH ISLAND OFFSHORE SYSTEM

[Docket Nos. CP75-104, et al.]

Extension of Time

SEPTEMBER 28, 1976.

On September 21, 1976, High Island Offshore System filed a motion to extend the time within which to comply with ordering paragraph (A) of the Commission's Order on Rehearing Affirming Issuance of Certificate and Prescribing Rate Computation issued July 30, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the time within which to file in accordance with paragraph (A) of the Commission's Order in the above-designated proceeding is extended to and including November 29, 1976.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29048 Filed 10-1-76;8:45 am]

[Docket No. ER76-162]

LOUISIANA POWER AND LIGHT CO.

Order Granting Permission To Withdraw

SEPTEMBER 28, 1976.

On July 12, 1976, the Electric Power System Association (EPSA)[1] filed a "Notice of Withdrawal of Participation from Proceeding." For the reasons hereafter stated the Commission shall grant permission to withdraw.

This proceeding involves an executed Interconnection Agreement between Louisiana Power and Light Company (LP&L) and the City of Ruston, Louisiana. By order issued April 30, 1976, the Commission suspended the rate schedule for one day, granted a petition to intervene of EPSA,[1] and entered upon a hearing concerning the justness and reasonableness of the Interconnection Agreement.

Public notice of EPSA's filing of Notice of Withdrawal was issued on July 19, 1976, with comments due on or before July 30, 1976. No responses were received.

In its Notice of Withdrawal EPSA states that as a result of conferences held between representatives of EPSA and LP&L, questions respecting the interpretation and application of certain provisions of the Interconnection Agreement have been resolved to EPSA's satisfaction. Appended to its Notice of Withdrawal are illustrative calculations submitted to EPSA by LP&L which satisfy EPSA's concerns. Good cause having been shown therefor, permission to withdraw shall be granted.

On September 2, 1976, the Presiding Administrative Law Judge issued an order granting Commission Staff's motion to terminate the proceeding inasmuch as "all questions of Staff with respect to the filing now have been resolved satisfactorily, and there remains no issue in dispute." The Presiding Judge's order took note of the July 12 Notice of Withdrawal of EPSA. Consistent therewith and in light of the above, Docket No. ER76-162 is hereby terminated.

The Commission finds: Good cause exists to grant EPSA permission to withdraw from this proceeding and to terminate Docket No. ER76-162.

The Commission orders: (A) EPSA is hereby granted permission to withdraw from this proceeding.

(B) Docket No. ER76-162 is hereby terminated.

(C) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29049 Filed 10-1-76;8:45 am]

NATURAL GAS PIPELINE CO. OF AMERICA

[Docket No. RP74-96]

Notice Postponing Procedural Dates

SEPTEMBER 28, 1976.

On September 22, 1976, Natural Gas Pipeline Company of America filed a motion to postpone the procedural dates fixed by order issued August 13, 1976, pending action by the Commission on the concurrent motion for approval of the settlement agreement.

Notice is hereby given that the procedural dates in the above-designated matter are postponed pending further action by the Commission.

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29050 Filed 10-1-76;8:45 am]

MONTAUP ELECTRIC CO.

[Docket No. ER76-46]

Further Extension of Procedural Dates

SEPTEMBER 28, 1976.

On September 21, 1976, Commission Staff filed a motion to extend the procedural dates, fixed by order issued August 29, 1975, as most recently modified by notice issued September 1, 1976, in the above-designated proceeding. The motion states that parties to the proceeding have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff's Testimony, October 7, 1976.
Service of Intervenor's Testimony, October 21, 1976.
Service of Company's Rebuttal, November 3, 1976.
Hearing, November 17, 1976 (10 am, EST).

By direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29051 Filed 10-1-76;8:45 am]

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[1] EPSA is a non-profit corporation organized by Ruston and other Louisiana municipals.

TEXAS GAS TRANSMISSION CORP.

[Docket No. CP76-520]

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 15, 1976, Texas Gas Transmission Corporation (Applicant), PO Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-520 an application pursuant to § 7 (c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for a two-year term for the Anaconda Company, Aluminum Division (Anaconda), an existing industrial customer of Louisville Gas and Electric Company (Louisville), one of Texas Gas' resale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Anaconda has entered into a contract with Par Oil Corporation (Par) for the purchase of volumes of natural gas to be produced from certain leasehold interests presently owned or controlled by Par in the Athens Field, Claiborne Parish, Louisiana. Applicant proposes that such gas would be delivered to Applicant at an existing meter station near the site of Block Valve No. 1 on Applicant's Sharon-Carthage 20-inch pipeline in Section 35, Township 20 North, Range 6 West, in Claiborne Parish, Louisiana, from which point Applicant would redeliver up to 347 Mcf per day, and up to 126,655 Mcf on an annual basis, to Applicant's existing point of delivery with Louisville for the account of Anaconda. The application indicates that Anaconda would pay Par $1.50 per Mcf at 15.025 psia for the gas during the first contract year and the price would increase 3.0 cents per Mcf in the second contract year. It is asserted that in no event would Applicant be obligated to deliver on any day an aggregate amount of more than 239,706 Mcf of gas through all points of delivery of Applicant to Louisville. Applicant states that Louisville has agreed to accept up to 347 Mcf of gas per day to be transported and delivered by Applicant to Louisville for the account of Anaconda.

Applicant proposes to charge 18.37 cents per Mcf at 14.73 psia for the transportation service and would retain 10.0 percent of the volumes transported for compressor fuel and line loss makeup.

It is maintained that Applicant has experienced deepening levels of curtailment on its own system to high-priority industrial and commercial customers and projects curtailment well into Priority 2 in the 1976 winter season and thereafter. Applicant indicates that, as advised by Par, if the subject natural gas is not

sold to Anaconda, it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana. Therefore, it is shown that Applicant does not consider the subject natural gas to be available to it for purchase.

Applicant maintains that since the volumes to be transported under this and any similar transportation agreements with customers of distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and annual basis. Further, Applicant asserts that the proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets.

It is indicated that use of the gas to be transported as herein described would meet Priority 2 requirements. The gas would be used at Anaconda's Wire and Cable Division at LaGrange, Kentucky, which produces electric magnet wire for the automotive and household appliance industries, electrical utilities, and the national defense industry, it is said, and Applicant maintains that there is no feasible alternate fuel.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 18, 1976, file with the Federal Power Commission, Washington, DC 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 secs. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29052 Filed 10-1-76;8:45 am]

[Docket No. E-9567]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 20, 1976, Virginia Electric and Power Company (Applicant) filed an application pursuant to § 203 of the Federal Power Act with the Federal Power Commission for authorization to enter into a Bill of Sale with the Northern Piedmont Electric Cooperative (NPEC) by which Applicant will sell and NPEC will purchase a 34,500 volt distribution line, approximately five and one quarter miles in length, extending from the certificated boundary between Applicant and NPEC and the present point of interconnection at NPEC's Dunnes Delivery Point, and consisting of poles, conductors and appurtenances, and including the related distribution substation facilities in the Dunnes Delivery Point. The purchase price is $113,648.

Applicant is incorporated under the laws of the State of Virginia with its principle business office at Richmond, Virginia, and is qualified to transact business in the states of Virginia, North Carolina and West Virginia. Applicant is engaged, among other things, in the business of generation, distribution and sale of electric energy in substantial portions of the State of Virginia.

Applicant represents that the proposed sale of these facilities will facilitate the efficiency and economy of operation and service to the public by allowing NPEC to utilize the five and one quarter miles of 34.5 KV line, now owned by Applicant, to provide electric service to NPEC's residential and industrial customers.

Any person desiring to be heard or to make any protest with reference to said Applicant should, on or before October 15, 1976, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. This application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29053 Filed 10-1-76;8:45 am]

[Docket No. RP76-84]

UNITED GAS PIPE LINE CO.

Further Extension of Procedural Dates

SEPTEMBER 24, 1976.

On September 22, 1976, Staff Counsel filed a motion to extend the date for service of Staff Top Sheets fixed by Commission order of May 7, 1976, as most recently modified by notice issued July 22, 1976.

Upon consideration, notice is hereby given that an extension of time is granted to and including December 22, 1976.

LOUIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29054 Filed 10-1-76;8:45 am]

UNITED GAS PIPE LINE CO.

[Docket No. RP76-84]

Motion to Make Effective Suspended Tariff Sheets and Revised Tariff Sheet

SEPTEMBER 24, 1976.

Take notice that on September 16, 1976, United Gas Pipe Line Company (United) tendered for filing Thirty-Third Revised Sheet No. 4, to its FPC Gas Tariff, First Revised Volume No. 1 which United states represents the rates as filed in the captioned docket adjusted to reflect its currently effective purchased gas cost of 57.22¢ per Mcf and surcharge 1.56¢ per Mcf.

United tendered also Sheet Nos. 559 and 574 to its Rate Schedules X-63 and X-64, respectively, under the referenced tariff to reflect the elimination of the cost of company used gas from its transportation rate under these schedules. United included also Sheet Nos. 593, 609 and 625 to Rate Schedules X-66, X-67 and X-68, representing transportation services which became effective subsequent to the filing of Docket No. RP76-84, are being filed to reflect the increased rates contained in the Docket No. RP76-84 filing.

United filed a Motion to Make Effective Suspended Tariff Sheets to be effective October 9, 1976 at the same time.

United states that copies of the instant tender have been made on its jurisdictional customers and interested 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 and 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with

the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29055 Filed 10-1-76;8:45 am]

[Docket No. RP72-142 (PGA76-8)]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 23, 1976.

Take notice that Cities Service Gas Company (Cities Service) on September 10, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that pursuant to the Purchased Gas Cost Rate Adjustment provision in Article 21 of its FPC Gas Tariff and Ordering Paragraph (D) of the Commission's Opinion No. 770 and giving effect to Ordering Paragraph (B)(2) of the Commission's Opinion No. 742-A, it proposes to increase its rates effective October 27, 1976, to reflect increased purchase gas costs.

Such revised rates are reflected on Second Revised Sixteenth Revised Sheet PGA-1 which reflects a current adjustment of 9.62¢ 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, 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 October 13, 1976. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29056 Filed 10-1-76;8:45 am]

[Docket Nos. ER76-792 and E-9329]

INDIANA & MICHIGAN ELECTRIC CO.

Order Accepting for Filing and Suspending Service Agreement, Granting Intervention and Consolidating Procedures

SEPTEMBER 23, 1976.

On July 16, 1976, Indiana & Michigan Electric Company (I&M) tendered for filing with the Commission a superseding service agreement[1] with the City of Mishawaka, Indiana, requested to become effective on September 24, 1976, the expiration date of the current service agreement. Mishawaka filed a petition to intervene and objected to the terms of service under the proposed agreement. For the reasons set forth below, the Commission shall suspend the effectiveness of the service agreement for one day, consolidate the proceeding with ongoing Docket No. E-9329 and grant the petition to intervene.

Notice of the filing was issued on August 4, 1976, with comments, protests or petitions to intervene due on or before August 13, 1976.

On August 12, 1976, the City of Mishawaka filed a petition to intervene, stating its objection to certain terms of service of the proposed service agreement. Mishawaka is currently served under I&M's tariff rate MRS which, along with tariff rate WS, is presently being collected subject to refund pending the outcome of the proceedings in Docket No. ER76-714, et al. The proposed superseding service agreement would place Mishawaka on tariff rate WS, which contains rates identical to those under tariff MRS, but the proposed agreement contains new terms of service to which Mishawaka objects. These include the placing of service on a day to day basis and the specification of a maximum permissible kilowatt reservation for each delivery point, with rates, terms and conditions for supplying capacity in excess of such maximum reservation to be subject to negotiation.

The Commission's review of I&M's filing indicates that the terms and conditions of the proposed service agreement have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept I&M's proposal for filing and suspend its operation for one day, to become effective September 25, 1976, and grant Mishawaka's petition to intervene. Since a hearing on a similar service agreement, between I&M and the City of Anderson, Indiana, containing terms similar to those in dispute herein, has previously been ordered in Docket No. E-9329, the Commission shall consolidate the instant docket with that ongoing proceeding for purposes of hearing and decision. The proposed rate level under tariff rate WS will of course be subject to refund pending the outcome of the proceedings in Docket Nos. ER76-714, et al.

I&M requested waiver of the cost support filing requirements of the Commission's Regulations for the instant filing since it included cost support for tariff rates MRS and WS in its May 28, 1976 filing in Docket Nos. ER76-714, et al. However, we find that such a waiver is unnecessary since the instant filing does not involve a rate increase, to which the regulations apply, but a change in terms and conditions of service.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the service agreement proposed in Docket No. ER76-792 be accepted for filing and suspended for one day, to become effective September 25, 1976, pending hearing and decision as to its lawfulness.

(2) Intervention in this docket by the City of Mishawaka may be in the public interest.

(3) Good cause exists to consolidate Docket Nos. ER76-792 and E-9329.

The Commission orders: (A) Pursuant to the authority contained in the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter D), a public hearing shall be held concerning the justness and reasonableness of the terms and conditions of I&M's proposed service agreement filed in Docket No. ER76-792.

(B) Pending a hearing and decision thereon, I&M's proposed service agreement tendered in Docket No. ER76-792 is hereby accepted for filing and suspended for one day, to become effective September 25, 1976.

(C) The City of Mishawaka is hereby permitted to intervene in Docket No. ER76-792, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of this intervenor shall be limited to matters effecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) Nothing contained herein shall be construed as limiting the rights of parties to Docket No. ER76-792 regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure, 18 CFR 1.18.

(E) The proceedings in Docket Nos. ER76-792 and E-9329 are hereby consolidated for hearing and for all other purposes.

(F) The Presiding Administrative Law Judge in these proceedings is hereby authorized to convene any further prehearing conferences that may be necessary in view of the consolidation of Docket No. ER76-792 with Docket No. E-9329. Said Presiding Law Judge is hereby authorized to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss as provided for in the Rules of Practice and Procedures).

(G) The Secretary shall cause prompt publication of the order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29057 Filed 10-1-76;8:45 am]

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[1] Designated: Indiana & Michigan Electric Company Service Agreement under FPC Electric Tariff WS Volume No. 1.

[Docket No. ES76-75]

INDIANAPOLIS POWER & LIGHT CO.

Notice of Application

SEPTEMBER 24, 1976.

Notice is hereby given that on September 16, 1976, Indianapolis Power & Light Company (Applicant) filed an Application with the Commission seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of up to $103,000,000 principal amount of unsecured short-term promissory notes.

Applicant is incorporated under the laws of Indiana with its principal business office in Indianapolis, Indiana, and is primarily engaged in generating, distributing and selling electric energy within the City of Indianapolis and adjacent communities, towns and rural areas.

Applicant proposes to issue the Notes from time to time after the authorization thereof by the Commission, with a final issue date for all such Notes of June 30, 1978, and a final maturity date of December 31, 1978. Each Note will carry a maturity date of not more than twelve months after the date of issuance thereof. The notes to be issued to commercial paper dealers will be issued at the prevailing published discount rate, in various amounts, but not to exceed twenty-five percent of Applicant's gross operating revenues during the preceding twelve months of operation and will have maturity dates of not more than nine months from the date of issuance thereof, excluding any days of grace. The Notes issued to commercial banks will bear interest at a rate not to exceed the prevailing prime commercial lending rate of commercial banks.

The net proceeds to be received from the initial issuance of the Notes will be applied to the payment of part of the cost of Applicant's 1975-1980 construction program. Construction expenditures are estimated to be $118,432,500 for 1976, $50,689,614 for 1977, and an aggregate of $314,909,545 for the years 1978, 1979 and 1980.

Any person desiring to be heard or to make any protest with reference to said Application should on or before October 15, 1976, file with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 29902, 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). 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29058 Filed 10-1-76;8:45 am]

[Project No. 2100]

DEPARTMENT OF WATER RESOURCES, STATE OF CALIFORNIA

Application for Eastments Over Project Lands

SEPTEMBER 24, 1976.

Public notice is hereby given that an application was filed on January 22, 1976, under the Federal Power Act (16 U.S.C. 791a-825r) by the Department of Water Resources, State of California (correspondence to: Mr. Ronald B. Robie, Director, Department of Water Resources, State of California, PO Box 388, Sacramento, California 95802) for approval of easements over lands of Feather River Project No. 2100 located on the Feather River and its tributaries, in Butte County, California.

The Department requests Commission approval of the following transfers of rights in project lands:

(1) A transfer of interest in 22.08 acres located in Butte County, adjacent to the Thermalito Diversion Dam, to the California State Department of Fish and Game for the purpose of establishing a fishing access site and wildlife habitat area.

(2) A transfer of interest in 100.53 acres located in Butte County, adjacent to the Thermalito Afterbay Dam, to the California State Department of Fish and Game for the purpose of establishing a wildlife habitat area and warm water fisheries.

(3) A transfer of interest in 0.70 acre located in Butte County, at the Bidwell Bar Canyon Saddle Dams, to the California State Department of Parks and Recreation for the purpose of developing a bicycle and horse trail.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 8, 1976, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 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 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein, and if the Department requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or the Department fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for the Department to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29059 Filed 10-1-76;8:45 am]

ROCHESTER GAS & ELECTRIC CORP.

[Docket No. ER76-908]

Notice of Cancellation

SEPTEMBER 27, 1976.

Take notice that on September 17, 1976, Rochester Gas & Electric Corporation (RG&E) tendered for filing Notice of Cancellation of its Rate Schedule FPC No. 19. RG&E states that the nature of the service rendered under this Rate Schedule is the sale of Firm Capability and energy associated therewith to Consolidated Edison Company of New York, Inc. Service, according to RG&E, is to be terminated in accordance with the term provision of this Rate Schedule.

RG&E requests termination to become effective October 30, 1976.

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 October 19, 1976. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29060 Filed 10-1-76;8:45 am]

GREAT LAKES GAS TRANSMISSION CO.

[Docket No. RP72-140 (PGA76-4)]

Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

SEPTEMBER 27, 1976.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on September 16, 1976, tendered for filing Twentieth Revised Sheet No. 57 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective November 1, 1976.

Great Lakes states that this revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an

unrecovered purchased gas cost account for the period commencing March 1, 1976 and ending August 31, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 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 October 8, 1976. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29061 Filed 10-1-76;8:45 am]

COLUMBIA GAS TRANSMISSION CORP.

[Docket No. CP76-524]

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 17, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP76-524 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain other natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes six individual construction projects designed to maintain service to Applicant's existing wholesale customers at levels presently authorized by the Commission at a total cost of $358,000, and to abandon certain facilities which are no longer used or useful in Columbia's transmission operation. It is stated that the segments of pipeline that Applicant proposes to replace generally consist of bare steel and wrought iron pipe with no protection against corrosion. These facilities were installed in the time span from 1906 to 1948 and are becoming increasingly difficult to maintain and operate. Applicant asserts that to continue to provide safe and reliable service to its wholesale customers, these pipeline segments must be replaced with coated and cathodically protected steel pipe.

Applicant proposes the following projects:

1. The construction and operation of approximately 0.2 mile of 4-inch transmission pipeline replacing a like amount of 3-inch pipeline located in Delaware County, Ohio.

Applicant indicates that the existing 3-inch transmission pipeline is the sole source of supply for the community of Ashley, Ohio. The segment to be replaced consists of bare steel welded pipe installed in 1946 and 1948 without protection against corrosion, it is stated. Applicant asserts that the proposed replacement with larger diameter pipe is required to provide service with changing operating conditions in this portion of Applicant's transmission system.

2. The construction and operation of approximately 0.4 mile of 2-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Ashland County, Ohio.

It is indicated that the existing transmission pipeline serves the market requirements of suburban mainline customers located at or near the junction of major highways, adjacent to the community of Ashland, Ohio. Applicant states that the segment to be replaced consists of bare steel screw connected and coupled steel pipe installed in 1913 without protection against corrosion, and that replacement with smaller diameter pipe would provide adequate capacity to meet the present and future market requirements of this suburban area.

3. The construction and operation of approximately 1.2 miles of 6-inch pipeline replacing, in two separate sections, a like amount of pipeline ranging in size from 4-inch to 12-inch located in Ashland County, Ohio.

It is indicated that the segments to be replaced are 4, 5, 6, 8, and 12-inch pipe constituting a portion of Applicant's pipeline system which is the sole source of supply for the communities of Polk and Nankin, Ohio. These segments consist mainly of bare coupled steel pipe installed in 1911 and 1925 without protection against corrosion, it is stated, and the proposed replacement with smaller diameter pipe would provide adequate capacity to meet the present and anticipated future market requirements of these communities.

4. The construction and operation of approximately 0.6 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Jefferson County, Ohio.

It is stated that the segment of transmission pipeline to be replaced constitutes a portion of the pipeline system serving the market requirements of the communities of Richmond, Unionport, and Hopedale, Ohio. Applicant indicates that the segment to be replaced consists of deteriorating coupled steel pipe installed in 1927 with no protection against corrison. Applicant has previously replaced segments of this pipeline system, it is said, the most recent replacement having received certificate authorization at Docket No. CP76-77, and Applicant asserts that replacement with smaller diameter pipe would not impair Applicant's ability to supply the existing and anticipated future market requirements served through this facility.

5. The construction and operation of approximately 1.1 miles of 6-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Guernsey and Noble Counties, Ohio.

It is stated that Applicant's existing 8-inch transmission pipeline transports locally produced and purchased volumes and is the primary supply for the communities of Buffalo, Senecaville, Derwent and Pleasant City, Ohio, during winter periods. During summer periods, it is said, the locally produced and purchased volumes transported by the 8-inch pipeline supply the requirements of these communities and augment the supply to other communities in this area. Applicant states that the segment of pipeline to be replaced consists of bare steel coupled pipe installed in 1923 with no protection against corrosion and that previous certificate authorization was at Docket No. CP76-77 for the most recent replacement. Applicant asserts that the proposed replacement with smaller diameter pipe would provide adequate capacity to supply the communities served from this pipeline and to transport present and anticipated future locally produced and purchased volumes of gas.

6. The construction and operation of approximately 1.5 miles of 8-inch transmission pipeline replacing, in two separate sections, approximately 1.4 miles of 10 and 12-inch pipeline and two multiple 10 and 12-inch river crossing lines, each less than 0.1 mile in length, located in Barbour County, West Virginia.

It is stated that Applicant's 10 and 12-inch transmission pipeline transports locally produced and purchased volumes of natural gas, and is the sole source of supply for several communities located in Barbour, Randolph, Tucker and Preston Counties, West Virginia. The segments to be replaced were installed in 1906 and 1921 and consist of bare coupled steel pipe without protection against corrosion, it is said. Applicant states that the most recent replacements of segments of this pipeline received certificate authorization at Docket No. CP76-77. It is asserted that the proposed replacement with smaller diameter pipe would not impair Applicant's ability to provide adequate service to present and anticipated markets supplied through this facility.

7. The abandonment of approximately 0.6 mile of 10-inch transmission pipeline located in Allegany County, Maryland.

It is said that the above segment of 10-inch gas transmission pipeline consists of deteriorating bare coupled steel pipe installed in 1929 without protection against corrosion, and supplied a portion of the requirements of the Cumberland, Maryland, market area. Applicant asserts that newer and more reliable transmission facilities in this area have adequate capacity to serve the requirements of this market area, and that there is no need to maintain this segment of transmission pipeline in service. Further, it is said that this proposed abandonment would not result in termination of service to any of Applicant's existing customers.

8. The abandonment of approximately 0.7 mile of 10-inch transmission pipeline located in Clarion County, Pennsylvania.

It is stated that this segment of Applicant's 10-inch gas transmission pipeline,

originally installed in 1931 and consisting of bare coupled steel pipe, was used historically to transport locally produced and purchased volumes of natural gas. The decline of locally produced and purchased volumes in this area makes it unnecessary to maintain this segment of pipeline in service as other facilities have adequate capacity to transport available production volumes, it is said, and abandonment would not result in termination of service to any existing customers.

9. The abandonment of approximately 9.9 miles of 16-inch transmission pipeline and certain appurtenant regulating facilities located in Allegheny and Washington Counties, Pennsylvania.

Applicant states that this segment of 16-inch pipeline constitutes a portion of the pipeline system which serves the market requirements of the community of Aliquippa, Pennsylvania, and environs. It is said that this segment was installed in 1942 and consists mainly of bare coupled steel pipe with no protection against corrosion. Due to the condition of this pipe, Applicant proposes to abandon a 9.9 mile segment of the pipeline along with certain appurtenant regulating facilities, and maintains that a parallel 24-inch transmission pipeline in this area has adequate capacity to supply the Aliquippa market area.

10. The abandonment of approximately 5.6 miles of 6-inch pipeline located in Wetzel County, West Virginia.

It is stated that the segment of pipeline proposed for abandonment constitutes a portion of the pipeline system which was utilized to transport locally produced and purchased volumes of natural gas from Earnshaw Compressor Station to Porters Falls Compressor Station, both located in Wetzel County, West Virginia. Applicant maintains that due to the abandonment of Earnshaw Compressor Station, the pipeline is no longer required for the aforementioned production function, and that this abandonment would not result in termination of service to any of Applicant's existing customers.

11. The abandonment of approximately 2.8 miles of 10-inch transmission pipeline located in Cabell County, West Virginia.

It is indicated that this pipeline was installed in 1910 as a lateral between two transmission pipelines which transported volumes of natural gas to Kenova Compressor Station located in Wayne County, West Virginia, and the Huntington, West Virginia, market area. The 2.8 mile segment which Applicant proposes to abandon had deteriorated to the point that it was no longer a reliable transmission facility and has been taken out of service as it is no longer used or useful in Applicant's transmission operations, it is said.

12. The abandonment of six 600-horsepower compressor units and related appurtenant equipment at South Point Compressor Station located in Lawrence County, Ohio.

Applicant indicates that this equipment was installed in 1946–48 to compress volumes of natural gas received from Kenova Compressor Station in Wayne County, West Virginia, and delivered to Applicant's high pressure transmission system, which extends between Ceredo Compressor Station located in Wayne County, West Virginia, and Crawford Compressor Station located in Fairfield County, Ohio. Applicant asserts that due to shifting supply pattern, the Kenova and Ceredo Compressor Stations have sufficient capacity available to compress the volumes of natural gas that South Point presently compresses and by utilizing more modern equipment installed at Kenova and Ceredo, Applicant proposes to abandon the South Point Station.

13. The abandonment of two 675-horsepower and one 1,350-horsepower compressor units and related appurtenant equipment at Mount Sterling Compressor Station located in Madison County, Ohio.

It is said that Applicant's Mount Sterling Compressor Station presently consists of the above-described three obsolete horizontal-reciprocating compressor units and related appurtenant equipment, which were originally installed in 1940, and that these units were salvaged from another compressor station, where they were originally installed in 1913. Applicant asserts that due to the decline in volumes of natural gas available from a southwest pipeline supplier, the Mount Sterling Station is no longer required in Applicant's transmission operations, and for this reason Applicant proposes to abandon the compressor units.

Applicant maintains that the proposed pipeline facilities should be completed and available for operating no later than November 1, 1977, and that in order to take advantage of the most favorable construction season, Applicant proposes to commence the construction of the facilities in early spring or summer of 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29062 Filed 10-1-76;8:45 am]

NATIONAL FUEL GAS SUPPLY CORP.

[Docket No. RP76-4 (PGA76-11)]

Proposed PGA Rate Adjustment

SEPTEMBER 27, 1976.

Take notice that on September 3, 1976, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Fifth Substitute Seventh Revised Sheet No. 4, proposed to be effective October 1, 1976.

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 (2.77¢) per MCF on Fifth Substitute Seventh 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, DC 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 October 8, 1976. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29063 Filed 10-1-76;8:45 am]

VIRGINIA ELECTRIC POWER CO.; PENNSYLVANIA - NEW JERSEY - MARYLAND GROUP

[Docket No. ER76-907]

Supplement to Interconnection Agreement

SEPTEMBER 27, 1976.

Take notice that on September 15, 1976 Virginia Electric and Power Company

(VEPCO) and the Pennsylvania-New Jersey-Maryland Group (PJM) tendered for filing a proposed Supplemental Agreement dated September 1, 1976 to the Interconnection Agreement between them dated September 30, 1965, which is filed with the Commission under the following Rate Schedule designations:

	Rate schedule FPC No.—
Virginia Electric and Power Co	73
Public Service Electric and Gas Co	37
Philadelpha Electric Co	28
Pennsylvania Power & Light Co	43
Baltimore Gas and Electric Co	18
Jersey Central Power & Light Co	23
Metropolitan Edison Co	28
Pennsylvania Electric Co	48
Potomac Electric Power Co	23

VEPCO–PJM Group states that the proposed Supplemental Agreement clarifies the wording of the Interconnection Agreement; brings it into closer conformity with other agreements; deletes provisions which are no longer required; increases certain charges in order to cover present costs of service, and provides charges for new services and services involing third Parties.

VEPCO–PJM Group further states that no new facilities will be installed nor will existing facilities be modified in connection with the proposed Supplemental Agreement. It is requested that the proposed Supplemental Agreement become effective on October 15, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commision's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1976. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29064 Filed 10-1-76;8:45 am]

PANHANDLE EASTERN PIPE LINE CO.

[Docket No. CP76-527]

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 17, 1976, Panhandle Eastern Pipe Line Company (Applicant), PO Box 1642, Houston, Texas 77001, filed in Docket No. CP76-527 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural) and for the construction and operation of certain facilities required to affect the transportation of the natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport 75,000 Mcf of gas per day on a firm basis and 25,000 Mcf per day on a best efforts basis for the period November 1 through February 28 in the years 1976–77 and 1977–78. Thereafter, it is shown, Natural would notify Applicant of the volumes Natural desires to have transported on a firm basis during the period November 1, 1978, through February 28, 1979, and Applicant would advise Natural of its capacity to perform such transportation. Further, it is stated that Applicant would transport on a best efforts basis 100,000 Mcf per day during the period from March to October, 1977, and from March, 1978, and thereafter. Such gas would be received from Natural at a point in Section 15, Township 10 North, Range 21 West in Beckham County, Oklahoma, on Applicant's existing Elk City line and would be redelivered at the existing point of connection between Applicant and Natural in Section 16, Township 30 South, Range 25 West in Clark County, Kansas, or any mutually agreeable point as agreed to between the parties.

Applicant proposes to charge 5.1 cents per Mcf at 14.73 psia for all gas volumes transported with a minimum monthly transportation charge of $87,188 for the firm transportation. It is stated that Applicant would retain 3 percent of the volumes transported for fuel use.

Applicant further proposes to construct and operate certain facilities required to affect this transportation between Applicant and Natural. It is indicated that Applicant would construct a new measuring station in Beckham County, Oklahoma, to replace the existing station now receiving gas from Shell Oil Company, and the existing measuring station would be used to receive the volumes of gas to be transported under this transportation agreement. Applicant intends to rebuild the existing measuring station at the point of connection between Applicant and Natural in Clark County, Kansas, in order to redeliver the transportation volumes to Natural, it is said, and further, Natural would provide the control valves and operators to be installed by Applicant at the points of receipt and redelivery. Applicant states that the total cost of the proposed facilities would be $145,000, to be financed from funds on hand.

Applicant states that Natural has advised Applicant that it would have a short term capacity deficiency of at least 75,000 Mcf per day during the 1976–77 and 1977–78 winter heating seasons. This capacity deficiency, it is said, would cause a corresponding reduction in withdrawal rates below the certified withdrawal capacity of Natural's Sayre storage facility. Applicant asserts that by Natural's construction of a 16-inch connection lateral between Natural's transmission line and Applicant's existing facilities in Beckham County, Oklahoma, Natural would be able to eliminate this deficiency and would avoid the need on the part of Natural to construct extensive facilities on its system. It is indicated that Natural would file an application for authorization to construct and operate the facilities to be installed by Natural to effectuate this transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29065 Filed 10-1-76;8:45 am]

TEXAS GAS TRANSMISSION CORP.

[Docket No. CP76-522]

Notice of Application

SEPTEMBER 27, 1976.

Take notice that on September 15, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-522 an application pursuant to § 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for The Anaconda Company, Aluminum Division (Anaconda), an existing industrial customer of Louisville Gas and Electric Company (Louisville), one of Applicant's resale customers, from an existing meter station near the site of Block Valve No. 1 on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, to its ex-

isting point or points of delivery with Louisville for the account of Anaconda, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years on an interruptible basis up to 181 Mcf of gas per day and up to 66,065 Mcf on an annual basis for Anaconda to be produced from the Athens Field, Claiborne Parish, Louisiana. The gas, it is stated, would be purchased from Par Oil Corporation (Par) for $1.50 per Mcf of gas at 15.025 psia.

Applicant proposes to charge for the transportation service 18.37 cents per Mcf of gas at 14.73 psia and would retain 9.0 percent of the volumes transported as compressor fuel and line loss makeup. It is stated that in no event would Applicant be obligated to deliver on any day an aggregate amount of more than the contract demand of 239,706 Mcf through all points of delivery of Applicant to Louisville.

Applicant asserts that since the volumes to be transported under this and any similar transportation agreements with customers of distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day, and annual basis, and further that the proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets. It is stated by Applicant, as advised by Par, that if the subject natural gas is not sold to Anaconda, it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana, and therefore Applicant does not consider the subject natural gas to be available to it for purchase.

Applicant further asserts that the end classification of all the gas to be transported as proposed herein would meet Priority 2 requirements. It is stated that the gas would be used as fuel in Anaconda's Louisville Rolling Mill at Louisville, Kentucky, which produces aluminum foil for various industrial and household uses. It is indicated that there is no alternate fuel, and that curtailment of natural gas deliveries of 30–40 percent is anticipated for the winter heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29066 Filed 10-1-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-2219]

EXXON NUCLEAR COMPANY, INC.

Experimental Test Facility; Negative Declaration

The Nuclear Regulatory Commission (the Commission) is considering the issuance of a Special Nuclear Material License to the Exxon Nuclear Company, Inc. The license would authorize operation of a laboratory and facility to permit evaluation of the ingreated laser isotope separation (LIS) process for the enrichment of uranium. Experimental research will be carried out mainly to confirm parameters previously determined in small-scale experiments and study lightvapor interactions and laser beam propagation. A small amount of enriched uranium will be produced in experimental runs using natural uranium as feed.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed action. On the basis of that appraisal, it is concluded that an environmental impact statement for the proposed action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal (NR-FM-010) is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Bethesda, Maryland this 28th day of September, 1976.

For the Nuclear Regulatory Commission.

L. C. ROUSE,
Chief, Fuel Processing & Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-29150 Filed 10-1-76;8:45 am]

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Proposed Renewal of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering renewal of Facility Operating License No. R-28 issued to The University of Michigan (the licensee) for operation of the Ford Nuclear Reactor (the facility) located in Ann Arbor, Michigan. The facility is a research reactor that has been operating since September 1957 and is currently licensed to operate at 2 megawatts (thermal).

In accordance with the licensee's application dated September 23, 1974, and supplement thereto dated February 25, 1975, the proposed renewal would extend the duration of the Facility Operating License No. R-28 until February 17, 1985. The proposed action also would include incorporation of Technical Specifications in the license for operation of the facility and restatement of the license in its entirety utilizing the Commission's current license format in accordance with the licensee's application dated April 24, 1974, as supplemented.

Prior to issuance of the proposed action, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 3, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the renewal of the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications by the licensee dated April 24, 1974, September 23, 1974, and supplements thereto dated June 4 and 20, 1974, and February 25, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, this 29th day of September, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29149 Filed 10-1-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON TRANSPORTATION OF RADIOACTIVE MATERIALS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.) the ACRS Working Group on Transportation of Radioactive Materials will hold a meeting on October 19, 1976 at the Seven Continents Restaurant, Rotunda Building, O'Hare International Airport, Chicago, IL. This meeting will be closed to the public.

The Working Group will meet in closed session with its consultants, members of the NRC Staff and NRC Staff consultants to continue the review of draft working papers on proposed qualification test criteria for shipping containers to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes. In connection with this matter, the Working Group may hold executive sessions not open to the public or NRC Staff prior to and at the conclusion of the meeting with the NRC Staff and NRC Staff consultants to exchange opinions and formulate recommendations to the ACRS.

Persons wishing to submit written statements regarding the agenda may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than October 12, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close this session which will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption 5 of 5 U.S.C. 552(b). Separation of factual material from individuals' advice, opinions, and recommendations while this meeting is in progress is considered impractical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Working Group and Agency operation.

Dated: September 28, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-28893 Filed 10-1-76;8:45 am]

[Docket No. 50-250]

FLORIDA POWER & LIGHT CO.

Issuance of Amendments to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-31, issued to Florida Power and Light Company, which revised Technical Specifications for Operation of the Turkey Point Nuclear Generating Unit No. 3, located in Dade County, Florida. The amendment is effective as of the date of issuance.

This amendment will modify that portion of the facility operating license which related to the storage of special nuclear material as reactor fuel. The amendment will allow the storage capacity of the Turkey Point Unit No. 3 spent fuel storage pool to be increased from 217 to 235 fuel assemblies for a period of one year.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 19, 1976 (41 FR 35103). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment dated July 30, 1976, as supplemented by letters dated August 25, September 1 and September 16, 1976, (2) Amendment No. 20 to License No. DPR-31 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-28837 Filed 10-1-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-46 issued to the Nebraska Public Power District (the licensee), for operation of the Cooper Nuclear Power Station (the facility), a boiling water reactor located in Nemaha County, Nebraska and currently authorized for operation at power levels up to 2381 MWt.

In accordance with the licensee's application for a license amendment dated August 9, 1976, the amendment would modify operating limits in the facility's Technical Specifications associated with the use of 8 x 8 fuel assemblies. Also, the amendment would permit operation of the facility with modified fuel assembly lower tie plates as part of facility modifications to eliminate in-core vibration of instrument and source tubes.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 3, 1976, the licenses may file a request for a hearing and any

person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gene Watson, Attorney, Barlow, Watson & Johnson, P.O. Box 81686, Lincoln, Nebraska 68501, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 9, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-28895 Filed 10-1-76;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-22 issued to Northern States Power Company (the licensee), for operation of the Monticello Nuclear Power Plant (the facility), a boiling water reactor located in Wright County, Minnesota, and currently authorized for operation at power levels up to 1670 MWt.

In accordance with the licensee's application for a license amendment dated September 7, 1976, the amendment would impose operating limits in the Technical Specifications for single loop operation based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model, modified to apply to single loop conditions, that conforms to the requirements of the Commission's regulations in 10 CFR 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 3, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 7, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Bethesda, Maryland, this 27th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-28896 Filed 10-1-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

SEPTEMBER 27, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from September 28, 1976 through October 7, 1976.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-28979 Filed 10-1-76;8:45 am]

[File No. 600-16]

NEW ENGLAND SECURITIES DEPOSITORY TRUST COMPANY

Order Granting Registration Pursuant to Sections 17A(b) and 19(a)(1) of the Securities Exchange Act of 1934

SEPTEMBER 24, 1976.

New England Securities Depository Trust Company, 53 State Street, Boston, Massachusetts 02109, hereinafter referred to as the Applicant, having made application with the Commission for registration as a clearing agency pursuant to Sections 17A(b) and 19(a)(1) of the Securities Exchange Act of 1934 (the "Act") and, pursuant to Rule 17Ab2-1 under the Act, having requested the Commision to exempt the applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) of the Act;

The Commission having found that it is consistent with the public interest, the protection of investors and the purposes of Section 17A of the Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds, to exempt the Applicant from one or more of the requirements, as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) of the Act; and

The Commission having determined that the Applicant is so organized and has the capacity to safeguard securities and funds in its custody or control or for which it is responsible; the Applicant's rules do not impose any schedule of prices, or fix rates or other fees, for services rendered by participant and assure the safeguarding of securities or funds which are in the custody or control of the clearing agency or for which it is responsible; and the requirements of the Act and the rules and regulations thereunder have been satisfied with respect to the Applicant:

It is ordered, That the Applicant's registration be, and hereby is granted, this 23rd day of September to be effective for not more than eighteen (18) months.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-28988 Filed 10-1-76;8:45 am]

[812-3964]

THE VALUE LINE INCOME FUND, INC., ET AL.

Application for Order Pursuant to Rule 17d-1 Under Section 17(d) of the Act Permitting a Proposed Transaction

SEPTEMBER 23, 1976.

Notice is hereby given that The Value Line Income Fund, Inc., 5 East 44th Street, New York, New York 10017. ("Income Fund"), an open-end, diversified management company registered under the Investment Company Act of 1940 ("Act"), The Value Line Development Capital Corporation ("Development Capital"), a closed-end management investment company registered under the Act, and Liquidonics Industries, Inc. ("Liquidonics"), 6382 Arizona Circle, Los Angeles, California 90045 (collectively, the "Applicants") filed an application on June 9, 1976, and amendments thereto on June 21, 1976 and August 24, 1976, pursuant to Rule 17d-1 under Section 17(d) of the Act for an order permitting Income Fund and Development Capital to participate in a plan of recapitalization of Liquidonics, involving the holders of outstanding debt and equity securities. 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 represent that Income Fund presently holds $225,000 principal amount of the $1,407,500 aggregate amount of Liquidonics' 5½% Subordinated Convertible Income Notes due October 31, 1983 ("5½% income notes"), $1,621,381 principal amount of the $10,465,756 aggregate amount of Junior Secured Notes due January 31, 1976 (the "junior secured notes"), and 22,500 of the 5,212,358 shares of Liquidonics' common stock outstanding. Applicants state that Development Capital presently holds $275,000 principal amount of the 5½% income notes and 27,500 shares of Liquidonics' common stock.

Applicants state that Liquidonics has a consolidated working capital deficiency and deficiency in shareholders' equity, has failed to make certain principal and interest payments, and is in violation of a number of provisions of, and is in default under, the loan and pledge agreements governing approximately $18,500,000 of its outstanding debt securities. They further state that the continuation of Liquidonics as a going concern depends upon the willingness of its long-term creditors to continue to refrain from declaring their debt instruments immediately due and payable, and upon the ability of Liquidonics to rearrange its debt structure so as to be able to meet its long-term obligations from operations.

Liquidonics and its creditors, including Income Fund and Development Capital, have agreed to a plan of recapitalization ("Plan"), pursuant to which there would be a reduction in the number of authorized shares of Liquidonics common stock, a reverse split of the common shares presently outstanding, a rights offering to Liquidonics' shareholders, and an exchange by the holder (Mercantile National Bank at Dallas) of Liquidonics' senior secured debt for a new senior secured note having an extended maturity date. In this regard, the Plan calls for the holders of Liquidonics' junior secured notes, including Income Fund, to exchange those notes for new common shares of Liquidonics and new junior secured notes having a higher interest rate but not maturing for twenty years. In addition, the holders of Liquidonics' unsecured notes, including both Income Fund and Development Capital, are to exchange those securities for shares of the newly authorized common stock and for the new junior secured notes.

Section 2(a)(3)(C) of the Act defines as an affiliated person of another person, as here pertinent, any person under common control with such other person. Applicants assert that Income Fund and Development Capital may be under common control because they have the same manager and investment adviser, Arnold Bernhard & Co., Inc., and have officers and directors in common with each other and with Arnold Bernhard & Co., Inc.; and, therefore, Income Fund and Development Capital may be affiliated persons of each other.

Section 17(d) of the Act and Rule 17d-1 thereunder, in pertinent part, prohibit an affiliated person of a registered investment company, acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or arrangement in which such registered investment company is a participant with the affiliated person unless an application regarding such transaction has been filed with the Commission and has been granted by an order entered prior to the submission of such plan to security holders for approval, or prior to its adoption if not so submitted. A joint enterprise or other joint arrangement as used in Rule 17d-1 is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise of undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Thus, Section 17(d) and Rule 17d-1 thereunder, absent a Commission order, would prohibit the proposed arrangement whereby Income Fund and Development Capital, pursuant to the Plan, would exchange their present security interests in Liquidonics for the new classes of securities to be issued in the recapitalization. Applicants assert that participation by both funds is essential to the success of the Plan.

In passing upon an application pursuant to Rule 17d-1, the Commission will consider whether participation by the registered investment company in such joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

In support of their request for exemption, Applicants represent that participation by Income Fund and Development Capital in the Plan on the basis proposed is consistent with the provisions, policies and purposes of the Act, and not on a basis different from or less advantageous than that of other participants. In this regard, Applicants acknowledge that Income Fund, unlike all other holders of the presently outstanding junior secured notes—who will exchange 70% of the

unpaid amounts of their old junior secured notes for new common stock and 30% for new junior secured notes—will exchange only 50% of its junior secured notes for new common shares and 50% for new junior secured notes. However, it is asserted that this difference was requested by Income Fund because of its conclusion that such difference was more, rather than less, advantageous to it; but such difference would not result in any disadvantage to Development Capital which does not hold any of the present junior secured notes.[1]

Finally, Applicants assert that participation by Income Fund and Development Capital in the recapitalization on the basis proposed would be in the best interests of their respective shareholders, because without such participation the Plan would fail, in which event they allege the interests of all securityholders of Liquidonics, including Income Fund and Development Capital, would be seriously jeopardized.

Notice is further given that any interested person may, not later than October 15, 1976, 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 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 Applicants at the respective 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 may 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.76-28981 Filed 10-1-76;8:45 am]

[1] Since Income Fund and Development Capital are both registered investment companies, Rule 17d-1 requires that the Commission take into consideration any possible disadvantage to either resulting from the terms of the proposed transaction.

SMALL BUSINESS ADMINISTRATION

[License No. 05105-0098]

DOAN RESOURCES CORP.

Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Doan Resources Corporation (Resources), 110 East Grove Street, Midland, Michigan 48640, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1976)), for an exemption from the provisions of the conflict of interest regulation.

The exemption, if granted, will permit Resources to provide a $60,000 financing to Fitterer Engineering Associates, Inc. (FEA). The investment will consist of a $60,000, five (5) year, 10 percent convertible subordinated debenture, convertible at $1.00 per share with interest payable annually.

Doan Associates (Associates), the sole shareholder of Resources, owns approximately 45 percent of the outstanding stock of FEA. Resources owns no stock of FEA.

Information provided by Resources in connection with the application indicates that FEA manufactures and sells disposable oxygen probes to measure the oxygen content in molten steel in real time. Approximately $100,000 is required to provide operating funds for FEA for the next 12 months. The proposed financing by Resources is contingent on others investing approximately $45,000 at the same terms and conditions.

This proposed transaction by Resources is not considered to be a joint financing with an associate as permitted in § 107.1004(c) of the Regulations. Accordingly, FEA is therefore considered to be an Associate of Resources. As such, the transaction will require an exemption pursuant to § 107.1004(b) (1) of the Regulations.

FEA is not controlled by Associates or by Resources but is considered to be controlled by the 55 percent owners of FEA, the Fitterer family and associates, and is an independent small business concern.

Notice is hereby given that any person may, on or before October 19, 1976, submit, in writing, relevant comments on the proposed transaction to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Midland, Michigan and Pittsburgh, Pennsylvania.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 24, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-28959 Filed 10-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 159]

ASSIGNMENT OF HEARINGS; CORRECTION[1]

SEPTEMBER 28, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F 12707, The Chief Freight Lines Company—Control And Merger—Morrison Motor Freight, Inc., now being assigned January 11, 1977, (9 days), at Tulsa, Ok., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-28901 Filed 10-1-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 28, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 19, 1976.

FSA No. 43246—*Corn, Grain Sorghums and Related Articles from Sioux City, Iowa on the Burlington Northern Inc.* Filed by Southwestern Freight Bureau, Agent, (No. B-632), for interested rail carriers. Rates on corn, grain sor-

[1] This notice corrects the hearing date. *January 11, 1977* instead of *January 11, 1976.*

ghums, etc., in carloads, as described in the application, from Sioux City, Iowa, on the Burlington Northern Inc., to points in Texas, on The Atchinson, Topeka and Santa Fe Railway Company.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 248 to Southwestern Freight Bureau, Agent, tariff 182-J, I.C.C. No. 4967. Rates are published to become effective on November 3, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-28902 Filed 10-1-76;8:45 am]

[Notice No. 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 28, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 139269 (Sub-No. 8TA), filed September 20, 1976. Applicant: C. P. CRASKA, INC., 207 Cosby Manor Road, Utica, N.Y. 13501. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, N.Y. 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically temperature controlled vehicles, from Philadelphia, Pa., to points in New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Nathan Verbit, President, Allied Steaks, Inc., 623-641 E. Girard Ave.; Samuel Fareri, Vice-President Norwestern Products, Inc., 1401 N. Delaware Ave., Philadelphia, Pa. 19125. Milton Horwitz, President, Holiday Provision Co., 3723 Old York Road, Philadelphia, Pa. 19140. Yankee Maid Meat Co., Irving Grossman, Sales Executive, 3rd & Pattison Ave., Philadelphia, Pa. 19148. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Room 831, Syracuse, N.Y. 13202.

No. MC 142456 (Sub-No. 1TA), filed September 16, 1976. Applicant: ED WALKER, doing business as PRESSONS DELIVERY SERVICE, 399 North Main St., Mansfield, Ohio 44903. Applicant's representative: John L. Alden, 1396 W. Fifth Ave., Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, usually dealt in by a retail department store, from Chicago, Ill. and Mansfield, Ohio, to points in Ohio, restricted to transportation destined to consumer and not for resale; and (2) *Commodities, materials and supplies* (except commodities in bulk) usually dealt in by a retail department store, from points in Indiana and Ohio to the facilities of the shipper located in Chicago, Ill., under a continuing contract with Aldens, Inc., for 180 days. Supporting shipper: Aldens, Inc., 5000 West Roosevelt Ave., Chicago, Ill. 60607. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio, 43604.

No. MC 142464TA, filed September 16, 1976. Applicant: JOHN M. CHRISTOPHER, 3444 McCarty Lane, Lafayette, Ind. 47905. Applicant's representative: William K. Bennett, 68 Lafayette Bank & Trust Bldg., Lafayette, Ind. 47901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Indiana, Illinois, Ohio, Michigan, and Kentucky, under a continuing contract with Shelby Steel, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shelby Steel, Inc., 108 Boggstown Road, P.O. Box 480, Shelbyville, Ind. 46176. Send protests to: Jack Gray, District Supervisor, Interstate Commerce Commisison, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 142465TA, filed September 20, 1976. Applicant: NORTHWEST TRANSPORTATION SERVICE, INC., North 7511 Freya St., Spokane, Wash. 99210. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* such as are dealt in by wholesale and retail chain grocers and food business houses, restaurants, drug stores, hardware stores, and bakeries (except commodities in bulk and commodities which by reason of their size and weight require the use of special equipment), between Spokane County, Wash., on the one hand, on the other, points in Montana, Idaho, and Oregon, under a continuing contract with U.R.M. Stores, Inc., for 180 days Supporting shipper: U.R.M. Stores, Inc., North 7511 Freya St., Spokane, Wash. 99210. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142466TA, filed September 20, 1976. Applicant: TIMBER PRODUCTS TRANSPORT, INC., P.O. Box 1513, Longview, Wash. 98632. Applicant's representative: William H. Grady, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Western hardwood*, from points in Washington and Oregon, to points in California, and gypsum products and accessories, from points in California, to points in Washington and Oregon, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

PASSENGER APPLICATIONS

No. MC 73133 (Sub-No. 6TA), filed September 17, 1976. Applicant: MAYFLOWER COACH CORP., 16 Hall Ave., Eastchester, N.Y. 10709. Applicant's representative: Larsh B. Newhinney, 235 Mamaroneck Ave., White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between White Plains, N.Y. and New Jersey Sports Complex, East Rutherford, N.J., serving the intermediate points of Greenburgh, N.Y. and Yonkers, N.Y.; from White Plains, N.Y. over Main St. to junction Central Ave., thence over Central Ave. to junction Central Park Ave. in Greenburgh, N.Y., thence over Central Park Ave. to junction Tuckahoe Road, thence over Tuckahoe Road to junction Saw Mill River Road, thence over Saw Mill River Road to junction Ashburton Ave., thence over Ashburton Ave. to junction Palisades Ave., thence over Palisades Ave., to and through Getty Square in Yonkers, N.Y., thence over South Broadway to the boundary line of the City of New York, N.Y., thence over Broadway in the City of New York, N.Y. to West 179th St. thence over 179th St. to the George Washington Bridge, thence over the George Washington Bridge to Bridge Plaza, thence over Bridge Plaza to

Interstate Highway 80, thence over Interstate 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to New Jersey Sports Complex, East Rutherford, N.J.; from New Jersey Sports Complex, East Rutherford, N.J., over Interstate Highway 95, thence over Interstate Highway 95 to junction of Interstate Highway 80, thence over Interstate Highway 80 to George Washington Bridge Plaza, thence over Bridge Plaza to the George Washington Bridge to the junction of West 178th St. in the City of New York, N.Y., thence over West 178th St. to the junction of Broadway.

Thence over Broadway to the boundary line of the City of Yonkers, N.Y., thence over South Broadway, to and through Getty Square in the City of Yonkers, N.Y., thence over Palisades Ave. to the junction of Ashburton Ave., thence over Ashburton Ave. to junction of Saw Mill River Road, thence over Saw Mill River Road to the junction of Tuckahoe Road, thence over Tuckahoe Road to the junction of Central Park Ave., thence over Central Park Ave. to the junction of Central Ave. in Greenburgh, N.Y., thence over Central Ave. to the junction of Hamilton Ave., White Plains, N.Y., and thence over Hamilton Ave. to the White Plains Bus Terminal, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send Protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 103210 (Sub-No. 2TA), filed September 17, 1976. Applicant: SERVICE BUS CO., INC., 798 Nepperhan Ave., Yonkers, N.Y. 10703. Applicant's representative: Sidney J. Leshin, 575 Madison Ave., New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Yonkers, White Plains, and Port Chester, N.Y., on the one hand, and, East Rutherford, N.J. and Bridgeport, Conn. on the other, over regular routes, commencing on Central Ave. at McLean Ave. in Yonkers, N.Y., proceeding north to entrance to Interstate Highway 87 to Interstate Highway 287, thence east on Interstate 287 to White Plains, N.Y., exiting at Route 100A and proceeding south to Tarrytown Road; east on Tarrytown Road to Central Ave., continuing on Central Ave. to Main St., east on Main St. to Broadway; south on Broadway to S. Armory Place; east on S. Armory Place to Westchester Ave., continuing on Westchester Ave. to Interstate 287, continuing on Interstate 287 to Port Chester, N.Y., on Boston Post Road to Korvette Shopping Center, returning to Interstate 287 to and continuing east to Interstate Highway 95, thence east on Interstate 95 to Bridgeport, Conn.; and return over the same route, for 180 days. Supporting shipper: There are approximately 15 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send Protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-28903 Filed 10-1-76;8:45 am]

[Notice No. 160]

ASSIGNMENT OF HEARINGS

SEPTEMBER 29, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133916 (Sub-No. 3), O'Nan Transportation Company, Inc., now assigned November 15, 1976, at Frankfort, Ky. is canceled and application dismissed.

MC 76177 Sub-332, Baggett Transportation Company, A Corp., MC 47142 Sub-113, C. I. Whitten Transfer Company; MC 109397 Sub 177, Tri-State Motor Transit Co., now being assigned November 10, 1976, in the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29073 Filed 10-1-76;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 22nd day of September, 1976.

It appearing, That a petition was filed by Ajax Transfer Company, a Corporation (permits MC-119391 and Sub-Nos. 1, 2, 5, 6 and 8) and LTL Perishables, Inc. (certificate MC-135874 and Sub-Nos. 14 and 19) and Noel Transfer, Inc. (not authorized by the Commission), under common control, for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, that waiver of paragraphs (a)(3) and (c) of section 1057.4 was granted subject to condition, by Order of the Commission, served November 15, 1974;

It further appearing, that permits MC-119391 Sub-Nos. 1, 2, 5, 6 and 8 were revoked by the Commission by Order served July 30, 1975, and that the carrier holds no comparable common carrier or contract carrier authority;

It is ordered, that the Order of the Commission served November 15, 1974, granting waiver of paragraphs (a)(3) and (c) of section 1057.4 be, and it is, hereby vacated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29075 Filed 10-1-76;8:45 am]

[Notice No. 40]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 4, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commisson's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 25, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76403. By order entered September 28, 1976 the Motor Carrier Board approved the transfer to Francis B. Sheridan doing business as Mound City Truck Line, Mound City, Kans. of the operating rights set forth in Certificate No. MC-30078, issued August 31, 1967, to Delbert Bruce doing business as Mound City Truck Line of Mound City, Kansas, Mound City, Kans., authorizing the transportation of general commodities, livestock, seed, and hay over specified regular routes between Mound City, Kans, and Kansas City, Mo., serving specified intermediate and off-route points, and livestock, feed, agricultural implements and parts thereof, petroleum products in containers, plumbing fixtures and supplies, electrical fixtures and equipment, and such merchandise as is dealt in by hardware stores, over irregular routes, from and to Mound City, Kans. and points within 10 miles thereof and Kansas City, Kans. and Kansas City, Mo.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29076 Filed 10-1-76;8:45 am]

[Notice No. 41]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76742, filed September 15, 1976. Transferee: VALLEY TRANSFER, INC., doing business as MURRAY & MIDVALE TRUCK LINE, 1346 North Oakridge Drive, Centerville, Utah 84014. Transferor: GRANT CROCKETT, doing business as MURRAY AND MIDVALE TRUCK LINE, 58 North 400 West, Salt Lake City, Utah 84116. Applicants' representative: William S. Richards, 1515 Walker Bank Building, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 56984 (Sub-No. 2), issued December 23, 1963, as follows: general commodities, solely within the state of Utah. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29074 Filed 10-1-76;8:45 am]

[Notice No. 42]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 4, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76755. By application filed September 27, 1976, EMPIRE STATE MOTOR EXPRESS, INC., 8414 East Main Road, LeRoy, NY 14482, seeks temporary authority to transfer the operating rights of ESTATE OF WILLIAM W. ROFFE, d/b/a GENESEE VALLEY EXPRESS, 112 Main Street, Leicester, NY 14481, under Section 210a(b). The transfer to EMPIRE STATE MOTOR EXPRESS, INC., of the operating rights of ESTATE OF WILLIAM W. ROFFE, d/b/a GENESEE VALLEY EXPRESS, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29072 Filed 10-1-76;8:45 am]

federal register

MONDAY, OCTOBER 4, 1976

PART II:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Proposed Standards

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 31, 34, 54, 98, 154]

[CGD 74-289]

SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Proposed Standards

• *Purpose.* The Coast Guard is considering adding, to the rules concerned with tank vessels, design, inspection, construction, equipment, and operating requirements for self-propelled vessels carrying bulk liquefied gases. •

WRITTEN COMMENTS

Interested persons may participate in this rule making procedure by submitting written data, views, or arguments on the proposal contained in this document to the Executive Secretary, Marine Safety Council (G-CMC/81), Room 8117, U.S. Coast Guard, Washington, D.C. 20590. Each person submitting written comments should identify this notice (CGD 74-289), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if appropriate, of the commenter. Copies of the comments received will be available for examination by interested persons in Room 8117, Coast Guard Headquarters, Washington, D.C.

PUBLIC HEARING

The Coast Guard will hold a public hearing on November 15, 1976, beginning at 0900 in Room 2232, 400 Seventh Street, SW., Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments at the hearing notify the Executive Secretary, Marine Safety Council (G-CMC/81), Room 8117, U.S. Coast Guard, Washington, D.C. 20590, at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the request.

CLOSING DATE FOR COMMENTS

All comments received before December 15, 1976, will be fully considered and evaluated before final action is taken on the proposal in this document. These proposed regulations may be changed in light of the comments received.

DISCUSSION OF PROPOSAL

Currently, design, construction, inspection and operating requirements for self-propelled vessels carrying bulk liquefied gases are contained in Subchapters D, I, and O of Title 46, Code of Federal Regulations. These regulations contain the standards that a U.S. vessel must meet for the issuance of a certificate of inspection, and the standards that a foreign vessel's cargo containment and transfer systems and related systems must meet for the issuance of a Letter of Compliance.

In 1971, the Coast Guard made a request to the Chemical Transportation Industry Advisory Committee (CTIAC) to review these existing regulations and to prepare a recommendation for the development of international standards for gas ships. This advisory group to the Commmandant consisted of representatives of the American Bureau of Shipping, the American Petroleum Institute, the Shipbuilders Council of America, the Manufacturing Chemists Association, the Society of Naval Architects and Marine Engineers, the Compressed Gas Association, and the American Gas Association.

During the same year, the Inter-Governmental Maritime Consultative Organization (IMCO) recognized the need for a code for liquefied gases carried in bulk. An ad hoc working group on bulk chemicals, under the Subcommittee on Design and Equipment of IMCO's Maritime Safety Committee, undertook the development of this code in 1972. Representatives of the Coast Guard and CTIAC were part of the ad hoc working group. By 1975, the Code for Construction and Equipment of Ships Carrying Liquified Gases in Bulk (the Code) was completed and adopted by Assembly Resolution A.328 (IX) (November 1975).

The proposed regulations in this document correspond to the Code. As in the Code, they would apply to the following self propelled new vessels that have on board bulk liquefied gases as a cargo, cargo residue, or vapor:

1. A vessel that is constructed under a building contract awarded after October 31, 1976.

2. In the absence of a building contract, a vessel that has the keel laid or is at a similar stage of construction after December 31, 1976.

3. A vessel that is delivered after June 30, 1980.

4. A vessel that has undergone a major conversion for which—

a. The building contract is awarded after October 31, 1976;

b. In the absence of a building contract, conversion is begun after December 31, 1976; or

c. Conversion is completed after June 30, 1980.

The proposed regulations for new vessels include definitions and requirements for vessel stability, cargo tank location, vessel arrangements, cargo containment systems, piping systems, materials of construction, cargo pressure and temperature control, cargo venting systems, filling limits for cargo tanks, evnironmental control in and around cargo tanks, fire protection, ventilation in the cargo area, instrumentation, crew protection, operating the vessel, and special carriage for particular gases. Implementation of the IMCO recommendations is necessary because the Code defers some matters to the discretion of each administration, and in other matters is not specific enough for Coast Guard regulatory purposes. The major changes from the Code are discussed in the following paragraphs.

"Liquefied gas" is changed from the Code's definition of "a product having a vapor pressure of 2.8 kp/cm² at 37.8° C" to the proposed definition of "a product having a vapor pressure of 1.76 kp/cm² at 37.8° C." This is a change in the definition from a Reid vapor pressure of 40 psia to 25 psia. The change in the Reid vapor pressure includes the "certain other substances" referred to in § 1.2 of the Code, but does not include any product in IMCO's Chemical Code except ethylamine, which is presently listed in the Code and the Chemical Code. The change in the Reid vapor pressure was proposed by the U.S. delegation to IMCO but the change was not adopted, although there was apparently no objection to it. The change, however, does not affect the list of regulated cargoes.

The rate of air change between the airlock doors is not specified in the Code (§ 3.6.1) but is proposed at 12 changes per hour.

It is proposed that leaked cargo from interbarrier spaces be pumped to an emergency dump. It is proposed as an alternative to the Code requirement that leaked cargo be returned to the cargo tanks.

Chapter 4 of the Code includes a provision for the evaluation of the insulation and hull steel assuming for the purpose of design calculations that the cargo tank and secondary barrier, if installed, are at the design temperature and the ambient outside air and sea design temperatures as follows:

GENERAL WORLDWIDE

Still Air: +5° C (41° F)
Sea Water: 0° C (32° F)

Chapter 4 also provides that each administration may set higher or lower ambient design temperatures. This document proposes the following temperatures:

ANY WATERS IN THE WORLD, EXCEPT ALASKAN WATERS

Air (at 5 knots): −18° C (0° F)
Still sea water: 0° C (32° F)

ALASKAN WATERS

Air (at 5 knots): −29° C (−20° F)
Still sea water: −2° C (28° F)

The proposed regulations specify enhanced grades of steel for crack arresting purposes in the deck stringer, sheer strake, and bilge strake. The minimum acceptable grade for the deck stringer and the sheer strake is Grade E or an equivalent steel that is specially approved by the Commandant (G-MMT). The minimum acceptable grades for the bilge strake are Grade D or Grade E or an equivalent steel that is specially approved by the Commandant (G-MMT).

The proposed allowable stresses for membrane, semi-membrane, and independent tank type A is the same as the allowable stresses for these tanks in the Code. However, for independent tank types B and C, stress factors are not the same at the stress factor for these tanks in the Code.

In the Code, the stress factors listed for independent tank types B and C are

the minimum factors that may be used in calculations. The stress factors proposed in these regulations meet Section VIII of the ASME Code, 1974, are greater than the minimum listed in the Code, and must be used in independent tank type B and C calculations for vessels to which the regulations apply.

The Code allows pressure and temperature control of cargoes by venting cargo vapors to the atmosphere when the vessel is at sea and in port if accepted "by the receiving administration". It is proposed to prohibit normal venting of cargo vapor into the atmosphere in a U.S. port.

The Code requires the cargo system to be designed to withstand the full vapor pressure of the cargo under conditions of the upper ambient design temperature or have other means to maintain the cargo tank pressure below the maximum allowable relief valve setting (MARVS) of the tank. These regulations propose that when the cargo carried is a liquefied gas, the cargo tank pressure must be maintained below the design vapor pressure indefinitely, the pressure on a LNG tank would be maintained below the design pressure for a period of not less than 21 days. Cargo tank pressure may be maintained below the design pressure by several methods including refrigeration systems, burning boil-off gas in waste heat or catalytic furnaces, using boil-off gas as fuel, or a combination of these methods. Using the boil-off gas as a fuel for propulsion is limited to a vessel carrying LNG.

The proposed regulations also include the following:

1. Transfer requirements for vinyl chloride.
2. Loading requirements for methyl acetylene-propadiene mixture.
3. Additional operating requirements.
4. Requirements for inspection and reinspection of U.S. flag vessels at intervals that are the same as for vessels inspected under Subchapter D. Inspection for certification would be required every 2 years and reinspection would be required between the 10th and 14th month following issuance of a Certificate of Inspection.
5. Requirements for the initial and periodic inspections and tests of the cargo containment system, cargo and process piping, and hull heating and cold spots.

The following table contains a list of the proposed regulations and their source from the Code:

IMCO code:	*Proposed regulations or explanation of no regulation*
Ch. I	154.1 through 154.12.
1.1	154.1.
1.2.1	154.3(tt).
1.2.2(a) (i)	154.1(a).
1.2.2(a) (ii)	154.1(b).
1.2.2(a) (iii)	154.1(c).
1.2.2(a) (iv)	154.1 (d) and (e).
1.2.2(b)	Only applicable to code.
1.2.3	Do.
1.2.4	Do.
1.3	Information only.
1.4	154.3.
1.4.1	Information, included in 154.3 (q) and (oo).
1.4.2	154.3(qq).
1.4.3	154.3(d).
1.4.4	154.3(r).
1.4.5	154.3(pp).
1.4.6	154.3(f).
1.4.7	154.3(g).
1.4.8	154.3(ll).
1.4.9	154.3(ff).
1.4.10	154.3(gg).
1.4.11	154.3(u).
1.4.12	154.3(y).
1.4.13	154.3(x).
1.4.14	154.3(rr).
1.4.15	154.3(j).
1.4.16	154.3(s).
1.4.16(a)	154.3(s) (1).
1.4.16(b)	154.3(s) (2).
1.4.16(c)	154.3(s) (3).
1.4.16(d) (i)	154.3(s) (4).
1.4.16(d) (ii)	154.3(s) (5).
1.4.16(e)	154.3(s) (6).
1.4.16(f)	154.3(s) (7).
1.4.16(g)	154.3(s) (8).
1.4.16(h)	154.3(s) (9).
1.4.16(i)	154.3(s) (10).
1.4.16(j)	154.3(s) (11).
1.4.16(k)	154.3(s) (12).
1.4.16(l)	154.3(s) (13).
1.4.17	154.3(t).
1.4.18	154.3(mm).
1.4.19	154.3(nn).
1.4.20	154.3(b).
1.4.21	154.3(ii).
1.4.22	154.3(h).
1.4.23	154.3(m).
1.4.24	In existing 46 CFR 30.10-56.
1.4.25	154.3(aa).
1.4.26	154.3(e).
1.4.27	154.3(ee).
1.4.28	154.3(ss).
1.4.29	154.3(a).
1.4.30	154.3(cc).
1.4.31	Information only.
1.4.32	Do.
1.4.33	Do.
1.4.34	154.3(q).
1.4.35	154.3(oo).
1.5.1	154.8 (a), (b), and (c).
1.5.2	Only applicable to code.
1.6.1(a)	154.40 through 154.122.
1.6.1(b)	154.130 through 154.142.
1.6.1(c)	Do.
1.6.2	154.6.
1.6.3	154.6
1.6.4	154.6(b).
1.6.5	154.6(b).
1.6.6	Only applicable to code.
1.6.7	154.6.
1.6.8	154.6.
1.6.9	154.6.
1.6.10	154.6.
1.7.1	Only applicable to code.
1.7.2	Do.
1.7.3	Do.
Ch. II	154.200 through 154.235.
2.1.1	154.200.
2.1.2	154.210.
2.1.3	154.215.
2.1.4	Only applicable to code.
2.2.1	154.205.
2.2.2	154.205.
2.2.3	154.1809.
2.3	154.220(d).
2.3.1	154.225.
2.3.2	154.220.
2.3.2(a) (i)	154.220(1) (i).
2.3.2(a) (ii)	154.220(1) (ii).
2.3.2(a) (iii)	154.220(1) (iii).
2.3.2(b) (i)	154.220(2) (i).
2.3.2(b) (ii)	154.220(2) (ii).
2.3.2(b) (iii)	154.220(2) (iii).
2.3.2(c)	154.220(b).
2.4.1	154.230.
2.4.1(a) (i)	154.230(b).
2.4.1(a) (ii)	154.230(a).
2.4.1(a) (iii)	154.230(c).
2.4.1(b) (i)	154.230 (a) and (c).
2.4.1(b) (ii)	154.1455.
2.4.1(b) (iii)	154.1020.
2.4.2	154.230(d).
2.4.3	154.230(g).
2.4.4	154.230(h).
2.5	154.210.
2.5.1	154.215(a).
2.5.2(a)	154.215(b) (1).
2.5.2(b)	154.215 (b) (2) and (c).
2.5.3(a)	154.215(d) (1).
2.5.3(b)	154.215(d) (2).
2.5.4	154.215(e).
2.6.1(a)	154.235(a).
2.6.1(b)	154.235(b).
2.6.2	154.235(c).
2.6.3	154.235(d).
2.6.4	Information only.
2.7.1	Do.
2.7.2	Do.
Ch. III	154.300 through 154.355.
3.1	154.300.
3.1.1	154.300(a).
3.1.2	154.300(b).
3.1.3	154.300(c).
3.1.4(a)	154.305(a).
3.1.4(b)	154.305(b).
3.1.5(a)	154.310(a).
3.1.5(b)	154.310(b).
3.1.5(c)	154.310.
3.1.5(d)	154.310.
3.1.5(e)	154.310(f).
3.1.6	Information only.
3.2.1	154.325 (a) and (b).
3.2.2	Information only.
3.2.3	Do.
3.2.4	154.330 (a), (b), and (c).
3.2.5	154.330(d).
3.2.6	154.330(e).
3.3.1	154.315(a).
3.3.2	154.315(b).
3.3.3	154.340.
3.4.1	154.320(a).
3.4.1(a)	154.320(b) (1).
3.4.1(b)	154.320(b) (2).
3.4.2	154.320 (b) (3) and (c).
3.4.3	Information only.
3.5.1	154.132(a) (8), 154.138(e), 154.140, and 154.340(f).
3.5.2	154.132(a) (9) and 154.340 (g).
3.5.3	154.340(b).
3.5.3(a) (i)	154.340(a).
3.5.3(a) (ii)	154.340(b).
3.5.3(a) (iii)	154.340(c).
3.5.3(b)	Information only.
3.5.3(c)	Do.
3.5.4	154.340(e).
3.6.1	154.345 (a) and (b) (1).
3.6.2	154.345(b) (2).
3.6.3	154.345(b) (3).
3.6.4	154.345(c).
3.6.5	154.345(b) (4) and (5).
3.6.6	154.345(b) (7).
3.6.7	Information only.
3.7.1(a)	154.350 (a) and (b).
3.7.1(b)	154.350 (a) and (b).
3.7.2	154.350(c).
3.7.3	154.350(d).
3.8.1	Information only.
3.8.2	154.355(a) (1), (2), (3), and (4) and 154.1870 (a).
3.8.3	154.355(a) (5) and (6) and 154.1870(b).
3.8.4	154.355(b) and 154.1870 (c).
3.8.5	154.1110(c), 154.1145(a) (2), and 154.1150.
Ch. IV	154.401 through 154.476.
4.1	Information only.
4.2.1(a)	154.3(2).
4.2.1(b)	154.419.
4.2.1(c)	154.418.
4.2.2(a)	154.3(dd).
4.2.2(b)	154.426.
4.2.2(c)	154.425.
4.2.3(a)	154.3(hh).

IMCO code:	Proposed regulations or explanation of no regulation
4.2.3(b)	154.436.
4.2.4	154.3(w).
4.2.4(a)	154.437 and 154.438.
4.2.4(b)	154.445.
4.2.4(c)	154.451 and 154.453.
4.2.5	154.3(o).
4.2.5(a)	154.405(b).
4.2.5(b)	154.405(a).
4.2.5(c)	154.405(c).
4.2.6	154.3(n).
4.3.1(a)	154.406(a).
4.3.1(b)	154.406(c).
4.3.1(c)	154.406(a) (10) and (11).
4.3.1(d)	154.406(b).
EEE	
4.3.2(a)	154.407(a).
4.3.2(b)	154.407(b).
4.3.3	154.408.
4.3.4(a)	154.409(a).
4.3.4(b)	154.409(c).
4.3.4(c)	154.409(d).
4.3.4(d)	154.409(e).
4.3.4(e)	Information only.
4.3.4(f)	154.409(f).
4.3.5(a)	154.410(a).
4.3.5(b)	154.410(b).
4.3.6(a)	154.411(a).
4.3.6(b)	154.411(b).
4.3.7	154.470.
4.4.1	154.420 (a) and (b).
4.4.2(a)	154.427(a).
4.4.2(b)	154.430 and 154.431.
4.4.2(c)	154.429(b).
4.4.2(d)	154.427(c).
4.4.2(e)	154.188, 154.427(d), 154.428, and 154.429(b).
4.4.3	154.435.
4.4.4(a)	154.439 (a) and (b) and 154.440(c).
4.4.4(b)	154.439(b) (2).
4.4.5(a)	154.444 and 154.448 (e) and (f).
4.4.5(b)	154.448(b).
4.4.5(c)	154.448(c).
4.4.5(d)	154.448(d).
4.4.5(e)	154.449.
4.4.5(f)	154.448(g).
4.4.6(a) (i)	154.450.
4.4.6(a) (ii)	154.450.
4.4.6(a) (iii)	154.104.
4.4.6(b) (i)	154.450.
4.4.6(b) (ii)	154.452.
4.4.6(c) (i)	154.450.
4.4.6(c) (ii)	154.450(a).
4.4.6(c) (iii)	154.450.
4.4.6(d)	154.450(b).
4.4.6(e)	154.450(c).
4.5.1(a)	154.421.
4.5.1(b)	154.428.
4.5.1(c)	154.440.
4.5.1(d) (i)	154.447(a).
4.5.1(d) (ii)	154.447(b).
4.5.1(e)	154.450.
4.5.1(f) (i)	154.401 and 154.630 (b) and (c).
4.5.1(f) (ii)	App. A.
4.5.1(f) (iii)	Do.
4.5.1(g) (i)	154.630(a).
4.5.1(g) (ii)	154.409(b).
4.5.2(a)	154.412 (a) and (b).
4.5.2(b)	154.412.
4.6.1	154.470(a) (1) and (2).
4.6.2	154.471(a) (1) and (2).
4.6.3	154.471(a) (4).
4.6.4	154.471(a) (3).
4.6.5	154.471(b).
4.6.6	154.470(b).
4.6.7	154.470(c).
4.7.1	154.459(a).
4.7.2(a)	154.449(d)(1).
4.7.2(b)	154.459(d)(2).
4.7.3	154.459 (a) and (e).
4.7.4(a)	154.460(a).
4.7.4(b)	154.460(b).
4.7.4(c)	154.460(c).
4.7.5	154.460.
4.7.6(a)	154.460.
4.7.6(b)	154.460.
4.7.7	154.136(j).
4.8.1	154.465 and 154.466(a).
4.8.2	154.466(b).
4.8.3	154.174 and 154.176.
4.8.4	Do.
4.8.4(a)	154.178(a).
4.8.4(b)	154.178(b).
4.8.4(c)	154.178.
4.8.4(d)	154.178(c).
4.8.5	Information only.
4.9.1	154.170 (a) and (d).
4.9.2	154.615 and 154.620.
4.9.3	154.615.
4.9.4	154.172.
4.9.5	154.466(c).
4.9.6	154.466(d).
4.9.7	154.467(a) (1) through (14).
4.9.8	154.467(a) (15).
4.9.9	154.466(e).
4.10.1(a)	154.650(c) (1) and (2).
41.0(b) (i)	154.650(d).
4.10.1(b) (ii)	154.650(d).
4.10.2	Information only.
4.10.3	154.650(e).
4.10.4	154.50 and 154.650(f).
4.10.5	154.50.
4.10.6	154.52.
4.10.7(a)	154.102(a) and 154.104(a).
4.10.7(b) (i)	154.102 (b), (c), and (d).
4.10.7(b) (ii)	154.104 (b), (c), and (d).
4.10.8(a)	154.54.
4.10.8(b)	154.56.
4.10.8(c) (i)	154.58(a) (1).
4.10.8(c) (ii)	154.58(a) (2).
4.10.8(c) (iii)	154.58(a) (3).
4.10.8(c) (iv)	154.58(b).
4.10.8(c) (v)	Information only.
4.10.8(c) (vi)	154.60.
4.10.8(c) (vii)	154.58(c) (1) and (2).
4.10.9	154.60.
4.10.10	154.62.
4.10.11	154.64.
4.10.12	154.110.
4.10.13	154.120.
4.10.14	154.122.
4.10.15	154.450.
4.11(a)	154.655 and 154.655(b).
4.11(b) (i)	154.655(a).
4.11(b) (ii)	154.655(a).
4.11.(b) (iii)	154.655(a).
4.11.(b) (iv)	154.655(a).
4.12(a)	154.409(c)(2)(i).
4.12(b)	154.409(c)(2)(ii).
4.12(c)	154.409(c)(2)(iii).
4.12(d) (i)	154.409(c).
4.12(d) (ii)	154.409(c).
4.13	App. B.
Ch. V	154.500 through 154.562.
5.1.1	Information only.
5.1.2	Do.
5.2.1(a)	154.500.
5.2.1(b)	154.503, 154.506, and 154.508(a).
5.2.2	154.512 and 154.516.
5.2.3	154.514.
5.2.4	154.517.
5.2.5	154.519.
5.2.6(a)	154.500.
5.2.6(b) (i)	154.500.
5.2.6(b) (ii)	154.500.
5.2.6(c)	154.500.
5.2.6(d) (i)	154.500.
5.2.6(d) (ii)	154.500.
5.2.6(e)	154.500.
5.2.7	154.520.
5.2.8(a)	154.522(a) (1) and (2).
5.2.8(b)	154.522(b).
5.2.9(a)	154.66 (a) and (b).
5.2.9(b)	154.68(a).
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IMCO code:	*Proposed regulations or explanation of no regulation*
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18.9	Only applicable to code.
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Appendix	Standard Coast Guard form to be printed.

AMENDMENTS TO SUBCHAPTERS D AND F

Since Subchapters D and F are applicable to self propelled vessels that carry bulk liquefied gases, amendments are being proposed that would update those subchapters to conform to the Code.

LETTERS OF COMPLIANCE

An objective that the Coast Guard hoped to attain in the development of the Code was to terminate the plan review portion of the Letter of Compliance program for new foreign flag vessels.

The Code is substantially sufficient to ensure the Coast Guard that a new foreign flag gas vessel entering U.S. ports has been designed to the necessary standards. Therefore, the Coast Guard proposes that a new foreign flag vessel meet the proposed regulations or have an IMCO Certificate of Fitness, in addition to meeting the following design requirements in the proposed regulations, which differ from the Code:

1. Allowable stress in § 154.447 and § 154.450.
2. Crack arresting steels in § 154.170.
3. Ambient design temperatures in § 154.466.
4. Cargo temperature and pressure control in § 154.701 through § 154.709.

If the vessel has an IMCO Certificate of Fitness the Coast Guard would not require plan review. The Certificate of Fitness must be issued by or on behalf of the flag administration, and must have all information required in the Model Form of Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, which is published in the Appendix to the Code. It is proposed to require submission of a copy of the Certificate of Fitness to the Coast Guard before the vessel arrives in a U.S. port.

It is also proposed that in addition to the IMCO Certificate of Fitness, the following plans and information, in English, must be submitted to the Coast Guard before a vessel arrives in a U.S. port with a bulk liquefied gas cargo. These plans and information would be retained in the Coast Guard's files for use during vessel examinations and in any emergency that the vessel may encounter while in a U.S. port:

1. Description of the vessel.
2. Specifications for the cargo containment system.
3. General arrangement of the vessel.
4. Midship section of the vessel.
5. Schematic plans of the liquid and vapor cargo piping.
6. Firefighting and safety plan.

A foreign flag vessel is examined at its first U.S. port of call under 46 CFR Part 154. A 2 week notification to the Coast Guard of the vessel's arrival at the first U.S. port of call is also required. The information for the notification must include the following:

1. The first part of call.
2. The cargoes carried.
3. The estimated arrival date.
4. The vessel's agent.
5. The berthing facilities for the vessel.

It is proposed that the following information, in English, be carried on board these foreign flag vessels for Coast Guard use during examinations:

1. A description and schematic plan of the arrangement for inerting cargo tanks, hold spaces, and interbarrier spaces.
2. A description of the tank gauging equipment.
3. A description and instruction manual for the calibration of the cargo leak detector equipment.
4. A schematic plan that shows the locations of leak detectors and sampling points.
5. A description of the systems for cargo temperature and pressure control for methane to meet proposed § 154.701 through § 154.709.

If the proposed regulations are adopted by the Coast Guard, there will be many gas vessels that do not have Letters of Compliance and cannot receive IMCO Certificates of Fitness as new vessels. Included in this group are 120 ships now under review by the Coast Guard for Letters of Compliance. Each gas vessel that has applied for a Letter of Compliance since March 11, 1975, has been required by the Coast Guard to meet the Code. Vessels that are under construction, but applied for a Letter of Compliance before March 11, 1975, are being required by the Coast Guard to meet the Code insofar as it is possible, taking into consideration the stage of each vessel's construction.

Existing foreign flag gas vessels (i.e., foreign flag vessels that are not new foreign flag gas vessels) that are now in service and have never undergone plan review for a Letter of Compliance will have to comply with the standards of the Letter of Compliance program in effect at the time of their construction, as well as any additional requirements that may be established by future regulations concerned with existing gas vessels.

Existing U.S. gas vessels (i.e., U.S. vessels that are not new U.S. gas vessels) would continue to meet the requirements in Subchapters D and I as well as any additional requirements established by future regulation concerned with existing ships.

The Coast Guard has determined that the proposed regulations would have no foreseeable significant impact on the quality of the human environment. An environmental assessment with a negative declaration has been prepared. Copies may be obtained in Room 8117, Coast Guard Headquarters, Washington, D.C. 20590.

The Coast Guard has determined that this proposal is not a major proposal in accordance with Department of Transportation Policies to Improve Analysis and Review of Regulations—Regulatory Reform, as published in the April 16, 1976 issue of the FEDERAL REGISTER (41 FR 16200) and DOT Order 2050.4 dated February 2, 1976. Therefore, an economic evaluation and a negative declaration of inflationary impact are required.

The economic evaluation for this proposal shows that for each of the next seven fiscal years the proposed regulations would result in the following:

(a) A decreased expenditure of about $0.2 million by the Federal government, and no significant impact on state and local governments.

(b) An increase cost of $21.6 million to consumers businesses and industry.

(c) No significant impact on energy consumption, important materials or employment.

The benefits to the public of the proposal include:

(1) A consolidation of design and equipment regulations for various liquefied gas ships in one part.

(2) Incorporation of an internationally agreed standard for liquefied gas ships with clarification, where possible, of portions of that standard (the IMCO Gas Code) that are left to the "satisfaction of the Administration." This phrase is used often in the IMCO Gas Code, and, in the case of the U.S., refers to the U.S. Coast Guard.

(3) Codification of existing and additional requirements for the design, construction, and operation of liquefied gas ships.

A quantitative analysis of benefit to the public is difficult to assess due to the excellent safety record of liquefied gas ships. However, it is clear that the adoption of an international standard that further increases the level of safety of gas ships is beneficial to the public in-

terest. U.S. gas ship owners and operators will benefit in having an internationally accepted Certificate to facilitate their vessels' operation in foreign ports.

Copies of the economic evaluation and negative declaration of inflationary impact are available upon request to the Executive Secretary (G-CMC/81), Coast Guard Headquarters, Washington, D.C. 20590.

The close cooperation with the Chemical Transportation Industry Advisory Committee, the acceptance of an international code containing similar provisions, and the fact that many liquefied gas ships throughout the world and in the United States are already being built to these standards ensures their technological and economic feasibility.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

PART 31—INSPECTION AND CERTIFICATION

1. By amending Part 31 by adding § 31.10-18a to read as follows:

§ 31.10-18a Liquefied gas vessels: Additional firefighting equipment inspections.

(a) Once during each 12 month period after the month an original certificate of inspection is issued for a liquefied gas vessel under § 31.05-1, the master shall ensure that the firefighting systems required in Part 154 of this chapter for a liquefied gas vessel meets the following:

(1) The exterior water spray system must pass a water spray test.

(2) The dry chemical system must meet the manufacturer's specifications for—

(i) The amount of dry chemical powder; and

(ii) The pressure for nitrogen bottles.

(3) The piping, valves, and controls of the system must be operable.

(b) On the date that the requirements under paragraph (a) are met, the master shall record in the vessel's official logbook the following information:

(1) The date of the inspection.

(2) The identification of each device inspected.

(3) The name of the inspector.

PART 34—FIREFIGHTING EQUIPMENT

§ 34.10-15 [Amended]

2. By amending § 34.10-15 as follows:

a. In paragraph (b), by adding after the word "piping" the words ", except on self propelled vessels carrying bulk liquefied gases that must have stop valves—

(1) At cross connections;

(2) At the front of the after deck house; and

(3) In the cargo area spaced 40 m (131 ft.) or less between hydrants."

b. In paragraph (e), by adding after the word "approximately" the words "71 pounds per square inch on self propelled vessels that carry bulk liquefied gases and approximately", and by adding after "50 pounds per square inch" the words "on other tankships".

PART 40—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CARRYING CERTAIN FLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES IN BULK

Subpart 40.05—[Revoked]

3. By revoking Subpart 40.05.

PART 54—PRESSURE VESSELS

4. By amending § 54.15-25 by revising paragraph (c) and adding paragraph (c-1) to follow paragraph (c) to read as follows:

§ 54.15-25 Minimum relief capacities for cargo tanks containing compressed or liquefied gas.

* * * * *

(c) The rate of discharge for heat input of fire must meet the following formula:

$$Q = FGA^{0.82}$$

Where:

Q=Minimum required rate of discharge in cubic meters (cubic feet) per minute of air at standard conditions of 0° C and 1.03 kp/cm² (60° F and 14.7 psia).

F=Fire exposure factor for the following tank types:

F=1.0 for tanks without insulation located on the open deck.

F=0.5 for tanks on the open deck having insulation that has approved fire proofing, thermal conductance, and stability under fire exposure.

F=0.5 for uninsulated independent tanks installed in holds.

F=0.2 for insulated independent tanks in holds or for uninsulated independent tanks in insulated holds.

F=0.1 for insulated independent tanks in inerted holds or for uninsulated independent tanks in inerted, insulated holds.

F=0.1 for membrane and semi-membrane tanks.

G=Gas factor of:

$$G=\frac{177}{LC}\sqrt{\frac{ZT}{M}}\left(G=\frac{633,000}{LC}\sqrt{\frac{ZT}{M}}\right)$$

Where:

L=Latent heat of the material being vaporized at relieving conditions, in Kcal/kg (Btu per pound).

C=Constant based on relation of specific heats (k) Table § 54.14-25(c) (if k is not known C=.606 (315) is used).

Z=Compressibility factor of the gas at relieving conditions (if not known, Z=1.0 is used).

T=Temperature in degrees K=(273+ degrees C) (R=(460+ degrees F)) at the relieving conditions (120% of the pressure at which the pressure relief valve is set).

M=Molecular weight of the product.

A=External surface area of the tank in m² (sq. ft.) for the following tank types:

For a tank of a body of revolution shape:

A=External surface area.

For a tank other than a body of revolution shape.

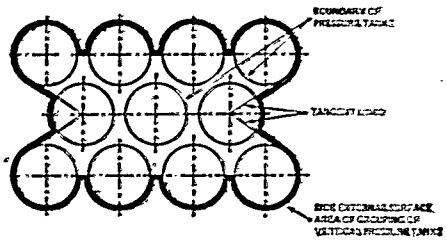
A=External surface area less the projected bottom surface area.

For a grouping of pressure vessel tanks having insulation on the vessel's structure:

A=External surface area of the hold without the projected bottom area.

For a grouping of pressure tanks having insulation on the tank:

A=External surface area of the pressure tanks excluding insulation, and without the projected bottom area.[1]



SIDE EXTERNAL SURFACE AREA OF GROUPING OF VERTICAL PRESSURE TANKS

Figure 54.15-25 (c)

TABLE 54.15-25(c).—*Constant C*

k	C
1.00	.606 (315)
1.02	.611 (318)
1.04	.615 (320)
1.06	.620 (322)
1.08	.624 (324)
1.10	.628 (327)
1.12	.633 (329)
1.14	.637 (331)
1.16	.641 (333)
1.18	.645 (335)
1.20	.649 (337)
1.22	.652 (339)
1.24	.656 (341)
1.26	.660 (343)
1.28	.664 (345)
1.30	.667 (347)
1.32	.671 (349)
1.34	.674 (351)
1.36	.677 (352)
1.38	.681 (354)
1.40	.685 (356)
1.42	.688 (358)
1.44	.691 (359)
1.46	.695 (361)
1.48	.698 (363)
1.50	.701 (364)
1.52	.704 (366)
1.54	.707 (368)
1.56	.710 (369)
1.58	.713 (371)
1.60	.716 (372)
1.62	.719 (374)
1.64	.722 (376)
1.66	.725 (377)
1.68	.728 (379)
1.70	.731 (380)
1.72	.734 (382)
1.74	.736 (383)
1.76	.739 (384)
1.78	.742 (386)
1.80	.745 (387)
1.82	.747 (388)
1.84	.750 (390)
1.86	.752 (391)
1.88	.755 (392)
1.90	.758 (394)
1.92	.760 (395)
1.94	.763 (397)
1.96	.765 (398)
1.98	.767 (399)
2.00	.770 (400)
2.02	.772 (401)
2.20	.792 (412)

[1] Figure 54.15-25(c) shows a method of determining the side external surface area of a grouping of vertical pressure tanks.

(c-1) For an independent tank that has a portion of the tank protruding above the open deck, the fire exposure factor must be calculated for the surface area above the deck and the surface area below the deck, and the calculation must be specially approved by the Commandant (G-MMT).

§ 54.25-10 [Amended]

5. By amending § 54.25-10 as follows:

a. In paragraph (a)(1), by striking the words "in Subchapter D (tank vessels)" and inserting the reference "and § 154.3" in place thereof after the reference "§ 38.05-4".

b. In paragraph (b)(1)(i) by striking "—70° F" and inserting "—67° F" in place thereof.

c. In table 54.25-10(b)(1) in the column entitled "Minimum service[1] temperature °F", by striking "—70" and inserting "—67" in place thereof, and in the column entitled "Manganese range[1] percent" by striking "0.90" and inserting "0.70" in place thereof, and by striking "1.65" and inserting "1.60" in place thereof,

d. By striking the columns following footnote 1 of Table 54.25-10(b)(1) and inserting the following two columns in place thereof:

	Range percent
Si	0.10-5.50
	Maximum
S	0.35
P	.35
Ni	.80
Cr	.25
Mo	.08
Cu	.35
Nb	.05
V	.08

e. In paragraph (b)(2), by striking "—70° F" and inserting "—67° F" in place thereof.

6. By striking in the second sentence in § 56.50-105(a) the words "Subchapter D (Tank Vessels) and I (Cargo and Miscellaneous Vessels)" and inserting "Subchapters D, I, and O" in place thereof.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

Subpart 98.25—[Revoked]

7. By revoking Subpart 98.25.

8. By redesignating Part 154—Special Interim Regulations for Issuance of Letters of Compliance as an appendix to Subchapter O.

9. By adding a new Part 154 to read as follows:

PART 154—SAFETY STANDARDS FOR SELF PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Subpart A—General

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154.1 Applicability.
154.3 Definitions.
154.4 U.S. Flag Vessel Endorsement Application.
154.5 Foreign Flag Vessel Endorsement Application.
154.6 U.S. Flag Certificate Endorsement.
154.8 Equivalents.
154.10 Conflict in regulations.

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154.52 Membrane or semi-membrane tanks: Pressure test.
154.54 Independent tank type A: Pressure test.
154.56 Independent tank type B: Pressure test.
154.58 Independent tank type C: Pressure test.
154.60 Cargo tanks: Weld tightness test.
154.62 Secondary barrier: Weld tightness test.
154.64 Independent tanks type B: Stress level test.
154.66 Cargo and process piping valves: Tightness test.
154.68 Expansion bellows: Cycles and pressure tests.
154.70 Cargo and process piping systems: Hydrostatic test.
154.72 Cargo and process piping systems: Leak test.
154.74 Cargo and process piping systems: Functional test.
154.76 Integral tank: Production weld test.
154.78 Membrane tank: Production weld test.
154.80 Semi-membrane tank; independent tank type A or B: Production weld test.
154.82 Independent tank type C and process pressure vessel: Production weld test.
154.84 Secondary barrier: Production weld test.
154.90 Integral tank: Weld inspection standards.
154.92 Membrane tank: Weld inspection standards.
154.94 Independent tank type A; semi-membrane tank: Weld inspection standards for shell plating.
154.96 Independent tank type B: Weld inspection standards for shell plating.
154.98 Radiographic inspection standards for welds.
150.100 Semi-membrane tank; independent tank type A or B: Additional weld inspection standards.
154.102 Independent tank type C: Weld inspection standards.
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154.140 Special 144 month, 192 month, and 240 month inspections.
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154.176 Longitudinal contiguous hull structure.
154.178 Contiguous hull structure: Heating system.
154.180 Contiguous hull structure: Welding procedure.
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154.188 Membrane tank: Inner hull steel.
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154.205 Intact stability requirements.
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154.419 Design vapor pressure.
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154.421 Allowable stress.

MEMBRANE TANKS

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154.448 Calculations.
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154.466 Design criteria.
154.467 Submission of insulation information.

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154.471 Design criteria.
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154.519 Piping relief valves.
154.520 Piping calculations.
154.522 Materials for piping.
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Appendix A—Equivalent Stress
Appendix B—Stress analyses definitions.

AUTHORITY: Regulations for dangerous cargoes issued under R.S. 4472, as amended (46 U.S.C. 170) except those for flammable and combustible liquids issued under sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a); the functions, powers, and duties relating to the Coast Guard under R.S. 4472, as amended, transfered to the Department under sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 46 U.S.C. 170 delegated to the Coast Guard under 49 CFR 1.46 (b) and (t), 46 U.S.C. 391a delegated to the Coast Guard under 49 CFR 1.46(n)(4).

Subpart A—General

§ 154.1 Applicability.

The regulations in this part apply to a self-propelled vessel that has on board bulk liquefied gases as a cargo, cargo residue, or vapor and that—

(a) Is constructed under a building contract awarded after October 31, 1976;

(b) In the absence of a building contract, has the keel laid or is at a similar stage of construction after December 31, 1976;

(c) Is delivered after June 30, 1980; or

(d) Has undergone a major conversion for which—

(1) The building contract is awarded after October 31, 1976;

(2) In the absence of a building contract, conversion is begun after December 31, 1976; or

(3) Conversion is completed after June 30, 1980.

§ 154.3 Definitions.

As used in this part:

(a) "'A' Class Division" means a division as defined in Regulation 3 of Chapter II-2 of the 1974 Safety Convention.

(b) "Accommodation spaces" means public spaces, corridors, lavatories, cabins, offices, hospitals, cinemas, games and hobbies rooms, pantries containing no cooking appliances, and similar spaces. Public spaces are those portions of the accommodations that are used as halls, dining rooms, lounges, and similar permanently enclosed spaces.

(c) [Reserved]

(d) "Boiling point" means the temperature at which a cargo exhibits a vapor pressure equal to the atmospheric barometric pressure.

(e) "Breadth (B)" means the maximum width of the vessel in meters measured admidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

(f) "Cargo area" means that part of the ship which contains the cargo containment system and includes the deck areas over the full beam and length of the ship above the foregoing. The cofferdams, ballast or void spaces at the after end of the aftermost hold space or the forward end of the forwardmost hold space are excluded from the cargo area.

(g) "Cargo containment system" means the arrangement for containment of cargo including a primary and secondary barrier, associated insulation and any intervening spaces, and adjacent structure if necessary for the support of these elements. If the secondary barrier is part of the hull structure it may be a boundary of the hold space.

(h) "Cargo service space" means a space within the cargo area used for work shops, lockers, and store rooms of more than 2 m^2 (21.8 $ft.^2$) in area.

(i) [Reserved]

(j) "Cofferdam" means the isolating space between two adjacent steel bulkheads or decks. This space may be a void space or ballast space.

(k) "Commandant" means the Commandant of the Coast Guard.

(l) "Contiguous hull structure" means hull srtucture that includes the inner bottom plating, longitudinal bulkhead plating, transverse bulkhead plating, floors, webs, stringers, and attached stiffeners.

(m) "Control space" means those spaces in which the vessel's radio or main navigating equipment or the emergency source of power is located or where the fire control equipment is centralized.

(n) "Design temperature" means the minimum temperature at which cargo may be loaded, unloaded, or carried.

(o) "Design vapor pressure (P_o)" means the maximum gauge pressure at the top of tank used in the design of the tank.

(p) "Essential auxiliary" means a piece of equipment or system that is vital to the safe operation of the vessel.

(q) "Flammable cargoes" means the following liquefied gases from Table I:

Acetaldehyde	Methane (LNG)
Butadiene	Methyl acetylene-propadiene mixture
Butane	Methyl bromide
Butylene	Methyl chloride
Dimethylamine	Propane
Ethane	Propeylene
Ethylamine	Vinyl chloride
Ethyl chloride	
Ethylene	
Ethylene oxide	

(r) "Flammable range" means the range between the minimum and maximum concentrations of vapor in air which form a flammable mixture.

(s) "Gas-dangerous space" means:

(1) A space in the cargo area that does not have approved arrangements to ensure that its atmosphere is at all times maintained in a safe condition.

(2) An enclosed space outside the cargo area through which any piping that may contain liquid or gaseous cargo passes, or within which such piping terminates, unless it has approved arrangements are installed to prevent any escape of gas into the atmosphere of that space.

(3) A cargo containment system and cargo piping.

(4) A hold space.

(5) A space separated from the hold space defined in paragraph (u) of this section by a single gastight steel boundary.

(6) A cargo pumproom and a cargo compressor room.

(7) A zone on the open deck, or semi-enclosed space on the open deck, within 3 m (10 ft.) of any cargo tank outlet, gas or vapor outlet, cargo pipe flange, cargo valve, or of entrances and ventilation openings to a cargo pump room and cargo compressor room.

(8) The open deck over the cargo area and 3m (10 ft.) forward and aft of the cargo area on the open deck up to a height of 2.4 m (8 ft.) above the weather deck.

(9) A zone within 2.4 m (8 ft.) of the outer surface of a cargo containment system where the surface is exposed to the weather.

(10) An enclosed or semi-enclosed space in which there are lines containing cargo except gas sampling lines led to gas detection equipment under § 154.-1350(m) or a space that uses boil-off gas as fuel and complies with § 154.703.

(11) A space for cargo hoses.

(12) An enclosed or semi-enclosed space having a direct opening into any gas-dangerous space or zone, as defined in subparagraphs (1) through (11) of this paragraph.

(t) "Gas-safe space" means a space that is not a gas-dangerous space.

(u) "Hold space" means the space enclosed by the vessel's structure in which there is a cargo containment system.

(v) [Reserved]

(w) "Independent tank" means a self supporting tank that is not a part of the ship's hull and is not essential to the hull strength.

(x) "Insulation space" means a space that may or may not be an interbarrier space, occupied wholly or in part by insulation.

(y) "Interbarrier space" means the space between a primary and a secondary barrier, whether or not completely or partially occupied by insulation or other material.

(z) "Integral tank" means a tank that forms a structural part of the vessel's hull and is influenced in the same manner and by the same loads that stress the adjacent hull structure.

(aa) "Length (L)" means ninety-six percent of the total length in meters on a waterline at eighty-five percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, whichever is greater. In vessels designed with a rake of keel the waterline on which this length is measured must be parallel to the designed waterline.

(bb) "Marine Inspector" means any person designated for the performance of duties with respect to the enforcement and administration of Title 52. R.S.,

acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspections required thereby.

(cc) "MARVS" means the Maximum Allowable Relief Valve Setting of a cargo tank.

(dd) "Membrane tank" means a tank that is non-self-supporting and consists of a thin layer (membrane) supported through insulation by the adjacent hull structure.

(ee) "Permeability of a space" means the ratio of the volume within that space that is assumed to be occupied by water to the total volume of the space.

(ff) "Primary barrier" means the inner element designed to contain the cargo when the cargo containment system included two boundaries.

(gg) "Secondary barrier" means the liquid resisting outer element of a cargo containment system designed to afford containment of any envisioned leakage of liquid cargo through the primary barrier for 15 days and to prevent the lowering of the temperature of the ship's structure to an unsafe level.

(hh) "Semi-membrane" tank means a tank that is non-self supporting in the loaded condition and consists of flat surfaces supported through insulation by the adjacent hull structure, and of shaped corners that connect the flat surfaces that can expand and contract due to thermal, hydrostatic, and pressure loadings.

(ii) "Service space" means a space outside the cargo area used for a galley, pantry containing cooking appliances, locker or store room, workshop other than those forming part of the machinery spaces, and similar spaces and trunks to such spaces.

(jj) "Shut off valve" means a valve that fully closes a pipeline and provides nominal metal to metal contact between the valve operating parts, including the disc and gate, and the valve body.

(kk) "Specific gravity" means the ratio of the density of the cargo, at the lowest temperature at which it may be carried, to the density of water at 4° C (39° F).

(ll) "Tank" means the liquid tight shell designed to be the primary container of the cargo and includes all such containers whether or not associated with insulation or secondary barriers.

(mm) "Tank cover" means the protective structure intended to protect the cargo containment system against damage where it protrudes through the weather deck and to ensure the continuity and integrity of the deck structure.

(nn) "Tank dome" means the upward extension of a portion of the cargo tank. For below deck cargo containment systems the tank dome protrudes through the weather deck or through a tank cover.

(oo) "Toxic cargoes" means the following liquefied gases from Table 4:

Acetaldehyde	Ethylene oxide
Ammonia	Methyl bromide
Dimethylamine	Methyl chloride
Ethylamine	Sulfur dioxide
Ethyl chloride	Vinyl chloride

(pp) "Vapor density" means the relative weight of the vapor compared with the weight of an equal volume of dry air at standard conditions of temperature and pressure.

(qq) "Vapor pressure" means the absolute equilibrium pressure of the saturated vapor above the liquid expressed in kp/cm² (psia) at a specified temperature.

(rr) "Void space" means an enclosed space in the cargo area external to a cargo containment system, which is not a hold space, ballast space, fuel oil tank, cargo pump or compressor room, or any space used by personnel.

(ss) "1974 Safety Convention" means the International Convention on Safety of Life at Sea, 1974.

(tt) "Liquefied gas" means a cargo having a vapor pressure of 1.76 kp/cm² (25 psia) or more at 37.8° C (103° F).

(uu) "Recognized classification society" means a non-government association that has issued standards accepted by the Commandant.

§ 154.4 U.S. flag vessel endorsement application.

(a) A person who desires the endorsement required by § 154.6 for a U.S. flag vessel must submit an application described in § 91.55-15 of this chapter for an endorsement of the vessel's subchapter D Certificate of Inspection.

(b) The person requesting an endorsement under paragraph (a) of this section must submit to the Coast Guard when requested—

(1) Hull type calculations required by § 154.201;

(2) The plans and information listed in §§ 54.01-18, 56.01-10, 91.55-5 (a), (b), (d), (g), and (h); and 111.05-5(d) of this chapter; and

(3) Any other vessel information, such as plans, design calculations, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine whether or not the vessel meets the standards of this part.

§ 154.5 Foreign flag vessel endorsement application.

(a) A person who desires an endorsement on the Letter of Compliance required by § 154.1802 for a foreign flag vessel must submit an application to the Commandant (G-MHM) that includes—

(1) A list of cargoes for which the endorsement is requested;

(2) The names of the U.S. ports in which the person anticipates operating the vessel;

(3) The vessel's country of registry;

(4) A copy of the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued under the IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, if the vessel holds such a certificate;

(5) The name of the society that classes the vessel;

(6) A brief description of the vessel's cargo containment systems;

(7) Plans, calculations, or other information to show compliance under §§ 154.170, 154.447, 154.450, 154.466, and 154.701 through 154.709; and

(8) The following plans and information:

(i) Description of the vessel.

(ii) Specifications for the cargo containment system.

(iii) General arrangement of the vessel.

(iv) Midship section of the vessel.

(v) Schematic plans of the liquid and vapor cargo piping.

(vi) Firefighting and safety plan.

(b) All correspondence and vessel information must be in English.

(c) If the vessel does not have a Certificate of Fitness issued under the IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, adopted without amendments on November 12, 1975 by Assembly Resolution A.328(IX), the plans, calculations and information required by § 154.4(b) must be submitted to the Commandant (G-MHM).

§ 154.6 U.S. flag certificate endorsement.

(a) The Certificate of Inspction for a vessel intended to carry any liquefied gas is endorsed for each individual cargo as follows:

Inspected and approved for the carriage of (enter the applicable cargo name) at a maximum allowable relief valve setting of _____ kp/cm² (_____ psig) with an F factor of _____, a maximum external pressure of _____ kp/cm² (_____ psig), a minimum service temperature of ____ °C (____ °F), and a maximum specific gravity of _____. Hull type _____.

(b) The Commandant (G-MVI) also issues an IMCO Certificate of Fitness showing compliance with the IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, Resolution A.328(ix), if requested by the vessel owner or operator.

§ 154.8 Equivalents.

(a) Where a vessel must have a particular fitting, material, appliance, apparatus, equipment, provision, procedure, or arrangement, including cargo segregation, the Commandant may accept any other fitting, material, appliance, apparatus, equipment, provision, procedure, or arrangement, that he determines to be as effective as that specified in this part.

(b) In any case where it is shown to the satisfaction of the Commandant (G-MMT) that the use of any particular equipment, apparatus, or arrangement not specifically required by statute, but prescribed by regulations is unreasonable or impracticable, the Commandant (G-MMT) may allow the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure a degree of safety consistent with the minimum standards set forth in this part.

(c) Operational methods or procedures must not be substituted for a particular fitting, material, appliance, apparatus, item of equipment, or type thereof specified in this part.

§ 154.10 Conflict in regulations.

(a) When a specific requirement in another part of this schapter is in conflict with any requirement in this part, the regulations in this part take precedence.

(b) When a vessel carries cargoes regulated by this part and by another part, the requirements of both parts must be met.

Subpart B—Inspections and Tests

ORIGINAL CERTIFICATE OF INSPECTION REQUIREMENTS

§ 154.40 Purpose.

Sections 154.50 through 154.122 prescribe the original test and inspection requirements for the cargo containment system, process pressure vessels, cargo and process piping, hull heating, and cold spots on liquefied gas vessels for the issuance of an original certificate of inspection for the vessel.

§ 154.50 Integral tanks: Pressure test.

An integral tank must pass in the presence of a marine inspector, a hydrostatic or hydropneumatic test that—

(a) Approximates the design stresses; and

(b) Has a pressure at the top of the tank at least equal to the MARVS.

§ 154.52 Membrane or semi-membrane tanks: Pressure test.

(a) The following pressure test procedures for a membrane or semi-membrane tank must be specially approved by the Commandant (G-MMT):

(1) Hydrostatically, hydropneumatically, or pneumatically testing the tank and any space adjacent to the hull structure that supports the membrane and contains liquid.

(2) Pneumatically testing the hold structure, the pipe tunnel, and any space adjacent to the hull structure that supports the membrane and does not contain liquid.

(b) A membrane or semi-membrane tank must pass, in the presence of a marine inspector, the hydrostatic, hydropneumatic, or pneumatic test specially approved by the Commandant (G-MMT).

§ 154.54 Independent tank type A: Pressure test.

An independent tank type A must pass, in the presence of a marine inspector, one of the following:

(a) A hydrostatic test that—

(1) Approximates the design stresses; and

(2) Has a pressure at the top of the tank at least equal to the MARVS; or

(b) A hydropneumatic test that—

(1) Approximates the service loading of the tank and its supports;

(2) Approximates the design stresses; and

(3) Has a pressure at the top of the tank at least equal to the MARVS.

§ 154.56 Independent tank type B: Pressure test.

Each independent tank type B must pass, in the presence of a marine inspector, a hydrostatic, or a hydropneumatic test that—

(a) Approximates design stresses;

(b) Has a pressure at the top of the tank at least equal to the MARVS;

(c) Has maximum primary membrane stress and maximum bending stress in primary members of less than 90 percent of the yield strength of the fabricated material at the test temperature; and

(d) Has strain gauges or other equipment to monitor the prototype tank during the test if the calculated test stresses exceed 75 percent of the yield strength of the fabricated material.

§ 154.58 Independent tank type C: Pressure test.

(a) An independent tank type C and a process pressure vessel must pass, in the presence of a marine inspector, a hydrostatic test that meets the following requirements:

(1) Section 54.10-10 of this chapter.

(2) The water temperature for the test must be at least 30° C (54° F) warmer than the nil ductility transition temperature of the fabricated material.

(3) The test pressure must be applied for a period of at least—

(i) Two hours; and

(ii) Five minutes for each additional mm of thickness for tank plating greater than 25 mm (1 in.).

(b) If a tank cannot be safely filled with water to meet the requirements under paragraph (a) of this section, the tank must, pass, in the presence of a mine inspector, a hydropneumatic test that is specially approved by the Commandant (G-MMT).

(c) A process pressure vessel must pass, in the presence of a marine inspector, the pneumatic test under § 54.10-15 of this chapter if—

(1) The vessel cannot be safely filled with water to meet the requirements under paragraph (a) of this section; or

(2) The water for the test under paragraph (a) of this section cannot be removed and traces of this water cannot be tolerated during the service of the vessel.

§ 154.60 Cargo tanks: Weld tightness test.

A tank must pass, in the presence of a marine inspector, one of the following weld tightness tests:

(a) Soap bubble test.

(b) Vacuum box test.

(c) A tightness test specially approved by the Commandant (G-MMT).

§ 154.62 Secondary barrier: Weld tightness test.

A secondary barrier for a tank must pass, in the presence of a marine inspector, one of the following tightness tests:

(a) Soap bubble test.

(b) Vacuum box test.

(c) A tightness test specially approved by the Commandant (G-MMT).

§ 154.64 Independent tanks type B: Stress level test.

(a) One independent tank type B and its supports on the first vessel of a class of vessels must have strain gauges to record stress levels during the pressure test after the tank is in the vessel and for the 24 months of service.

(b) The records from the strain gauges required under paragraph (a) of this section must be maintained for the first 24 months that the vessel is in service.

(c) The strain gauge records required under paragraph (b) of this section must be analyzed and specially approved by the Commandant (G-MMT) after the first thirty months that the vessel is in service.

§ 154.66 Cargo and process piping valves: Tightness test.

(a) At least one of each size and type of value in the cargo and process piping systems used at a working temperature lower than −55° C (−67° F) must be tested, including actuation, to at least the minimum design temperature and the maximum design pressure.

(b) A report of the test under paragraph (a) of this section must be specially approved by the Commandant (G-MMT).

§ 154.68 Expansion bellows: Cycles and pressure tests.

(a) The expansion bellows in a cargo system must be approved under § 56.35-15(e) of this chapter or tested as follows:

(1) At least one of each type of expansion bellows in the system must be tested under § 56.35-10 and § 56.35-15 of this chapter;

(2) At least one of each type of element in the expansion bellows, not precompressed, must pass a pressure test of at least five times the design pressure for at least five minutes without bursting.

(3) At least one type of expansion joint with flanges, stays, articulations, and all other accessories, must pass a pressure test under § 56.97-5 of this chapter without permanent deformation at—

(i) Twice the design pressure;

(ii) The extreme displacement conditions recommended by the manufacturer; and

(iii) The minimum design temperature.

(4) If an expansion joint is subject to vessel deformation loads, the expansion joint must pass a cyclic fatigue test—

(i) For at least 2,000,000 cycles at a frequency not higher than five cycles/second;

(ii) By simulating a bellows movement equal to a compensated pipe length; and

(iii) Without internal pressure.

(b) A report of the tests under paragraph (a) of this section must be specially approved by the Commandant (G-MMT).

§ 154.70 Cargo and process piping systems: Hydrostatic test.

The cargo and process piping systems inside and outside a tank must pass, in the presence of a marine inspector—

(a) A hydrostatic test to at least 1.5 times the design pressure after installation on the vessel;

(b) If the systems or part of the systems are manufactured with fittings, a hydrostatic test to at least 1.5 times the design pressure before or after installation on the vessel, except joints welded on board must be tested after installation on the vessel; or

(c) If the water for the test under paragraphs (a) or (b) of this section cannot be removed and traces of the water cannot be tolerated during the service of the vessel, an alternate test that is specially approved by the Commandant (G-MMT).

§ 154.72 Cargo and process piping systems: Leak test.

After installation on the vessel and in the presence of a marine inspector, the cargo and proces piping systems must pass a leak test with air, halides, or another medium at a pressure specially approved by the Commandant (G-MMT).

§ 154.74 Cargo and process piping systems: Functional test.

Before or during the first loading operation and in the presence of a Coast Guard inspector, the cargo and process piping system, including valves, fittings, and associated equipment for loading and discharging cargo or vapor, must be tested to determine if they load and discharge cargo and vapor under operating conditions.

§ 154.76 Integral tank: Production weld test.

An integral tank must pass, in the presence of a marine inspector, the production weld test of a recognized classification society.

§ 154.78 Membrane tank: Production weld test.

A membrane tank must pass, in the presence of a marine inspector, a production weld test that is specially approved by the Commandant (G-MMT).

§ 154.80 Semi-membrane tank; independent tank type A or B: Production weld test.

If a semi-membrane tank or an independent tank type A or B has a service temperature colder than -18° C (0° F), each 50 m (164 ft.) of butt welded joints in the tank must pass, in the presence of a marine inspector, the following production weld tests in the position that the joint is welded:

(a) A bend test under § 57.06-4 of this chapter.

(b) A charpy V-notch test, under § 57.06-5 of this chapter, using 3 specimens with the notch alternately in the center of the weld and the most critical loaction in the heat affected zone.[2]

[2] The most critical location in the heat affected zone of the weld is based on procedure qualification results except austenitic stainless steel has notches only in the center of the weld.

(c) If a butt welded joint in the tank does not pas the test under paragraph (b) of this section, it must be retested following the procedures under § 54.05-5 (c) of this chapter.

§ 154.82 Independent tank type C and process pressure vessel: Production weld test.

An independent tank type C and process pressure vessel must pass, in the presence of a marine inspector, the production weld tests under Subpart 57.06 of this chapter.

§ 154.84 Secondary barrier: Production weld test.

If a secondary barrier has a service temperature lower than -18° C (0° F) each 50 m (164 ft.) of butt welded joints in the secondary barrier must pass, in the presence of a marine inspector, a production weld test in the position that the joint is welded under—

(a) Section 154.76;

(b) Section 154.78; or

(c) Section 154.80.

§ 154.90 Integral tank: Weld inspection standards.

An integral tank must meet the weld inspection standards of a recognized classification society.

§ 154.92 Membrane tank: Weld inspection standards.

A membrane tank must meet the weld standards specially approved under § 154.425.

§ 154.94 Independent tank type A; semi-membrance tank: Weld inspection standards for shell plating.

(a) For independent tanks type A and semi-membrane tanks with design temperatures of -20° C (-4° F) or colder, each full penetration butt weld of a tank's shell plating must pass a 100 percent radiographic test.

(b) For independent tanks type A and semi-membrane tanks with design temperatures warmer than -20° C (-4° F), each full penetration butt weld intersection of a tank's shell plating must pass a radiographic test and 10 percent of the remaining full penetration butt welds must pass a radiographic test.

§ 154.96 Independent tank type B: Weld inspection standards for shell plating.

For independent tanks type B each full penetration butt weld of a tank's shell plating must pass a—

(a) 100 percent radiographic test; and

(b) 100 percent ultrasonic test under Appendix U of Division 1 of Section VIII, ASME Code, 1974 edition.

§ 154.98 Radiographic inspection standards for welds.

(a) As used in this section:

(1) "t" means the thickness of the thinner portion of the weld.

(2) "Slag inclusion" means a nonmetallic solid material entrapped in weld metal or between weld metal and base metal including oxide and dirt.

(3) "l" means the length of the longest imperfection in a group of imperfections.

(b) A full penetration butt weld does not pass the test under § 154.94 or § 154.96 for the following types of imperfections:

(1) Any crack or zone of incomplete fusion or penetration.

(2) Any elongated slag inclusion that is longer than—

(i) 6.4 mm (¼ in.) for t less than 19.2 mm (¾ in.);

(ii) 8.5 mm (⅓ in.) for t of 19.2 mm (¾ in.) to 57.2 mm (2¼ in.); or

(iii) 19.2 mm (¾ in.) for t more than 57.2 mm (2¼ in.)

(3) Any group of aligned slag inclusions that together are longer than t in a length of 12 t, except when the distance between the successive imperfections exceeds 6l.

(4) Any stainless steel wire bristle that is longer than 9.5 mm (⅜ in.) or wider than 1.6 mm (1/16 in.).

(5) Tungsten inclusions in excess of 20 percent of t or 3.2 mm (⅛ in.), whichever is less in any dimension.

(6) Copper inclusions more than 3.2 mm (⅛ in.) in any dimension.

(7) Any dispersed cloud or diffused alloying of metals of higher density than aluminum more than 3.2 mm (⅛ in.) in any dimension.

(8) Metallic and non-metallic inclusions that are closer to each other than four times the length of the longest inclusion.

(9) The cumulative length of metallic inclusions, non-metallic inclusions, or both, that occur within a 3 t or 152.4 mm (6 in.) length of weld, whichever is less, and are greater than 38.1 mm (1½ in.) for nonaligned inclusions and 25.4 mm (1 in.) for aligned inclusions.

(10) The number of metallic inclusions, non-metallic inclusions, or both that occurs within 3 t or 152.4 mm (6 in.) length of weld, whichever is less, is more than seven for nonaligned inclusions and five for aligned inclusions.

(11) Any metallic inclusion lying on or penetrating the surface of the weld or heat affected zone of the weld.

(12) Porosity that exceeds the limits allowed in Appendix IV of Division 1 of Section VIII, of the ASME Code, 1974 edition.

§ 154.100 Semi-membrane tank: independent tank type A or B: Additional weld inspection standards.

The structure of the following tanks, except shell plating, must pass, in the presence of a marine inspector, a magnetic particle or dye penetrant method that is specially approved by the Commandant (G-MMT):

(a) An independent tank type A or a semi-membrane tank designed under § 154.435 as an independent tank type A.

(b) An independent tank type B or a semi-membrane tank designed under § 154.435 as an independent tank type B.

§ 154.102 Independent tank type C: Weld inspection standards.

An independent tank type C must, in the presence of a marine inspector—

(a) Meet the requirements under §§ 54.10-1 and 54.10-3 of this chapter;
(b) Pass a 100 percent radiographic test of each full penetration butt weld of the tank's shell plating;
(c) Pass a 10 percent ultrasonic test under Appendix U of Division 1 of Section VIII, ASME Code, 1974 edition, 10 percent magnetic particle, or 10 percent dye penetrant test of all tank welds; and
(d) Pass a 100 percent ultrasonic test under Appendix U of Division 1 of Section VIII, ASME Code, 1974 edition, 100 percent magnetic particle test, or 100 percent dye penetrant test of each weld on reinforcement rings around holes and nozzles.

§ 154.104 Process pressure vessels: Weld inspection standards.

A process pressure vessel must, in the presence of a marine inspector—
(a) Meet the requirements under §§ 54.10-1 and 54.10-3 of this chapter;
(b) Pass a radiographic test of each full penetration butt weld intersection of the tank's shell plating;
(c) Pass a 10 percent radiographic test of each of the remaining full penetration butt welds; and
(d) Pass a 100 percent ultransonic test under Appendix U of Division 1 of Section VIII, ASME Code, 1974 edition, 100 percent magnetic particle test, or 100 percent dye penetrant test of each weld on reinforcement rings around holes and nozzles.

§ 154.106 Cargo and process piping systems inspection standards.

The cargo and process piping systems must meet the inspection requirements under Subpart 56.95 of this chapter.

§ 154.108 Secondary barrier: Inspection standards.

(a) A secondary barrier must pass tests that are specially approved by the Commandant (G-MMT).
(b) If the outer hull of a vessel is part of the secondary barrier, the sheer strake butt welds and the intersections of all but and seam welds in the side of the hull must pass a 100 percent radiographic test.

§ 154.110 First loading and discharging records.

The master shall keep records of the operation of the following during the first loading and discharging of the cargo:
(a) Tanks.
(b) Cargo piping.
(c) Process pressure vessels.
(d) Cargo pumps.
(e) Cargo compressor.
(f) Hull structure heating system.
(g) Pressure and temperature control devices.

§ 154.120 Hull heating systems inspection.

During the first loading and discharge of the cargo, the master shall inspect the hull structure heating system and ensure that it meets the heat output and distribution requirements under §§ 154.174, 154.176, and 154.178.

§ 154.122 Hull cold spot inspection.

(a) A procedure for repairing the cargo containment system to correct hull cold spots must be specially approved by the Commandant (G-MMT).
(b) During the first loading and discharge of the cargo the master shall inspect the hull and ensure that each cold spot is corrected under the procedure required under paragraph (a) of this section.

CERTIFICATION OF INSPECTION RENEWAL REQUIREMENTS

§ 154.130 Purpose.

Sections 154.132 through 154.142 prescribe the requirements for the periodic inspections and tests of the cargo containment system, process pressure vessels cargo and process piping, and hull heating and cold spots for renewal of a liquefied gas vessel's certificate of inspection.

§ 154.132 First 12 month inspection.

During the twelfth month after the month an original certificate of inspection is issued for a liquefied gas vessel under § 31.05-1 of this chapter, the vessel must pass the following inspections in the presence of a marine inspector to retain the original certificate:
(a) An external visual inspection for defects of the following parts of a cargo containment system:
(1) Tank.
(2) Tank support structure, including foundations, chocks, islands, and saddles.
(3) Positioning structure, including keys and keyways.
(4) Equipment hatches.
(5) Personnel access, including hatches.
(6) Penetrations, including piping and electrical cable.
(7) Secondary barrier, except a test under § 154.62 may be substituted if the secondary barrier is inaccessible to the inspector.
(8) Adjacent hull structure.
(9) Insulation, without removing fixed insulation, tank structure, and hull structure.
(b) An internal visual inspection of at least one of each type of tank described in this part, including the cargo equipment and the cargo equipment mountings, for—
(1) Corrosion;
(2) Cracking of base metal;
(3) Weld defects; and
(4) Plating distortion, including buckling.
(c) An inspection of at least one of each type of tank relief valve that includes—
(1) Having defective parts repaired;
(2) The pressure setting test; and
(3) Sealing the pressure setting adjustment.
(d) An inspection for tank tightness by confirming the accuracy of—
(1) The gas detection system;
(2) Temperature measuring devices;
(3) Flow meters; and
(4) Log book entries for tanks.
(e) An external visual inspection of each interbarrier space venting system for—
(1) Corrosion;
(2) Piping distortion;
(3) Leaking piping joints;
(4) Loose piping supports; and
(5) Broken relief valve seals.
(f) An external inspection of each tank venting system for—
(1) Corrosion;
(2) Piping distortion;
(3) Leaking piping joints;
(4) Loose piping supports; and
(5) Broken relief valve seals.
(g) An inspection of the gas leak detection system by—
(1) Confirming the accuracy of the gas leak detection equipment, including indicators and alarms;
(2) A visual inspection of the gas leak detection piping for corrosion and piping distortion; and
(3) Confirming the log book entries for gas detection.
(h) An inspection of the inert gas system by a visual inspection of the—
(1) Inert gas equipment, including generator, storage tanks, indicators, and alarms to determine if they operate; and
(2) Inert gas piping for corrosion and piping distortion.
(i) An external visual inspection of cargo handling piping and machinery, including cargo and process piping, cargo heat exchanges, vaporizers, and compressors, for—
(1) Corrosion;
(2) Piping distortion;
(3) Leaking piping joints; and
(4) Loose piping supports.
(j) An external visual inspection of the hull heating piping coils for—
(1) Corrosion;
(2) Piping distortion;
(3) Leaking piping joints; and
(4) Loose piping supports.

§ 154.134 Each 12 month inspection.

Once during each 12 month period after the inspection under § 154.132 a vessel issued an endorsement under § 154.4 must pass, in the presence of a marine inspector, the inspections under §§ 154.132 (d) through (j) to retain the endorsement.

§ 154.136 Special 48 month and 96 month inspections.

During the 48th month and the 96th month after a vessel is issued an endorsement under § 154.4, the vessel must pass, in the presence of a marine inspector, the inspections under § 154.134 and the following inspections to retain the endorsement:
(a) An internal visual inspection of each tank, except independent tanks type C and process pressure vessels, including inspection of the cargo equipment, and cargo equipment mountings, for—
(1) Corrosion;
(2) Cracking of base metal;
(3) Weld defects; and
(4) Plating distortion, including buckling.
(b) Integral tanks and independent tanks types A and B must pass a hydrostatic or hydropneumatic test at a pressure at the top of the tank that is at least equal to the MARVS.
(c) Membrane and semi-membrane tanks must pass a hydrostatic, hydro-

pneumatic, or pneumatic test specially approved by the Commandant (G-MMT).

(d) An external visual inspection of the tank support structure, including foundations, chocks, islands, and saddles, and the positioning structure, including keys, keyways, sway braces, and antiflotation arrangements, for—

(1) Corrosion;
(2) Distortion;
(3) Cracking of base metal; and
(4) Weld defects.

(e) An external visual inspection of the hull structure that forms a secondary barrier and the contiguous hull structure for—

(1) Corrosion;
(2) Distortion;
(3) Cracking of base metal; and
(4) Weld defects.

(f) An inspection of each relief valve or other relieving device for each interbarrier space that includes—

(1) Having defective parts repaired;
(2) A pressure setting test; and
(3) Sealing the pressure setting adjustment.

(g) An inspection of each tank relief valve that includes—

(1) Having defective parts repaired;
(2) A pressure setting test; and
(3) Sealing the pressure setting adjustment.

(h) A visual inspection of the liquid level indicators for the tanks for—

(1) Corrosion;
(2) Distortion of mechanical parts, and
(3) Loose supports.

(i) An external inspection of each quick closing valve required under §§ 154.530, 154.532, and 154.538 for—

(1) Corrosion;
(2) Distortion;
(3) Leaking piping joints;
(4) Restricted movement of moving parts; and
(5) Failure to close in the time required under § 154.544.

(j) A visual inspection, a pressure vacuum test, or a test specially approved by the Commandant (G-MMT) of the secondary barrier to determine if it meets § 154.460.

§ 154.138 Ninety-six month inspection for independent tank type C and process pressure vessels.

During the 96th month after a vessel is issued an endorsement under § 154.4 each independent tank type C cargo tank and process pressure vessel, including the cargo equipment and the cargo equipment mountings must pass, in the presence of a marine inspector, the following to retain the endorsement:

(a) An internal and external visual inspection for—

(1) Corrosion;
(2) Cracking of base material;
(3) Weld defects; and
(4) Plating distortion, including buckling.

(b) A hydrostatic pressure test to a pressure of at least 1½ times the design vapor pressure, or if the tank cannot be safely filled with water, a test procedure specially approved by the Commandant (G-MMT).

§ 154.140 Special 144 month, 192 month, and 240 month inspections.

In the 144th month, the 192nd month, and the 240th month after a vessel is issued an endorsement under § 154.4, the vessel must pass, in the presence of a marine inspector, inspections under §§ 154.134 and 154.136 (d) through (j) and the following inspections to retain the endorsement:

(a) An internal visual inspection of each tank, except independent tanks type C and process pressure vessels, including inspections of the cargo equipment and the cargo equipment mountings, for—

(1) Corrosion;
(2) Cracking of base metal;
(3) Weld defects; and
(4) Plating distortion, including buckling.

(b) A hydrostatic or hydropneumatic test of each integral tank and independent tank types A and B to a pressure at the top of the tank that is at least equal to the MARVS.

(c) A hydrostatic, hydropneumatic, or pneumatic test specially approved by the Commandant (G-MMT) of each membrane and semi-membrane tank.

(d) A gauging of plating thickness of each tank.

(e) A gauging of plating thickness of each metal secondary barrier that provides structural support for the tank.

§ 154.142 192 month inspection for independent tanks type C and process pressure vessel.

During the 192nd month after a vessel is issued an endorsement under § 154.4, each independent type C cargo tank and process pressure vessel, including the cargo equipment and the cargo equipment mountings, must pass, in the presence of a marine inspector, the following to retain the endorsement:

(a) A visual inspection for—

(1) Corrosion;
(2) Cracking of base metal;
(3) Weld defects; and
(4) Plating distortion, including buckling.

(b) A hydrostatic pressure test to a pressure of at least 1½ times the design vapor pressure, or if the tank cannot be safely filled with water, a test specially approved by the Commandant (G-MMT).

HULL STRUCTURE

§ 154.170 Outer hull steel plating.

(a) Except as required in paragraphs (b), (c), and (d) of this section, the outer hull steel plating, including the shell and deck plating must meet the material standards of a recognized classification society.

(b) The deck stringer and sheer strake must be at least Grade E steel or a grade of steel that has equivalent chemical properties, mechanical properties, and heat treatment that is specially approved by the Commandant (G-MMT).

(c) The strake at the turn of the bilge must be Grade D, Grade E, or a grade of steel that has equivalent chemical properties, mechanical properties, and heat treatment that is specially approved by the Commandant (G-MMT).

(d) If the cargo carried causes the outer hull steel temperature to drop below 0° C (32° F), the outer hull steel must—

(1) Be designed for that temperature; and
(2) Meet the standards in § 154.172.

§ 154.172 Contiguous steel hull structure.

(a) Except as allowed in paragraphs (b) and (c) of this section, plates, forgings, forged and rolled fittings, rolled and forged bars and shapes, and castings used in the construction of the contiguous steel hull structure must meet the minimum design temperature, thickness, and steel grade in Table 1:

TABLE 1.—*Minimum design temperature, thickness, and steel grades in contiguous hull structures*

Minimum design temperature	Steel thickness	Steel [1] grade
0°C(32°F)	All	Standards of recognized classification society.
−10°C(14°F)	t≤12.5 mm (½ in)	B.
	12.5 < t≤25.5 mm (1 in)	D.
	t>25.5 mm (1 in)	E.
−25°C(−13°F)	t≤12.5 mm (½ in)	D.
	t>12.5 mm (½ in)	E.

[1] Steel grade of a recognized classification society.

(b) For a minimum design temperature below —25° C (—13° F), the contiguous steel hull structure must meet § 154.610, except the steel thickness limitation.

(c) If a steel grade that is not listed in Table 1 has the equivalent chemical properties, mechanical properties, and heat treatment of a steel grade that is listed, the steel grade not listed may be used if specially approved by the Commandant (G-MMT) for use in the contiguous hull structure.

§ 154.174 Transverse contiguous hull structure.

(a) The transverse contiguous hull structure of a vessel having tanks without secondary barriers must meet the standards of a recognized classification society.

(b) The transverse contiguous hull structure of a vessel having tanks with secondary barriers must have a minimum design temperature that is—

(1) Colder than the calculated temperature of this hull structure assuming the—

(i) Temperature of the secondary barrier to be the temperature of the cargo carried; and

(ii) Ambient cold condition required under § 154.176(b)(1) (ii) and (iii); or

(2) Temperature maintained by the heating system under § 154.178.

(c) A heat load calculation must show that the heating system meets paragraph (b)(2) of this section.

§ 154.176 Longitudinal contiguous hull structure.

(a) The longitudinal contiguous hull structure of a vessel having tanks without secondary barriers must meet the standards of a recognized classification society.

(b) The longitudinal contiguous hull structure of a vessel having tanks with secondary barriers must have a minimum design temperature that is—

(1) Colder than the calculated temperature of this hull structure assuming the—

(i) Temperature of the secondary barrier is the temperature of the cargo carried; and

(ii) For any waters in the world except Alaskan waters, ambient cold condition of—

(A) Five knots air at —18° C (0° F); and

(B) Still sea water at 0° C (32° F); or

(iii) For Alaskan waters the ambient cold condition of—

(A) Five knots air at 29° C (—20° F); and

(B) Still sea water at 2° C (28° F); or

(2) Maintained by the heating system under § 154.178, if, without heat, the contiguous hull structure has at least a minimum design temperature that is colder than the calculated temperature of the hull structure assuming the—

(i) Temperature of the secondary barrier is the temperature of the cargo carried; and

(ii) Ambient cold conditions of still air at 5° C (41° F) and still sea water at 0° C (32° F).

(c) A heat load calculation must show that the heating system meets pargraph (b)(2) of this section.

§ 154.178 Contiguous hull structure: Heating system.

The heating system for transverse and longitudinal contiguous hull structure is an essential auxiliary and must—

(a) Have the heating capacity to meet § 154.174 of § 154.176;

(b) Have stand-by heating to provide 100 percent of the required heat load and distribution determined under § 154.174 (c) and § 154.176(c); and

(c) Meet Parts 52, 53, and 54 of this chapter.

§ 154.180 Contiguous hull structure: Welding procedure.

Welding procedure tests for contiguous hull structure with a design temperature colder than —18° C (0° F) must meet § 54.05-15 and Part 57.03 of this chapter.

§ 154.182 Contiguous hull structure: Production weld test.

If the contiguous hull structure has a design temperature colder than —34° C (—30° F), each 50 m (164 ft.) of full penetration butt welded joints in the contiguous hull structure must pass, in the presence of a Coast Guard inspector, the following production weld tests in the position that the joint is welded:

(a) A bend test under § 57.06-4 of this chapter.

(b) A charpy V-notch test under § 57.06-5 of this chapter from 3 specimens with the notch alternately located in the center of the weld and the most critical location in the heat affected zone.[3]

(c) If the contiguous hull structure does not pass the test under paragraph (b) of this section, the retest procedures under § 54.05-5(c) must be used.

§ 154.188 Membrane tank: Inner hull steel.

For a vessel with membrane tanks, the inner hull plating thickness must meet the deep tank requirements of a recognized classification society.

§ 154.195 Aluminum tank: Steel enclosure.

(a) An aluminum tank and its dome must be enclosed by the vessel's hull structure or a separate steel cover.

(b) The steel cover for the aluminum tank must meet the steel structural standards of a recognized classification society.

(c) The steel cover for the aluminum tank dome must be—

(1) At least 3 mm (⅛ in.) thick;

(2) Separated from the tank dome, except at the support points; and

(3) Thermally isolated from the dome.

SHIP SURVIVAL CAPABILITY AND CARGO TANK LOCATION

§ 154.200 Stability requirements: General.

Each vessel must be stable for the full range of drafts taking into account any empty or partially filled tanks and the weight and volume of the cargoes carried.

§ 154.205 Intact stability requirements.

(a) Each vessel must meet Part 93 of this chapter.

(b) During loading and unloading the vessel must have at least 50 mm (2 in.) of positive metacentric height.

§ 154.210 Damage stability requirement.

Each vessel must be shown by design calculations to meet the survival presumptions in § 154.230 assuming the damage for the cargo it carries in the hull type specified in § 154.215.

154.215 Hull type calculation.

(a) Where Table 4 requires a type I G hull, design calculations must show that the vessel can survive damage at any location.

(b) Where Table 4 requires a type II G hull, design calculations must show that a vessel—

(1) Longer than 150 m (492.15 ft.) in length can survive damage at any location; and

(2) 150 m (492.15 ft.) long or shorter can survive damage at any location except the transverse bulkheads bounding an aft machinery space.

(c) If a vessel has independent tanks Type C with a MARVS of 7 kp/cm² (100 psig) and Table 4 allows a type II PG hull the design calculations must show that a 150 m (492.15 ft.) long or shorter vessel can survive damage at any location, except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.220(a)(1).

(d) Where Table 4 requires a type III G hull, design calculations must show that a vessel—

(1) 125 m (410.13 ft.) or longer can survive damage at any location except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.230(a)(1); and

(2) Shorter than 125 m (410.13 ft.) can survive damage at any location, except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.220(a)(1) and except in the main machinery space.

(e) For the purposes of paragraphs (c) and (d) of this section, damage must be assumed to transverse bulkheads spaced closer than the longitudinal extent of damage specified in § 154.220 (a)(1), and a main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks must be assumed damaged if there is a step or a recess in a transverse bulkhead that is longer than 3 m (10 ft.) located within the extent of penetration of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not a step for the purpose of this regulation.

§ 154.220 Damage calculations.

(a) For the purpose of § 154.210, design calculations must assume both side and bottom damage, applied separately.

(b) Damage must consist of the most disabling penetration up to and including penetrations having the following dimensions:

(1) *Side penetration.*

(i) Longitudinal extent: 1/3 $L^{2/3}$ or 14.5 m (0.495 · $L^{2/3}$ or 47.6 ft.), whichever is shorter.

(ii) Transverse extent (inboard from the ship's side at right angles to the centerline at the level of the summer load line assigned under subchap. E): B/5 or 11.5 m (37.7 ft.), whichever is shorter.

(iii) Vertical extent: from the base line upward without limits:

(2) *Bottom penetration.*

At the forward end but excluding any damage aft of a point 0.3 L aft of forward perpendicular:

(i) Longitudinal: ⅓ $L^{2/3}$ or 14.5 m (.495 $L^{2/3}$ or 47.6 ft.), whichever is shorter.

(ii) Transverse: B/6 or 10 m (32.8 ft.), whichever is shorter.

(iii) Vertical extent from the molded line of the shell at the centerline: B/15 or 2 m (6.6 ft.), whichever is shorter.

[3] The most critical location in the heat affected zone of the weld is based on procedure qualification results, except austenitic stainless steel has notches only in the center of the weld.

At any longitudinal position aft of a point 0.3 L aft of the forward perpendicular:

(i) L/10 or 5 m (16.4 ft.), whichever is shorter.

(ii) B/6 or 5 m (16.4 ft.), whichever is shorter.

(iii) B/15 or 2 m (6.6 ft.), whichever is shorter.

(c) When the damage assumption excludes a transverse bulkhead bounding a machinery space, the machinery space must be assumed to be damaged as a case separate from the side and bottom peneration.

§ 154.225 Permeability of spaces and free surface effect.

(a) The free surface effect must be calculated at an angle of heel of 5° for each individual space or the effect of free liquid in a tank must be calculated by assessing the shift of liquids by moment of transference calculations.

(b) In calculating the effect of free surfaces of consumable liquids, it must be assumed that, for each type of liquid, at least one transverse pair of wing tanks or a single center line tank has a free surface, and the tank or combination of tanks must be selected where the effect of free surfaces is the greatest.

(c) Calculations in which a machinery space is treated as a floodable space must be based on an assumed machinery space permeability of 0.85, unless the use of an asumed permeability of less than 0.85 is justified in detail.

(d) The assumed permeability of a floodable space other than a machinery space must be as follows:

(1) Storerooms, 0.60; (2) Accommodation spaces, 0.95; (3) void, 0.95; (4) consumable liquid tanks, 0.95 or 0, whichever results in the more disabling; (5) other liquid tanks, 0.95 or 0.[4]

Wherever damage penetrates a cargo tank it must be assumed that the cargo is completely lost from the compartment and replaced by salt water up to the level of the final plane of equilibrium.

§ 154.230 Damage survival.

A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(a) *Heel angle.* The maximum angle of heel must not exceed 30°.

(b) *Final waterline.* The waterline, taking into account sinkage, heel and trim, must be below the lower edge of openings such as air pipes and openings closed by weathertight doors or hatch covers, except openings closed by means of watertight manhole covers and watertight flush scuttles, small watertight cargo tank hatch covers that maintain the high integrity of the deck, remotely operated watertight sliding doors, and side scuttles of the non-opening type.

(c) *Range of stability.* (1) The righting lever curve must be positive and have a minimum range of 20° beyond the angle of equilibrium.

(2) The maximum righting lever within the range specified in paragraph (c) (1) of this section must be at least 100 mm (3.9 in.).

(3) Each opening within the 20° range beyond the angle of equilibrium must be at least weathertight.

(d) *Local damage.* The maximum angle of heel must not exceed the greater of 30° or the angle at which restoration of propulsion, steering engine power and use of the ballast system is precluded for local damage, extending 760 mm (29.9 in.) normal to the hull shell, that affects a—

(1) Longitudinal bulkhead; and

(2) Transverse bulkhead on type IG and IIG vessels.

(e) *Equalization arrangements. Equalization* arrangements requiring mechanical aids such as valves or cross-flooding lines may not be considered for reducing the angle of heel. Spaces joined by ducts of large cross sectional area are treated as common spaces.

(f) *Progressive flooding.* If pipes, ducts, or tunnels are within the assumed extent of damage, arrangements must be made to prevent progressive flooding in a space that is not assumed to be flooded in the damaged stability calculations. If an intermediate stage of flooding is more critical than the final stage, calculations for the intermediate stage must be submitted for special approval by Commandant (G-MMT).

§ 154.235 Tank location.

(a) For type IG hulls, cargo tanks must be located inboard of—

(1) The transverse damage specified in § 154.220(b) (1) (ii);

(2) The verticle damage specified in § 154.220(b) (2) (iii); and

(3) 760 mm (30 inches) from the shell planting.

(b) For type IIG, IIPG, and IIIG hulls cargo tanks must be located inboard of—

(1) The vertical extent of damage specified in § 154.220(b) (2) (iii); and

(2) 760 mm (30 inches) from the shell plating.

(c) In vessels having membrane and semi-membrane tanks, the vertical and transverse extents of damage must be measured to the inner hull.

(d) For type IIG, IIPG, and IIIG hulls, tank suction wells may penetrate into the area of bottom damage specified in § 154.220(b) (2) (iii) if the penetration is the lesser of 25 percent of the double bottom height or 350 mm (13.8 in.).

SHIP ARRANGEMENTS

§ 154.300 Segregation of hold spaces from other spaces.

Hold spaces must be segregated from machinery and boiler spaces, accommodation, service and control spaces, chain lockers, potable, domestic and feed water tanks, store rooms and spaces immediately below or outboard of hold spaces by a—

(a) Cofferdam, fuel oil tank, or single gastight A-60 Class Division of all welded construction in a cargo containment system not requiring a secondary barrier;

(b) Cofferdam or fuel oil tank in a cargo containment system requiring a secondary barrier; or

(c) If there are no sources of ignition or fire hazards in the adjoining space, single gastight A-O Class Division of all welded construction.

§ 154.305 Segregation of hold spaces from the sea.

In vessels having cargo containment systems requiring a secondary barrier, hold spaces must be segregated from the sea by—

(a) A double bottom if the cargo tanks are approved for temperatures colder than −10° C (14° F); and

(b) Wing tanks if the cargo tanks are approved for temperatures colder than −55° C (−67° F).

§ 154.310 Cargo piping systems.

Cargo liquid or vapor piping must—

(a) Be separated from other piping systems, except where an interconnection to inert gas or purge piping is required by § 154.901(a);

(b) Not enter or pass through any accommodation, service, or control space;

(c) Except as allowed under § 154.703, not enter or pass through a machinery space other than a cargo pump or compressor room;

(d) Be in the cargo area above the open deck, except for bow and stern loading and emergency dumping;

(e) Connect into the cargo containment system above the open deck except—

(1) Pipes in a trunk traversing void spaces above a cargo containment system; and

(2) Pipes in cofferdams for draining, venting, or purging interbarrier and hold spaces; and

(f) Be inboard of the transverse tank location required by § 154.206, except for thwartship shore connection manifolds not subject to internal pressure at sea.

§ 154.315 Cargo pump and compressor rooms.

(a) Cargo pump rooms and cargo compressor rooms must be above the open deck and within the cargo area.

(b) Where pumps and compressors are driven by a prime mover in an adjacent gas safe space—

(1) The bulkhead or deck must be gastight; and

(2) The shafting passing through the bulkhead or deck must be sealed by a fixed oil reservoir gland seal or other positive pressure seal specially approved by the Commandant (G-MMT).

§ 154.320 Cargo control stations.

(a) Cargo control stations must be above the open deck.

(b) If a cargo control station is in accommodation, service, or control space or has access to such a space, the station must—

(1) Be a gas safe space;

(2) Have an access to the space that meets § 154.30; and

(3) Have indirect reading instrumentation, except for gas detectors.

(c) Cargo control stations, including a room or area, must contain all alarms, indicators, and remote controls associated with each tank that the station controls.

[4] The permeability of partially filled tanks must be consistent with actual density and amount of liquid carried.

§ 154.325 Accommodation, service, and control spaces.

(a) Accommodation, service, and control spaces must be outside the cargo area.

(b) If a hold space having a cargo containment system that requires a secondary barrier is separated from any accommodation, service, or control space by a cruciform joint, there must be a cofferdam on one side of the cruciform joint.

§ 154.330 Openings to accommodation, service, or control spaces.

(a) Entrances, forced or natural ventilation intakes and exhausts, and other openings, except as allowed in paragraph (c) of this section, must be—

(1) At least L/25 or 3 m (10 ft) from the athwartship bulkhead facing the cargo area, whichever is farther, except that the distance need not exceed 5 m (16.4 ft); and

(2) On a house athwartship bulkhead not facing the cargo area or on the outboard side of the house.

(b) Port lights located on the athwartship bulkhead of a house facing the cargo area, or the house sides within L/25 or 5 m (16.4 ft), whichever is less, must not open.

(c) Wheelhouse doors and windows that open may be within L/25 or 5 m (16.4 ft), whichever is less, of the athwartship bulkhead of a house facing the cargo area, if they have gaskets and dogs to make them watertight when tested with a fire hose at not less than 2.11 kp/cm² (30 psig).

(d) Port lights in the hull plating below the uppermost continuous deck and in the first tier of the superstructure must not open.

(e) Air intakes and openings into accommodation, service and control spaces must have—

(1) Gasketed metal covers; and

(2) On toxic cargo vessels, covers that can be closed from inside the space.

§ 154.340 Access to tanks and spaces in the cargo area.

In the cargo area—

(a) Each cargo tank must have a manhole from the open deck, the clear opening of which is at least 600 mm by 600 mm (23.6 in. by 23.6 in.);

(b) Each access to a hold space, void space, or other gas dangerous space must have a clear opening of at least 600 mm by 600 mm (23.6 in. by 23.6 in.);

(c) Each manhole through bulkheads, frames, or other vertical structural member must have a clear opening of at least 600 mm (23.6 in.) by 800 mm (31.5 in.) and be at most 600 mm (23.6 in.) from the deck or bottom plating unless there is a fixed ladder;

(d) Each access trunk must be at least 760 mm (30 in.) in diameter.

(e) The lower edge of each access from the open deck to gas safe spaces in the cargo area must be at least 2.4 mm (7.87 ft.) above the open deck or through an air lock that meets § 154.345;

(f) The inner hull must be accessible for inspection from at least one side without the removal of any fixed structure or fitting; and

(g) The hold space insulation must be accessible for inspection from at least one side from within the hold space while the tank is at the cargo temperature unless an inspection method from outside of the hold space is specially approved by the Commandant (G-MMT).

§ 154.345 Air locks.

(a) An air lock may be used for access from a gas dangerous zone on the open deck to a gas safe space in the cargo area.

(b) Each air lock must—

(1) Consist of two steel doors, at least 1.5 m (4.92 ft.) but not more than 2.5 m (8.20 ft.) apart each gasketed and dogged and watertight when tested with a fire hose at not less than 2.11 kp/cm² (30 psig);

(2) Have self-closing doors with no latches or other devices for holding them open;

(3) Have an audible and visual alarm on both sides actuated when the securing devices on both doors move from the fully closed position at any one time;

(4) Have mechanical ventilation in the space between the doors from a gas safe area;

(5) Have a pressure greater than that of the gas dangerous area on the open deck;

(6) Have the rate of air change in the space between the doors of at least 12 changes per hour;

(7) Have the space between the doors monitored for cargo vapor leaks under § 154.1350; and

(c) In addition to the requirements of paragraphs (a) and (b) of this section, no gas safe space on a liquefied flammable gas carrier may have an air lock unless the space—

(1) Is mechanically ventilated to make the pressure in the space greater than that in the air lock; and

(2) Has a means of automatically de-energizing all electrical equipment that is not explosion-proof in the space when the pressure in the space falls to or below the pressure in the air lock.

§ 154.350 Bilge and ballast systems in the cargo area.

(a) Hold, interbarrier, and insulation spaces must have a means of sounding the space or other means of detecting liquid leakage acceptable to the Commandant (G-MMT).

(b) Each hold and insulation space must have a bilge drainage system.

(c) Interbarrier spaces must have an educator or pump for removing liquid cargo and returning it to the cargo tanks or to an emergency dump.

(d) Spaces in the cargo containment portion of the vessel, except ballast spaces and gas safe spaces, must not connect to pumps in the main machinery space.

§ 154.355 Bow and stern loading piping.

(a) Bow and stern loading piping must—

(1) Meet § 154.310;

(2) Be installed in an area away from the accommodation, service, or control space on type I G hulls;

(3) Be clearly marked;

(4) Be segregated from the cargo piping by at least two shut off valves in the cargo area that has a means of locking to meet § 154.1870(a);

(5) Have a means for checking cargo vapor between the two valves required in paragraph (a)(3) of this section;

(6) Have fixed inert gas purging lines; and

(7) Have fixed vent lines for purging with inert gas to meet § 154.1870(b).

(b) Entrances, forced or natural ventilation intakes, exhaust, and other openings to accommodation, service, or control spaces that face the bow or stern loading area must meet §§ 154.330.

CARGO CONTAINMENT SYSTEMS

§ 154.401 Definitions.

As used §§ 154.440 and 154.447:

"σ_Y" means the minimum yield stress of the tank material, including weld metal, at room temperature.

"σ_B" means minimum tensile strength of the tank material, including weld metals at room temperature.

§ 154.405 P_o of a tank.

(a) The P_o of a tank must be equal to or greater than the MARVS.

(b) The P_o of a tank must be equal to or greater than the vapor pressure of the cargo at 45° C (113° F) if—

(1) The tank has no temperature control for the cargo; and

(2) The pressure of the cargo results from ambient temperature.

(c) The P_o of a tank may be less than the vapor pressure for harbor conditions if specially approved by the Commandant (G-MMT).

§ 154.406 Design loads for tanks and fixtures: General.

(a) It must be shown that a tank and its fixtures are designed for the following loads:

(1) Internal pressure head.

(2) External pressure load.

(3) Dynamic loads resulting from the motion of the vessel.

(4) Transient or stationary thermal loads if the cargo temperature is colder than −55° C (−67° F) or causes thermal stresses in tank support.

(5) Sloshing loads, if the tank is designed for partial loads.

(6) Loads resulting from vessel's deflection.

(7) Tank weight, cargo weight, and corresponding support reaction.

(8) Insulation weight.

(9) Loads of a tower and any other attachments to the tank.

(10) Vapor pressure loads in harbor conditions allowed under § 154.405.

(11) Gas pressurization for cargo transfer load.

(b) A tank must be designed for the most unfavorable static heel angle within a 0° to 30° range without exceeding the allowable stress of the material.

(c) A hydrostatic or hydropneumatic test design load must be specially approved by the Commandant (G-MMT).

§ 154.407 Tank internal pressure head.

(a) For the calculation required under § 154.406(a), the internal pressure head (h_{eq}), must be determined from the following formula:

$$h_{eq}=10\,P_o+(h_{\rho d})\ \max$$

$h_{\rho d}$ (the value of internal pressure, in meters of fresh water, resulting from the combined effects of gravity and dynamical accelerations of a full tank) $=a_{\beta\lambda}z$;

where

a_β=Dimensionless acceleration relative to the acceleration of gravity, resulting from gravitational and dynamical loads in the β direction (see figure 1);

Z_β=Largest liquid height (m) above the point where the pressure is to be determined in the β direction (see figure 2);

λ=Maximum specific weight of the cargo (t/m³) at the design temperature.

(b) The $h_{\rho d}$ max must be determined from the β max direction on the ellipse in Figure 1 which gives the maximum value.

(c) When the longitudinal acceleration is considered in addition to the vertical and tranverse acceleration, an ellipsoid must be used in the calculations instead of the ellipse contained in Figure 1.

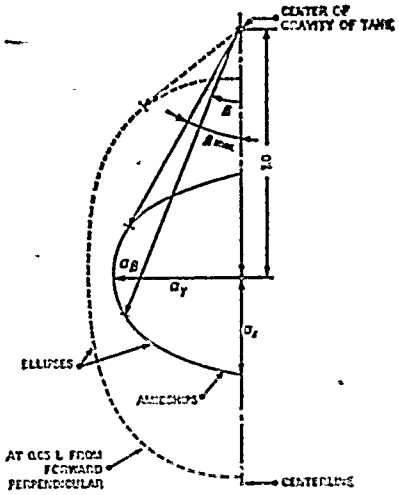
§ 154.408 Tank external pressure load.

For the calculation required under § 154.406(b), the external pressure load must be the difference between the minimum internal pressure (maximum vacuum), and the maximum external pressure to which any portion of the tank may be simultaneously subjected.

§ 154.409 Dynamic loads from vessel motion.

(a) For the calculation required under § 154.406(c), the dynamic loads must be determined from the long term distribution of vessel motions, including the effects of surge, sway, heave, roll, pitch, and yaw on irregular seas that the vessel may experience during 10^8 wave encounters. The speed used for this calculation may be reduced from the ship service speed if specially approved by the Commandant (G-MMT) and if that reduced speed is used in the hull strength calculation under § 31.10-5(c) of this chapter.

(b) If the loads determined under paragraph (c), (d), or (e) of this section results in a design stress that is lower than the allowable stress of the material under §§ 154.610, 154.615, or 154.620, reduce the allowable stress to that stress determined in paragraph (c), (d), or (e) of this section.

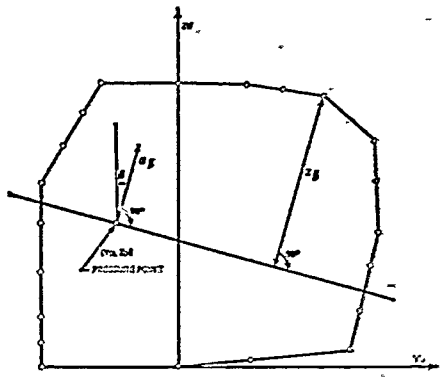


NOTE: RESULTING ACCELERATION (STATIC + DYNAMIC) = a_β IN ARBITRARY DIRECTION β.

a_y = TRANSVERSE COMPONENT OF ACCELERATION

a_z = VERTICAL COMPONENT OF ACCELERATION

Figure 1



NOTE: LARGEST LIQUID HEIGHT ABOVE THE POINT WHERE THE PRESSURE IS DETERMINED = Z_β

Figure 2

(c) If a tank is designed to avoid plastic deformation and buckling, then acceleration components of the dynamic loads are determined from one of the following methods:

(1) Method 1 is a detailed analysis of the vessels acceleration components.

2. Method 2 is an analysis by the following formulae:

(i) Vertical acceleration under § 154.409(f) (1):

$$a_z=\pm a_o\sqrt{1+\left(5.3-\frac{45}{L_o}\right)^2\left(\frac{x}{L_o}+0.05\right)^2\left(\frac{0.6}{C_B}\right)^{3/2}}$$

(ii) Transverse acceleration under § 154.409(f) (2):

$$a_y=\pm a_o\sqrt{0.6+2.5\left(\frac{x}{L_o}+0.05\right)^2+K\left(1+0.6K\frac{z}{B}\right)^2}$$

(iii) Longitudinal acceleration under § 154.409(f) (3):

$$a_x=\pm a_o\sqrt{0.06+A^2-0.25A}$$

where:

$$A=\left(0.7-\frac{L_o}{1200}+5\frac{z}{L_o}\right)\left(\frac{0.6}{C_B}\right)$$

L=Length of the vessel between perpendiculars, in meters.

C_B=Block coefficient.

B=Greatest moulded breadth, in meters.

x=Longitudinal distance, in meters, from amidships to the center of gravity of the tank with contents (positive forward of amidships, negative aft of amidships).

z=Vertical distance in meters, from the vessel's waterline, to center of gravity of tank with contents (positive above and negative below the waterline).

$$a_o=0.2\frac{V}{\sqrt{L_o}}+\frac{34-\frac{600}{L_o}}{L_o}$$

V=Service speed in knots.

K=1.0, or $\frac{13\,GM}{B}$, whichever is greater.

GM=Metacentric height in meters.

a_x=The maximum dimensionless acceleration in the x direction, acting separately for calculation purposes, and includes the component of the static weight in the longitudinal direction due to pitching.

a_y=Maximum dimensionless acceleration in the y direction, acting separately for calculation purposes, and includes the component of static weight in the transverse direction due to rolling.

a_z=Maximum dimensionless acceleration in the z direction, acting separately for calculation purposes, not including the static weight.

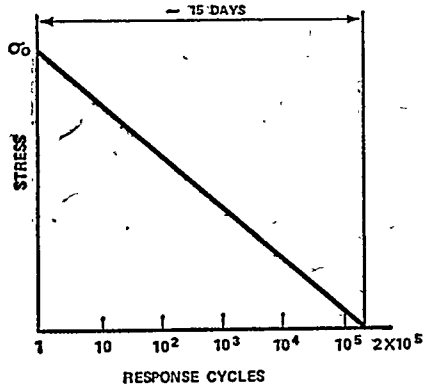
For Methods 1 and 2, acceleration components must be determined, for the largest loads the vessel may experience during an operating life correspond to the probability level of 10^{-8}.

(d) If a tank is designed to avoid fatigue, the dynamic loads determined under paragraph (a) of this section must be used to develop the dynamic spectrum.

(e) If a tank is designed to avoid uncontrolled crack propogation, the dynamic loads are—

(1) determined under paragraph (a) of this section; and

(2) for a load distribution for a period of 15 days by the method in Figure 3.



NOTE: σ_0 = MOST PROBABLE MAXIMUM STRESS DURING THE LIFE OF THE VESSEL.

RESPONSE CYCLE SCALE IS LOGARITHMIC.

THE VALUE OF 2×10^5 IS GIVEN AS AN EXAMPLE OF ESTIMATE.

Figure 3

(f) When determining the accelerations for dynamic loads under paragraph (a) of this section, the accelerations acting in a tank must be estimated for the tank's center of gravity and include the following component accelerations:

(1) Vertical accelerations, meaning the motion acceleration of heave and pitch, and of any roll normal to the vessel base that has an effect on the component acceleration.

(2) Transverse acceleration, meaning the motion acceleration of sway, yaw and roll, and gravity component of roll.

(3) Longitudinal acceleration, meaning the motion acceleration of surge and pitch and gravity component of pitch.

§ 154.410 Tank sloshing loads.

(a) For the calculation required under § 154.406(a)(5), the determined sloshing loads resulting from the accelerations under § 154.409(f) must be specially approved by the Commandant (G-MMT).

(b) If the sloshing loads affect the tank scantlings, an analysis of the effects of the sloshing loads in addition to the calculation under paragraph (a) of this section must be specially approved by the Commandant (G-MMT).

§ 154.411 Tank thermal loads.

For the calculations required under § 154.406(d), the following determined loads must be specially approved by the Commandant (G-MMT):

(a) Transient thermal loads for the cooling down periods of tanks carrying cargoes lower than −55° C (−67° F).

(b) Stationary thermal loads for tanks carrying cargoes lower than −55° C (−67° F) that cause high thermal stress.

§ 154.412 Tank corrosion allowance.

A tank must be designed with a corrosion allowance if the tank—

(a) Is located in a space that does not have inert gas or dry air; or

(b) Carries a cargo that corrodes the tank material.

NOTE.—Corrosion allowance for independent tank type C is contained in § 54.01-35 of this chapter.

INTEGRAL TANKS

§ 154.418 General.

Integral tanks must not carry cargo that is colder than −10°C (14°F), unless the tank is specially approved by the Commandant (G-MMT).

§ 154.419 Design vapor pressure.

The P_o of an integral tank must not exceed 0.25 kp/cm² (4 psig) except it may be as high as 0.7 kp/cm² (10 psig) if specially approved by the Commandant (G-MMT).

§ 154.420 Tank scantlings.

(a) The scantlings of an integral tank must meet the deep tank scantling standard of a recognized classification society.

(b) The scantlings of an integral tank must be designed and shown by calculation to withstand the internal pressure determined under § 154.407.

§ 154.421 Allowable stress.

The allowable stress for integral tank scantlings must meet a recognized classification society's allowable stress for the vessel's hull.

MEMBRANE TANKS

§ 154.425 General.

The design of the hull scantlings, the membrane tank and secondary barrier, including welds, and the supporting insulation must be specially approved by the Commandant (G-MMT).

§ 154.426 Design vapor pressure.

The P_o of a membrane tank must not exceed 0.25 kp/cm² (4 psig), except it may be as high as 0.7 kp/cm² (10 psig), if specially approved by the Commandant (G-MMT).

§ 154.427 Tank scantlings.

The scantlings of a membrane tank must have a membrane and supporting insulation that is designed for—

(a) Any static and dynamic loads with respect to plastic deformation and fatigue;

(b) Combined strains from static, dynamic, and thermal loads;

(c) Preventing collapse of the membrane from—

(1) Over-pressure in the interbarrier space;

(2) Vacuum in the cargo tank;

(3) Sloshing in a partially filled tank; and

(4) Hull vibrations; and

(d) The deflections of the vessel's hull.

§ 154.428 Allowable stress.

The membrane tank scantlings and the supporting insulation must have allowable stresses that are specially approved by the Commandant (G-MMT).

§ 154.429 Calculations.

For a membrane tank, the tank design load calculations must include the following:

(a) Plastic deformation and fatigue life resulting from static and dynamic loads in the membrane and the supporting insulation.

(b) The response of the membrane and its supporting insulation to vessel motion and acceleration under the worse weather conditions. Calculations from a similar vessel may be submitted.

(c) The combined strains from static, dynamic, and thermal loads.

§ 154.430 Material test.

The analyzed data of a material test must show that the membrane and the membrane supporting insulation are made of materials that withstand the combined strains calculated under § 154.429(c).

§ 154.431 Model test.

The analyzed data of a model test must show that the primary and secondary barrier of a membrane tank, including the corners and joints, withstand the combined strains from static, dynamic, and thermal loads calculated under § 154.429(c).

§ 154.432 Expansion and contraction.

The support system of a membrane tank must allow for thermal and physical expansion and contraction of the tank.

SEMI-MEMBRANE TANKS

§ 154.435 General.

(a) The design of the semi-membrane tank, the supporting insulation for the tank, and the supporting hull structure for the tank must be specially approved by the Commandant (G-MMT).

(b) A semi-membrane tank must be designed to meet the requirements under—

(1) Section 154.425 through § 154.432;

(2) Section 154.437 through § 154.441; or

(3) Section 154.444 through § 154.449.

§ 154.436 Design vapor pressure.

The P_o of a semi-membrane tank must not exceed 0.25 kp/cm² (4 psig), except it may be as high as 0.7 kp/cm² (10 psig), if specially approved by the Commandant (G-MMT).

INDEPENDENT TANK TYPE A

§ 154.437 General.

The tank scantlings of an independent tank type A must meet the standard of a recognized classification society.

§ 154.438 Design vapor pressure.

(a) If the surfaces of an independent tank type A are mostly flat surfaces, the P_o must not exceed 0.7 kp/cm² (10 psig).

(b) If the surfaces of an independent type A are formed by bodies of revolution, the design calculation of the P_o must be specially approved by the Commandant (G-MMT).

§ 154.439 Tank scantlings.

(a) The scantlings of an independent tank type A must meet the deep tank standard of a recognized classification society.

(b) The scantlings of an independent tank type A must—

(1) Withstand the internal pressure determined under § 154.407;

(2) Withstand loads from tank supports calculated under §§ 154.470 and 154.471; and

(3) Have a corrosion allowance that meets § 154.412.

§ 154.440 Allowable stress.

(a) The allowable stresses for an independent tank type A are—

(1) For tank web frames, stringers, or girders of carbon maganese steel or aluminimum alloys must meet $\frac{\sigma_B}{2.66}$ or, $\frac{\sigma_Y}{1.33}$, whichever is smaller; and

(2) For other materials, specially approved by the Commandant (G-MMT).

(b) A larger allowable stress than required in paragraph (a)(1) of this section may be specially approved by the Commandant (G-MMT) if the aquivalent stress (σ_c) is calculated from the formula in Appendix A to this part.

(c) Tank plating must meet the requirements of a recognized classification society for deep tanks having an internal pressure head that meets § 154.439 (b)(1).

INDEPENDENT TANK TYPE B

§ 154.444 General.

An independent tank type B must be designed—

(a) For the effect of static and dynamic loads on—

(1) Plastic deformation; (2) Fatigue life; (3) Buckling; and (4) Crack propagation; and

(b) From the results of the calculations under § 154.448.

§ 154.445 Design vapor pressure.

If the surfaces of an independent tank type B are mostly flat surfaces, the P_o must not exceed 0.7 kp/cm² (10 psig).

§ 154.446 Tank scantlings.

The tank scantlings of an independent tank type B must meet the calculations under § 154.448.

§ 154.447 Allowable stress.

(a) An independent tank type B designed from bodies of revolution must have allowable stresses[5] determined by the following formulae:

$$\sigma_m \leq f$$
$$\sigma_L \leq 1.5f$$
$$\sigma_b \leq 1.5F$$
$$\sigma_L + \sigma_b \leq 1.5F$$
$$\sigma_m + \sigma_b \leq 1.5F$$

where:

σ_m=Equivalent primary general membrane stress[6]

σ_L=Equivalent primary local membrane stress[6]

σ_b=Equivalent primary bending stress[6]

f=The lesser of $\frac{\sigma_B}{A}$ or $\frac{\sigma_Y}{B}$

F=The lesser of $\frac{\sigma_B}{C}$ or $\frac{\sigma_Y}{D}$

A, B, C, and D=Stress factors in table 2.

[5] See app. B for stress analyses definition.

[6] See app. A for equivalent stress.

TABLE 2.—*Values for stress factors*

Stress factors	Nickel steel and carbon manganese steel values	Austenitic steel values	Aluminum alloy values
A	0.4	0.4	0.4
B	.2	1.6	1.5
C	.3	.3	.3
D	1.5	1.5	1.5

(b) An independent tank type B designed from plane surfaces must have allowable stresses specially approved by the Commandant (G-MMT).

§ 154.448 Calculations.

The following calculations for an independent tank type B must be specially approved by the Commandant (G-MMT):

(a) Plastic deformation, fatigue life, buckling, and crack propogation resulting from static and dynamic loads on the tank and its support.

(b) A three-dimensional analysis of the stress exerted on the tank, its support, and its keys by the hull.

(c) The response of the tank and its support to the vessel's motion and acceleration in irregular waves or calculations from a similar vessel.

(d) A tank buckling analysis considering the maximum construction tolerance.

(e) A finite element analysis using the loads determined under § 154.406.

(f) A fracture mechanics analysis using the loads determined under § 154.406.

(g) The cumulative effects of the fatigue load from the following formula:

$$\Sigma \frac{n_i}{N_i} + \frac{10^3}{N_j} \leq C_w$$

where:

n_i=The number of stress cycles at each stress level during the life of the vessel;

N_i=The number of cycles to failure for corresponding stress levels from the Wohler (S-N) curve;

N_j=The number of cycles to failure from the fatigue load by loading and unloading the tank; and

C_w=0.5 or less.

§ 154.449 Model test.

The following analyzed data of a model test of structural elements for independent tank type B must be submitted to the Commandant (G-MMT) for special approval:

(a) Stress concentration factors.

(b) Fatigue life.

INDEPENDENT TANK TYPE C AND PROCESS PRESSURE VESSELS

§ 154.450 General.

Independent tanks type C and process pressure vessels must be designed to meet the requirements under Part 54 of this chapter, except § 54.01-40(b) and

(a) The calculation under § 54.01-18 (b)(1) must also include th design loads determined under § 154.406;

(b) The calculated tank plating thickness, including any corrosion allowance, must be the minimum thickness without a negative plate tolerance; and

(c) The minimum tank plating thickness must not be less than—

(1) 5 mm (3/16 in.) for carbon-manganese steel and nickel steel:

(2) 3 mm (1/8 in.) for austenitic steels; or

(3) 7 mm (9/32 in.) for aluminum alloys.

§ 154.451 Design vapor pressure.

The P_o of an independent tank type C must be calculated by the following formula:

$$P_o = 2 + AC(\rho)^{3/2} (kp/cm^2)$$

where:

$$A = 0.0185 \left(\frac{\sigma m}{\Delta \sigma_A}\right)^2$$

σ_m=Design primary stress;

$\Delta\sigma_A$=(Allowable dynamic membrane stress for double amplitude at probability level $Q=10^{-5}$) 5.5 kp/mm² (7160 psi) for ferritic and martensitic steels and 2.5 kp/mm² (3580 psi) for 5083-0 aluminum.

C=A characteristic tank dimension that is the greater of h when h is the height of the tank or the dimension in vessel's vertical direction, in meters; $0.75b$ when b is the width of the tank or the dimension in vessel's transverse direction, in meters; or $0.45l$ when l is the length of the tank or the dimension in vessel's longitudinal direction, in meters;

ρ=The specific gravity of cargo.

§ 154.452 External pressure.

The design external pressure for an independent tank type C must be calculated by the following formula:

$$P_e = P_1 + P_2 + P_3 + P_4 (kp/cm^2)$$

where:

P_1=the vacuum relief valve setting for tanks with a vacuum relief valve, or 0.25kp/cm² for tanks without a vacuum relief valve.

P_2=0, or the pressure relief valve setting for an enclosed space containing any portion of a pressure vessel.

P_3=total compressive load in the tank shell from the weight of the tank, including corrosion allowance, weight of insulation, weight of dome, weight of tower and piping, the effect of the partially filled tank, the effect of acceleration and hull deflection, and the local effect of external and internal pressure.

P_4=0, or the external pressure from the head of water from any portion of the pressure vessel on exposed decks.

§ 154.453 Failure to meet independent tank type C standards.

If the Commandant (G-MMT) determines during plan review, that a tank designed as an independent tank type C fails to meet the standards under §§ 154.450, 154.451, and 154.452 and can not be redesigned to meet those standards, the tank may be redesigned as an independent tank type A or B.

SECONDARY BARRIER

§ 154.459 General.

(a) Each tank must have a secondary barrier that meets Table 3.

TABLE 3.—*Secondary barriers for tanks*

Tank type	Cargo temperature at atmospheric pressure		
	−10°C (14°F) and warmer	Colder than −10°C (14°F) to −55°C (−67°F)	Colder than −55°C (−67°F)
Integral	No Secondary barrier required	Tank type not usually allowed.[1]	Tan type not allowed.
Membrane	do	Complete secondary barrier [1]	Complete secondary barrier.[2]
Semimembrane	do	do [1]	Do.[2]
Independent:			
Type A	do	do [1]	Do.[2]
Type B	do	Partial secondary barrier [1]	Partial secondary barrier.[2]
Type C	do	No secondary barrier required	No secondary barrier required.

[1] The hull may be used as a secondary barrier.
[2] A separate secondary barrier is required.

(b) If the Commandant (G-MNT) specially approves an integral tank for cargoes with a temperature at atmospheric pressures lower than −10° C (14° F), the tank must have a complete secondary barrier that meets § 154.460.

(c) If the Commandant (G-MNT) specially approves a semi-membrane tank under the requirements of an independent tank type B, the semi-membrane tank may have a partial secondary barrier specially approved by the Commandant (G-NMT).

(d) If Table 3 allows the hull to be a secondary barrier, the vessel's hull must—

(1) Meet § 154.600; and

(2) Be designed for the stresses resulting from cargo temperature.

(e) A tank type that is not included in Table 3 must have a secondary barrier that is specially approved by the Commandant (G-NMT).

§ 154.460 Design criteria.

At static angles of heel up through 30°, a secondary barrier must—

(a) Hold any leakage of liquid cargo from the tank for at least 15 days under the loading requirements in § 154.409(e);

(b) If the primary barrier fails, prevent the vessel's structure temperature from falling below the minimum allowable service temperature of the steel; and

(c) Prevent the tank failure from causing a failure in the secondary barrier.

INSULATION

§ 154.465 General.

If the cargo that a vessel carries is below −10° C (14° F), the tank insulation must prevent the temperature of the vessel's hull from cooling below the minimum design temperature allowed under § 154.172.

§ 154.466 Design criteria.

(a) The insulation for a tank without a secondary barrier must be designed for the tank at the temperature of the cargo carried and for a vessel operating in—

(1) Any waters in the world except Alaskan waters for the ambient cold condition of—

(i) Five knots air at −18° C (0° F); and

(ii) Still sea water at 0° C (32° F); or

(2) Alaskan waters for the ambient cold condition of—

(i) Five knots air at 29° C (−20° F); and

(ii) Still sea water at 2° C (28° F).

(b) The insulation for a tank with a secondary barrier must be designed for the secondary barrier at the temperature of the cargo carried and the ambient cold conditions listed under paragraph (a)(1) or paragraph (a)(2) of this section.

(c) The insulation material must be designed for any loads transmitted from adjacent hull structure.

(d) Insulation for tank and piping must meet § 38.05-20 of this chapter.

(e) Powder or granulated insulation must—

(1) Not compact from vibrations of the vessel;

(2) Maintain the thermal conductivity specially approved under § 154.467; and

(3) Not exert a static pressure greater than the external design pressure of the tank under § 154.408.

§ 154.467 Submission of insulation information.

(a) The following insulation information must be submitted to the Commandant (G-MMT):

(1) Compatibility with the cargo.

(2) Solubility in the cargo.

(3) Absorption of the cargo.

(4) Shrinkage.

(5) Aging.

(6) Closed cell content.

(7) Density.

(8) Mechanical properties.

(9) Thermal expansion.

(10) Abrasion.

(11) Cohesion.

(12) Thermal conductivity.

(13) Resistance to vibrations.

(14) Resistance to fire and flame spread.

(15) The manufacturing and installation details of the insulation that includes—

(i) Fabrication; (ii) Storage; (iii) Handling; (iv) Erection; and (v) Quality control.

SUPPORT SYSTEM

§ 154.470 General.

(a) A tank must have a support system that—

(1) Prevents movement of the tank under static and dynamic loads in § 154.406; and

(2) Allows the tank to contract and expand from temperature variation and hull deflection without exceeding the design stress of the tank and the hull.

(b) The tank support system must have a key that prevents rotation of the tank.

(c) An independent tank must have supports with an antiflotation system that withstands the upward force of the tank without deformation of the hull when the tank is—

(1) Empty; and

(2) In a hold space flooded to the summer load draft of the vessel.

§ 154.471 Design criteria.

(a) The tank support system must be designed—

(1) For the loads in § 154.406(a);

(2) To not exceed the allowable stress at a static angle of heel of 30°;

(3) To withstand a collision force equal to at least one-half the weight of the tank and cargo from forward and one-quarter the weight of the tank and cargo from aft; and

(4) For the largest resulting acceleration in Figure 1, including rotational and translation effects.

(b) The tank support design loads in paragraph (a) of this section may be analyzed separately.

§ 154.476 Cargo transfer devices and means.

(a) If a cargo pump in a tank is not accessible for repair when the tank is in use, the tank must have an additional means of cargo transfer, such as another pump or gas pressurization.

(b) If cargo is transferred by gas pressurization, the pressurizing line must have a safety relief valve that is set at less than 90 percent of the tank relief valve setting.

CARGO AND PROCESS PIPING SYSTEMS

§ 154.500 Cargo and process piping standards.

The cargo liquid and vapor piping and process piping systems must meet the

requirements in this subpart and the following subparts and sections in this chapter:

56.01	56.50–105
56.04	56.60
56.07	56.65
56.10	56.70
56.15	56.75
56.20	56.80
56.25	56.85
56.30	56.90
56.35	56.95
56.50–20	56.97

§ 154.503 Piping and piping system components: Protection from movement.

The piping and piping system components and cargo tanks must be protected, where thermal movement and movements of the tank and the hull structure may cause stresses, that exceed the design stresses by—

(a) Offsets; (b) Loops; (c) Bends; (d) Mechanical expansion joints including—

(1) Bellows; (2) Slip joints; or (3) Ball joints; or (e) Other means specially approved by the Commandant (G-MMT).

§ 154.506 Mechanical expansion joint: Limits in a piping system.

The number of mechanical expansion joints in a piping system must be specially approved by the Commandant (G-MMT).

§ 154.508 Mechanical expansion joint: Bellows type.

(a) Mechanical expansion joints in a piping system outside of a cargo tank must be a bellows type.

(b) A bellow expansion joint in a piping system outside of a cargo tank must be protected from icing by—

(1) Insulation;

(2) A cover; or

(3) Other means specially approved by the Commandant (G-MMT).

§ 154.512 Piping: Thermal isolation.

Low temperature piping must be thermally isolated from any adjacent hull structure to prevent the temperature of that structure from dropping below the design temperature of the hull material.

§ 154.514 Piping: Electrical bonding.

(a) Tanks or piping that are separated from the hull structure by thermal isolation must be electrically bonded to the hull structure.

(b) A pipe joint or a hose connection that has a gasket must have an electrical bond.

§ 154.516 Piping: Hull protection.

A vessel's hull must be protected from low temperature liquid leakage by a drip pan, or other means specially approved by the Commandant (G-MMT), at—

(a) Any piping connection dismantled on a routine basis;

(b) Cargo discharge and loading manifold; and

(c) Pump seals.

§ 154.517 Piping: Liquid pressure relief.

The cargo loading and discharge crossover headers, cargo hoses, and cargo loading arms must have means to relieve cargo pressure and to remove liquid cargo.

§ 154.519 Piping relief valves.

(a) The liquid relief valve that protects the cargo piping system from liquid pressure exceeding the design pressure must discharge into a tank.

(b) A liquid relief valve may discharge into a cargo vent mast if that vent mast has a means for the detection and removal of the liquid cargo that is specially approved by the Commandant (G-MMT).

(c) A relief valve on a cargo pump that protects the cargo piping system must discharge into the pump suction.

§ 154.520 Piping calculations.

A piping system must be designed to meet the allowable stress values under § 56.07–10 of this chapter and, if the design temperature is −110° C (−166° F) or lower, the stress analysis must include—

(a) Pipe weight loads;

(b) Acceleration loads;

(c) Internal pressure loads;

(d) Thermal loads; and

(e) Loads from the hull.

§ 154.522 Materials for piping.

(a) The materials for piping systems must meet § 154.625 for the minimum design temperature of the piping, except the material for open ended vent piping may be specially approved by the Commandant (G-MMT) if—

(1) The temperature of the cargo at the pressure relief valve setting is −55° C (−67° F) or warmer; and

(2) Liquid can not discharge to the vent piping.

(b) Materials for piping outside the cargo tanks must have a melting point of at least 925° C (1697° F), except for such short lengths of pipes with fire resisting insulation that are attached to the cargo tanks.

§ 154.524 Piping joints: Welded and screwed couplings.

Pipe lengths without flanges must be joined by a—

(a) Butt welded joint with complete penetration at the weld root, except that for design temperatures colder than −10° C (14° F) the butt weld must be double welded or must have an equivalent to a double welded butt joint by use of—

(1) A backing ring that for design pressures greater than 10 kp/cm² (142 psig) must be removed after the weld is completed;

(2) A consumable insert; or

(3) An inert gas back-up on the first weld pass;

(b) Slip on welded joint with sleeves and attachment welds allowed for an open ended pipe with an external diameter of 50 mm (2 in.) or less and a design temperatures at −55° C (−67° F) or warmer; or

(c) Screwed coupling that meets §§ 56.30–20 and 56.50–105 (a) (4) and (b) (4) of this chapter.

§ 154.526 Piping joints: Flange connection.

Flange connections for pipe joints must meet §§ 56.30–10 and 56.60–105 (a) (4) and (b) (4) of this chapter.

§ 154.528 Piping joints: Flange type.

(a) A flange must be one of the following types:

(1) Welding neck.

(2) Slip-on.

(3) Socket weld.

(b) If the design temperature of the piping is between −10° C (14° F) and −55° C (−67° F), the pipe flange may be a—

(1) Slip-on type, if the nominal pipe size is less than 100 mm (4 in.);

(2) Socket weld, if the nominal pipe size is less than 50 mm (2 in.); or

(3) Welding neck.

(c) If the design temperature of the piping is lower than −55° C (−67° F), the pipe flange must be a welding neck type.

§ 154.530 Valves: Cargo tank MARVS 0.7 kp/cm² (10 psig) or lower.

(a) Liquid and vapor connections on a cargo tank with a MARVS of 0.7 kp/cm² (10 psig) or lower, except connections for safety relief valves and liquid level gauging devices, must have shut-off valves that—

(1) Close;

(2) Are located as close to the tank as practicable; and

(3) Have manual control at the valve.

(b) The cargo piping system for a cargo tank with a MARVS of 0.7 kp/cm² (10 psig) or lower must have at least one remotely controlled quick closing shut-off valve for closing liquid and vapor piping between vessel and shore that meets §§ 154.540, 154.542, and 154.544.

§ 154.532 Valves: Cargo tank MARVS greater than 0.7 kp/cm² (10 psig).

(a) Liquid and vapor connections on a cargo tank with a MARVS greater than 0.7 kp/cm² (10 psig), except connections for safety relief valves and liquid level gauging devices, must have as close to the tank as practicable, a—

(1) Manual controlled stop valve; and

(2) Remotely controlled quick-closing shut-off valve.

(b) If the nominal pipe size of a liquid or vapor connection is less than 50 mm (2 in.), an excess flow valve may be substituted for the quick closing valve required under paragraph (a) of this section.

(c) A single valve may be substituted for the manual controlled stop valve and the remotely controlled quick-closing shut-off valve required under paragraph (a) of the section if that single valve—

(1) Meets §§ 154.540, 154.542, and 154.544; and

(2) Is also manually controlled.

§ 154.534 Cargo pumps and compressors.

Cargo pumps and compressors must shut down automatcially when the quick-closing shunt-off valves required under §§ 154.530 and 154.532 are closed by the

emergency shut-down system required under § 154.540.

§ 154.536 Tank gauging and measuring connections.

Unless the outward flow from a tank is less than the flow through a circular hole of 1.4 mm (.055 in.), in diameter, tank connections for gauging or measuring devices must have excess flow or quick-closing shut-off valves.

§ 154.538 Cargo transfer connection.

A cargo transfer connection must have a—

(a) Remotely controlled quick-closing shut-off valve; or

(b) Blank flange.

§ 154.540 Quick-closing shut-off valves: Emergency control system.

(a) The remotely controlled quick-closing shut-off valve required under §§ 154.530, 154.532, and 154.538 must have an emergency control system to operate the valve.

(b) The control system required under paragraph (a) of this section must be in—

(1) The cargo control station; and

(2) At least one other remote location on the vessel.

(c) The quick-closing shut-off valve required under §§ 154.530, 154.532, and 154.538 must—

(1) Be the fail-closed type; and

(2) Have manual control.

§ 154.542 Quick-closing shut-off valves: Emergency control system fusible elements.

The control system required under § 154.540 must have fusible elements at each tank dome and cargo loading and discharge manifold that melt between 98° C (208° F) and 104° C (220° F) and close the quick-closing shut-off valves.

§ 154.544 Quick-closing shut-off valves: Closing time.

A quick-closing shut-off valve in liquid cargo piping must close from the open position in at least 30 seconds or less.

§ 154.546 Excess flow valve: Closing flow.

(a) The rated closing flow of vapor or liquid cargo for an excess flow valve must be specially approved by the Commandant (G-MMT).

(b) An excess flow valve allowed under § 154.532 must close automatically at the rated closing flow.

§ 154.548 Cargo piping: Flow capacity.

Piping with an excess flow valve must have a vapor or liquid flow capacity that is greater than the rated closing flow required under § 154.546.

§ 154.550 Excess flow valve: Bypass.

An excess flow valve allowed under § 154.532(b) may have a bypass of 1.0 mm (.0394 in.) or less in diameter.

§ 154.552 Liquid and vapor cargo hose: Compatibility.

Liquid and vapor cargo hoses must—

(a) Not chemically react with the cargo; and

(b) Withstand cargo temperature.

§ 154.554 Cargo hose: Bursting pressure.

Cargo hose that can be pressurized by the tank, the cargo pump discharge, or the vapor compressor discharge must have a bursting pressure of at least five times the maximum working pressure on the hose during cargo transfer.

§ 154.556 Cargo hose: Maximum working pressure.

A cargo hose must have a maximum working pressure not less than the maximum pressure to which it may be subjected and at least 10.5 kp/cm^2 (150 psig).

§ 154.558 Cargo hose: Marking.

Each cargo hose must be marked with the—

(a) Maximum working pressure; and

(b) Minimum service temperature for service at other than ambient temperature.

§ 154.560 Cargo hose: Prototype test.

Each cargo hose must be of a type that passes a prototype test at a pressure of at least five times its maximum working pressure to at least the service temperature.

§ 154.562 Cargo hose: Hydrostatic test.

Each cargo hose must pass a hydrostatic pressure test of at least 1.5 times its specified maximum working pressure but not more than two-fifths its bursting pressure and at ambient temperature.

MATERIALS

§ 154.605 Toughness test.

(a) Each toughness test for material used to meet the requirements of §§ 154.610 through 154.625 must meet Subpart 54.05 of this chapter.

(b) The Charpy V-notch energy for subsize toughness test specimens must meet Table 56.50-105(a) of this chapter.

§ 154.610 Design temperature not colder than 0° C (32° F).

(a) Plates, pipes, tubes, forgings, forged and rolled fittings, rolled and forged bars and shapes, and castings used in the construction of tanks and process pressure vessels for a desgin temperature not colder than 0° C (32° F) must be carbon manganese steel, made with fine grain practice, austenitic grain size of five or finer where the thickness exceeds 20 mm (.787 in.), and normalized or quenched and tempered. A control rolling procedure may be substituted for normalizing if specially approved by the Commandant (G-MMT). Plate for an independent tank type C and process pressure vessel must also meet the requirements of ASTM A-20 and § 54.01-18 (b) (5) of this chapter.

(b) A recognized classification society's grades D, up to 20 mm (.787 in.), and E hull structural steel may be used for an independent type A tank if the steel is tested under § 54.05-10 of this chapter.

(c) A tensile test must be made for—

(i) Each plate as rolled; and

(ii) Each five short ton batch of forgings, forged or rolled fittings, rolled or forged bars and shapes, and castings.

(d) The minimum specified yield stress must not exceed 65 kp/mm^2 (92.43 Ksi) and when it exceeds 50 kp/mm^2 (71.10 Ksi) the hardness of the weld and heat affected zone must be specially approved by the Commandant (G-MMT).

(e) A Charpy V-notch test must be made for—

(1) Each plate as rolled; and

(2) Each five short ton batch of forgings, forged or rolled fittings, rolled or forged bars and shapes, and castings.

(f) The orientation and required impact energy of a 10 mm x 10 mm (.394 in. x .394 in.) Charpy V-notch specimen is as follows:

(1) Plate, transverse specimen, 2.8 kpm (20 ft-lbs).

(2) Forgings, forged and rolled fittings, rolled and forged bars and castings, longitudinal specimen, 4.2 kpm (30 ft-lbs).

(g) The test temperature of the Charpy V-notch specimens is as follows:

MATERIAL THICKNESS AND TEST TEMPERATURE

$t \leq 20$ mm (.788 in.), 0° C (32° F)
$20 < t \leq 30$ mm (1.182 in.), −20° C (−4° F)
$30 < t \leq 40$ mm (1.576 in.) −40° C (−40° F)

§ 154.615 Design temperature below 0° C (32° F) and down to −55° C (−67° F).

Plates, forgings, forged or rolled fittings, rolled or forged bars and shapes, and castings for tanks, secondary barriers, and process pressure vessels with a design temperature below 0° C (32° F) and down to −55° C (−67° F) must meet the material requirements in § 54.25-10 of this chapter.

§ 154.620 Design temperature below −55° C (−67° F) and down to −165° C (−265° F).

Plates, forgings and forged or rolled fittings, rolled or forged bars and shapes, and castings for tanks, secondary barriers, and process pressure vessels with a design temperature below −55° C (−67° F) and down to −165° C (−265° F) must meet § 54.25-10(b)(2), § 54.25-15, or § 54.25-20 of this chapter.

§ 154.625 Design temperature below 0° C (32° F) and down to −165° C (−265° F).

Pipes, tubes, forgings, castings, bolting, and nuts for cargo process piping with a design temperature below 0° C (32° F) and down to −165° C (−265° F) must meet § 56.50-105 of this chapter.

§ 154.630 Tank material.

(a) If a material of a tank is not listed in §§ 154.610, 154.615 or 154.620, the allowable stress of that material must be specially approved by the Commandant (G-MMT).

(b) Material in the area of welded connections in aluminum alloys must have the tensile strength of the annealed condition.

(c) Increased yield stress and tensile strength of a material at low tempera-

ture for independent tanks type A, B and C must be specially approved by the Commandant (G-MMT).

CONSTRUCTION

§ 154.650 Tank and process pressure vessel welding.

(a) Tank and process pressure vessel welding must meet Subpart 54.05 and Part 57 of this chapter.

(b) Welding consumables for welding tanks must meet §57.02-4 of this chapter.

(c) For independent tanks—

(1) Each welded joint of the shells must be a full penetration butt weld, except that full penetration tee welds may be used for dome to shell connections; and

(2) Each nozzle weld must be of the full penetration type, except for small penetrations on domes.

(d) For independent tanks type C and process pressure vessels, each welded joint must meet Part 54 of this chapter, except that any backing rings must be removed unless specially approved by the Commandant (G-MMT).

(e) For each welded joint in a membrane tank, the quality assurance measures, weld procedure qualification, design details, materials, construction, inspection, and production testing of components must meet the standards developed during the prototype testing program that are specially approved by the Commandant (G-MMT).

(f) For semi-membrane tanks, each welded joint must meet paragraph (c) or (e) of this section.

§ 154.655 Stress relief for independent tanks type C.

For a design temperature colder than —10° C (14° F), an independent tank type C of—

(a) Carbon and carbon-manganese steel must be stress relieved by post-weld heat treatment under § 54.25-7 of this chapter or mechanical stress relief under Subpart 54.30; or

(b) Materials other than carbon and carbon manganese steel must be stress relieved using a procedure specially approved by the Commandant (G-MMT).

§ 154.660 Pipe welding.

(a) Pipe welding must meet Part 57 of this chapter.

(b) Butt welds of pipes made from carbon, carbon manganese, or low alloy steels must be post-weld heat treated and must meet § 56.50-105 and Subpart 56.85 of this chapter.

(c) In addition to normal controls before and during the welding and to the visual inspection of the finished welds, the following tests are required as necessary for proving that the welding has been carried out correctly:

(1) A piping system with a service temperature lower than —10° C (14° F) and a wall thickness greater than 10 mm (.394 in.) or with an inside diameter greater than 100 mm (4 in.) must have 100 percent radiographic testing for butt welded joints.

(2) When Table 4 references this section, butt welded joints for deck cargo piping exceeding 75 mm (3 in.) in diameter must be 100 percent radiographic tested.

(3) For other butt welded joints of pipes, the non-destructive testing must meet Subpart 56.95 of this chapter.

§ 156.665 Welding procedures.

Welding procedure tests for tanks with a design temperature colder than 0° C (32° F), process pressure vessels, and piping must meet § 54.05-15 and Subpart 57.06 of this chapter.

CARGO PRESSURE AND TEMPERATURE CONTROL

§ 154.701 Cargo pressure and temperature control: General.

(a) Each refrigeration system must—(LNG) tank, must—

(1) Have a refrigeration system that meets § 154.702; or

(2) Be an independent tank type C having a P_o greater than the vapor pressure of the cargo at 45° C (113° F).

(b) The vessel must have a separate refrigeration system for each refrigerated incompatible cargo.

§ 154.702 Refrigerated carriage.

(a) Each refrigerated system must—

(1) Have enough capacity to maintain the cargo pressure below P_o under ambient design temperatures of 45° C (113° F) still air and 32° C (89.6° F) still water with the largest unit in the system inoperative; or

(2) Have a standby unit with a capacity at least equal to the capacity of the largest refrigeration unit operating in the system.

(b) For the purpose of this section, a "refrigeration unit" includes a compressor and its motors and controls.

(c) Each refrigeration system must—

(1) Have a heat exchanger with an excess capacity of 25 percent; or

(2) A standby heat exchanger.

(d) Where cooling water is used in a refrigeration system—

(1) The cooling water pump or pumps must be used exclusively for the system;

(2) Each pump must have suction lines from seachests on the port and starboard sides of the vessel; and

(3) The vessel must have a standby pump, which may be a pump that is used for other, non-essential purposes.

(e) Each refrigeration system must use refrigerants that are compatible with the cargo and, for cascade units, with each other.

(f) Each refrigeration system must have automatic and manual cargo temperature controls.

(g) The pressure of the heat transfer fluid in each cooling coil in a tank must be greater than the pressure of the cargo.

§ 154.703 Methane (LNG).

Unless a tank carrying methane (LNG) can withstand the pressure build up due to boil-off for 21 days, the pressure in the tank must be maintained below P_o for at least 21 days by—

(a) A refrigeration system that meets § 154.702;

(b) Burning boil-off gas in a waste heat or catalytic furnace that—

(1) Maintains the stack exhaust temperature below 535° C (995° F);

(2) Exhibits no visible flame; and

(3) Is specially approved by the Commandant (G-MMT); or

(c) Using the boil-off gas as fuel in boilers, inert gas generators, and combustion engines in the main propelling machinery space or for other services and in other spaces specifically approved by the Commandant (G-MMT).

§ 154.705 Cargo boil-off as fuel: General.

(a) Each cargo boil-off fuel system used to meet § 154.703(c) must meet §§ 154.706 through 154.709.

(b) The piping must have a connection for introducing inert gas and gas freeing the piping in the machinery space.

(c) A gas fired main propulsion boiler or combustion engine must have a fuel oil fired pilot to maintain fuel flow if gas fuel supply is cut off.

§ 154.706 Cargo boil-off as fuel: Fuel lines.

(a) Gas fuel lines must not pass through accommodation, service, or control spaces. A gas line passing through other spaces must meet one of the following:

(1) The fuel line must be a double-walled piping system with the annular space containing an inert gas at a pressure greater than the fuel pressure. Visual and audible alarms must be installed at the machinery control station to indicate loss of inert gas pressure.

(2) The fuel line must be installed in a mechanically exhaust ventilated pipe or duct, having a rate of air change of at least 30 changes per hour. The pressure in the space between the inner pipe and outer pipe or duct must be maintained at less than atmospheric pressure. If the required air flow is not established or maintained, the gas fuel supply must be automatically shut off. Continuous gas detection must be installed in the ventilated space to detect leaks and to automatically shut off the gas fuel supply to meet § 154.708(c). The ventilation system must meet the requirements of § 154.1205.

(b) Each double wall pipe or vent duct must terminate in the ventilation hood or casing required under § 154.707(a). Continuous gas detection must be installed in the hood or casing to indicate leaks and to shut off the gas fuel supply to meet paragraph (a)(2) of this section.

§ 154.707 Cargo boil-off as fuel: Ventilation.

(a) A ventilation hood or casing must be installed in areas occupied by flanges, valves, and piping at the fuel burner to cause air to sweep across them and be exhausted at the top of the hood or casing.

(b) The hood or casing must be mechanically exhaust ventilated and meet § 154.1205.

(c) If the air flow in the ventilated hood or casing falls below the rate specially approved by the Commandant (G-MMT), the gas fuel supply must be shut off.

§ 154.708 Cargo boil-off as fuel: Valves.

(a) Gas fuel lines to the gas consuming equipment must have two fail-closed automatic valves in series. A third valve, designed to fail-open, must vent that portion of pipe between the two series valves to the open atmosphere.

(b) These valves must be arranged so that loss of boiler forced draft, flame failure, or abnormal gas fuel supply pressure automatically causes the two series valves to close and the vent valve to open. The function of one of the series valves and the vent valve may be performed by a single three-way valve.

(c) A master gas fuel valve must be outside the machinery space, but be operable from inside the machinery space and at the valve. The valve must automatically close if leakage of gas or loss of ventilation is detected.

§ 154.709 Cargo boil-off as fuel: Gas detection equipment.

(a) The continuous gas detection system required under § 154.706 (a) (2) and (b) must—

(1) Meet § 154.1350 of this part; and

(2) Have a device that activates an audible and visual alarm at the machinery control station and in the wheelhouse if the concentration reaches 1.5 percent by volume of methane and closes the master gas fuel valve required under § 154.708(c) if the concentration reaches 3 percent by volume.

(b) The number and arrangement of gas sampling points must be specially approved by the Commandant (G-MMT).

CARGO VENT SYSTEMS

§ 154.801 Pressure relief systems.

(a) Each tank that has a volume of 20 m^3 (706 $ft.^3$) or less must have at least one pressure relief valve.

(b) Each tank that has a volume of greater than 20 m^3 (706 $ft.^3$) must have at least two pressure relief valves of equal relieving capacity.

(c) Each pressure relief valve must—

(1) Meet 46 CFR 162.018 or, if the MARVS is 0.7 kp/cm^2 (10 psig) or less, 46 CFR 162.017, and have at least the capacity required under § 154.806;

(2) Not be set for a higher pressure than the MARVS;

(3) Have a fitting for sealing wire that prevents the set relieving pressure from being changed without breaking the sealing wire;

(4) Be insulated from the tank if the temperature of the cargo carried is below 0° C (32° F);

(5) Be fitted on the tank to remain in the vapor phase under conditions of 15° list and 0.015 L trim;

(6) Vent to a vent mast under § 154.805, except a relief valve may vent to a common tank relief valve header if the back pressure is taken into account in determining the required capacity in § 154.806;

(7) Not vent to a common header or common vent mast if the relief valves are connected to tanks carrying chemically incompatible cargoes; and

(8) Not have any stop valves or other means of isolating the tank from its relief valve unless—

(i) The stop valves are interlocked or arranged so that only one pressure relief valve is out of service at any one time;

(ii) The interlock arrangement automatically shows the relief valve that is out of service; and

(iii) The remaining valves have the relieving capacity required under § 154.806, or all valves on the tank are the same size and a spare is carried, or a spare is carried for each valve on a tank.

§ 154.802 Alternate pressure relief settings.

Tanks specially approved for more than one relief valve setting must have one of the following valve arrangements:

(a) Valves that—

(1) Are set and sealed under § 154.801(c);

(2) Have the capacity required under § 154.806; and

(3) Are interlocked so that all relief valves cannot be isolated from the tank at any time.

(b) Valves that have spacer pieces or springs that—

(1) Change the set pressure without pressure testing to verify the new setting; and

(2) Can be installed without breaking the sealing wire required under § 154.801(c)(3).

§ 154.804 Vacuum protection.

(a) Each cargo tank must have—

(1) A pressure switch that operates an audible and visual alarm in the wheelhouse and cargo control station at or below 80 percent of the maximum external design pressure differential of the cargo tanks and a second, independent pressure switch that automatically shuts off all suction of cargo liquid or vapor from the cargo tank and secures any refrigeration of that tank at or below the maximum external designed pressure differential; or

(2) A vacuum relief valve that—

(i) Has a gas flow capacity at least equal to the maximum cargo discharge rate per tank;

(ii) Is set to open at or below the maximum external designed pressure differential;

(iii) Admits inert gas, cargo vapor from a source other than a cargo vapor header, or air except as prohibited under § 154.1710.

(b) Each vacuum protection system must have a means to test its operation.

(c) Tanks designed to withstand a maximum external pressure differential exceeding 0.25 kp/cm^2 (3.55 psig) and to withstand the maximum external pressure differential that can be attained at maximum discharge rates with no vapor return to the cargo tanks, by operation of a cargo refrigeration system, or by drawing off vapors for use in accordance with § 154.703(c), are not required to have vacuum protection.

§ 154.805 Vent masts.

Relief vents or common vent headers from relief valves must discharge to a vent mast that—

(a) Discharges vertically upward;

(b) Has a rain cap or other means of preventing the entrance of rain or snow;

(c) Has a screen or bars not more than 25 mm (1 in.) apart;

(d) Extends at least to a height of B/3 or 6 m (19.7 ft.), whichever is greater, above the weather deck and 6 m (19.7 ft.) above the working level;

(e) On a tank, does not exhaust within a radius of *B* or 25 m (82 ft.), whichever is less, from any forced or natural ventilation intake or other opening to an accommodation, service, control station, or other gas-safe space;

(f) On a containment system, except a tank, does not exhaust within a radius of 10 m (32.8 ft.) or less from any forced or natural ventilation intake or other opening to an accommodation, service, control station, or other gas-safe space;

(g) Has drains to remove any liquid that may accumulate; and

(h) That prevents accumulations of liquid at the relief valves.

§ 154.806 Capacity of pressure relief valves.

Pressure relief valves for each tank must have a combined relief capacity, considering back pressure from vent piping, headers, and masts, to discharge the greater of the following with not more than a 20 percent rise in cargo tank pressure above the MARVS:

(a) The maximum capacity of an installed tank inerting system.

(b) Quantity of vapors generated from fire exposure that is calculated under § 54.15-25 of this chapter.

ATMOSPHERIC CONTROL IN CARGO CONTAINMENT SYSTEMS

§ 154.901 Atmospheric control within cargo tanks and cargo piping systems.

(a) Each vessel must have a piping system for gas freeing and purging of each tank and all cargo piping.

(b) The piping system must minimize the pocketing of gas or air remaining after purging.

(c) For tanks certificated to carry flammable gases, the piping system must allow purging the tank of flammable vapors before air is introduced and purging the tank of air before the tank is filled with cargo.

(d) Each cargo tank must have—

(1) Gas sampling points at the top, middle, and bottom of the tanks; and

(2) Gas sampling line connections that are valved and capped above the deck.

§ 154.902 Atmospheric control within hold and interbarrier spaces.

(a) Vessels certificated to carry flammable cargo in cargo containment systems with full secondary barriers must have an inert gas system or onboard storage of inert gas that provides enough inert gas to meet the requirements of § 154.1848 for 30 days consumption.

(b) Vessels certificated to carry flammable cargo in cargo containment systems with partial secondary barriers must—

(1) Have an inert gas system or onboard inert gas storage that can inert the largest hold and interbarrier space;

(2) Have a gas detection system for each hold and interbarrier space; and

(3) Meet the requirements of § 154.902(a) or § 154.902(c)(2).

(c) Vessels certificated to carry only non-flammable cargo in cargo containment systems with secondary barriers must—

(1) Meet the requirements of § 154.902(a); or

(2) Have air drying systems that reduce the dewpoint of any air admitted to hold or interbarrier spaces below the temperature of any surface in those spaces.

(d) Vessels with refrigerated independent tanks type C must have inert gas or air drying systems that reduce the dewpoint of any inert gas or air admitted to the hold spaces below the temperature of any surface in the hold spaces.

§ 154.903 Inert gas systems: general.

(a) Inert gas carried or generated to meet §§ 154.901, 154.902, and 154.1848 must be non-flammable and non-reactive with the cargoes that the vessel is certificated to carry and the materials of construction of the tanks, hold and interbarrier spaces, and insulation.

(b) The boiling point and dewpoint at atmospheric pressure of the inert gas must be lower than the temperature of any surface in the spaces that the gas inerts.

(c) Storage vessels and inert gas piping must meet §§ 154.400 and 154.500 for the temperatures and pressures at which the gas is stored and used.

§ 154.904 Inert gas system: Controls.

The inert gas system must have—

(a) At least two check valves, or other means specially approved by the Commandant (G-MMT), in the cargo area to prevent the back flow of cargo vapor into the inert gas system;

(b) Automatic and manual inert gas pressure controls; and

(c) Valves to isolate each inerted space.

§ 154.906 Inert gas generators.

The inert gas generator must—

(a) Produce an inert gas containing less than 5 percent oxygen;

(b) Have a device to continuously sample the discharge of the generator for oxygen content; and

(c) An audible and visual alarm in the cargo control station set at or below 5 percent oxygen by volume.

§ 154.908 Inert gas generator: Location.

(a) Except as allowed in paragraph (b) of this section, an inert gas generator must be located in a space that is not in the cargo area and does not have direct access to any accommodation, service, or control space.

(b) An inert gas generator that does not use flame burning equipment may be located in the cargo area if specially approved by the Commandant (G-MMT).

§ 154.910 Inert gas piping: Location.

Inert gas piping must not pass through or terminate in an accommodation, service, or control space.

§ 154.912 Inerted spaces: Relief devices.

Inerted spaces must be fitted with relief valves, rupture discs, or other devices specially approved by the Commandant (G-MMT).

ELECTRICAL

§ 154.1000 Applicability.

(a) Sections 154.1005 through 154.1020 apply to flammable cargo and ammonia carriers.

(b) For the purposes of §§ 154.1005 through 154.1020, an ammonia carrier is not gas-dangerous on the open deck.

§ 154.1005 Equipment approval.

(a) All electrical equipment that is required to be intrinsically safe or explosion-proof under § 154.1010 must be approved or listed by an independent laboratory that is specially approved by the Commandant (G-MMT), such as Underwriters' Laboratories, Inc. or Factory Mutual Systems, for Class I Division I locations and the Group that is specified in Table 4 for the cargo carried.

(b) Each submerged cargo pump motor installation must be specially approved by the Commandant (G-MMT).

(c) All electrical equipment that must be intrinsically safe to meet § 154.1010 must meet the definition in § 110.15-100 (i) of this chapter.

(d) All electrical equipment that must be explosion-proof to meet § 154.1010 must meet § 110.15-65(e) of this chapter.

§ 154.1010 Electrical equipment in gas dangerous space or zone.

(a) Except as allowed in this section, electrical equipment must not be installed in a gas dangerous space or zone.

(b) Intrinsically safe electrical equipment and wiring may be in a gas dangerous space or zone.

(c) A submerged cargo pump motor may be in any tank if—

(1) Low liquid level, motor current, or pump discharge pressure automatically shuts down power to the pump motor if the pump loses suction;

(2) There is an audible and visual alarm at the cargo control station that actuates if the motor shuts down under the requirements of subparagraph (1) of this paragraph; and

(3) There is a lockable circuit breaker or lockable switch that disconnects the power to the motor.

(d) A supply cable for a submerged cargo pump motor may be in a hold space.

(e) A hold space that has a tank that is not required to have a secondary barrier under § 154.459 may have—

(1) Through runs of cable;

(2) Explosion-proof lighting fixtures;

(3) Depth sounding devices in gas tight enclosures;

(4) Log devices in gas tight enclosures; and

(5) Impressed current cathodic protection system electrodes in gas tight enclosures.

(f) A space that is separated by a gas tight steel boundary from a hold space that has a tank that must have a secondary barrier under the requirements of § 154.459 may have—

(1) Through runs of cable;

(2) Explosion-proof lighting fixtures;

(3) Depth sounding devices in gas tight enclosures;

(4) Log devices in gastight enclosures;

(5) Impressed current cathodic protection system electrodes in gastight enclosures;

(6) Explosion-proof motors that operate cargo system valves or ballast system valves; and

(7) Explosion-proof bells for general alarm systems.

(g) A cargo handling room may have—

(1) Explosion-proof lighting fixtures; and

(2) Explosion-proof bells for general alarm systems.

(h) A space for cargo hose storage may have—

(1) Explosion-proof lighting fixtures; and

(2) Through runs of cable.

(i) A space that has cargo piping may have—

(1) Explosion-proof lighting fixtures; and

(2) Through runs of cable.

(j) A zone on the open deck may have—

(1) Explosion-proof equipment that is necessary for the operation of the vessel; and

(2) Through runs of cable.

(k) A space, except those named in paragraph (e) through (j) of this section, that has a direct opening to gas-dangerous space or zone may only have the electrical equipment allowed in the gas-dangerous space or zone.

§ 151.1015 Lighting in gas-dangerous space.

(a) Each gas-dangerous space that has lighting fixtures must have at least two branch circuits for lighting.

(b) Each switch and each overcurrent protective device for any lighting circuit that is in a gas-dangerous space must open each conductor of the circuit simultaneously.

(c) Each switch and each overcurrent protective device for lighting in a gas-

dangerous space must be in a gas safe space.

§ 154.1020 Emergency power.

The emergency generator must be designed to allow operation at the final angle of heel under § 154.230(a).

FIREFIGHTING

§ 154.1100 Firefighting: General.

Each vessel must meet Parts 32 and 34 of this chapter.

FIREFIGHTING SYSTEM: EXTERIOR WATER SPRAY

§ 154.1105 Exterior water spray system: General.

Each flammable liquefied gas carrier and each toxic liquefied gas carrier must have an exterior water spray system that meets §§ 154.1110 through 154.1135.

§ 154.1110 Areas protected by system.

Each water spray system must protect the following:

(a) All parts of each tank that are not covered by the vessel's hull structure or a steel cover, including the dome.

(b) Each on-deck storage vessel for flammable or toxic liquefied gases.

(c) Each cargo discharge and loading manifold.

(d) Each quick closing valve required by §§ 154.530, 154.532, and 154.538, and other control valves.

(e) Each boundary facing the cargo area of each superstructure that contains accommodation, service, or control spaces.

(f) Each boundary facing the cargo area of each deckhouse that contains accommodation, service, or control spaces.

(g) Each boundary of each deckhouse that is within the cargo area and that is manned during navigation of the vessel or during cargo transfer operations, except the deckhouse roof if it is 2.4 m (8 ft.) or higher above the main deck.

§ 154.1115 Discharge.

(a) Each water spray system must discharge at least—

(1) 10 l/m^2/min. (.25 gpm/ft.^{2}) over each horizontal surface; and

(2) 4 l/m^2/min. (.10 gpm/ft.^{2}) against each vertical surface, including water rundown if the vertical distance from the nozzles to the protected area does not exceed 3.7 m (12 ft.).

(b) The area of water spray coverage required under § 154.1110(c) and (d) for fittings and valves must be an area in a horizontal plane extending at least .5 m (19 in.) in each direction from the pipes, fittings, and valves, or the area of the drip tray, whichever is greater.

§ 154.1120 Nozzles.

Nozzles for the water spray system must be spaced to discharge the minimum density required under § 154.1115 over each part of the protected area.

§ 154.1125 Pipes, fittings, and valves.

(a) Each pipe, fitting, and valve for each water spray system must meet Part 56 of this chapter.

(b) Each water spray main that protects more than one area listed in § 154.1110 must have at least one isolation valve at each branch connection and at least one isolation valve downstream of each branch connection.

(c) Each valved cross-connection from the water spray system to the fire main must be outside of the cargo area.

(d) Each distribution piping system must be made of fire resistant and corrosion resistant materials, such as galvanized steel or galvanized iron pipe.

(e) Each water spray system must have drains, strainers, and dirt traps.

§ 154.1130 Sections.

(a) If a water spray system is divided into sections, each section must at least include all of the area of an athwartship tank grouping.

(b) If a water spray system is divided into sections, the control valves must be at a single manifold that is aft of the cargo area.

§ 154.1135 Pumps.

(a) Water to the water spray system must be supplied by—

(1) A pump that is only for use on the system;

(2) A fire pump; or

(3) Another pump specially approved by the Commandant (G-MMT).

(b) Operation of a water spray system must not interfere with simultaneous operation of the fire main system at its required capacity.

(c) Except as allowed under paragraph (d) of this section, each pump for each water spray system must have the capacity to simultaneously supply all areas named in § 154.1110.

(d) If the water spray system is divided into sections, the pump must have the capacity to simultaneously supply—

(1) All the areas in § 154.1110(c) through (g); and

(2) The largest section that includes any area listed in § 154.1110(a) and (b).

FIREFIGHTING SYSTEM: DRY CHEMICAL

§ 154.1140 Dry chemical system: General.

(a) Each liquefied flammable gas carrier must have a dry chemical firefighting system that meets §§ 154.1145 through 154.1170 and Part 56 and § 162.039 of this chapter.

(b) The plans for the dry chemical supply and distribution systems, including all controls, must be submitted under Subpart 50.20 of this chapter.

§ 154.1145 Dry chemical supply.

(a) A vessel with a cargo carrying capacity less than 1000 m^3 (35,300 ft.^{3}) must have at least one self-contained dry chemical unit for the cargo area with independent inert gas pressuring sources adjacent to the unit.

(b) A vessel with a cargo carrying capacity of 1000 m^3 (35,300 ft.^{3}) or more must have at least two self-contained dry chemical storage units for the cargo area with independent inert gas pressurizing sources adjacent to each unit.

(c) Each dry chemical system must have at least one self-contained dry chemical storage unit and independent inert gas pressurizing source for each bow and stern loading and discharge area.

(d) Each hose line and monitor of each dry chemical system that is attached to a single storage unit must operate sequentially for 45 seconds each and simultaneously for 45 seconds.

§ 154.1150 Distribution of dry chemical.

(a) All of the above deck cargo area and all cargo piping outside that cargo area must be protected by—

(1) At least two dry chemical hand hose lines that have separate dry chemical supplies; or

(2) At least one dry chemical hand hose line and one dry chemical monitor that have separate dry chemical supplies.

(b) At least one dry chemical storage unit and hand hose line or monitor must be at the after end of the cargo area and all other gas dangerous areas except stern loading areas.

(c) Each part of the cargo area must be protected by at least one dry chemical hand hose line that is aft of that part or at least one dry chemical monitor that is aft of that part.

(d) Each cargo loading and discharge manifold must be protected by at least one dry chemical monitor.

(e) Each bow loading area and each stern loading area must also be protected by at least one hand hose line.

§ 154.1155 Hand hose line coverage.

For the purposes of § 154.1150, the coverage for an area protected by each hand hose line is equal to its length, except the coverage for the protection of areas that are inaccessible to personnel is equal to one-half the projection of the hose at its rated discharge, or 10 m (33 ft.), whichever is less.

§ 154.1160 Monitor coverage of system.

For the purposes of § 154.1150, the allowed coverage of each dry chemical system monitor must not exceed—

(a) 10 m (32.8 ft.) at 10 kg/sec (22 lb/sec);

(b) 30 m (984 ft.) at 25 kg/sec (55 lb/sec);

(c) 40 m (131.2 ft.) at 45 kg/sec (99/lb sec);

(d) An interpolation between 10 m (32.8 ft.) at 10 kg/sec (22 lb/sec) and 30 m (98.4 ft.) at 25 kg/sec (55 lb/sec);

(e) An interpolation between 30 m (98.4 ft.) at 25 kg/sec (55 lb/sec) and 40 m (131.2 ft.) at 45 kg/sec (99 lb/sec); or

(f) An extrapolation of 40 m (131.2 ft.) at 45 kg/sec (99 lb/sec).

§ 154.1165 Controls.

(a) Each dry chemical hand hose line must be one that can be actuated at its hose reel.

(b) Each dry chemical monitor must be one that can be—

(1) Actuated and controlled at the monitor; and

(2) Actuated and controlled at a location away from the monitor and the protected area, except a monitor that is pre-aimed at the manifold does not have to be controlled at a location away from the monitor and the protected area.

(c) Each dry chemical storage unit that has more than one hand hose line, monitor, or combination of hand hose line and monitor must have independent piping with a stop valve for each hand hose line or monitor, where it connects to the storage container.

(d) Each stop valve for a hose reel or monitor must have a remote control at the hose reel or monitor.

(e) Damage to any dry chemical system hose reel, monitor, pipe or control circuit must not prevent the operation of other hose reels, monitors, or control circuits that are connected to the same storage unit.

§ 154.1170 Hand hose line: General.

Each dry chemical hand hose line must—

(a) Be 33 m (108 ft.) long or less;

(b) Be operable whether or not it is unwound from a hose reel or removed from a hose cabinet;

(c) Be without kinks;

(d) Have a nozzle with a valve to start and stop the flow of chemical;

(e) Have a capacity of at least 3.5 kg/sec (7.7 lb./sec); and

(f) Be one that can be operated by one person.

CARGO AREA: MECHANICAL VENTILATION SYSTEM

§ 154.1200 Mechanical ventilation system: General.

(a) Each cargo compressor room, pump room, gas dangerous cargo control station, and space that contains cargo handling equipment must have a fixed, exhaust type, mechanical ventilation system.

(b) The following spaces must have a supply type mechanical ventilation system:

(1) Each space that contains electric motors for cargo handling equipment.

(2) Each gas-safe cargo control station.

(3) Each gas-safe space in the cargo area.

(4) Each space that contains inert gas generators, except main machinery spaces.

§ 154.1205 Mechanical ventilation system: Standards.

(a) Each exhaust type mechanical ventilation system required under § 154.1200(a) must have ducts for vapors from the following.

(1) The deck level.

(2) Bilges.

(3) If the vapors are lighter than air, the top of each space that personnel enter during cargo handling operations.

(b) The discharge end of each duct must be at least 10 m (32.8 ft.) from ventilation intakes and openings to accommodation, service, control station, and other gas-safe spaces.

(c) Each ventilation system for any cargo handling space must change all the air in that space and its adjoining trunks at least 30 times each hour.

(d) Each ventilation system for gas-safe cargo control station must be one that can change all the air in that space at least eight times each hour.

(e) A ventilation system must not recycle vapor from ventilation discharges.

(f) Each ventilation system must have operation controls outside the ventilated space.

(g) No ventilation duct for a gas-dangerous space may pass through any machinery, accommodation, service, or control space, except as allowed under § 154.703.

(h) Each electric motor that drives a ventilation fan must be outside ducts for any space that may contain flammable cargo vapors.

(i) Ventilation impellers and the housing in way of these impellers on flammable cargo carrier must meet one of the following:

(1) The impeller, housing, or both must be made of non-metallic material that does not generate static electricity.

(2) The impeller and housing must be made of non-ferrous material.

(3) The impeller and housing must be made of austenitic stainless steel.

(4) The impeller and housing must be made of ferrous material and have at least 13mm (.512 in.) of tip clearance.

(j) No ventilation fan may have any combination of fixed or rotating components made of an aluminum or magnesium alloy and ferrous fixed or rotating components.

(k) Each ventilation intake and exhaust must have a protective metal screen of not more than 13mm (.512 in.) square mesh.

§ 154.1210 Hold space, void space, cofferdam, and space that contains cargo piping.

(a) Each hold space, void space, cofferdam, and space that contains cargo piping must have—

(1) A fixed mechanical ventilation system; or

(2) A fixed ducting system that has a portable blower that meets § 154.1205(i) and (j).

(b) A portable blower in any personnel access opening must not reduce the area of that opening so that the opening does not meet § 154.308.

INSTRUMENTATION

§ 154.1300 Liquid level gauges: General.

(a) If Table 4 lists a closed gauge for a cargo, the liquid level gauges required by § 154.1305 must be closed gauges that do not have any opening through which cargo liquid or vapor could escape, such as an ultrasonic device, float type device, electronic or magnetic probe, or bubble tube indicator.

(b) If Table 4 lists a restricted gauge for a cargo, the liquid level gauges required by § 154.1305 must be closed gauges that meet paragraph (a) of this section or restricted gauges that do not vent the tank's vapor space, such as a fixed tube, slip tube, or rotary tube.

§ 154.1305 Liquid level gauges: Standards.

(a) Each tank must have at least one liquid level gauge that operates—

(1) At pressures that are equal to or greater than the MARVS of that tank; and

(2) At temperatures that are within the cargo handling temperature range for all cargoes carried.

(b) Each tank must have at least two liquid level gauges, unless the tank has one liquid level gauge that can be repaired and maintained while the tank contains cargo.

(c) Each required liquid level gauge must measure liquid levels from 100 mm (4 in.) or less of the tank bottom to 100 percent full.

§ 154.1310 Closed gauge shutoff valve.

Each closed gauge that is not mounted directly on the tank must have a shutoff valve that is as close as practicable to the tank.

§ 154.1315 Restricted gauge excess flow valve.

Each restricted gauge that penetrates a tank must have an excess flow valve, unless the gauge has no opening greater than 1.5 mm (.059 in.) in diameter through which liquid or vapor can escape.

§ 154.1320 Sighting ports, tubular gauge glasses, and flat plate type gauge glasses.

(a) Tanks may have sighting ports or a secondary means of liquid level gauging in addition to the gauges required under § 154.1305 if—

(1) The tank has a MARVS that is less than 0.7 kp/cm² (10 psig);

(2) The port has a protective cover and an internal scale; and

(3) The port is above the liquid level.

(b) Tubular gauge glasses must not be used as liquid level gauges for tanks.

(c) The plate type gauge glasses must not be used as liquid level gauges for tanks, except deck tanks if the glasses have excess flow valves.

§ 154.1325 Liquid level alarm: All tanks.

Except as allowed under § 154.1330, each cargo tank must have a high liquid level alarm that—

(a) Is independent of the liquid level gauge required under § 154.1305;

(b) Actuates an audible and visual alarm at the cargo control station before the liquid level in the tank reaches the maximum filling limit allowed under § 154.1844; and

(c) Actuates the quick closing valves required under §§ 154.530, 154.532, and 154.538 before the tank becomes liquid full and without causing the pressure in the loading lines to exceed the design pressure.

§ 154.1330 Liquid level alarm: Independent tank type C.

Independent tank type C need not have the high liquid level alarm required under § 154.1325 if—

(a) The tank volume is less than 200 m^3 (17,060 $ft.^3$); or

(b) The tank can withstand the maximum possible pressures during loading, that pressure is below the relief valve setting, and overflow of the tank cannot occur.

§ 154.1335 Pressure and vacuum gauge.

(a) The vapor space of each tank must have a pressure gauge and, if vacuum protection is required under § 154.804, a vacuum gauge that—

(1) Can be read at the tank; and

(2) Have the remote readouts at the cargo control station.

(b) The vessel must have at least one high pressure alarm that—

(1) Actuates before the pressure in any tank exceeds the maximum pressure specially approved by the Commandant (G-MMT); and

(2) Actuates an audible and visual alarm in the wheelhouse and at the cargo control station.

(c) If vacuum protection is required under § 154.804, each vessel must have at least one low pressure alarm that—

(1) Actuates before the pressure in any tank falls below the minimum pressure specially approved by the Commandant (G-MMT); and

(2) Actuates an audible and visual alarm in the wheelhouse and the cargo control station.

(d) At least one pressure gauge must be fitted on each—

(1) Enclosed hold;

(2) Enclosed interbarrier space;

(3) Cargo pump discharge line;

(4) Liquid cargo manifold; and

(5) Vapor cargo manifold.

(e) There must be a local manifold presssure gauge between each manifold stop valve and each hose connection to the shore.

§ 154.1340 Temperature measuring devices.

(a) Each tank must have at least two devices that measure the temperature—

(1) At the bottom of the tank; and

(2) Near the top of the tank and below the maximum liquid level allowed under § 154.1344.

(b) Each device required by paragraph (a) must have a read-out at the cargo control station.

(c) Except independent tanks type C, each cargo containment system that carries cargo at temperatures colder than -55° C (—67° F) must have temperature measuring devices as follows:

(1) the number and location of the devices must be specially approved by the Commandant (G-MMT).

(2) The devices must be within the tank's insulation or on the adjacent hull structure.

(3) Each device must show the temperature continuously or at regular intervals of one hour or less.

(4) Each device must actuate an audible and visual alarm at the cargo control station before the temperature of the steel of the adjacent hull structure goes below the lowest temperature allowed for the steel under § 154.172.

(d) Each tank that carries cargo at temperatures colder than -55° C (-67° F) must have the number and arrangement of the devices that show the temperature of the tank during cool down procedures specially approved by the Commandant (G-MMT).

(e) One tank on the first vessel of a class of vessels must have in addition to the devices required by paragraph (d) of this section, devices that show the temperature of the boundary for verification of the cool down procedure.

§ 154.1345 Gas detection.

(a) For a vessel that carries a cargo that has an "T" or "I and T" in Table 4, the vessel must have—

(1) A fixed flammable gas detection system that meets § 154.1350; and

(2) Two portable gas detectors that can each measure 0 to 100 percent of the lower flammable limit of the cargo carried.

(b) For a vessel that carries a cargo that has a "T" or "I and T" in Table 4, the vessel must have—

(1) Two portable gas detectors that show if the concentration of cargo is above or below the threshold limit value listed in 29 CFR Part 1910 for that cargo; and

(2) Fixed gas sampling tubes in each hold space and interbarrier space as follows:

(i) The number of tubes must be specially approved by the Commandant (G-MMT).

(ii) Each tube must be valved and caped above the main deck unless it is connected to a fixed toxic gas detector.

(iii) If the vessel carries cargo that is heavier than the atmosphere of the space, each tube must have its open and in the lower part of the space.

(iv) If the vessel carries cargo that is lighter than the atmosphere of the space, each tube must have its open end in the upper part of the space.

(v) If the vessel carries cargo that is heavier than the atmosphere of the space and cargo that is lighter than the atmosphere of the space, each space must have tubes with their open ends in the lower part of the space and tubes with their open ends in the upper part of the space.

(vi) If the vessel carries cargo that can be both heavier and lighter than the atmosphere of the space, each space must have tubes with their open ends in the lower part of the space and tubes with their open ends in the upper part of the space.

(c) A vessel that carries methyl bromide or sulphur dioxide must have a fixed gas detection system that meets § 154.1350, except paragraph (i), and be in a gas safe cargo control station.

(d) Each alarm required by § 154.1350(d) on a vessel that carries methyl bromide and sulphur dioxide must be set or below the threshold limit value listed in 29 CFR Part 1910 for the cargo carried.

§ 154.1350 Flammable gas detection system.

(a) The vessel must have a fixed flammable gas detection system that has sampling points in—

(1) Each cargo pump room;

(2) Each cargo compressor room;

(3) Each motor room for cargo handling machinery;

(4) Each cargo control station that is not gas-safe;

(5) Each hold space, interbarrier space, and other enclosed space in the cargo area if the vessel has tanks other than independent tanks Type C; and

(6) Each space between the doors of an air lock required under § 154.345.

(b) The sampling points required under paragraph (a) of this section must meet § 154.1345(b)(2)(iii) through (vi).

(c) Gas sampling lines for the flammable gas detection system must not pass through any gas safe spaces, except gas safe cargo control rooms.

(d) Each flammable gas detection system must have audible and visual alarms that are actuated before or when the cargo is at a concentration that is equivalent to 30 percent of the lower flammable limit in air of the cargo carried.

(e) The visual alarm required by paragraph (d) of this section that is at a gas detector readout location must visually identify the space in which there is an alarm condition.

(f) Each flammable gas detection system must have an audible and a visual alarm for power failure and loss of gas sampling flow.

(g) Audible and visual alarms required under paragraphs (d) and (f) of this section must be—

(1) In each wheelhouse;

(2) In each cargo control station; and

(3) At each gas detection readout location.

(h) Each flammable gas detection system must monitor each sampling point at 30 minute or shorter intervals.

(i) All electrical equipment for each flammable gas detection system that is in a gas dangerous space or area must meet §§ 154.1000 through 154.1015.

(j) Each flammable gas detection system must have enough flame arrestors to protect all gas sampling lines.

(k) Each flammable gas detection system must have a filter that removes particulate matter in each gas sampling line.

(l) Each filter required by paragraph (k) of this section must be where it is removable during vessel operation unless it can be freed by back pressure.

(m) Each flammable gas detection system in a gas-safe cargo control station or wheelhouse must—

(1) Have a shut-off valve in each sampling line from an enclosed space, such as a hold or interbarrier space; and

(2) Exhaust gas to a safe location in the open atmosphere and away from all ignition sources.

(n) Each flammable gas detection system must not have common sampling lines, except sampling lines may be manifolded at the gas detector location if each line has an automatic valve that prevents cross-communication between sampling points.

(o) [Reserved]

(p) Each flammable gas detection system must have at least one connection for injecting zero gas and span gas into the system for testing and calibration.

(q) Each flammable gas detection system must have span gas for testing and calibration that is a known concentration of the cargo carried or the span gas recommended by the manufacturer of the flammable gas analyzer.

(r) The calibration test procedure and recommendation for type and concentration of span gas of the manufacturer of the flammable gas analyzer for each flammable gas detection system must be posted on or in the gas analyzer cabinet.

(s) Each flammable gas detection system must have a flow meter in each gas sampling line.

(t) Each flammable gas detection system must measure concentrations of 0 to 100 percent of the lower flammable limit of the cargo carried.

(u) In each hold and each interbarrier space that contains tanks other than independent tanks Type A, B, or C, the flammable gas detection system must measure concentrations of 0 to 100 percent by volume of the cargo carried by—

(1) An analyzer other than the one required under paragraph (t) of this section; or

(2) The analyzer required by paragraph (t) of this section with a scale switch that automatically returns the analyzer to 0 to 100 percent of the lower flammable limit scale when released.

§ 154.1360 Oxygen analyzer.

The vessel must have a portable analyzer that measures oxygen levels of 10 to 20 percent by volume in an inert atmosphere.

§ 154.1365 Audible and visual alarms.

(a) Each audible alarm must be one that can be turned off after sounding an alarm.

(b) Each visual alarm must be one that only can be turned off after the fault that actuated it is cleared.

(c) Each visual alarm must be marked to show the type and location of each fault that can actuate it.

(d) Each vessel must have means for testing each alarm.

§ 154.1370 Pressure gauge and vacuum gauge marking.

Each pressure gauge and vacuum gauge required by § 154.1335(a) must be marked with the maximum and minimum pressures that are specified on the vessel's certificate for the cargo carried.

§ 154.1375 Read-out for temperature measuring device marking.

Each read-out required by § 154.1340 for a device that measures temperature in a tank must be marked with the lowest temperature specified for the tank on the vessel's certificate.

SAFETY EQUIPMENT

§ 154.1400 Safety equipment: All vessels.

(a) A vessel of less than 25,000 m³ cargo capacity must have the following personnel safety equipment:

(1) Six self-contained air-breathing apparatus each having a capacity of at least 1200 liters (42.36 ft³).

(2) Nine spare bottles of air for the self-contained air-breathing apparatus on board.

(3) Six steel-cored lifelines.

(4) Six three-cell, explosive proof flashlights with the Underwriters' Laboratories, Inc., label for Class I Division I and the Group listed in Table 4 for the cargoes carried.

(5) Three fire axes.

(6) Six helmets that meet the specifications of ANSI Safety Requirements for Industrial Head Protection, Z-89.1 (1969).

(7) Six sets of boots and gloves that are made of rubber or other electrically non-conductive material.

(8) Six sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z-87.1 (1968).

(9) Three outfits that protect the skin from scalding steam and the heat of fire, and that have a water resistant outer surface.

(10) Three chemical protective outfits.

(b) A vessel of 25,000 m³ cargo capacity or more must have the following personnel safety equipment:

(1) Eight self-contained air-breathing apparatus that each have a capacity of at least 1200 liters (42.36 ft³).

(2) Nine spare bottles of air for the self-contained air-breathing apparatus on board.

(3) Eight steel-cored lifelines.

(4) Eight three-cell, explosive proof flashlights with the Underwriters' Laboratories, Inc., label for the Group listed in Table 4 for the cargoes carried.

(5) Five fire axes.

(6) Eight helmets that meet the specifications of ANSI Safety Requirements for Industrial Head Protection, Z-89.1 (1969).

(7) Eight sets of boots and gloves that are made of rubber or other electrically non-conductive material.

(8) Eight sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z-87.1 (1968).

(9) Five outfits that protect the skin from scalding steam and the heat of fire, and that have a water resistant outer surface.

(10) Three chemical protective outfits.

(c) When Table 4 references this section, a vessel carrying the referenced cargo must have the following additional personnel protection equipment:

(1) Three self-contained air-breathing apparatus that each have a capacity of at least 1200 liters (42.36 ft³).

(2) Nine spare bottles of air for the self-contained air-breathing apparatus on board.

(3) Three steel-cored lifelines.

(4) Three three-cell, explosive proof flashlights with the Underwriters' Laboratories, Inc., label for the Group listed in Table 4 for the cargoes carried.

(5) Three helmets that meet the specifications of ANSI Safety Requirements for Industrial Head Protection, Z-89.1 (1969).

(6) Three sets of boots and gloves that are made of other electrically non-conductive material.

(7) Three sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z-87.1 (1968).

(8) Three chemical protective outfits.

§ 154.1405 Respiratory protection.

When Table 4 references this section, a vessel carrying the referenced cargo must have—

(a) Respiratory protection equipment for the cargoes carried for every person on board; and

(b) Two additional sets of respiratory protection equipment for the cargoes stowed in the wheelhouse.

§ 154.1410 Decontamination shower.

When Table 4 references this section, a vessel carrying the referenced cargo must have a decontamination shower and an eye wash that are—

(a) On the weatherdeck; and

(b) Marked EMERGENCY SHOWER in letters—

(1) 7.6 cm (3 in.) high; and

(2) 5.1 cm (2 in.) wide.

§ 154.1415 Air compressor.

A vessel must have an air compressor to recharge the bottles for breathing apparatus.

§ 154.1420 Stretchers and equipment.

A vessel must have—

(a) Two stretchers or wire baskets; and

(b) Equipment for lifting an injured person from a cargo tank, hold, or void space.

§ 154.1425 Oxygen resuscitation.

A vessel must have an oxygen resuscitator.

§ 154.1430 Equipment locker.

One of each item listed in §§ 154.1400 and 154.1420 must be stowed in a marked locker—

(a) On the open deck in or adjacent to the cargo area; or

(b) In the accommodation house near to a door opening onto the main deck.

§ 154.1435 Medical first aid guide.

Each vessel must have a copy of the IMCO Medical First Aid Guide for Use in Accidents Involving Dangerous Goods.

§ 154.1440 Antidotes.

A vessel must have the antidotes prescribed in the IMCO Medical First Aid

Guide for Use in Accidents Involving Dangerous Goods for the cargoes being carried.

§ 154.1445 Lifesaving devices.

The design of the lifeboats and liferafts must allow for launching at the final angle of heel from the lower side of the vessel.

Subpart D—Special Requirements

§ 154.1700 Materials of construction.

When Table 4 references one of the following paragraphs in this section, the materials in the referenced paragraph must not be used in components that contact the cargo liquid or vapor:

(a) Aluminum and aluminum bearing alloys.

(b) Copper and copper bearing alloys.

(c) Zinc or galvanized steel.

(d) Magnesium.

(e) Mercury.

(f) Acetylide forming materials, such as copper, silver, and mercury.

§ 154.1705 Independent tank type C.

The following cargoes must be carried in an independent tank type C that meets § 154.701(a)(2):

(a) Ethylene oxide.

(b) Methyl bromide.

(c) Sulphur dioxide.

§ 154.1710 Exclusion of air from cargo tank vapor spaces.

When a vessel is carrying acetaldehyde, butadiene, ethylene oxide, or vinyl chloride, air must be—

(a) Purged from the cargo tanks and associated piping before the cargo is loaded; and

(b) Excluded after the cargo is loaded by maintaining a positive pressure of at least 0.14 kp/cm² (2 psig) by—

(1) Introducing a gas that—

(i) Is not reactive;

(ii) Is not flammable; and

(iii) Does not contain more than 0.2 percent oxygen by volume; or

(2) Controlling the cargo temperature.

§ 154.1715 Moisture control.

When a vessel is carrying sulphur dioxide, the master shall ensure that—

(a) A cargo tank is dry before it is loaded with sulphur dioxide; and

(b) Air or inert gas admitted into a tank carrying sulphur dioxide during discharging or tank breathing has a moisture content equal to or less than the moisture content of air with a dewpoint of −45° C (−49° F) at atmospheric pressure.

§ 154.1720 Indirect refrigeration.

A refrigeration system that is used to cool acetaldehyde, ethylene oxide, or methyl bromide, must be an indirect refrigeration system that does not use vapor compression.

§ 154.1725 Ethylene oxide.

(a) A vessel carrying ethylene oxide must—

(1) Have cargo piping, vent piping, and refrigeration equipment that have no connections to other systems;

(2) Have valves, flanges, fittings, and accessory equipment made of steel, stainless steel, except types 416 and 442, or other material specially approved by the Commandant (G-MHM);

(3) Have valve disk faces, and other wearing parts of valves made of stainless steel containing not less than 11 percent chromium;

(4) Have gaskets constructed of spirally wound stainless steel with teflon or other material specially approved by the Commandant (G-MHM);

(5) Not have asbestos, rubber, or cast iron components in the cargo containment system and piping; and

(6) Not have threaded joints in cargo piping.

(b) Cargo hose used for ethylene oxide must—

(1) Be specially approved by the Commandant (G-MMT); and

(2) Be marked "For (Alkylene or Ethylene) Oxide Transfer Only."

(c) Ethylene oxide must be maintained at less than 30° C (88° F).

(d) Cargo tank relief valves for tanks containing ethylene oxide must be set at 5.5 kp/cm² (78.2 psig) or higher.

(e) A vessel must have a method specially approved by the Commandant (G-MHM) of jettisoning ethylene oxide.

§ 154.1730 Ethylene oxide: Loading and off loading.

(a) The master shall ensure that before ethylene oxide is loaded into a tank—

(1) The tank is thoroughly clean, dry, and free of rust; and

(2) The tank vapor spaces and hold spaces are inerted with an inert gas that meets § 154.1710(b)(1).

(b) Ethylene oxide must be off loaded by a deepwell pump or inert gas displacement.

(c) Ethylene oxide must not be carried in deck tanks.

§ 154.1735 Methyl acetylene-propadiene mixture.

(a) The composition of the methyl acetylene-propadiene mixture at loading must be within the following limits:

(1) Maximum methyl acetylene and propadiene molar ratio of 3 to 1.

(2) Maximum combined concentration of methyl acetylene and propadiene of 65 mole percent.

(3) Minimum combined concentration of propane, butane, and isobutane is 24 mole percent, of which at least one third must be butanes and one third propane.

(4) Maximum propylene concentration of 10 mole percent.

(5) Maximum butadiene concentration of 2 mole percent.

(b) A vessel carrying a methyl acetylene-propadiene mixture must have a refrigeration system that does not use vapor compression or a refrigeration system that has the following features:

(1) Uses vapor compression so that the temperature to which the vapor may be subjected is 60° C (140° F) or less and the pressure is 17.6 kp/cm² (250 psig) or less.

(2) Discharge piping that has—

(i) Two temperature actuated shutdown switches set to operate at 60° C (140° F) or less;

(ii) A pressure actuated shutdown switch set to operate at 17.6 kp/cm² (250 psig) or less; and

(iii) A safety relief valve set to relieve at 18.0 kp/cm² (256 psig) or less.

(3) A relief valve that vents to a mast that meets § 154.805 and does not relieve into the compressor suction line.

(4) An alarm that sounds in the cargo control station and in the wheelhouse when the high pressure switch, high temperature switch, or relief valve operates.

(c) A vessel carrying a methyl acetylene-propadiene mixture must have cargo piping, vent piping, and refrigeration equipment that have no connections to other systems.

§ 154.1740 Vinyl chloride: Inhibiting and inerting.

When a vessel is carrying vinyl chloride, the master shall ensure that—

(a) Vinyl chloride is inhibited under the requirements of § 154.1818; or

(b) The requirements in § 154.1710 are met, and the oxygen content of inert gas is less than 0.1 percent by volume.

§ 154.1745 Vinyl chloride: Transferring operations.

A vessel carrying vinyl chloride must meet the requirements under § 40.15-1 of this chapter.

§ 154.1750 Butadiene or vinyl chloride: Refrigeration system.

A refrigeration system for butadiene or vinyl chloride must not use vapor compression unless it—

(a) Avoids any stagnation points where uninhibited liquid can accumulate; or

(b) Has inhibited liquid from the tank added to the vapor upstream of the condenser.

§ 154.1755 Nitrogen.

Cargo containment systems other than deck tanks on vessels carrying nitrogen must be specially approved by the Commandant (G-MMT).

Subpart E—Operations

§ 154.1800 Special operating requirements under Part 35 of this chapter.

A vessel must meet the requirements of Part 35 of this chapter.

§ 154.1802 Certificates, letters, and endorsements required.

(a) No person may operate a U.S. flag vessel unless the vessel's Certificate of Inspection issued under Subchapter D of this chapter is endorsed with the name of the cargo that it is allowed to carry.

(b) No person may operate a foreign flag vessel on the navigable waters of the United States unless the vessel has—

(1) A Certificate of Fitness for Carriage of Liquefied Gases in Bulk issued by the country of registry and a Letter of Compliance issued by the Commandant (G-MHM) endorsed under this part with the name of the cargo that it is allowed to carry; or

(2) A Letter of Compliance issued by the Commandant (G-MHM) endorsed with the name of the cargo that it is allowed to carry.

(3) The following plans and information are carried aboard:

(i) A description and schematic plan of the arrangement for inerting cargo tanks, hold spaces, and interbarrier spaces.

(ii) A description of the tank gauging equipment.

(iii) A description and instruction manual for the calibration of the cargo leak detector equipment.

(iv) A schematic plan that shows the locations of leak detectors and sampling points.

(v) A description of the systems for cargo temperature and pressure control for methane to meet proposed §§ 154.701 through 154.709.

§ 154.1804 Document posted in wheelhouse.

No person may operate a vessel unless the endorsed document required under § 154.1802 is under glass in the wheelhouse.

§ 154.1806 Copy of this subchapter on board.

No person may operate a U.S. flag vessel unless a copy of this part and a copy of Part 35 of this chapter are on board.

§ 154.1808 Limitations in the endorsement.

No person may operate a vessel unless that person complies with all limitations in the endorsement on the vessel's Certificate of Inspection or Letter of Compliance.

§ 154.1809 Loading and stability manual.

(a) No person may operate a vessel unless the vessel has on board a loading and stability manual.

(b) The loading and stability manual must contain—

(1) Information that enables the master to load and ballast the vessel while keeping structural stresses within design limits and positive metacentric height;

(2) Damage stability information, including all loading restrictions; and

(3) Trim information.

§ 154.1810 Cargo manual.

(a) No person may operate a vessel unless the vessel has on board a cargo manual.

(b) The cargo manual must contain the following information:

(1) A description of each cargo and its handling hazards as a liquid and as a gas, including accidents involving frostbite and asphyxiation, safety equipment, and first aid measures.

(2) A description of the dangers of asphyxiation from the inerting gases used on the vessel.

(3) The measures necessary to mitigate embrittlement of steel structure in way of cargo leakage.

(4) The use of the firefighting systems on the vessel.

(5) The features of the cargo containment system that affect operation and maintenance, including pressure and temperature ranges and relief valve setting.

(6) Pressures, temperatures, and liquid levels for all operations.

(7) General information derived from the first loading of the vessel.

(8) All alarm settings.

(9) A description of the components of the cargo system, including the following:

(i) Liquid cargo system.

(ii) Liquid recirculating or condensate return system:

(iii) Cargo tank cool-down system.

(iv) Cargo tank warm-up or vaporization system.

(v) Gas main system.

(vi) Cargo tank or compressor relief system and blocked liquid or gas relief system.

(vii) Inerting system.

(viii) Boil-off gas compressor or reliquefaction system.

(ix) Vapor leak detection systems.

(x) Alarm or safety indication systems.

(xi) Cargo jettisoning system.

(xii) Gas or fuel to engine room system.

(10) A description of cargo loading and discharge operations, including simultaneous handling of multigrades of cargo and ballast.

(11) A description of cargo operations during the voyage.

(12) A description of cargo tank cool-down and warm-up operations including purging and gasfreeing.

(13) A description of hull and cargo tank temperature monitoring systems.

(14) A description of vapor leak detection and alarm or safety systems.

(15) A description of the following conditions and their symptoms, including emergency measures and corrective actions:

(i) Cargo or ballast valve malfunction.

(ii) Low cargo tank gas pressure.

(iii) High fill level shutdown.

(iv) Gas compressor shutdown.

(v) Hull cold spots.

(vi) Cargo piping leaks.

(vii) Primary or secondary barrier failure.

(viii) Hold boundary structural failure.

(ix) Fire in vent mast head.

(x) Reliquefaction plant failure.

(xi) Vaporizer malfunction or failure.

(xii) Piping or cargo valve freeze-up.

(16) Any other matters relating to operation of the cargo systems.

(17) Operational means necessary to maintain the vessel in a condition of positive stability through all conditions of—

(i) loading and deballasting; and

(ii) unloading and ballasting.

(c) The master shall ensure that the cargo manual is kept up-to-date.

§ 154.1812 Operational limitation information.

The master shall ensure that terminal personnel are told the operational limitation information required by § 154.1810 (b) (17).

§ 154.1814 Cargo information cards.

(a) No person may operate a vessel unless a cargo information card for each cargo being transported is carried either in the wheelhouse, in the ship's office, or in another location easily accessible to the person in charge of the watch.

(b) When a vessel is moored at a terminal, the master shall ensure that a set of information cards is in the possession of the terminal's person in charge of cargo transfer operations.

(c) Each card must be at least 17 cm x 24 cm (7 in. x 9½ in.), have printing on one side only, and must contain the following information about the cargo:

(1) Name as listed in Table 4.

(2) Appearance.

(3) Odor.

(4) The hazards involved in handling procedures for safe handling, including any special handling instructions.

(5) Procedures to follow in the event of spills, leaks, equipment breakdown, or uncontrolled cargo release.

(6) Procedures to be followed if a person is exposed to the cargo.

(7) Firefighting procedures and media.

§ 154.1816 Cargo location plan.

The master shall ensure that—

(a) A cargo location plan is prepared that gives—

(1) The location and number of each cargo tank; and

(2) The name of the cargo in each tank;

(b) One cargo location plan is kept with the sets of cargo information cards required under § 154.1814; and

(c) The cargo names in the cargo location plan do not differ from the names of the cargoes listed in Table 4.

§ 154.1818 Certificate of inhibition.

(a) Except as provided in § 154.1740 (b), no person may operate a vessel carrying butadiene or vinyl chloride without carrying in the wheelhouse written certification from the shipper that the product is inhibited.

(b) The certification required by this section must contain the following information:

(1) The name and concentration of the inhibitor.

(2) The date the inhibitor was added.

(3) The expected duration of the inhibitor's effectiveness.

(4) Any temperature limitations qualifying the inhibitor's effective lifetime.

(5) The action to be taken if the time of the voyage exceeds the inhibitor's lifetime.

§ 154.1820 Shipping document.

No person may operate a vessel without carrying a shipping document in the wheelhouse that lists for each cargo on board—

(a) The tank in which the cargo is stowed;

(b) The name of the shipper;

(c) The location of the loading terminal;

(d) The cargo name as listed in Table 4; and

(e) The approximate quantity of the cargo.

§ 154.1822 Shipping document: Copy furnished the transfer terminal.

While a vessel is moored at a transfer terminal, the master shall ensure that at least one copy of the shipping document is given to the terminal's person in charge of cargo transfer.

§ 154.1824 Obstruction of pumproom ladderways.

The master shall ensure that each cargo pumproom access is unobstructed.

§ 154.1826 Opening of tanks and cargo sampling.

(a) The master shall ensure that each tank opening is fully closed at all times.

(b) The master may authorize the opening of a tank—

(1) During tank cleaning; and

(2) To sample a cargo that Table 4 allows to be carried in a containment system having a restricted gauging system if—

(i) The tank is not being filled during sampling;

(ii) The vent system has relieved any pressure in the tank; and

(iii) The person sampling the cargo wears the protective clothing required under § 154.1840.

(c) The master shall ensure that cargoes requiring closed gauging as listed in Table 4 are sampled only through the controlled sampling arrangement of the tank.

§ 154.1828 Spaces containing cargo vapor: Entry.

(a) No person may enter a cargo handling space without the permission of the master.

(b) Before allowing anyone to enter a cargo handling space, the master shall ensure that—

(1) The space is free of toxic vapors and has enough oxygen to support life; or

(2) Those entering the space wear protective equipment with breathing apparatus and an officer closely supervises the entire operation.

§ 154.1830 Warning sign.

(a) The master shall ensure that a vessel transferring cargo while fast to a dock or while at anchor in port, displays a warning sign—

(1) At the gangway facing the shore so that the sign may be seen from the shore; and

(2) Facing outboard towards the water so that the sign may be seen from the water.

(b) Except as provided in paragraph (f) of this section, each warning sign must have the following legends:

(1) Warning.

(2) Dangerous Cargo.

(3) No Visitors.

(4) No Smoking.

(5) No Open Lights.

(c) Each letter on the sign must—

(1) Be block style;

(2) Be black on a white background;

(3) Be 7.6 cm (3 in.) high;

(4) Be 5.1 cm (2 in.) wide, except for "M" and "W" which must be 7.6 cm (3 in.) wide, and the letter "I" which may be 1.3 cm (½ in.) wide; and

(5) Have 1.3 cm (½ in.) stroke width.

(d) The spacing between letters must be—

(1) 1.3 cm (½ in.) between letters on the sign of the same word;

(2) 5.1 cm (2 in.) between words;

(3) 5.1 cm (2 in.) between lines; and

(4) 5.1 cm (2 in.) at the borders of the sign.

(e) The legends "No Smoking" and "No Open Lights" are not required when the cargoes on board a vessel are not flammable.

§ 154.1832 Incompatible cargo.

(a) The person in charge of cargo transfer may not authorize the loading of incompatible[7] cargoes into cargo containment systems unless the cargo containment systems are separated by—

(1) Cofferdams, other than the spaces between primary and secondary barriers;

(2) Empty tanks;

(3) Tanks containing mutually compatible cargo; or

(4) Piping tunnels.

(b) The person in charge of cargo transfer may not authorize loading of incompatible[7] cargoes into cargo containment systems that have common piping or venting systems.

(c) The person in charge of cargo transfer may not authorize loading of a cargo that is incompatible[7] with residue left in a tank from a previous cargo.

§ 154.1834 Cargo transfer piping.

The person in charge of cargo transfer shall ensure that cargo is transferred to or from a tank only through the cargo piping system.

§ 154.1836 Venting.

The person in charge of cargo transfer shall ensure that no cargo vapor is vented into the atmosphere.

§ 154.1838 Discharge by gas pressurization.

The person in charge of cargo transfer may not authorize cargo discharge by gas pressurization unless—

(a) The tank to be offloaded is an independent tank type B or C;

(b) The pressurizing medium is either the cargo vapor or a nonflammable, nontoxic gas that is inert with the cargo; and

(c) The pressurizing line has—

(1) A pressure reducing valve that has a setting that is 90 percent or less of the tank's MARVS; and

(2) A manual control valve between the pressure reducing valve and the tank.

[7] Incompatible cargoes are listed in Navigation and Vessel Inspection Circular 4-75 and is available from the Commandant (G-MHM-3/83) U.S. Coast Guard, Washington, D.C. 20590.

§ 154.1840 Protective clothing.

The person in charge of cargo transfer shall ensure that every person involved in cargo transfer wears the protective clothing, boots, gloves, and goggles required under § 154.1400.

§ 154.1842 Cargo systems controls and alarms.

The master shall ensure that each cargo emergency shutdown and alarm system used in cargo transfer is tested before cargo transfer begins.

§ 154.1844 Cargo tanks: Filling limits.

(a) The master shall ensure that a cargo tank is not loaded—

(1) More than 98 percent full; or

(2) In excess of the volume determined under the following formula, unless a higher limit is specified on the Certificate:

$$V_L = 0.98 V \frac{d_r}{d_L}$$

where:

V_L = Maximum volume to which the tank may be loaded.

V = Volume of the tank.

d_r = Density at the reference temperature specified in (b).

d_L = Density of the cargo at the loading temperature and pressure.

(b) The reference temperature to be used in paragraph (a) of this section is the temperature corresponding to the vapor pressure of the cargo at the set pressure of the pressure relief valves.

§ 154.1846 Relief valves: Changing set pressure.

The master shall—

(a) Supervise the changing of the set pressure of relief valves under the requirements of § 154.802(b);

(b) Enter the change of set pressure in the vessel's log; and

(c) Ensure that a sign showing the set pressure is posted—

(1) In the cargo control room or station; and

(2) At each relief valve.

§ 154.1848 Inerting.

(a) A master shall ensure that—

(1) Hold and interbarrier spaces on vessels with full secondary barriers are inerted when flammable cargoes are carried;

(2) Hold and interbarrier spaces are maintained full of dry air or inerted gas on—

(i) Vessels with partial secondary barriers;

(ii) Vessels with full secondary barriers when non-flammable cargoes are carried; and

(iii) Vessels with refrigerated independent tanks type C;

(3) When tanks containing flammable vapor are to be gas freed, the flammable vapors are purged from the tank by inert gas before air is admitted; and

(4) When gas free tanks are to be filled with a flammable cargo, air is purged from the tank by inert gas before cargo liquid or vapor is introduced.

(b) Inert gas must be supplied from the shore or from the vessel's inert gas system.

§ 154.1850 Entering cargo handling spaces.

(a) The master shall ensure that the ventilation system required under § 154.-1205 is in operation for 30 minutes before a person enters one of the following:

(1) Spaces containing cargo pumps, compressors, and compressor motors.

(2) Gas dangerous cargo control spaces.

(3) Other spaces containing cargo handling equipment.

(b) The master shall ensure that a warning sign is posted outside of each space listed in paragraph (a) of this section which sets out the requirement for use of the ventilation system.

(c) The master shall ensure that no sources of ignition are put in a cargo handling space on a vessel carrying flammable cargo unless the space is gas free.

§ 154.1852 Air breathing equipment.

(a) The master shall ensure that a licensed officer inspects the compressed air breathing equipment at least once each month.

(b) The master shall enter in the vessel's log a record of the inspection required under paragraph (a) of this section that includes—

(1) The date of the inspection; and

(2) The condition of the equipment at the time of the inspection.

§ 154.1854 Methane (LNG) as fuel.

(a) If methane (LNG) vapors are used as fuel in the main propulsion system of a vessel, the master shall ensure that the pilot fuel oil burner required under § 154.703(c)(7) is used when the vessel is on the navigable waters of the United States.

(b) When the methane (LNG) fuel supply is shut down due to loss of ventilation or detection of gas, the master shall ensure that the methane (LNG) fuel supply is not used until the leak or other cause of the shutdown is found and corrected.

(c) The master shall ensure that the requirements in paragraph (b) of this section are posed in the main machinery space.

§ 154.1856 Correction of cold spots in the hull.

No person may operate a vessel unless cold spots in the hull are corrected under the requirements of § 154.122.

§ 154.1858 Cargo hose used in prototype testing.

The master shall ensure that a cargo hose used in prototype testing is not used for cargo transfer service.

§ 154.1860 Integral tanks: Cargo colder than −10°C(14°F).

The master shall ensure that no integral tank is used to carry a cargo colder than −10° C (14° F) unless specially approved by the Commandant (G-MMT).

§ 154.1862 Posting of speed reduction.

If a speed reduction is specially approved by the Commandant under § 154.-409, the master shall ensure that the speed reduction is posted in the wheelhouse.

§ 154.1864 Vessel speed within speed reduction.

The master shall ensure that the speed of the vessel is not greater than the posted speed reduction.

§ 154.1866 Cargo hose connection: Transferring cargo.

No person may transfer cargo through a cargo hose connection unless the connection has a remotely controlled quick closing shut-off valve.

§ 154.1868 Portable blowers in personnel access openings.

The master shall ensure that a portable blower in a personnel access opening does not reduce the area of the opening so that it does not meet § 154.308.

§ 154.1870 Bow and stern loading.

(a) The master shall lock closed shut-off valves required under § 154.355(a)(3) when the bow or stern loading piping is not in use.

(b) The person in charge of cargo transfer shall ensure that after the bow or stern loading piping is used it is purged of cargo vapors with inert gas.

(c) The person in charge of cargo transfer shall ensure that entrances, forced or natural ventilation intakes, exhausts, and other openings to any deck house alongside the bow or stern loading piping are closed when this piping is in use.

(d) The person in charge of cargo transfer shall ensure that bow or stern loading piping installed in the area of the accommodation, service, or control space is not used for the following:

(1) Acetaldehyde.

(2) Ammonia, anhydrous.

(3) Dimethylamine.

(4) Ethylamine.

(5) Methyl Chloride.

(6) Vinyl Chloride.

TABLE 4.—*Summary of minimum requirements*

Cargo name	Ship type	Independent tank type C required	Control of cargo tank vapor space	Vapor detection	Gaging	Electrical hazard group and class	Special requirements
Acetaldehyde	IIG/IIPG		Inert	I. & T.	C	I-C	154.1400(c), 154.1410; 154.1710; 154.1729; 154.1870.
Ammonia, anhydrous	IIG/IIPG			T	C	I-D	154.1000, 154.1400(c); 154.1405, 154.1410; 154.1700(b)(c)(e), 154.1870.
Butadiene	IIG/IIPG		Inert	I	R	I-B	154.1700(b)(d)(f), 154.1710; 154.1719, 154.1729; 154.1818.
Butane	IIG/IIPG			I	R	I-D	None.
Butylene	IIG/IIPG			I	R	I-D	Do.
Dimethylamine	IIG/IIPG			I. & T.	C	I-C	154.1400(c), 154.1405; 154.1410, 154.1700(b)(c)(e); 154.1870.
Ethane	IIG			I	R	I-D	None.
Ethylamine	IIG/IIPG			I. & T.	C	I-C	154.1400(c), 154.1405; 154.1410, 154.1700(b)(c)(e); 154.1870.
Ethyl chloride	IIG/IIPG			I. & T.	R	I-D	154.1870.
Ethylene	IIG			I	R	I-C	None.
Ethylene oxide	IIG	Yes	Inert	I. & T.	C	I-B	154.1400(c), 154.1405; 154.1410, 154.1700(b)(d)(f); 154.705, 154.1710; 154.1729, 154.1722; 154.1739, 154.1870; 154.1001(c)(2).
Methane (LNG)	IIG			I	C	I-D	154.703-709; 154.1854.
Methyl acetylene propadiene mix.	IIG/IIPG			I	R	I-	154.1733.
Methyl bromide	IIG	Yes		I. & T.	C	I-D	154.003(c)(2), 154.1315(c)(d), 154.1400(c); 154.1405, 154.1410; 154.1700 (e), 154.1705; 154.1729, 154.1870.
Methyl chloride	IIG/IIPG			I. & T.	C	I-D	154.1700(a), 154.1870.
Nitrogen	IIIG			O	C		154.1733.
Propane	IIG/IIPG			I	R	I-D	None.
Propylene	IIG/IIPG			I	R	I-D	Do.
Refrigerant gases [1]	IIIG				R		Do.
Sulfur dioxide	IIG	Yes	Dry	T	C		154.003(c)(2), 154.1315(c)(d), 154.1400(c); 154.1405, 154.1410; 154.1705, 154.1715; 154.1729, 154.1870.
Vinyl chloride	IIG/IIPG			I. & T.	C	I-D	154.1405, 154.1410; 154.1700(a), 154.1700(b)(d)(f), 154.1710; 154.1704, 154.1745; 154.1759, 154.1818, 154.1870.

[1] Regrigerant gases include nontoxic, nonflammable gases, such as: dichlorodifluoromethane, dichloromonofluoromethane, dichlorotetrafluoroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluoromethane.

APPENDIX A—EQUIVALENT STRESS

The Coast Guard only accepts equivalent stress (σ_c) calculated under the following or a formula specially approved by the Commandant (G-MMT) as equivalent to the following:

I.

$$\sigma_c=\sqrt{\sigma_x^2+\sigma_y^2-\sigma_x\sigma_y+3\tau_{xy}^2}$$

where:

σ_x =Total normal stress in "x" direction.

σ_y =Total normal stress in "y" direction.

τ_{xy} =Total shear stress in "xy" plane.

II. When the static and dynamic stresses are calculated separately, the total stresses in paargraph I are calculated from the following or equivalent formulae specially approved by the Commandant (G-MMT):

$$\sigma_x=\sigma_x(\text{static})\pm\sqrt{\sum(\sigma_x(\text{dynamic}))^2}$$

$$\sigma_y=\sigma_y(\text{static})\pm\sqrt{\sum(\sigma_y(\text{dynamic}))^2}$$

$$\tau_{xy}=\tau_{xy}(\text{static})\pm\sqrt{\sum(\tau_{xy}(\text{dynamic}))^2}$$

III. Each dynamic and static stress is determined from its acceleration component and its hull strain component from hull deflection and torsion.

APPENDIX B—STRESS ANALYSES DEFINITIONS

The following are the standard definitions of stresses for the analysis of independent tank type B:

I. "Normal stress" means the component of stress normal to the plane of reference.

II. "Membrane stress" means the component of normal stress that is uniformly distributed and equal to the average value of the stress across the thickness of the section under consideration.

III. "Bending stress" means the variable stress across the thickness of the section under consideration, after the subtraction of the membrane stress.

IV. "Shear stress" means the component of the stress acting in the plane of reference.

V. "Primary stress" means the stress produced by the imposed loading that is necessary to balance the external forces and moments. (The basic characteristic of a primary stress is that it is not self-limiting. Primary stresses that considerably exceed the yield strength results in failure or at least in gross deformations.)

VI. "Primary general membrane stress" means the primary membrane stress that is so distributed in the structure that no redistribution of load occurs as a result of yielding.

VII. "Primary local membrane stress" means the resulting stress from both a membrane stress, caused by pressure or other mechanical loading, and a primary or a discontinuity effect that produces excessive distortion in the transfer of loads to other portions of the structure. (The resulting stress is defined as a primary local membrane stress although it has some characteristics of a secondary stress. A stress region is local if—

$$S_1\leq.05\sqrt{Rt};$$

and

$$S_2\leq2.5\sqrt{Rt}$$

Where:

S_1=distance in the meridional direction over which the equivalent stress exceeds 1.1 f.

S_2=distance in the meridional direction to another region where the limits for primary general membrane stress are exceeded.

R=means radius of the vessel.

t=wall thickness of the vessel at the location where the primary general membrane stress limit is exceeded.

f=allowable primary general membrane stress.

VIII. "Secondary stress" means a normal stress or shear stress caused by constraints of adjacent parts or by self-constraint of a structure. (The basic characteristic of a secondary stress is that it is self-limiting. Local yielding and minor distortions can satisfy the conditions that cause the stress to occur.)

(R.S. 4472, as amended (46 U.S.C. 170); sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b), (t), (n)(4).)

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Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

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PART III:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

BOATS AND ASSOCIATED EQUIPMENT

Proposed Standards for Electrical Systems

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 73-217]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Standards for Electrical Systems

• *Purpose.* The purpose of this regulation is to reduce the number of deaths and injuries and the amount of property damage on recreational boats caused by fires and explosions of fuel, fuel vapors and materials requiring manufacturers to build recreational boat electrical systems that cannot act as a source of ignition for fires and explosions. •

Boating accident statistic reports show that fires and explosions are the leading causes of property damage and one of the leading causes of personal injury aboard recreational boats. These fire and explosion accidents have resulted from the ignition of fuel, fuel vapors, and other combustible materials.

The Coast Guard has analyzed the fire and explosion accident reports and the statistical data related to these accidents. The results of the analysis indicate that the source of ignition for the majority of these accidents was arcing, shorting, or electrical breakdown of electrical components or items of electrical equipment that were not constructed for use in a marine environment.

Voluntary standards and recommended practices that, if followed, would prevent most accidents caused by electrical sources are found in publications of the American Boat and Yacht Council, National Fire Protection Association, Underwriters' Laboratories, Inc., and Society of Automotive Engineers. Because these standards are not mandatory they are not used by a large percentage of boat manufacturers.

The National Boating Safety Advisory Council was consulted and its opinions and advice were considered in the formulation of these proposed regulations. A Fuel and Electrical Panel was established by the Council to review these regulations. The panel included representatives from independent testing laboratories, marine surveyors, boat builders, engine builders, and state boating law administrators. The technical aspects of the proposed regulations were scrutinized by the panel in meetings open to the public.

The proposed regulations contain minimum standards of safety for electrical components and electrical systems aboard recreational boats. Adherence to these minimum standards will significantly reduce the probability of ignition sources aboard recreational boats.

The following is a discussion of the regulations to explain the intent and meaning of some of the sections.

Section 183.401 *Applicability.* Subpart I applies to all boats that have gasoline engines, except boats that have outboard gasoline engines only. This means any boat that has a gasoline engine used for propulsion of the boat or for powering electrical or mechanical equipment, such as generators or compressors, must meet the requirements of the subpart.

A review of 1973 boating statistics published in the 1973 Nationwide Boating Survey showed there was one fire or explosion of fuel for every 9.9 million exposure hours on outboard boats. On inboard boats there was one fire or explosion of fuel for every 843,000 exposure hours. The statistics also revealed that more than 93% of the fire or explosion of fuel accidents occurred on boats with gasoline engines. Based on these facts, these regulations apply only to boats that have gasoline engines. Outboard engines and the control wiring associated with them are not covered.

The various sections of the proposed regulations would become effective at different times, depending on the extent of the requirement and the amount of time required to comply. Those sections of the regulations that do not require tooling changes and may only require minor design changes would become effective six months after publication of the final rule. These sections include those requirements that the boat manufacturer can easily comply with by himself and any parts he may need are readily available on the market. Other sections would become effective 12 months after publication. These sections require the use of electrical components and parts that are not readily available and other changes that require some tooling changes by electrical component manufacturers. The ignition protection requirements would become effective 18 months after publication of the rule. Major design changes in a boat's bulkheads and compartmentation may be necessary to comply with this section. The design and production of ignition protection components would be required by this section.

Specialty type conductors and systems such as resistance conductors that control circuit voltage or amperage, high voltage secondary conductors in the ignition systems, cranking motor conductors, navigation equipment, communication systems, conductors inside enclosures and casings, and pigtails of less than seven inches of exposed length are excepted from most of the sections of the subpart. Because of the type of intermittent use for which these conductors and systems are used and because there are no identifiable hazards associated with these conductors and systems, the exceptions to specific sections are made. Each section in the proposed regulations indicates those specialty type conductors and systems that are excepted from its requirements.

Section 183.410 *Ignition protection.* The purpose of § 183.410 is to eliminate spark ignition sources in the vicinity of gasoline fuel and gasoline vapor sources. This is accomplished by requiring electrical components to be ignition protected or by isolating the electrical components from gasoline fuel and vapor sources. Ignition protection means that the electrical component be able to operate at its manufacturer rated voltages and current loadings without igniting an explosive mixture of propane gas and air. The regulation does not specify details of the design and construction of the electrical component. It requires that when the component is placed in an explosive atmosphere it operates without igniting that atmosphere.

Isolation is attained by means of bulkheads, decks, or enclosures that meet requirements for watertight integrity and minimum openings and spaces.

Section 183.415 *Grounding.* Cranking motor circuits carry very high amperages. The high amperages can cause burning, arcing and melting of fuel lines and conductors which complete a circuit between two or more engines, resulting in fires and explosions. This grounding requirement prevents these high amperages from being conducted by conductors or fuel lines that are common to the engines if the normal ground of a cranking motor becomes an open circuit. The common grounding conductor is required to be of sufficient size to carry the starting current of any of the cranking motor circuits.

Section 183.420 *Batteries.* Section 183.420 describes the requirements for proper battery installation and identification. The battery installation requirements will help prevent accidental short-circuiting of battery terminals by requiring protection for the exposed terminals and requiring secure mounting of the battery. The regulation requires that the means to secure a battery must prevent the battery from moving more than one inch in any direction. This will protect the battery casing and terminals from damage. Battery terminals and conductors are required to be shielded with a dielectric or insulating material such as a rubber boot, a piece of plywood mounted over the battery, or a battery box cover to prevent accidental short-circuiting caused by falling tools or other metallic objects. Accidental short-circuiting between battery terminals and metallic fuel system components, when the battery is being installed and removed, is a hazardous situation which could expose gasoline fuel and vapors. To lower the risk of this problem fuel system components within 12 inches of the battery top and side surfaces are required to be shielded with a dielectric material. Batteries may not be installed directly above fuel system components which could be damaged by battery electrolyte.

Hydrogen gas discharged by a battery can be trapped inside a boat. The trapped gas is explosive and is easily ignited. To prevent possible explosions, there is a requirement to provide ventilation to remove the discharged hydrogen gas from the boat. The regulation does not specify details of the design and construction of the means of ventilation. It requires that adequate ventilation be provided, either natural or mechanical, so that the discharged hydrogen gas cannot remain within the boat.

Identification of the positive battery terminal is required to reduce the likelihood of improper battery connection,

which could cause short-circuiting and burning of electrical components. Battery terminal connections must not depend on spring tension. This requirement will help to eliminate connections which may vibrate loose and short-circuit.

Section 183.425 *Conductors: General.* The purpose of § 183.425 is to restrict conductors from carrying electrical currents that exceed their safe current carrying capacity. Only insulated stranded copper conductors are allowed under the proposed regulations. The stranded construction will survive bending and vibration, and the copper is more corrosion resistant than other conductor metals. Table 3 specifies the maximum current a conductor may carry during normal operation dependent on its gauge and insulation temperature rating. The temperature rating of the conductor depends on the conductor insulating material and Tables 4 and 5 describe minimum performance requirements for insulating materials. If a conductor is used in an engine room or engine compartment, a correction facto is used to reduce the allowable current carrying capacity of the conductor to prevent excess heat buildup and possible melting and burning of the conductor, insulation. For minimum strength, at least No. 18 AWG conductors must be used in a mult-conductor sheath.

Section 183.435 *Conductor type: Circuits of 50 volts or more.* Section 183.435 specifies the types of conductors that may be used in circuits of 50 volts or greater and the maximum current carrying capacity of those conductors. The conductor insulation is required to be moisture resistant and flame retardent to minimize deterioration of the insulation which could otherwise provide a path for the spread of fire. Conductors that carry high voltages and amperages generate heat and when three or more current carrying conductors are grouped in a duct, bundle or cable the heat concentration and buildup could break down the conductor insulation. The break down can lead to melting and burning of the conductor insulation.

Section 183.440 *Secondary circuits of ignition systems.* Section 183.440 specifies the types of conductors that can be used in secondary circuits of ignition systems and the type of protection required at the conductor connections. The requirement for tight fitting caps, boots, or nipples at the connections to spark plugs, coils, and distributors is necessary to eliminate arc-tracking across insulators in the presence of salt spray and dirt, which could also be a source of ignition of fuel vapors.

Section 183.450 *Conductors: Termination.* Section 183.450 prescribes conductor termination and insulation requirements. Some requirements will not apply if the conductor termination is inside a junction box or equipment enclosure where possible loosening of the termination is not a hazard. Strength requirements for connections between conductors and between conductors and connectors are necessary to prevent easy disengagement of connections, which could present a fire hazard. Because soldered connections can corrode or vibrate loose, this section requires that soldered connections have a means of connection other than the solder. However, this requirement is relaxed for conductors connected to battery terminals or studs if the length of the soldered connection used to join the conductor to the battery between the conductor and the connector is at least 1.5 times the diameter of the stranded portion of the conductor.

These requirements prohibit the use of wirescrews and wirenuts because they can vibrate loose.

Ungrounded terminals or studs in the cranking circuit that are continuously energized and are not provided with overcurrent protection must have some means of insulation, such as a rubber boot, to prevent accidental short-circuiting with tools or other metallic objects. Other ungrounded current carrying terminations are required to have some means of insulation to prevent the termination from short-circuiting with other terminations or from short-circuiting with materials which are at ground potential. This requirement can be met by use of insulating sleeves, separators, boots, or nipples.

Section 183.455 *Overcurrent protection: General.* Section 183.455 contains the general requirements for overcurrent protection, specifying the nominal voltages, locations, and current ratings of manually reset, tripfree circuit breakers and fuses. These requirements protect ungrounded current-carrying conductors from overloading and becoming a fire hazard.

Section 183.460 *Overcurrent protection: Special applications.* Section 183.460 describes the allowable current rating for manually reset, tripfree circuit breakers and fuses that are used in circuits that supply power to motors, radiotelephone equipment, and switchboards. Protection of conductors from excessive current loadings in these types of circuits is necessary to remove potential fire hazards.

The Coast Guard has awarded a grant pursuant to sections 25 and 27(d) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1451) to the American Boat and Yacht Council, Inc. (ABYC). Under the grant, ABYC is preparing a compliance manual for these regulations. The manual will contain explanatory and interpretative information, illustrations, and diagrams to aid manufacturers in complying with the regulations. The manual will not dictate the method a manufacturer must follow to comply with the regulations, but it will be a guide to methods that, if followed, will be acceptable to the Coast Guard as meeting the intent and purpose of the rules. The manual will be distributed by the Coast Guard through National Technical Information Service and will be available to the public at cost before the Final Rule becomes effective.

The National Boating Safety Advisory Council gave unanimous approval to the substantive intent of the proposed regulations. Transcripts of the proceedings of the meetings of the NBSAC Fuel and Electrical Panel at which these proposed regulations were discussed are available for examination in Rom 4310, U.S. Coast Guard Transpoint Building, 2nd and V Streets, S.W., Washington, D.C. The minutes of these meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BR/62), U.S. Coast Guard, Washington, D.C. 20590.

The economic and inflationary impacts and the evaluation of benefits of these proposed regulations have been carefully evaluated in accordance with Office of Management and Budget Circular A-107. The proposed regulations should result in a cost to industry of approximately $1.275 million to $7.65 million per year. These industry costs should result in an increased cost to the consumer of 0.09 percent to 2.3 percent, depending on the size of the boat purchased. The benefit of the proposed regulations is the reductions in the amount of property damage, the number of injuries, and the number of lives lost. No Inflationary Impact Statement is required.

The standards and codes referenced in these regulations have been approved for incorporation by reference by the Director of the FEDERAL REGISTER, and they are on file in the Federal Register Library.

Any interested persons may submit written data, views or arguments concerning this notice to the Executive Secretary, Marine Safety Council, U.S. Coast Guard, Room 8117, 400 7th Street, S.W., Washington, D.C. 20590. All communications received before December 1, 1976, will be considered before the final rule is published. Each person submitting comments should include his name and address, identify this notice (CGD 73-217) and give reasons and supporting data for any recommendations. All comments will be available for public inspection in Room 8117, Coast Guard Headquarters, Nassif Building, 400 7th Street, S.W., Washington, D.C.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (46 U.S.C. 1454). The authority vested in the Secretary of the Department of Transportation by the Act is delegated to the Commandant of the Coast Guard at 49 CFR 1.46(n)(1).

In consideration of the foregoing, it is proposed to amend Part 183 of Chapter I of Title 33 of the Code of Federal Regulations by adding new Subpart I to follow Subpart H and to read as follows:

Subpart I—Electrical Systems

GENERAL

Sec.
183.401 Purpose, applicability, and effective dates.
183.402 Definitions.
183.405 General.

MANUFACTURER REQUIREMENTS

183.410 Ignition protection.
183.415 Grounding.
183.420 Batteries.

Sec.
183.425 Conductors: General.
183.430 Conductors in circuits of less than 50 volts.
183.435 Conductors in circuits of more than 50 volts.
183.440 Secondary circuits of ignition systems.
183.445 Conductors: Support and protection.
183.450 Conductors: Termination.
183.455 Overcurrent protection: General.
183.460 Overcurrent protection: Special application.

EQUIPMENT STANDARDS

183.465 Conductors: Insulating materials.
183.470 Caps, boots, and nipples.

AUTHORITY: 46 U.S.C. 1454; 49 CFR 1.46 (n)(1).

Subpart I—Electrical Systems

GENERAL

§ 183.401 Purpose, applicability, and effective dates.

(a) This subpart applies to all boats that have gasoline engines for electrical or mechanical power or propulsion, except outboard engines.

(b) The sections in this subpart are effective on the following dates:

(SIX MONTHS AFTER PUBLICATION OF FINAL RULE)

§ 183.401	§ 183.420
§ 183.405	§ 183.445

(12 MONTHS AFTER PUBLICATION OF FINAL RULE)

§ 183.415	§ 183.450
§ 183.425	§ 183.455
§ 183.430	§ 183.460
§ 183.435	§ 183.465
§ 183.440	§ 183.470

(18 MONTHS AFTER PUBLICATION OF FINAL RULE)

§ 183.410

§ 183.402 Definitions.

As used in this subpart—

(a) "ASTM" means Ameican Society for Testing and Materials. ASTM standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. 20590 and may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(b) "AWG" means American Wire Guage.

(c) "Electrical component" means electrical equipment such as, but not limited to, conductors, solenoids, motors, generators, distributors, resistors, appliances and electrical control devices.

(d) "IEEE" means Institute of Electrical and Electronic Engineers, Inc. IEEE standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. 20590 and may be obtained from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

(e) "NFPA" means National Fire Protection Association. NFPA standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. and may be obtained from the National Fire Protection Association, 470 Atlantic Ave., Boston, MA 02110.

(f) "Pigtails" means external power conductors or wires that are part of electrical components and appliances, such as bilge pumps, blowers, lamps, switches, solenoids, and fuses.

(g) "SAE" means Society of Automotive Engineers, Inc. SAE standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. 20590 and may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(h) "Sheath" means a material used as a continuous protective covering, such as electrical tape, molded rubber, molded plastic, or tubing, around one or more insulated conductors.

(i) "UL" means Underwriters Laboratories Inc. UL standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., SW, Washington, D.C. 20590 and may be obtained from Underwriters Laboratories Inc., 207 East Ohio Street, Chicago, IL 60611.

§ 183.405 General.

Each electrical component on a boat to which this subpart applies must meet the requirements of this subpart unless the component is part of an outboard engine or part of portable equipment.

MANUFACTURER REQUIREMENTS

§ 183.410 Ignition protection.

(a) Each electrical component must not ignite a propane gas and air mixture that is 4.25 to 5.25 percent propane gas by volume surrounding the electrical component when it is operated at each of its manufacturer rated voltages and current loadings, unless it is isolated from gasoline fuel sources, such as engines, fuel tank fuel fittings or connections, vent lines, fill lines, and distribution lines that are interrupted by valves, connections or other fittings, in accordance with paragraph (b) of this section.

(b) An electrical component is isolated from a gasoline fuel source if—

(1) A bulkhead that meets the requirements of paragraph (c) of this section is between the electrical component and the gasoline fuel source;

(2) A deck that can resist a water level of 12 inches without seepage of more than one-quarter fluid ounce of fresh water per hour is between the electrical component and the gasoline fuel source; or

(3) The electrical component is above the gasoline fuel source and a deck or other enclosure is between it and the gasoline fuel source.

(c) Each bulkhead required by paragraph (b)(1) of this section must—

(1) Extend both vertically and horizontally the distance of the open space between the fuel source and the ignition source; and

(2) Resist a water level that is 12 inches high or one-third of the maximum height of the bulkhead, whichever is less, without seepage of more than one-quarter fluid ounce of fresh water per hour. Each opening in the bulkhead that is higher than 12 inches or one-third of the maximum height of the bulkhead, whichever is less, must be used only for passage of conductors, piping, ventilation ducts and mechanical equipment and the maximum annular space around each item that passes through the opening must not be more than one-quarter inch. Hatches, doors, and access panels may be installed in the bulkhead if the hatch, door, or access panel can resist a water level that is 12 inches high or one-third of the maximum height of the bulkhead, whichever is less, without seepage of more than one-quarter fluid ounce of fresh water per hour.

§ 183.415 Grounding.

If a boat has more than one gasoline engine, grounded cranking motor circuits must be connected to each other by a common conductor that can carry the starting current of any of the grounded cranking motor circuits.

§ 183.420 Batteries.

(a) Each installed battery must not move more than one inch in any direction when a pulling force of 90 pounds or twice the battery weight, whichever is greater, is applied to the battery as follows:

(1) Vertically for a duration of one minute.

(2) Horizontally and parallel to the boat's center line for a duration of one minute fore and one minute aft.

(3) Horizontally and perpendicular to the boat's center line for a duration of one minute to starboard and one minute to port.

(b) Each battery must be installed so that metallic objects cannot come in contact with the battery terminals.

(c) Each metallic fuel line and fuel system component within 12 inches of the battery top and side surfaces must be shielded with dielectric material.

(d) Each battery must not be directly above or below a fuel tank, fuel filter, or fitting in a fuel line.

(e) Hydrogen gas discharged by a battery must be vented from the boat.

(f) The positive terminal of each battery must be identified by the letters

"POS", or "P", or the symbol "+" marked on the terminal or on the battery case near the terminal.

(g) Each battery terminal connection must not depend on spring tension.

§ 183.425 Conductors: general.

(a) Each conductor must be insulated, stranded copper.

(b) Each conductor must not carry a current greater than that specified in Table 3 for the conductor's gauge and temperature rating.

(c) For conductors in engine spaces, amperages must be corrected by the appropriate correction factor in note 1 of Table 3.

(d) Each conductor must be at least a No. 18 AWG conductor.

(e) Each No. 18 AWG conductor must be protected by a sheath.

(f) Each No. 18 AWG conductor in a multiconductor sheath may not extend out of the sheath more than 30 inches.

(g) This section does not apply to communication systems; navigation equipment; resistence conductors that control circuit amperage or voltage; high voltage secondary conductors and terminations that are in ignition systems; pigtails of less than seven inches of exposed length; and cranking motor conductors.

TABLE 3.—*Temperature rating of conductor insulation*

(AWG) Wire size	60° C (140° F)	75° C (167° F)	80° C (176° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F)
18	10	10	15	20	20	25	25
16	15	15	20	25	25	30	35
14	20	20	25	30	35	40	45
12	25	25	35	40	45	50	55
10	40	40	50	55	60	70	70
8	55	65	70	70	80	90	100
6	80	95	100	100	120	125	135
4	105	125	130	135	160	170	190
3	120	145	150	155	180	195	210
2	140	170	175	180	210	225	240
1	165	195	210	210	245	265	280
0	195	230	245	245	285	305	325
00	225	265	285	285	330	355	370
000	260	310	330	330	385	410	430
0000	300	360	385	385	445	475	510

NOTE 1

Temperature rating of conductor	60° C (140° F)	75° C (167° F)	80° C (176° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F)
Correction factor	0.58	0.75	0.78	0.82	0.85	0.89	1.00

NOTE 2

Number of conductors:	Correction factor
3	0.70
4 to 6	.60
7 to 24	.50
25 and above	.40

TABLE 4.—*Insulation temperature rating—thermoplastic insulating materials*

Insulation temperature rating	60° C (140° F)	75° C (167° F)	80° C (167° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F)
Minimum tensile strength before aging.	1,500 lb/ft²	1,500 lb/ft²	1,500 lb/ft²	1,500 lb/ft²	1,500 lb/ft²	1,500 lb/ft²	2,500 lb/ft².
Minimum elongation before aging	200 pct	100 pct	100 pct	100 pct	100 pct	100 pct	200 pct.
Accelerated aging (time/temperature).	168 hr per 100° C	168 hr per 115° C	168 hr per 115° C	168 hr per 121° C	168 hr per 135° C	168 hr per 158° C	96 hr per 200° C
Minimum elongation after aging [1]	65 pct	65 pct	65 pct	65 pct	65 pct	65 pct	85 pct.
Minimum tensile strength after aging. [1]	do	75 pct	75 pct	70 pct	75 pct	70 pct	85 pct.

[1] Percent of result with unaged specimens.

TABLE 5.—*Insulation temperature rating—thermosetting insulating materials*

Insulation temperature rating	60°C (140°F)	75°C (167°F)	90°C (194°F)	105°C (221°F)	125°C (257°F)	200°C (392°F)
Minimum tensile strength before aging	1,000	1,000	1,000	1,000	1,000	100.
Minimum elongation before aging	200	200	200	400	200	100.
Accelerated aging (time/temperature)	168 hr per 70°C	168 hr per 80°C	240 hr per 121°C	240 hr per 126°C	168 hr per 158°C	60 d 210°C.
Minimum elongation after aging [1]	70 pct	70 pct	Minimum 50 pct	Minimum 100 pct	Minimum 150 pct	Minimum 50 pct
Minimum tensile strength after aging [1]	do	do	Minimum 900 lb/ft²	Minimum 1,100 lb/ft²	Minimum 1,200 lb/ft²	60 pct.

[1] Percent of result with unaged specimens.

§ 183.430 Conductors in circuits of less than 50 volts.

(a) Each conductor in a circuit that has a nominal voltage of less than 50 volts must—

(1) Meet the requirements of § 183.435; or

(2) Meet SAE Standard J1128 dated November, 1975, or SAE Standard J1127, dated November, 1975.

(b) This section does not apply to communication systems; navigation equipment; resistance conductors that control circuit amperage or voltage; and pigtails of less than seven inches of exposed length.

§ 183.435 Conductors in circuits of 50 volts or more.

(a) Each conductor in a circuit that has a nominal voltage of 50 volts or more must be one of the following:

(1) A conductor that has insulation listed and classified moisture resistant and flame retardant in Article 310, NFPA No. 70–1975, National Electric Code 1975.

(2) A flexible cord type SO, STO, ST, SJO, SJT, or SJTO listed in Article 400, NFPA No. 70–1975, National Electric Code 1975.

(3) A conductor that meets IEEE Std. 45–1971, dated December 3, 1970.

(4) A cable listed by Underwriters Laboratories, Inc. for marine use.

(5) A conductor that meets the mechanical water absorption and flame retardant standards of UL Standard 83, dated December 24, 1975 (Revised June 8, 1976).

(b) Where the nominal circuit voltage of a conductor is 50 volts or more and it is in a duct, bundle, or cable with two or more current carrying conductors, its amperage must not exceed the value in Table 3 multiplied by the correction factor for the number of conductors in note 2 to Table 3.

(c) This section does not apply to communication systems; navigation equip-

ment; conductors in secondary circuits of ignition systems; pigtails of less than seven inches of exposed length; and resistance conductors that control circuit amperage or voltage.

§ 183.440 Secondary circuits of ignition systems.

(a) Each conductor in a secondary circuit of an ignition system must meet SAE Standard J 557, dated January, 1968.

(b) The connection of each ignition conductor to a spark plug, coil, or distributor must have a tight fitting cap, boot, or nipple that meets § 183.470.

§ 183.445 Conductors: Support and protection.

(a) Each conductor must be supported by clamps or straps not more than 18 inches apart unless the conductor is supported by self draining ducts or conduits. The clamps or straps must be designed to prevent chafing or damage to the conductor insulation.

(b) If conductors or groups of conductors are connected between two components that can move in relation to each other, each conductor or group of conductors must have a loop, slack, or other strain relief.

(c) Conductors that pass through a bulkhead, structural member, junction box, or other rigid surface must be protected from abrasion.

(d) This section does not apply to communications systems; navigation equipment; and high voltage secondary conductors and terminations in the ignition system.

§ 183.450 Conductors: Termination.

(a) Each connection to a screw terminal or stud that is outside of a junction box or enclosure must be connected by a closed ring connector, eyelet connector, or captive spade connector.

(b) Each single friction connector, spring type connector, and multi-connector plug that is outside of a junction box or enclosure must not separate if subjected to a six pound tensile force along the axial direction of the connector for one minute.

(c) A soldered connection must not be the sole means of connection between two or more conductors or between a conductor and a connector. A conductor may be soldered to a connector that joins the conductor to a battery terminal or stud, if the length of the soldered joint is at least 1.5 times the diameter of the stranded portion of the battery conductor.

(d) Each connection that is outside of a junction box and that is used to join conductors to each other or that is used to join a conductor to a connector must not break when subjected for 10 minutes to a tensile force shown in Table 6 for the smallest conductor size in the connection.

(e) Each ungrounded terminal or stud that is in the cranking motor circuit and that is continuously energized must meet § 183.455 or must have an insulated boot, nipple, cap, cover, or shield that prevents accidental short-circuiting at the terminals or studs.

(f) Each termination composed of an ungrounded current carrying conductor, terminal fitting, and connector must be protected from short circuiting with—

(1) Another termination composed of an ungrounded current carrying conductor, terminal fitting, and connector;

(2) Any metal that is grounded.

(g) A conductor must not be joined to another conductor by a wire nut or wire screw.

(h) This section does not apply to communication systems and navigation equipment.

§ 183.455 Overcurrent protection: General.

(a) Each ungrounded current-carrying conductor must be protected by a manually reset, tripfree circuit breaker or fuse.

(b) A manually reset, tripfree circuit breaker or fuse must be—

(1) At the source of power for each conductor;

(2) At the point where the conductor size is reduced to a smaller gauge; or

(3) At the origin of a circuit, if the breaker has a current rating that prevents overloading of the smallest conductor in the circuit.

(c) The current rating of each circuit breaker or fuse must not exceed—

(1) For circuits of less than 50 volts, 150 percent of the value of the amperage in Table 3 for the conductor size it is protecting; and

(2) For circuits of 50 volts or more, the value of the amperage in Table 3 for the conductor size it is protecting. If this value does not correspond to a standard size or rated breaker the next larger size or rated breaker may be used if it does not exceed 150 percent of the allowed current capacity of the conductor.

(d) The voltage rating of each circuit breaker or fuse must not be less than the nominal circuit voltage of the circuit it is protecting.

TABLE 6.—*Tensile test values for wire splices*

[Conductor-conductor and conductor-connector joints]

Wire size (AWG)	Tensile force	
	Pounds	Newtons
18	10	44
16	15	66
14	30	133
12	35	155
10	40	177
8	45	200
6	50	222
5	60	266
4	70	311
3	80	355
2	90	400
1	100	444
0	125	556
00	150	667
000	175	778
0000	225	1,000

(e) This section does not apply to resistance conductors that control circuit amperage or voltage; pigtails of less than seven inches of exposed length; and power supply conductors in cranking motor circuits.

§ 183.460 Overcurrent protection: Special applications.

(a) For motor circuits, each circuit breaker or fuse required by § 183.455(a) must have a current rating that does not exceed 125 percent of the rated motor current or the current rating allowed under § 183.455(c), whichever is less. If there is more than one motor in the circuit, the circuit breaker or fuse must have a current rating that does not exceed 125 percent of the combined rated motor currents or the current rating allowed under § 183.455(c), whichever is less.

(b) Each circuit breaker or fuse for conductors that supply power to switchboards must have a current rating that does not exceed 125 percent of the load capacity of the switchboard or current rating allowed under § 183.455(c), whichever is less.

(c) Each circuit breaker or fuse for conductors supplying power to radiotelephone equipment must have a current rating that does not exceed 150 percent of the rated load or the current rating allowed under § 183.455(c), whichever is less.

(d) Each ungrounded supply conductor from a storage battery must have a manually reset, tripfree circuit breaker or fuse, unless the supply conductor is the main power feed conductor from the battery to an engine cranking motor. The circuit breaker or fuse must be within 72 inches of the battery measured along the conductor, unless the circuit breaker has a switch that disconnects the battery.

(e) Each ungrounded output conductor from an alternator or generator, except for self-limiting alternators or generators, must have a circuit breaker or fuse that has a current rating that does not exceed 120 percent of the maximum rated current of the alternator or generator at 60° C.

COMPONENT STANDARDS

§ 183.465 Conductors: Insulating materials.

(a) Each thermoplastic insulating material on conductors must meet the requirements in Table 4 for its temperature rating when tested under paragraphs (c) and (d) of this section.

(b) Each thermosetting insulating material on conductors must meet the requirements in Table 5 for its temperature rating when tested under paragraphs (c) and (d) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section, perform the following on one sample of the insulating material from the conductor in the order listed:

(1) Test the sample for tensile strength under UL Standard 83, dated December 24, 1975 (Revised June 8, 1976). The result must be at least the value shown on the first line of the Table for the type and temperature rating of the material.

(2) Test the sample for elongation under UL Standard 83, dated December 24, 1975 (Revised June 8, 1976). The result must be at least the value shown on the second line of the Table for the type and temperature rating of the material.

(3) Place the sample in an air circulating oven for the period of time specified on the third line of the Table for the type and temperature rating of the material. The oven must maintain the temperature specified on the third line of the table ±1.8°F. Test the sample for tensile strength under UL Standard 83, dated December 24, 1975 (Revised June 8, 1976). The result obtained must be at least the value shown on the fourth line of the Table for the type and temperature rating of the material.

(4) Test the sample for elongation under UL Standard 83, dated December 24, 1975 (Revised June 8, 1976). The result must be at least the value shown on the fifth line of Table for the type and temperature rating of the material.

(d) For the purposes of paragraphs (a) and (b) of this section, immerse at least 22 inches of a 24 inch sample of the conductor in tap water that is at ambient temperature. At the end of five hours, while the sample remains immersed in the water, apply the following voltage between the conductor and the water for one minute:

(i) For conductors rated for less than 50 volts, 1000 volts at 60 hertz. The material must not rupture when the voltage is applied.

(ii) For conductors rated for 50 volts or greater, the sum of 1000 volts plus the rated voltage at 60 hertz. The material must not rupture when the voltage is applied.

(e) This section does not apply to communication systems and navigation equipment.

§ 183.470 Caps, boots, and nipples.

(a) Each cap, boot, and nipple required by § 183.440(b) must not crack, rupture, electrically break down, or permit external arc-over, if tested under paragraph (b) of this section.

(b) For the purposes of paragraph (a) of this section, perform the following procedures in the following order on a random sample of the caps, boots, or nipples:

(1) Test the sample under ASTM Standard D1415, dated February 14, 1968, and record the degree of hardness.

(2) Divide the sample into three groups of approximately equal numbers and perform the following concurrently:

(i) Immerse one group in three ounces of Reference Fuel C ASTM D471, dated March 29, 1975, in a sealed glass container.

(ii) Immerse another group in three ounces of Oil No. 2, ASTM D471, dated March 29, 1975, in a sealed glass container.

(iii) Expose another group to air.

(iv) Place each group in an air circulating oven for 40 hours. The oven must be of the type described in ASTM Standard D573, dated September 8, 1967 (Reapproved 1972), and must maintan a temperature between 255° F and 259° F.

(3) Rinse each cap, boot, or nipple with isopropyl alcohol and wipe dry with an isopropyl alcohol saturated, lint free cloth.

(4) Massage each cap, boot, or nipple between the fingers for one minute. Each cap, boot, or nipple must not crack when massaged.

(5) Test the sample under ASTM D1415 dated February 14, 1968 and record the degree of hardness. The result must not differ more than 10 points, plus or minus, from the result obtained under paragraph (b)(1) of this section.

(6) Test one cap, boot, or nipple from each of the three groups under Underwriters Laboratories, Inc., Standard 1120, paragraph 3.72 dated July 3, 1972. Each cap, boot, or nipple must not rupture, electrically breakdown, or arc over.

Dated: September 27, 1976.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

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MONDAY, OCTOBER 4, 1976

PART IV:

ENVIRONMENTAL PROTECTION AGENCY

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STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refinery Sulfur Recovery Plants

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 610-7]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refinery Sulfur Recovery Plants

Notice is hereby given that under the authority of section 111 of the Clean Air Act, as amended, the Administrator is proposing standards of performance for new, modified or reconstructed petroleum refinery sulfur recovery plants.

The Administrator is also proposing a new reference method to be used for determining emissions of hydrogen sulfide and reduced sulfur compounds from petroleum refinery sulfur recovery plants.

PROPOSED STANDARDS

As proposed, the standards would apply to petroluem refinery sulfur recovery plants. Generally, these plants are physically located within petroleum refineries. Occasionally, however, refineries will pipe the sulfur-rich gas stream to a nearby facility, such as a chemical plant, where the sulfur is recovered. The standards would apply to all refinery sulfur recovery plants, whether they are physically located within a petroleum refinery, or within the confines of another facility.

The standards would limit the concentration of sufur dioxide (SO_2) in the gases discharged to the atmosphere to 0.025 percent by volume at zero percent oxygen and on a dry basis. Where the emission control system installed to comply with these standards discharges residual emissions of hydrogen sulfide (H_2S), carbonyl sulfide (COS), and carbon disulfide (CS_2), the standards would limit the concentration of H_2S and the total concentration of H_2S, COS and CS_2 (calculated as SO_2) in the gases discharged to the atmosphere, to 0.0010 percent and 0.030 percent by volume at zero percent oxygen and on a dry basis, respectively.

ENVIRONMENT AND ECONOMIC IMPACTS

The proposed standards would require new, modified or reconstructed refinery sulfur recovery plants to reduce emissions by about 99 percent compared to emissions from existing refinery sulfur recovery plants. This would increase the overall sulfur recovery of a typical refinery sulfur recovery plant from about 94 percent to about 99.9 percent.

It is expected that the proposed standards would apply to about 80 new refinery sulfur plants by 1980. Few, if any, modifications or reconstructions of existing refinery sulfur plants are anticipated. The proposed standards would reduce national sulfur dioxide emissions from these new refinery sulfur plants by about 55,000 tons per year.

This reduction in national SO_2 emissions would be obtained without adverse impacts on other aspects of the environment, such as increased solid waste disposal, water pollution, or noise. The proposed standards would also result in a reduction in the growth of national energy consumption by some 54 million kwhr/yr, or about 90,000 barrels of fuel oil per year, by 1980.

The economic impact of the proposed standards would be reasonable both on large and on small refiners, although it is somewhat more severe on small refiners than large refiners. For the small refiner [processing less than 30,000 barrels per calendar day (BCD)], the proposed standards could reduce profitability, as measured by return on assets, by 1.5 to 7.5 percent. A price increase of only 0.25 to 1.0 percent on all petroleum products, however, would restore the small refiner's profitability. The impact on a large refiner (processing more than 30,000 BCD) is considerably less due to economies of scale. The proposed standards could reduce the profitability of a large refiner by 0.5 to 1.5 percent. A price increase of only 0.10 to 0.30 percent on all petroleum products, however, would restore the large refiner's profitability. Consequently, the proposed standards would not adversely affect the growth of either the large refinery or the small refiner sector of the domestic refining industry.

To comply with these proposed standards, the investment required by the domestic refining industry would total some $110 million (MM) over the five-year period from 1976 to 1980; the annual operating costs of the industry would increase by some $16 MM per year by 1980 and petroleum product prices could increase by 0.1 to 1.0 percent.

The review of the economic impact has shown that the proposal is not a major action under the Inflationary Impact Statement (IIS) program and no IIS is needed.

SELECTION OF SOURCE CATEGORY AND AFFECTED FACILITIES

Section 111 of the Clean Air Act directs the Administrator to establish standards of performance for new stationary sources of air pollution which may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Sulfur recovery plants are a major source of SO_2 emissions in petroleum refineries. Although a few State or local regulations already require emission control equivalent to the proposed standards, most State regulations require less stringent control of refinery sulfur recovery plants.

Reducing SO_2 emissions from new, modified or reconstructed refinery sulfur recovery plants takes on importance in view of the expected growth in the numbers and sizes of these plants, and the urban location of many petroleum refineries where high ambient air concentrations of SO_2 already exist. Current growth projections for the domestic petroleum refining industry, for example, indicate that refinery sulfur recovery plant capacity will double between 1976 and 1980.

Considering these factors, the proposed standards have been developed to limit emissions of SO_2 from petroleum refinery sulfur recovery plants. Some of the emission control systems that might be installed to reduce emissions of SO_2, however, discharge residual emissions of hydrogen sulfide (H_2S), carbonyl sulfide (COS) and carbon disulfide (CS_2) to the atmosphere. The proposed standards, therefore, include limits on emissions of these pollutants.

RATIONALE

Two alternative systems of SO_2 emission control were considered as candiates to serve as the basis for standards of performance: (1) the low-temperature extended Claus reaction system (alternative I) and (2) various tail gas scrubbing systems (alternative II). The alternative I systems reduce emisssion from uncontrolled refinery sulfur recovery plants by 80–85 percent, while the alternative II systems reduce emissions by 98–99 percent. Overall sulfur recovery of the refinery sulfur plant is increased from 95 to 99.9 percent with the use of an alternative II system.

Standards of performance based on alternative I would have an essentially negligible impact on SO_2 emissions since most state implementation plans (SIP's) already require equivalent control. As outlined above, however, standards based on alternative II would reduce SO_2 emissions by about 90 percent below levels required by most SIP's and would lead to a reduction in national SO_2 emissions of some 55,000 tons per year in 1980. Standards based on alternative II would also have no adverse environmental impacts in other areas such as increased water pollution, solid waste disposal, energy consumption, or noise. In addition, the economic impact of standards based on alternative II would be reasonable both on large and on small refiners. Consequently, alternative II represents the best system of emission reduction and the proposed standards are based on this alternative.

The tail gas scrubbing systems of alternative II, however, include two different types of emission control systems for reducing SO_2 emissions from refinery sulfur recovery plants: oxidation control systems and reduction control systems. In the oxidation control system, the SO_2 emissions from a refinery sulfur plant are controlled directly by tail gas scrubbing. In the reduction control system, the SO_2 emissions are first converted to H_2S emissions which are then controlled by tail gas scrubbing. Residual emissions discharged into the atmosphere from oxidation control systems or from reduction control systems which are followed by incineration consist of SO_2. Residual emissions discharged from reduction control systems which are not followed by incineration, however, consist of H_2S, COS (carbonyl sulfide) and CS_2 (carbon disulfide). Standards limiting emissions of SO_2, therefore, while appropriate for oxidation control systems or reduction control systems followed by incineration, are not appropriate for reduction control systems not followed by incineration.

Where reduction control systems which are not followed by incineration

are properly operated and maintained, emissions of reduced sulfur compounds (H_2S, COS and CS_2) are insignificant. With poor operation and maintenance, however, emissions of these pollutants from these systems could lead to significant odor problems, primarily from the H_2S emitted. This situation presents a difficulty in selecting which pollutants should be controlled under the proposed standards due to the provisions of section 111(d) of the Act. Sulfur dioxide is a criteria pollutant for which State control of existing sources is not required under section 111(d) (since such control is already required by section 110). Reduced sulfur compounds, on the other hand, would be considered designated pollutants subject to the provisions of section 111(d).

Under the EPA regulations implementing section 111(d), after promulgation of a standard of performance for the control of such a designated pollutant, EPA must develop a guideline document containing the necessary information for States to develop plans for controlling emissions of the pollutant (40 CFR 60.22). In this case the document would have to cover information pertinent to the control of reduced sulfur compounds from all existing petroleum refinery sulfur plants which have installed reduction control systems which are not followed by incineration. After final issuance of the guideline document by EPA, all States containing affected plants are required by 40 CFR 60.23 to develop such plans and submit them to EPA for approval. Currently, about 25 refinery sulfur plants in seven States have installed reduction control systems which are not followed by incineration. Developing the guideline document and State plans, therefore, could be a significant undertaking, requiring the expenditure of considerable resources at the Federal level and by seven States and their local governments. Thus, one purpose of this proposal is to solicit comments from the affected States as to the burden imposed by the implementation of section 111(d) in this case.

If that burden imposed by the implementation of section 111(d) is great, EPA will consider the course of declining to require the adoption and submittal of State plans under 40 CFR 60.24. This option is available due to the unusual factual situation: all existing refinery sulfur plant, which have installed reduction control systems which are not followed by incineration (25 plants in seven States) already have very low emissions of reduced sulfur compounds. Their emission control systems have been installed to comply with State or local air pollution control regulations limiting emissions of SO_2 from existing refinery sulfur plants. To ensure that the installation of these emission control systems do not lead to local odor problems, these regulations also limit emissions of reduced sulfur compounds either directly or indirectly. Where emissions of reduced sulfur compounds are limited directly, local regulations specify the maximum concentrations of H_2S and reduced sulfur compounds (H_2S, COS and CS_2) that can be present in the tail gases discharged to the atmosphere. Where this approach has been followed, emissions of H_2S are limited to 10 ppm and emissions of reduced sulfur compounds are limited to either 300 or 500 ppm.

Where emissions of reduced sulfur compounds are limited indirectly by local regulations, these regulations require that the best available emission control technology be installed. In the process of specifying the best emission control technology, local air pollution control agencies have contacted EPA, vendors of various emission control system, and other local air pollution control agencies where these emission control systems have been installed. In terms of limiting emissions of reduced sulfur compounds, this approach has achieved the same end result as the direct regulatory approach. All 25 reduction control system which are now operating have been designed and guaranteed by the vendors of these systems to limit emissions to less than 10 ppm H_2S and less than 300 or 500 ppm reduced sulfur compounds.

Consequently, the current 25 petroleum refinery sulfur plants which have installed reduction control systems which are not followed by incineration are not considered by EPA to be significant sources of reduced sulfur compound emissions. Developing State plans under section 111(d) to control emissions of these pollutants from these facilities, therefore, would not reduce existing emission levels.

On the other hand, if EPA were to propose standards of performance for refinery sulfur plants only for SO_2 without limiting emissions of reduced sulfur compounds, this action could be interpreted to mean that EPA does not consider the potential air pollution problem posed by emissions of reduced sulfur compounds to be important. Such an interpretation could encourage new plants to be built without limiting emissions of these pollutants.

Having determined that the proposed regulation should cover emissions of reduced sulfur compounds from new refinery sulfur recovery plants, but not existing ones, EPA is left with the problem of selecting the appropriate pollutants to control with the proposed standards. Limiting emissions of SO_2 alone would be unsatisfactory due to the risk of reduced sulfur compound pollution from new plants. Limiting reduced sulfur compound emissions as well as SO_2 for new sources will cause some expenditure of effort on the part of EPA and the affected States which is not in fact necessary to achieve control of existing plants.

Considering all the facets of this situation, EPA proposes to limit emissions of both SO_2 and reduced sulfur compounds by these standards of performance, fulfilling the intent of section 111 of the Act to prevent new air pollution problems by requiring new, modified, or reconstructed plants to install the best systems of emission reduction considering costs. However, EPA is considering two alternative routes for treating the problem of existing sources. One alternative is for EPA to issue a guideline document under 40 CFR 60.22 (based primarily on the information available in the support documents for these standards of performance) and to require the seven affected States to submit plans under 40 CFR 60.23. Those States that already regulate reduced sulfur compounds by State law will be able to submit relatively simple control plans. Those States in which regulation of reduced sulfur compounds has been accomplished by local ordinances may have to provide for State enforcement before their control plans can be approved.

If the first alternative appears to be excessively burdensome, EPA is also considering a second alternative, because the 25 existing sources are well controlled. The purpose of limiting pollutant emissions from existing sources under the provisions of section 111(d) is to control a pollutant which may cause or contribute to the endangerment of public health or welfare, but is not known to be "hazardous" within the meaning of section 112, and is not controlled under sections 108 through 110. Since action under section 111(d) in this instance would not further control the pollutant in question, and existing refinery sulfur plants which have installed reduction control systems not followed by incineration are not endangering the public health or welfare, the conclusion can be drawn that there is no purpose to limiting emissions of these pollutants under section 111(d). Under this alternative, EPA would not issue a guideline document, the chain of events requiring States to develop plans for controlling emissions of these pollutants would not be initiated and these plans would not be developed. (A detailed discussion of this alternative may be found in the Standards Support and Environmental Impact Statement for Petroleum Sulfur Recovery Plants.)

The data and information available for selecting specific emission limits include the results of emission tests both by the Agency and by local air pollution control agencies, discussions with owners and operators which have installed and are now operating either the oxidation control systems or the reduction control systems, and discussions with the vendors of these emission control systems. The SO_2 emission limit is based on emission tests at a refinery sulfur plant controlled by an oxidation control system and at a refinery sulfur plant controlled by a reduction control system followed by incineration. The H_2S and reduced sulfur compound emission limits are based on emission source tests at three refinery sulfur plants controlled by reduction control systems not followed by incineration. The numerical values were selected including a reasonable margin for error taking into consideration the limited data base, the relative "newness" of the plants

tested, pilot-plant data available from vendors on long-term operation, and the experience of owners and operators with these emission control systems.

The 0.025 percent by volume limit for SO_2 emissions and the 0.030 percent by volume limit for reduced sulfur compound emissions are also equivalent, in the sense that both require achieving the same degree of overall sulfur recovery (i.e., 99.9 percent). The numerical limit on SO_2 emissions is lower due to the somewhat greater volume of gases discharged from oxidation control systems and reduction control systems followed by incineration, which is inherent in their design and operation.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect emission limits achievable with the best adequately demonstrated system of emission reduction considering the cost of such systems. State implementation plans (SIP's) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources. Indeed, building of new sources may be precluded altogether in some geographical areas. In addition, States are free under section 116 of the Act to establish more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQ under section 110. Thus, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

ENERGY

The impact of the proposed standards on the energy consumption of a refinery sulfur recovery plant varies depending on the type of emission control system installed to comply with the standards. If an oxidation control system or a reduction control system followed with incineration were used, the overall energy consumption of a typical sulfur recovery plant would be increased by some 30 percent. If a reduction control system not followed by incineration were used, however, the overall energy consumption would be reduced by some 50 percent. These percentages are high primarily because refinery sulfur recovery plants consume little energy. Typically, for example, a refinery sulfur recovery plant accounts for less than 1 percent of the total energy consumed within a petroleum refinery.

Assuming half of the refinery sulfur recovery plants affected by the proposed standards by 1980 install oxidation control systems or reduction control systems followed by incineration and half install reduction control systems not followed by incineration, the proposed standards would reduce national energy consumption in 1980 by some 54 million kw-hr/yr, or about 90,000 barrels of fuel oil per year.

MONITORING, TESTING, AND RECORDKEEPING

As proposed, the regulations would require monitoring of emissions released to the atmosphere to insure that the emission control systems installed to comply with the proposed standards are properly maintained and operated. If an oxidation control system or a reduction control system followed by incineration were installed, monitoring of SO_2 emissions would be required and if a reduction control system not followed by incineration were installed, monitoring of H_2S and reduced sulfur compound emissions would be required.

Emission monitoring systems for SO_2 are readily available and performance specifications for these monitors have already been promulgated by EPA in 40 CFR Part 60 Appendix B. Although a few emission monitoring systems for H_2S and reduced sulfur compounds are available, EPA has not yet developed performance specifications for these monitors. Consequently, until EPA proposes and promulgates these performance specifications, owners and operators subject to the requirement to install H_2S and reduced sulfur compound emission monitors will not be required to do so. The requirement to install these monitors is included in the proposed regulations; however, to ensure that when EPA promulgates these performance specifications, those owners and operators who have installed reduction control systems not followed by incineration which are subject to the proposed standards will be required to retrofit these monitors. This will enable enforcement personnel to ensure that these emission control systems are being properly operated and maintained.

The reference method for determining compliance also depends on the emission control system employed to comply with the proposed standards. If an oxidation control system or a reduction control system followed by incineration were installed, Method 6—Determination of Sulfur Dioxide Emissions from Stationary Sources would be used to determine emissions of SO_2. If a reduction control system not followed by incineration were installed, the proposed Reference Method 15—Determination of Hydrogen Sulfide and Reduced Sulfur Compound Emissions from Sulfur Recovery Plants would be used to determine emissions of H_2S and total emissions of H_2S, COS, and CS_2 (calculated as SO_2).

The proposed Reference Method 15 is based on gas chromatographic separation followed by flame photometric detection. This method permits separation and identification of each individual pollutant (i.e., H_2S, COS and CS_2). To determine compliance with the proposed standards, a sample of the gases discharged to the atmosphere is analyzed to determine emissions of H_2S, COS and CS_2. The concentration of H_2S in these gases is determined directly. The concentration of reduced sulfur compounds in these gases is determined indirectly, by adding together the concentrations of H_2S, COS and CS_2. Since emissions are calculated as SO_2, however, the concentrations of CS_2 (having twice the sulfur per molecule of gas) is multiplied by two before adding it to the concentrations of H_2S and COS.

AMENDMENT OF SUBPART J OF PART 60

The proposed standards would be incorporated into 40 CFR Part 60 by amending Subpart J—Standards of Performance for Petroleum Refineries. Maintaining clarity within Subpart J while incorporating the proposed standards requires amendment of a number of existing paragraphs. In all but the case discussed below, these paragraphs have merely been rewritten with no change in content or intent.

Recently, it has been brought to the attention of the Administrator that as Subpart J is now written, a fluid catalytic cracking unit incinerator waste-heat boiler is an affected facility subject to the standard limiting emissions of particulate matter. Thus, if an owner or operator installs an incinerator waste-heat boiler, that boiler must comply with the standard on particulate emissions.

An incinerator waste-heat boiler, however, is an emission control device which reduces emissions of carbon monoxide from a fluid catalytic cracking unit catalyst regenerator. It was not EPA's intent that installation of an emission control device to reduce carbon monoxide emissions would then require installation of another emission control device to reduce particulate emissions. Rather, the intent was to consider the fluid catalytic cracking unit catalyst regenerator together with any associated incinerator waste-heat boiler in terms of controlling particulate emissions. If an incinerator waste-heat boiler which burns additional liquid or solid fossile fuel is in use, an increase in total particulate emissions would be permitted, consistent with good control of particulate emissions from the combustion of that increment of fuel. Accordingly, fluid catalytic cracking unit incinerator waste-heat boilers have been deleted from the list of affected facilities. This amendment of Subpart J, however, is not a change in the intent of the existing standard of performance limiting emissions of particulate matter.

PUBLIC PARTICIPATION

As prescribed by section 111 of the Clean Air Act as amended, this proposal of standards of performance has been preceded by the Administrator's determination that refinery sulfur recovery plants contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. By publication of this determination in this issue of the FEDERAL REGISTER he adds petroleum refinery sulfur recovery plants to the list of affected facilities under the source category of petroleum refineries. In accordance with section 117 of the Act, publication of these proposed standards was preceded by

consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed regulations, including the designation of sulfur recovery plants as a significant contributor to air pollution which causes or contributes to the endangerment of public health or welfare, economic and technological issues, and the proposed test method.

Comments are invited specifically on the severity of the economic impact of the proposed standards on the small refiner, since a number of interested parties have expressed objection to the absence of a lower level cut-off exempting the small refiner from compliance with the standards. Any comments submitted to the Administrator on this issue, however, should contain specific information and data pertinent to an evaluation of the magnitude of this impact and its severity.

Also, the Administrator would be especially interested in receiving comments regarding the issue of controlling reduced sulfur compound emissions without implementing section 111(d), particularly as this would affect the seven States involved.

All relevant comments received on or before December 3, 1976 will be considered. Comments received will be available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

Background information on these proposed standards of performance has been published in a document "Standard Support and Environmental Impact Statement—Standards of Performance for Petroleum Refinery Sulfur Plants." This document presents the factors considered in the development of the proposed standards, including alternative emission control systems, emission test data, environmental impact, costs and economic considerations. Copies of the document are available free of charge by writing to the Public Information Center (PM-215), U.S. Environmental Protection Agency, Washington, D.C. 20460 (specify "Standards Support and Environmental Impact Statement—Standards of Performance for Petroleum Refinery Sulfur Plants").

Authority. This notice of proposed rulemaking is issued under the authority of sections 111, 114 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Dated: September 16, 1976.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend 40 CFR Part 60 as follows:

Subpart J—Standards of Performance for Petroleum Refineries

1. Section 60.100 is revised as follows:

§ 60.100 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fuel gas combustion devices, and sulfur recovery plants.

2. Section 60.101 is amended by adding paragraphs (i) through (l) as follows:

§ 60.101 Definitions.

* * * * *

(i) "Sulfur recovery plant" means a process unit which converts hydrogen sulfide produced within a petroleum refinery to elemental sulfur. The sulfur recovery plant need not be physically located within a petroleum refinery.

(j) "Oxidation control system" means an emission control system which reduces emissions from sulfur recovery plants by converting these emissions to sulfur dioxide.

(k) "Reduction control system" means an emission control system which reduces emissions from sulfur recovery plants by converting these emissions to sulfur dioxide.

(k) "Reduction control system" means an emission control system which reduces emissions from sulfur recovery plants by converting these emissions to hydrogen sulfide.

(l) "Reduced sulfur compounds" mean hydrogen sulfide (H_2S), carbonyl sulfide (COS) and carbon disulfide (CS_2).

3. Section 60.102 is amended by revising paragraph (a) introductory text and paragraph (b) as follows:

§ 60.102 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any fluid catalytic cracking unit catalyst regenerator:

* * * * *

(b) Where the gases discharged by the fluid catalytic cracking unit catalyst regenerator pass through an incinerator or waste heat boiler in which auxiliary or supplemental liquid or solid fossil fuel is burned, particulate matter in excess of that permitted by paragraph (a)(1) of this section may be emited to the atmosphere, except that the incremental rate of particulate matter emissions shall not exceed 43.0 g/MJ (0.10 lb/million Btu) of heat input attributable to such liquid or solid fossil fuel.

4. Section 60.104 is amended by revising paragraph (a) as follows:

§ 60.104 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall:

(1) Burn in any fuel gas combustion device any fuel gas which contains hydrogen sulfide in excess of 230 mg/dscm (0.10 gr/dscf), except that the gases resulting from the combustion of fuel gas may be treated to control sulfur dioxide emissions provided the owner or operator demonstrates to the satisfaction of the Administrator that this is as effective in preventing sulfur dioxide emissions to the atmosphere.

(2) Discharge or cause the discharge of any gases into the atmosphere from any sulfur recovery plant containing in excess of:

(i) 0.025 percent by volume of sulfur dioxide at zero percent oxygen on a dry basis if emissions are controlled by an oxidation control system, or a reduction control system followed by incineration, or

(ii) 0.030 percent by volume of reduced sulfur compounds and 0.0010 percent by volume of hydrogen sulfide calculated as sulfur dioxide at zero percent oxygen on a dry basis if emissions are controlled by a reduction control system not followed by incineration.

* * * * *

5. Section 60.105 is amended by adding paragraphs (a) (4) and (5) and (e)(3) (i) and (ii) as follows:

§ 60.105 Emission monitoring.

(a) * * *

(4) An instrument for continuously monitoring and recording concentrations of H_2S in fuel gases burned in any fuel gas combustion device, if compliance with § 60.104(a) is achieved by removing H_2S from the fuel gas before it is burned; or an instrument for continuously monitoring and recording concentrations of SO_2 in the gases discharged into the atmosphere from the combustion of any fuel gas, if compliance with § 60.104(a) is achieved by removing SO_2 from the combusted fuel gases. If the concentration of H_2S is monitored, fuel gas combustion devices having a common source of fuel gas may be monitored at one location, if monitoring at this location accurately represents the concentration of H_2S in the fuel gas burned.

(5) An instrument for continuously monitoring and recording concentrations of SO_2 in the gases discharged into the atmosphere from the sulfur recovery plant if compliance with § 60.104(b) is achieved through the use of an oxidation control system, or a reduction control system followed by incineration; or an instrument for continuously monitoring and recording concentrations of H_2S and reduced sulfur compounds in the gases discharged into the atmosphere from the sulfur recovery plant if compliance with § 60.104(b) is achieved through the use

of a reduction control system not followed by incineration.

* * * * *

(e) * * *

(1) [Reserved]

(2) [Reserved]

(3) Sulfur dioxide. (i) Any hourly period during which the average concentration of H_2S in fuel gas combusted in any fuel gas combustion device subject to § 60.104(a) exceeds 230 mg/dscm (0.10 gr/dscf), if compliance with § 60.104(a) is achieved by removing H_2S from the fuel gas before it is burned; or any hourly period during which the average concentration of SO_2 in the gases discharged into the atmosphere from any fuel gas combustion device subject to § 60.104(a) exceeds the level specified in § 60.104(a), if compliance with § 60.104(a) is achieved by removing SO_2 from the combusted fuel gases.

(ii) Any four-hour period during which the average concentration of SO_2 in the gases discharged into the atmosphere from any sulfur recovery plant subject to § 60.104(b) exceeds the level specified in § 60.104(b)(1) if compliance with § 60.104(b) is achieved through the use of an oxidation control system or a reduction control system followed by incineration; or any four-hour period during which the average concentration of H_2S, or reduced sulfur compounds in the gases discharged into the atmosphere from any sulfur plant subject to § 60.104(b) exceeds the levels specified in § 60.104(b)(2) if compliance with § 60.104(b) is achieved through the use of reduction control systems not followed by incineration.

6. Section 60.106 is amended by revising paragraphs (c) and (d) as follows:

§ 60.106 Test methods and procedures.

* * * * *

(c) For the purpose of determining compliance with § 60.104(a), Method 11 shall be used to determine the concentration of H_2S and Method 6 shall be used to determine the concentration of SO_2.

(1) If Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where refinery fuel gas lines are operating at pressures substantially above atmosphere, this may be accomplished with a flow control valve. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately 1-hour intervals. For most fuel gases, sample times exceeding 20 minutes may result in depletion of the collecting solution, although fuel gases containing low concentrations of hydrogen sulfide may necessitate sampling for longer periods of time.

(2) If Method 5 is used, Method 1 shall be used for velocity traverses and Method 2 for determining velocity and volumetric flow rate. The sampling site for determining SO_2 concentration by Method 6 shall be the same as for determining volumetric flow rate by Method 2. The sampling point in the duct for determining SO_2 concentration by Method 6 shall be at the centroid of the cross section if the cross sectional area is less than 5 m^2 (54 ft^2) or at a point no closer to the walls than 1 m (30 inches) if the cross sectional area is 5 m^2 or more and the centroid is more than one meter from the wall. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be 10 minutes and the minimum sampling volume 0.01 dscm (0.36 dscf) for each sample. The arithmetic average of two samples of equal sampling time shall constitute one run. Samples shall be taken at approximately one-hour intervals.

(d) For the purpose of determining compliance with § 60.104(b), Method 6 shall be used to determine the concentration of SO_2 and Method 15 shall be used to determine the concentration of H_2S and reduced sulfur compounds.

(1) If Method 6 is used, the procedure outlined in paragraph (c)(2) of this section shall be followed except that each run shall span a minimum of four consecutive hours of continuous sampling. A number of separate samples may be taken for each run, provided the total sampling time of these samples adds up to a minimum of four consecutive hours. Where more than one sample is used, the average SO_2 concentration for the run shall be calculated as the time weighted average of the SO_2 concentration for each sample according to the formula:

$$C_R = \sum_{i=1}^{N} C_{S_i} \frac{t_{S_i}}{T}$$

Where:

C_R = SO_2 concentration for the run.

N = Number of samples.

C_{S_i} = SO_2 concentration for sample i.

t_{S_i} = Continuous sampling time of sample i.

T = Total continuous sampling time of all N samples.

(2) If Method 15 is used, each run shall consist of 16 samples taken over a minimum of four hours. The sampling point shall be at the centroid of the cross section of the duct if the cross sectional area is less than 5 m^2 (54 ft^2) or at a point no closer to the walls than 1 m (30 inches) if the cross sectional area is 5 m^2 or more and the centroid is more than 1 meter from the wall. To insure minimum residence time for the sample inside the sample lines, the sampling rate shall be at least 3 liters/minute (0.1 ft^3/min). The SO_2 equivalent for each run shall be calculated as the arithmetic average of the SO_2 equivalent of each sample during the run. Reference Method 4 shall be used to determine the moisture content of the gases. The sampling point for Method 4 shall be adjacent to the sampling point for Method 15. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. Each run shall span a minimum of four consecutive hours of continuous sampling. A number of separate samples may be taken for each run provided the total sampling time of these samples adds up to a minimum of four consecutive hours. Where more than one sample is used, the average moisture content for the run shall be calculated as the time weighted average of the moisture content of each sample according to the formula:

$$B_{wo} = \sum_{v=1}^{N} B_{si} \left[\frac{t_{si}}{T} \right]$$

B_{wo} = Proportion by volume of water vapor in the gas stream for the run.

N = Number of samples.

B_{si} = Proportion by volume of water vapor in the gas stream for the sample i.

t_{si} = Continuous sampling time for sample i.

T = Total continuous sampling time of all N samples.

* * * * *

APPENDIX A—REFERENCE METHODS

7. Appendix A is amended by adding a new reference method as follows:

METHOD 15—DETERMINATION OF HYDROGEN SULFIDE, CARBONYL SULFIDE, AND CARBON DISULFIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.* 1.1 Principle. A gas sample is extracted from the emission source and diluted with clean dry air. An aliquot of the diluted sample is then analyzed for hydrogen sulfide (H_2S), carbonyl sulfide (COS), and carbon disulfide (CS_2) by gas chromatographic (GC) separation and flame photometric (FPS) detection.

1.2 Applicability. This method is applicable for determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide when specified by an applicable subpart.

2. *Range and sensitivity.* 2.1 Range. The maximum limit of the FPD for each sulfur compound is dependent on the sample size. For a 1 ml sample the upper limit is about 10 ppm. It may be necessary to dilute gas samples from sulfur recovery plants hundredfold (100:1), resulting in an upper limit of about 1000 ppm for each compound.

2.2 The minimum detectable concentration of the FPD is also dependent on sample size and would be about 0.5 ppm for a 1 ml sample.

3. *Interferences.* 3.1 Moisture Condensation. Moisture condensation in the sample delivery system, the analytical column, or the FPD burner block can cause losses or interferences. This potential is eliminated by heating the sample line, and by conditioning the sample with dry dilution air to lower its dew point below the operating temperature of the GC/FPD analytical system prior to analysis.

3.2 Carbon Monoxide and Carbon Dioxide. CO and CO_2 have a substantial densensitizing effect on the detector even after 10:1 dilution. This potential interferenc is eliminated by eluting CO and CO_2 with the "air peak" prior to elution of any sulfur compound.

3.3 Elemental Sulfur. The condensation of sulfur vapor in the sampling lines can lead to eventual coating and even blockage of the sample line. This problem can be eliminated along with the moisture problem by heating the sample line.

4. *Precision.* 4.1 Calibration Precision. A series of three consecutive injections of the same calibration gas, at any dilution, should product results which do not vary by more than ±3% from the mean of the three injection.

4.2 Calibration Drift. The calibration drift determined from the mean of three injections made at the beginning and end of any 8-hour period should not exceed ±3%.

5. *Sample apparatus.* 5.1.1 Sample probe—The sample probe should be fabricated from a suitable length and diameter of stainless steel tubing.

5.1.2 Sample line—0.48 cm (3/16 inch) inside diameter Dekoron FEP Teflon[1] tubing, heated to 120° C. This temperature is controlled by a thermostatic heater.

5.1.3 Sample pump—Leakless Teflon coated diaphragm type or equivalent. The pump head is heated to 120° C by enclosing it in the sample dilution box (5.2.4 below).

[1] Mention of trade names or specific products does not constitute an endorsement by the Environmental Protection Agency.

5.2 Dilution System. A schematic diagram of the dynamic dilution system is given in Figure 15-1. The dilution system is constructed such that all sample contacts are made of inert materials. The dilution system which is heated to 120° C must be capable of a minimum of 10:1 dilution of sample. Equipment used in the dilution system is listed below.

5.2.1 Dilution pump—Model A-150 Kombyr Teflon positive displacement type, non-adjustable 150 cc/min±2.0%, or equivalent, per dilution stage. A 10:1 dilution of sample is accomplished by combining 150 cc of sample with 1350 cc of clean dry air as shown in Figure 15-1.

5.2.2 Valves—Threeway Teflon solenoid or manual type.

5.2.3 Tubing—Teflon tubing and fittings are used throughout from the sample probe to the GC/FPD to present an inert surface for sample gas.

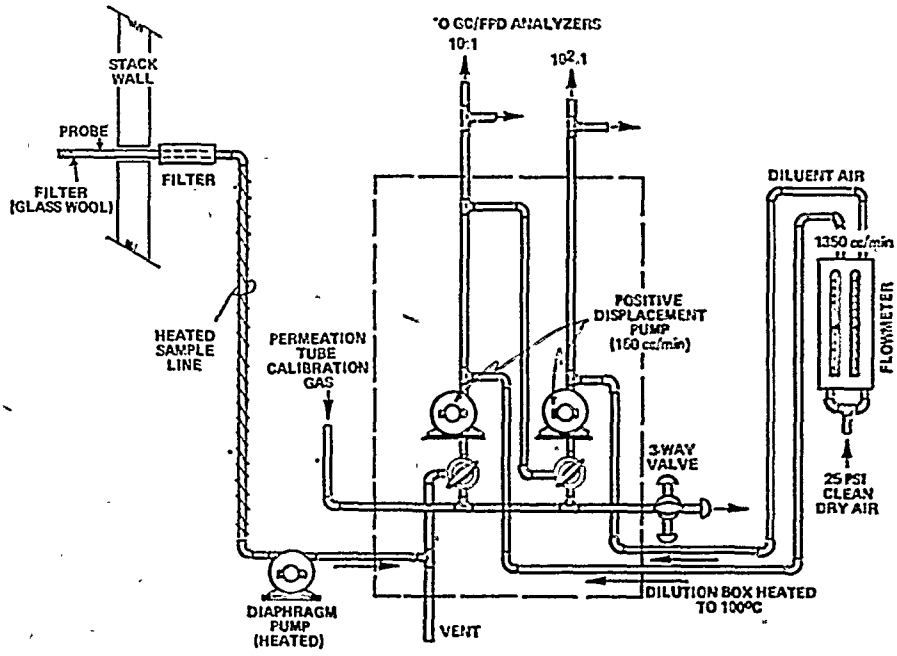

Figure 15-1. Sampling and Dilution Apparatus.

5.2.4 Box — Insulated box, heated and maintained at 120° C, of sufficient dimensions to house dilution apparatus.

5.2.5 Flowmeters—Rotameters or equivalent to measure flow from 0 to 1500 ml/min ±1% per dilution stage.

5.3 Gas Chromatograph.

5.3.1 Column—1.83 m (6 ft) length of Teflon tubing, 2.16 mm (0.085 in.) inside diameter, packed with deactivated silica gel, or equivalent.

5.3.2 Sample valve—Teflon six-port gas sampling valve equipped with a 10 ml sample loop, actuated by compressed air (Figure 15-2).

5.3.3 Oven—For containing sample valve, stripper column and separation column. The oven should be capable of maintaining an elevated temperature ranging from ambient to 100° C, constant with ±1° C.

5.3.4 Temperature monitor—Thermocouple pyrometer to measure column oven, detector, and exhaust temperature ±1° C.

5.3.5 Flow system—Gas metering system to measure sample flow, hydrogen flow, oxygen flow and nitrogen carrier gas flow.

5.3.6 5.3.6 Detector—Flame photometric detector.

5.3.7 Electrometer—Capable of full scale amplification of linear ranges of 10^{-9} to 10^{-4} amperes full scale.

5.3.8 Power supply—Capable of delivering up to 750 volts.

5.3.9 Recorder—Compatible with the output voltage range of the electrometer.

5.4 Calibration. Permeation tube system (Figure 15-3).

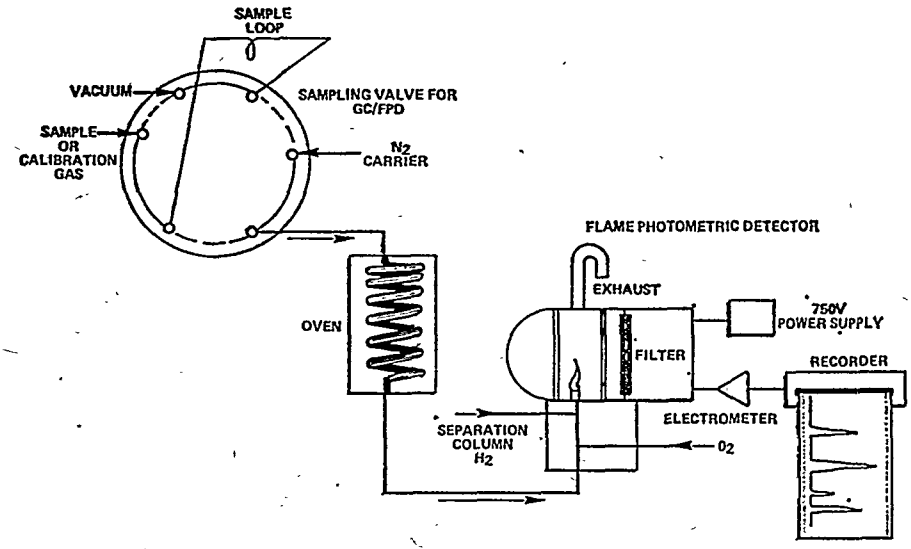

Figure 15.2. Gas Chromatographic Flame Photometric Analyzer.

5.4.1 Tube chamber — Glass chamber of sufficient dimensions to house permeation tubes.

5.4.2 Mass flowmeters — Two mass flowmeters in the range of 0–3 l/min and 0–10 l/min to measure air flow over permeation tubes at ±2%. These flowmeters shall be cross-calibrated at the beginning of each test with a known calibration gas (H_2S or other), comparing responses by GC/FPD. Each mass flowmeter shall be calibrated prior to the first test with a wet test meter and thereafter, at least once each year.

5.4.3 Constant temperature bath—Capable of maintaining permeation tubes at certification temperature at 30°C within ±0.1° C.

5.4.4 Temperature monitor—Thermometer or equivalent to monitor bath temperature within ±0.1° C.

6. *Reagents.* 6.1 Fuel. Hydrogen (H_2) prepurified grade or better.

6.2 Combustion Gas. Oxygen (O_2) prepurified grade or better.

6.3 Carrier Gas. Nitrogen (N_2) prepurified grade or better.

6.4 Diluent. Air containing less than 0.5 ppb total sulfur compounds and less than 10 ppm each of moisture and total hydrocarbons, and filtered using MSA filters 46727 and 79030 or equivalent. Removal of sulfur compounds can be verified by injecting dilution air only, described in Section 8.4.

6.5 Compressed Air. 60 psig for GC valve actuation.

6.6 Calibration Gases. Permeation tubes gravimetrically calibrated and certified at 30.0° C.

7. *Pre-test procedures.* 7.1 After the complete measurement system has been set up at the site and verified to be operational, the following procedures shall be completed before sampling is initiated.

7.1.1 Flowmeter calibration and leak test—Appropriate calibration and leak test procedures shall be employed to verify the accuracy and/or integrity of all flowmeters, sample lines, and connections. For components under negative presure (lines and connections upstream of the sample pump), a leak test is performed using the sample pump to pull a vacuum. Attach the probe end of the sample line to a manometer or vacuum gauge, start the pump and pull greater than 50 mm (2 in.) Hg vacuum. Close off the pump outlet, then stop the pump and ascertain that there is no leak for 5 minutes. For components subject to positive pressure, leak tests shall be performed at each joint by applying a liquid (detergent in water, for example) which will foam in the presence of a leak.

Since the complete dilution system and GC/FPD is calibrated prior to and following each test, the precise calibration of each component is not critical. However, these components should be verified to be operating properly. This verification can be performed by observing the response of flowmeters or of the GC output to changes in flow rates or calibration gas concentrations and ascertaining the response to be within predicted limits. If any component, or if the complete system fails to respond in a normal and predictable manner, the source of the discrepancy shall be identified and corrected before proceeding.

7.1.2 Mass flowmeter calibration—Since all sample calculations are based on the accuracy of air flow measured by the mass flowmeters, it is essential that the cross-calibration check of Section 5.4.2 be followed.

7.1.3 Prior to any sampling run, calibrate the system using the procedures set forth in Section 8. If more than one run is performed during any 24-hour period, a calibration need not be performed prior to the second and any subsequent runs. The calibration must, however, be verified as prescribed in Section 8, after the last run made within the 24-hour period.

8. *Calibration.* 8.1 General Considerations. This section outlines steps to be followed for use of the GC/FPD and the dilution system. The procedure does not include detailed instructions because operation of these systems is complex, and it requires an understanding of the individual system being used. Each system should include a written operating manual describing in detail the operating procedures associated with each component in the measurement system. In addition, the operator should be familiar with the operating principles of the components, particularly the GC/FPD. The references cited at the end of this method are recommended for review for this purpose.

8.2 Permeation Tubes. Under the following procedure, accurately known concentrations (±1%) of a variety of sulfur compounds are generated by passing clean dry air or other diluent gas over permeation tubes, each containing a specific sulfur compound as a permeant. These tubes consist of hermetically sealed FEP Teflon tubing in which a liquefied gaseous substance is enclosed. The enclosed gas permeates through the tubing wall

at a constant rate. When the temperature is constant, calibration gases covering a wide range of known concentrations can be generated by varying and accurately measuring the flow rate of diluent gas passing over the tubes. These calibration gases are used to calibrate the GC/FPD system and the dilution system.

8.3 Calibration Procedure. Assemble the permeation tube calibration apparatus as depicted in Figure 15-3. Insert the permeation tubes into the glass tube chamber. Check the bath temperature to assure agreement with the calibration temperature of the tubes within ±1° C. A temperature of 30° C is recommended for the sulfur gas tubes. Allow several hours for the tubes to equilibrate. When equilibrated, vary the flow rate of diluent air flowing over the tubes to produce the desired concentrations for calibrating the analytical and dilution systems. The air flow across the tubes must at all times exceed the flow requirement of the analytical systems. The concentration in parts per million generated by a tube containing a specific permeant can be calculated as follows:

Equation 15-1

$$C = K\frac{P_r}{ML}$$

Where:
C=Concentration of permeant produced in ppm.
P_r=Permeation rate of the tube in µg/min.
M=Molecular weight of the permeant $\left(\frac{g}{g\text{-mole}}\right)$.
L=Flow rate, l/min, of air over permeant @29° C, 760 mm Hg.
K=Gas constant at 29° C and 760 mm Hg=24.04 l/g mole.

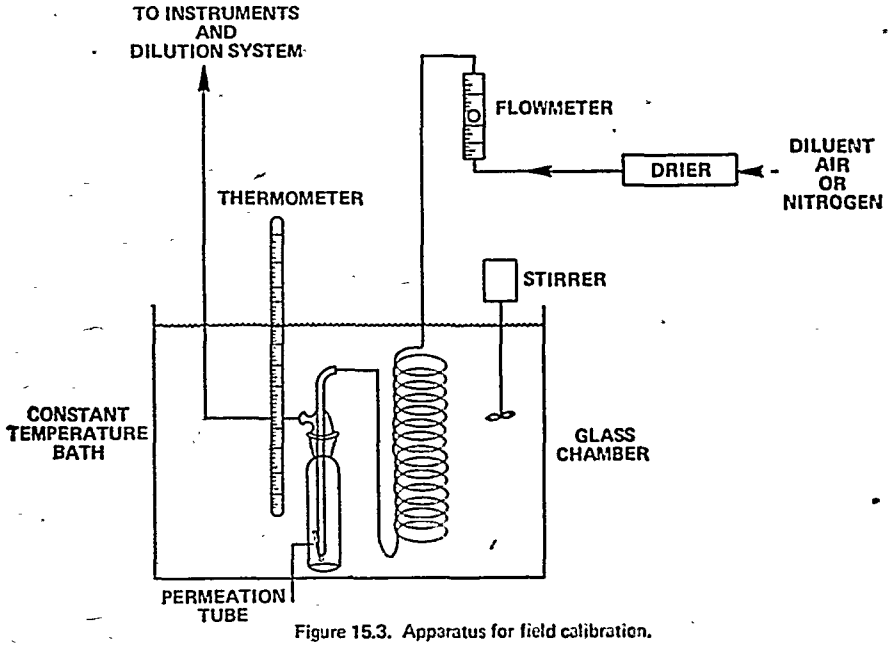

Figure 15.3. Apparatus for field calibration.

8.4 Operating Condition for GC/FPD System. The operation parameters for the GC/FPD system are as follows: nitrogen carrier gas flow rate of 100 cc/minute, exhaust temperature of 110° C, detector temperature of 105° C, oven temperature of 40° C, hydrogen flow rate of 80 cc/minute, oxygen flow rate of 20 cc/minute, and sample flow rate of 80 cc/minute.

8.5 Calibration of GC/FPD Analysis Systems. Generate a series of three or more known concentrations spanning the linear range of the RPD (approximately 0.05 to 1.0 ppm) for each sulfur compound anticipated to be present in the gas stream analyzed. Bypassing the dilution system, inject these standards into the GC/FPD analyzers and monitor the responses. Three injects for each concentration must yield the precision described in Section 4.1. Failure to attain this precision is an indication of a problem in the calibration or analytical system. Any such problem must be identified and corrected before proceeding. Peak heights, rather than integrated areas, have proven satisfactory; however, integrated areas may be required for alternate columns or instrumentation.

8.5.1 Calibration curves—Plot the GC/FPD responses in current (amperes) versus their causative concentrations in ppm on log-log coordinate graph paper for each sulfur compound calibrated.

8.6 Calibration of Dilution System. Generate a known concentration of hydrogen sulfide using the permeation tube system. Adjust the flow rate of diluent air for the first dilution stage so that the desired level of dilution is approximated. Inject the diluted calibration gas into the GC/FPD and monitor its response. Three injects for each dilution must yield the precision described in Section 4.1. Failure to attain this precision in this step is an indication of a problem in the dilution system. Any such problem must be identified and corrected before proceeding. Using the calibration curve for H_2S (developed under 8.5.1), determine the diluted calibration gas concentration in ppm. Then, calculate the dilution factor as the ratio of the calibration gas concentration before dilution to the diluted calibration gas concentration determined under this paragraph. Repeat this procedure for each stage of dilution required.

9. *Sampling and analysis procedure.*

9.1 Sampling. Insert the sampling probe into the test port making certain that no dilution air enters the stack through the port. Begin sampling and dilute the sample approximately 10:1 using the dilution system shown in Figure 15-1. Note that the precise dilution factor is that which is determined in paragraph 8.6. Condition the entire system with sample for a minimum of 15 minutes prior to commencing analysis.

9.2 Analysis. The sample value is actuated for one minute in which time an aliquot of diluted sample is injected onto separation column. The valve is then deactivated for the remainder of the analysis cycle in which time the sample loop is refilled and the separation column continues to be flushed. The elution time for each compound will be determined during calibration.

9.3 Sample Run A sample consists of one analysis (injection).

10. *Post-test procedures.*

10.1 Recalibration. After each run, or after a series of runs made within a 24-hour period, perform a partial recalibration using the procedures in Section 8. Only H_2S (or other permeant) need be used to recalibrate the GC/FPD analysis system (8.4) and the dilution system (8.5).

10.2 Determination of Calibration Drift. Compare the calibration curves obtained prior to the runs to the calibration curves obtained under paragraph 10.1. The calibration drift must not exceed the limits set forth in paragraph 4.2. If the drift exceeds this limit, the intervening run or runs shall be considered not valid.

11. *Calculations.*

11.1 Determine the concentrations of hydrogen sulfide, carbonyl sulfide, and carbon disulfide detected in each sample directly from the calibration curves.

11.2 Sulfur Dioxide Equivalent. For each sample the concentrations of hydrogen sulfide, carbonyl sulfide, and carbon disulfide are totaled and the sum expressed as sulfur dioxide using the following equation:

SO_2 equivalent=$[H_2S]+[COS]+2[CS_2]$

SO_2 equivalent=The sum of the concentration of each of the measured compounds (H_2S, COS, CS_2) expressed as sulfur dioxide, in ppm.

$[H_2S]$=Measured concentration of hydrogen sulfide, in ppm.

[COS]=Measured concentration of carbonyl sulfide, in ppm.

$[CS_2]$=Measured concentration of CS_2, in ppm.

12. *Bibliography.*

12.1 O'Keeffe, A. E. and Ortman, G. C., "Primary Standards for Trace Gas Analysis," Anal. Chem. 38,760 (1966).

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12.3 Mulick, J. D., Stevens, R. K., and Baumgardner, R., "An Analytical System Designed to Measure Multiple Malodorous Compounds Related to Kraft Mill Activities," presented at the 12th Conference on Methods in Air Pollution and Industrial Hygiene Studies, University of Southern California, Los Angeles, Ca., April 6-8, 1971.

12.4 Devonald, R. H., Serenius, R. S., and McIntyre, A. D., "Evaluation of the Flame Photometric Detector for Analysis of Sulfur Compounds," Pulp and Paper Magazine of Canada, 73, 3 (March 1972).

12.5 Grimley, K. W., Smith, W. S., and Martin, R. M., "The Use of a Dynamic Dilution System in the Conditioning of Stack Gases for Automated Analysis by a Mobile Sampling Van," presented at the 63rd Annual APCA Meeting in St. Louis, Mo., June 14-19, 1970.

12.6 Hartman, C. H., "Improved Chromatographic Techniques for Sulfur Pollutants," presented at the Joint Conference on Sensing of Environmental Pollutants, Palo Alto, California, November 8-10, 1971.

12.7 General Reference. Standard Methods of Chemical Analysis Volume III A and B Instrumental Methods. Sixth Edition. Van Nostrand Reinhold Co.

[FR Doc.76-28711 Filed 10-1-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 610-5]

AIR POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Stationary Sources

Section 111 of the Clean Air Act (42 U.S.C. 1857c-6) directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise, a list of categories of stationary sources which he determines may contribute significantly to air pollution which causes or contributes to the endangered of public health or welfare. Within 120 days after the inclusion of a category of stationary sources in such list, the Administrator is required to propose regulations establishing standards of performance for new and modified sources within such category. At present, standards of performance for 24 categories of sources have been promulgated.

The Administrator, after evaluating available information, has determined that petroleum refinery sulfur recovery plants are an additional facility within the petroleum refinery category which meets the above requirements. The basis for this determination is discussed in the preamble to the proposed regulation that is published at page 43866 in this issue of the FEDERAL REGISTER. Evaluation of other stationary source categories is in progress, and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 111(b)(1)(A) of the Act and after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, effective (date of publication) amends the list of categories of stationary sources to read as follows:

LIST OF CATEGORIES OF STATIONARY SOURCES AND CORRESPONDING AFFECTED FACILITIES

Source category	*Affected facilities*
* *	* * *
7. Petroleum refineries.	Fluid catalytic cracking unit catalyst regenerators. Fuel Gas Combustion Devices. Sulfur Recovery Plants.
* *	* * *

Proposed standards of performance applicable to the above source category appear at page 43866 in this issue of the FEDERAL REGISTER.

Dated: September 16, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-28710 Filed 10-1-76;8:45 am]

federal register

MONDAY, OCTOBER 4, 1976

PART V:

SECURITIES AND EXCHANGE COMMISSION

■

BUSINESS COMBINATION TRANSACTIONS

Proposed Experimental Short Registration Form

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 240]

[Release Nos. 33-5744, 34-12831, 35-19694; IC-9459; File No. S7-655]

BUSINESS COMBINATION TRANSACTIONS

Proposed Experimental Short Registration Form and Proposed Amendments of Related Rules

The Securities and Exchange Commission today published for comment:

(1) Proposed Form S-14A (17 CFR 239.28), an optional short form for registration under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) of securities of certain issuers to be issued in reclassifications and business combinations of the character described in Securities Act Rule 145(a) (17 CFR 230.145(a));

(2) A proposed amendment to Rule 429(a) under the Securities Act (17 CFR 230.429(a)) which would make the rule unavailable if the issuer's latest registration statement was filed on Form S-14A; and

(3) Proposed amendments to Rule 14a-3 (17 CFR 240.14a-3), 14a-6 (17 CFR 240.14a-6), 14a-11 (17 CFR 240.14a-11), 14a-12 (17 CFR 240.14a-12), 14c-2 (17 CFR 240.14c-2) and 14c-5 (17 CFR 240.-14c-5) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) to provide that material filed in a Form S-14A registration statement under the Securities Act would satisfy the informational and filing requirements of the proxy or informational rules under section 14 of the Exchange Act.

This release contains a brief synopsis of certain significant aspects of the proposals.

BACKGROUND AND PURPOSE

The registration of securities and solicitation of proxies in business combination transactions of the character described in Securities Act Rule 145(a) have resulted in some of the longest and most complex disclosure documents filed with the Commission and provided to investors. The size and complexity of these documents are such that many investors cannot realistically be expected to read and study them, particularly when their holdings in the securities involved are so small that the transactions described would have only a limited impact upon them. The Commission believes, therefore, that such investors may be better served if they were provided with a prospectus (and proxy or information statement) which is substantially shorter and simpler. On the other hand, the Commission believes that detailed information relating to such transactions should be made readily available, on a timely basis, to investors who wish to receive it.

Accordingly, the Commission is proposing a new optional short form, to be designated Form S-14A, for the registration of securities to be issued in specified business combination transactions by issuers meeting the requirements for use of Form S-7 (17 CFR 239.26).[1] This proposed new form would provide for a short prospectus (and proxy or information statement), consisting principally of information concerning the transaction in which the registered securities are to be issued. More detailed information concerning the transaction, and the parties to the transaction, would be filed with the Commission as a new Part II of the registration statement and incorporated by reference in the prospectus. The registrant would be required to provide Part II, at its own expense, upon request.

This proposal is intended to result in a prospectus (and proxy or information statement) which can be more easily read and understood by many investors and, at the same time, to require additional detailed information to be provided to those investors who wish to receive it. The proposal also should reduce mailing and printing costs incurred by registrants.

The success of this new form will depend on the cooperation of issuers in preparing the prospectus as concisely and clearly as possible. While the proposed form would permit substantive information to be omitted from Part I of the registration statement if it is included in Part II, should the form be adopted, the Commisison would expect issuers to exercise care in the preparation of a registration statement pursuant to the form to make sure that Part I is not misleading to investors.

The proposition that an investor need not be directly furnished all material information about an issuer before making an investment decision is not new. Billions of dollars worth of securities are purchased and sold in the trading markets each year by investors who are not provided copies of prospectuses before they make their investment decisions. However, considerable information is available to the markets and thus to investors in the form of annual, quarterly and current reports and proxy statements on file with the Commission. And, the Commission has recognized that, in a number of analogous situations, economic reality does not require that an investor be provided with a full prospectus, or any prospectus.

For example, Form S-16 (17 CFR 239.27), one of the short forms for registration of securities under the Securities Act, requires only a limited amount of information in the prospectus, relying on incorporation by reference of Exchange Act reports and proxy statements. Similarly, Form S-8 (17 CFR 239.16b) under the Securities Act permits extensive incorporation of material previously furnished to employees being offered securities pursuant to employee benefit plans. And Securities Act Rule 153 (17 CFR 230.153) severely curtails the prospectus delivery requirements in connection with secondary transactions in exchange listed securities.

The foregoing examples represent curtailed disclosure requirements for secondary or other transactions not involving direct financing by the issuer. However, primary financing transactions also are subject to similar provisions. Thus, Securities Act Forms S-1 (17 CFR 239.11) and S-7 permit summary prospectuses, which summarize certain items of information and omit others, to be used during the period between the filing and effective dates of a registration statement, although a full prospectus is still required to be delivered with or prior to confirmation of the transaction.

Proposed Form S-14A represents another effort by the Commission to improve the corporate disclosure process in light of the economic and practical realities of investment decisionmaking. While detailed disclosure is considered by many investors to be necessary to an informed investment decision, many other investors may not read or wish to receive such detailed information. Accordingly, Form S-14A is intended to provide information which would be useful in making an investment decision and, at the same time, to make the detailed disclosure believed by many to be essential to an informed investment decision available upon request to interested stockholders and others.

The Commission recognizes, however, that proposed Form S-14A presents many difficult legal and policy issues which have not yet been resolved and some of which may not be subject to resolution under existing law. Nevertheless, the Commission firmly believes that it is necessary, to the extent possible, to simplify corporate disclosure documents and therefore wishes to receive the benefit of public comments on this proposal.

Like Forms S-7, S-8 and S-16 which take into consideration information otherwise filed with the Commission and available to the public, proposed Form S-14A would be in the nature of an experiment. Accordingly, if the proposals published today are adopted, the Commission will carefully monitor the use of the form to determine whether it serves the objectives of the federal securities laws.

SYNOPSIS OF THE PROPOSALS

I. PROPOSED FORM S-14A

Proposed Form S-14A would be an optional form available to certain issuers for registration under the Securities Act of securities to be issued in specified business combination transactions. As

[1] These conditions include a minimum earnings test and a requirement that the issuer has provided continuous disclosure to investors pursuant to the Exchange Act reporting requirements for a specified number of years. On July 26, 1976, the Commission published for comment proposed amendments to Form S-7 which would substantially relax the conditions to use of the form and make it available to more issuers. Securities Act Release No. 5728 (July 26, 1976) (41 FR 32540, August 3, 1976). If Form S-7 is amended as proposed, Form S-14A would be available to this expanded group of issuers.

proposed, it would consist of three parts: Part I, the statutory prospectus delivered to all security holders containing only certain specified information and an undertaking to furnish Part II without charge upon request; Part II, containing more detailed information which would be incorporated by reference in the prospectus; and Part III, which would contain the standard information usually filed with the Commission as Part II of a registration statement. The proposed S-14A prospectus (Part I) is intended to satisfy the informational requirements of section 10(a) of the Securities Act and its delivery is intended to meet the delivery requirements of section 5(b)(2) of that Act. The proposed S-14A prospectus would also serve as the proxy or information statement used in connection with the transaction and would meet the informational and filing requirements of the proxy or information rules under section 14 of the Exchange Act, where applicable.

A detailed discussion of the conditions to use and the contents of the proposed form are set forth below.

A. *Rule as to Use of Proposed Form S-14A*

Proposed Form S-14A would be available to issuers which, at the time of filing the registration statement, meet the requirements for use of Form S-7 (17 CFR 239.26) and could be used for registration under the Securities Act of securities to be issued in a reclassification or business combination transaction of the character specified in Securities Act Rule 145(a). In a consolidation, the proposed form could be used by an issuer not yet in existence only if each existing corporation which is a party to the consolidation meets the requirements for use of Form S-7. Forms S-1 (17 CFR 239.11) and S-14 (17 CFR 239.23) would remain available for the registration of securities in a Rule 145(a) transaction by issuers not eligible, or not desiring, to use Form S-14A.

As a further condition to use of the proposed form, the prospectus (proxy statement) would be required to be delivered to security holders whose vote or consent is solicited at least 40 days prior to the date on which the meeting of such security holders is held or on which the transaction is effected, if no such meeting is held. This condition is intended to provide security holders with sufficient time in which to examine the prospectus; to request, obtain and examine Part II of the registration statement; and to execute and return a proxy.

In addition, the form would not be available unless the only matters intended to be acted upon are with respect to a plan for the Rule 145(a) transaction; the authorization, issuance, modification or exchange of securities in connection with the Rule 145(a) transaction; or proposals of security holders included pursuant to Rule 14a-8 (17 CFR 240.14a-8) under the Exchange Act. Issuers wishing to act simultaneously on additional matters would have the option of using either Form S-14 or a separate proxy or information statement describing such other matters.

B. *Documents Comprising the Registration Statement*

Under the proposal, the S-14A registration statement would consist of the facing sheet; the prospectus containing the information specified in Part I of the form; the information called for by Part II, which would be incorporated in the prospectus by reference; the information called for by Part III; exhibits, signatures, consents of experts, and other information, undertakings or documents filed as part of the registration statement.

C. *Compliance with Proxy or Information Rules*

In order to minimize the burdens on issuers, the proposed form would provide that a prospectus containing the information specified by the form would meet the informational requirements of the proxy or information rules under section 14 of the Exchange Act and could be in the form of a proxy or information statement. Further, material filed in the registration statement would meet the filing requirements of the proxy or information rules, where applicable.

D. *Unavailability of Form for Reoffers or Resales*

Under the proposal, a Form S-14A prospectus would consist principally of information concerning the subject business combination transaction and would contain only limited information concerning the registrant and other parties to the transaction (although substantial information regarding such persons would be incorporated by reference in the prospectus from Part II of the registration statement and made available upon request). The Commission believes that such a prospectus would not be appropriate for use in connection with offers or sales of the registered securities to persons who are not security holders of a party to the transaction. Accordingly, proposed Form S-14A includes an instruction prohibiting use of the Form S-14A prospectus for reoffers or resales of securities acquired pursuant to a registration statement on the form by any affiliate of the registrant or any other persons who may be deemed to be underwriters of the securities. Instead, reoffers or resales of securities by such persons would have to be made pursuant to a registration statement on any other available form under the Securities Act, such as Form S-16, or pursuant to an appropriate exemption from the registration requirements of the Act, such as Regulation A or Rule 145(d).

E. INFORMATION REQUIRED IN THE PROSPECTUS

Proposed Form S-14A is designed to provide for a shorter, simpler prospectus which will be more understandable to ordinary investors. Registrants are urged to present information in the prospectus as clearly and concisely as possible. Accordingly, a summary in the forepart of the prospectus generally would not be required.

1. INFORMATION REQUIRED BY PROXY OR INFORMATION RULES

Since the S-14A prospectus could be in the form of a proxy or information statement, Item 1 of the proposed form would require that the prospectus include information relating to the voting of shares, such as procedures for revoking a proxy, persons making the solicitation, voting securities and principal holders thereof, the vote required for approval, and similar information required to be included in any proxy or information statement regardless of the matter being acted upon. In addition, an issuer would be permitted to use the prospectus as a proxy or information statement with respect to the authorization, issuance, modification or exchange of the registered securities in connection with the proposed Rule 145(a) transaction: *Provided*, That the prospectus contains the additional information relating to such matters required by the proxy or information rules under the Exchange Act.

2. INFORMATION REGARDING THE PLAN OF PROPOSED ACTION AND RELATED MATTERS

A prospectus prepared pursuant to proposed Form S-14A would consist principally of information regarding the transaction in which the registered securities are to be issued. Specifically, Items 2 through 5 and Item 7 of the proposed form would require in the prospectus brief descriptions of: (1) The securities being registered; (2) the material features of the plan, the reasons therefor and general effect thereof on rights of existing security holders; (3) comparative market prices of securities affected by the plan; (4) dissenters' rights with respect to the plan; (5) material interests of management and others in the proposed transaction; and (6) a list of parents of the registrant to indicate control currently and as affected by the plan.

3. INFORMATION REGARDING THE PARTIES TO THE PROPOSED TRANSACTION

The S-14A prospectus also would include abbreviated information concerning the parties to the proposed transaction, with appropriate cross-reference to more detailed information set forth in Part II of the registration statement, which would be incorporated by reference in the prospectus. Item 6 of proposed Form S-14A would require that the prospectus include very brief statements of the business and certain material legal proceedings of each party to the transaction, including lines of business information. In addition, Item 8 would require brief financial information consisting of specified income statement, per share, and balance sheet data in tabular form for each party to the transaction on an historical and pro forma combined basis, including comparative per share data equated to a common basis

of exchange. A brief textual discussion would explain material changes in the income data from period to period.

This disclosure is intended to inform security holders of the general nature of the more detailed business and financial information set forth in Part II of the registration statement, which would be available upon request.

4. STATEMENTS OF AVAILABLE INFORMATION AND INFORMATION INCORPORATED BY REFERENCE

Proposed Form S-14A would require the registrant to include a statement in the prospectus informing security holders that it files reports under the Exchange Act which may be inspected, copied and obtained at specified offices of the Commission.

A further statement would be required to advise security holders that significant additional substantive information which may be necessary to make a more informed investment decision regarding the proposed transaction has been filed with the Commission as Part II of the registration statement. Such information would be briefly described and incorporated by reference in the prospectus. The registrant would be required to promptly provide Part II upon request, at its own expense, and to furnish with each prospectus a pre-addressed, postage-paid card, envelope, or similar material which a person could use to request Part II. Security holders would be encouraged to request Part II or to seek professional investment advice. The requirements for describing and furnishing Part II are set forth in Item 9 of the proposed form.

F. INFORMATION AVAILABLE UPON REQUEST

Under the proposal, Part II of an S-14A registration statement would consist principally of descriptions of business, legal proceedings, management, and financial statements. Part II would be incorporated in the prospectus by reference and made available upon request pursuant to the provisions of Item 9 of the proposed form, outlined above.

Specifically, Item 10 of the proposed form would require for each party to the transaction a description of business and related matters, including material legal proceedings, as required by Item 5 of Form S-7. Disclosure contained in Part I, such as lines of business information, would not need to be repeated in Part II. The same type of business disclosure would be required for each party to the transaction, even though only the registrant would be required to meet S-7 standards.

Item 11 of the proposed form would require that Part II include information regarding officers, directors and principal security holders of the surviving or acquiring company, including remuneration and certain transactions with management and others, as required by Items 6 and 7 of Schedule 14A of Regulation 14A under the Exchange Act. Item 12 would require that Part II include a brief summary of provisions restricting the payment of dividends as to the securities to be registered.

Historical and pro forma financial statements would be included in Part II pursuant to Item 13 of the proposed form. Each subject company would be required to furnish audited statements of income and other financial statements and schedules meeting the requirements of Items 6 and 10 of Form S-7. However, a party to the proposed transaction which is not subject to the reporting requirements of the Exchange Act would be required to furnish audited financial statements only if practicable.

In addition to the items of information specified above, Item 14 of the proposed form would permit the registrant to include in Part II of the registration statement any other information it deems necessary or appropriate. Any exhibits, such as the merger plan or copies of statutes covering dissenters' rights, which registrant desires to make available to security holders, would be listed under Item 14 and delivered to persons requesting copies of Part II. Item 15 would call for interests of experts named in the registration statement.

G. OTHER INFORMATION PROPOSED AS PART OF THE REGISTRATION STATEMENT

Part III of proposed Form S-14A would contain information usually filed with the Commission as Part II of a registration statement, including indemnification of officers and directors and a list of all exhibits filed. The only exhibits required would be those pertinent to the proposed offering, including material contracts referred to in Part I or Part II of the registration statement.

II. PROPOSED AMENDMENT TO RULE 429 UNDER THE SECURITIES ACT

Securities Act Rule 429(a) (17 CFR 230.429(a)) permits the use of a combined prospectus in connection with the offer or sale of securities covered by two or more registration statements filed by the same issuer, if the most recent statement contains all of the information which would be required in a prospectus relating to the securities covered by the earlier registration statements. However, the Rule does not apply if the lastest registration statement was filed on Form S-14 or S-16, because a prospectus for securities registered on those forms is not deemed suitable for securities registered on other forms. Since the proposed S-14A prospectus would consist principally of information regarding the Rule 145(a) transaction and would permit substantial information to be incorporated by reference, it too would not be suitable for securities registered pursuant to other forms. Therefore, the Commission proposes to amend Rule 429(a) to prohibit the use of a combined prospectus if the latest registration statement if filed on Form S-14A.

III. PROPOSED AMENDMENTS TO EXCHANGE ACT RULES 14a-3, 14a-6, 14a-11, 14a-12, 14c-2, AND 14c-5

A. RULE 14a-3, INFORMATION TO BE FURNISHED SECURITY HOLDERS

Exchange Act Rule 14a-3(a) (17 CFR 240.14a-3(a)) provides that no solicitation subject to the proxy rules shall be made unless each person solicited is concurrently furnished or has previously been furnished a written proxy statement containing the information specified in Schedule 14A (17 CFR 240.14a-101) under that Act. The Commission proposes to amend Rule 14a-3 to provide that material filed in a Form S-14A registration statement under the Securities Act containing the information required by that form would satisfy the requirements of the rule.

B. RULE 14a-6. MATERIAL REQUIRED TO BE FILED

The Commission proposes to amend Exchange Act Rule 14a-6(j) (17 CFR 240.14a-6(i)) to provide that material filed in an S-14A registration statement under the Securities Act would satisfy the filing requirements of the proxy rules under the Exchange Act. This amendment would enable registrants to avoid filing copies of the registration statement as a proxy statement under the Exchange Act and paying a proxy filing fee.

C. RULE 14a-11. SPECIAL PROVISIONS APPLICABLE TO ELECTION CONTESTS

Rule 14a-11(d) (17 CFR 240.14a-11(d)) under the Exchange Act provides that, notwithstanding the provisions of Rule 14a-3(a), solicitations with respect to an election contest may be made prior to furnishing security holders a written proxy statement containing the information specified in Schedule 14A, provided that certain conditions are met. One of the conditions, as set forth in subparagraph (2) of the rule, is that no form of proxy be furnished to security holders prior to the time the written proxy statement required by Rule 14a-3(a) is furnished, except in the situation where a proxy statement then meeting the requirements of Schedule 14A has already been furnished to security holders.

Since the proposed amendment to Rule 14a-3(a) would provide that a proxy statement included in a registration statement filed under the Securities Act on Form S-14A could contain the information specified in that form in lieu of the information specified in Schedule 14A, the Commission proposes to amend Exchange Act Rule 14a-11(d) to refer to Rule 14a-3(a) and to delete the reference to Schedule 14A.

D. RULE 14a-12. SOLICITATIONS PRIOR TO FURNISHING REQUIRED PROXY STATEMENT

Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12) provides that, notwithstanding the provisions of Rule 14a-3(a) under that Act, solicitations in opposition to prior solicitations may be made before furnishing security holders a written proxy statement containing the information specified in Schedule 14A, if certain conditions are met, including the same condition as that set forth in subparagraph (2) of Rule 14a-11(d).

The amendment to Rule 14a-12(a) proposed today, which is analogous to the proposed amendment to Rule 14a-11(d) outlined above, would delete the reference in the Rule to Schedule 14A and in-

clude instead a reference to Rule 14a-3(a).

E. RULE 14C-2. DISTRIBUTION OF INFORMATION STATEMENT

Rule 14c-2(a) under the Exchange Act (17 CFR 240.14c-2(a)) requires an issuer subject to the information rules to transmit to its security holders a written information statement containing the information specified in Schedule 14C. To provide similar treatment for proxy material and information statements, the Commission proposes to amend Rule 14c-2 to provide that material filed in a Form S-14A registration statement would satisfy the requirements of the rule.

F. RULE 14C-5. FILING OF INFORMATION STATEMENT

In order to provide similar treatment for proxy material and information statements, the Commission proposes to amend Exchange Act Rule 14c-5(e) (17 CFR 240.14c-5(e)), to provide that material filed in a Form S-14A registration statement under the Securities Act would satisfy the filing requirements of Regulation 14C under the Exchange Act. In such instances, there would be no information statement filing fee required.

PROPOSED AMENDMENTS

The text of the proposed amendments is set forth below:

1. 17 CFR Part 239 is proposed to be amended by adding a new § 239.28 to read as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.28 Form S-14A, optional form for registration of securities of certain issuers to be offered in certain transactions under Rule 145 (§ 230.145 of this chapter).

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM S-14A

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

(Exact name of registrant as specified in its charter)

(State or other jurisdiction of incorporation or organization)	(IRS Employer Identification No.)

(Address of principal executive offices, including Zip Code)

Registrant's telephone number, including area code.....

(Name and address of agent for service)

Approximate date of commencement of the proposed sale of the securities to the public.....

Calculation of registration fee

Title of securities to be registered	Amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

FORM S-14A

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form S-14A.* (a) In addition to Form S-14 (§ 239.23) and Form S-1 (§ 239.11), Form S-14A may be used for registration under the Securities Act of 1933 of securities of any issuer which at the time of filing the registration statement meets the requirements for the use of Form S-7 (§ 239.26), if such securities are to be issued in a transaction specified in paragraph (a) of Securities Act Rule 145 (§ 230.145 of this chapter): *Provided, however,* That Form S-14A shall not be so used unless the prospectus is delivered to the security holders whose vote or consent is solicited at least 40 days prior to the date on which the meeting of such security holders is held or the date on which the transaction is effectuated if no such meeting is held: *Provided, further,* That Form S-14A shall not be so used unless the only matters intended to be acted upon are with respect to a plan for the Rule 145(a) transaction; the authorization, issuance, modification, or exchange of securities in connection with the Rule 145(a) transaction; or proposals of security holders included pursuant to Rule 14a-8 under the Securities Exchange Act of 1934 (§ 240.14a-8 of this chapter).

(b) If the securities to be offered are those of an issuer not yet in existence at the time the registration statement is filed, but which will be a party to a consolidation involving two or more existing corporations, Form S-14A shall be available to such issuer: *Provided,* That each of the existing corporations meets the requirements specified in paragraph (a) above.

B. *Application of general rules and regulations.* Attention is directed to the general rules and regulations under the Act, particularly those comprising Regulation C (§§ 230.400 to 230.494 of this chapter). That regulation contains general requirements regarding the preparation and filing of the registration statement.

C. *Documents comprising registration statement.* The registration statement shall consist of the facing sheet of the form, the prospectus containing the information specified in Part I, the information called for by Part II which is incorporated in the prospectus by reference, the information called for by Part III, signatures, consents of experts, exhibits, and any other information, undertakings, or documents which are required or which the registrant may file as a part of the registration statement.

D. *Form and Content of Prospectus and Part II.* (a) The information set forth in the prospectus and in Part II of the registration statement should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. The prospectus shall contain the information called for by all of the items of Part I of the form; Part II of the registration statement shall contain the information called for by all the items of Part II of the form. No reference need be made to inapplicable items, and negative answers to any item may be omitted.

(b) Unless clearly indicated otherwise, information set forth in any part of the prospectus or Part II of the registration statement need not be duplicated elsewhere in the prospectus or in Part II. Where it is deemed necessary or desirable to call attention to such information in more than one part of the prospectus or Part II, this may be accomplished by appropriate cross-reference.

E. *Compliance with Proxy or Information Rules.* If a corporation or other person submits a proposal to its security holders entitled to vote on or consent to the transaction in which the securities being registered are to be issued, the prospectus may be in the form of a proxy or information statement. Such proxy or information statement shall contain the information required by this form in lieu of that required by Schedule 14A (§ 240.14a-101 of this chapter) or 14C (§ 240.14c-101) of Regulation 14A or 14C under the Securities Exchange Act of 1934.

(a) If such person's submission to its security holders is subject to Regulation 14A (§§ 240.14a-1 to 14a-101 of this chapter) or 14C (§§ 240.14c-1 to 14c-101) under the Securities Exchange Act of 1934, then the provisions of such regulations shall apply in all respects to such person's submission, except that copies of the preliminary and definitive proxy or information statement, form of proxy or other material filed as a part of the registration statement shall be deemed filed pursuant to such person's obligations under such regulations. All other soliciting material shall be filed in accordance with such regulations.

(b) If the proxy or information material sent to security holders is not subject to Regulation 14A or 14C, the material shall contain the information which would be required to be included in proxy or information material subject to such regulations. All such material shall be filed as a part of the registration statement at the time the statement is filed or as an amendment thereto prior to the use of such material.

F. *Preparation of Part III.* Part III of the registration statement shall contain the numbers and captions of the items in Part III of the form but the text of the items and the instructions thereto are to be omitted. The answers to the items are to be prepared so as to indicate to the reader the coverage of the items without the necessity of referring to the text of the items or the instructions thereto. If the information required by any item of Part III is completely disclosed in the prospectus, such item may be answered by a reference to the specific page or caption of the prospectus which contains such infor-

mation. If any item of Part III is inapplicable or the answer thereto is in the negative, a statement to that effect shall be made in answer to the item.

G. *Unavailability of the prospectus for reoffers or resales.* The Form S-14A prospectus will not be available for reoffers or resales of securities acquired pursuant to this registration statement by affiliates of the registrant or any other persons who may be deemed underwriters of such securities.

PART I.—INFORMATION REQUIRED IN THE PROSPECTUS

Item 1. Information Required by Proxy or Information Rules. (a) If proxies or consents are to be solicited, include, where applicable, the information required by the following items of Schedule 14A (§ 240.14a-101 of this chapter) of Regulation 14A under the Securities Exchange Act of 1934:

Item 1. Revocability of proxy;

Item 3. Persons Making the Solicitation;

Item 5. Voting securities and principal holders thereof;

Item 12. Authorization or issuance of securities otherwise than for exchange (where action is to be taken with respect to the securities to be registered);

Item 13. Modification or exchange of securities (where action is to be taken with respect to the securities to be registered); and

Item 22. Voting required for approval. (b) If proxies or consents are not to be solicited, include, where applicable, the information required by Items 5, 12, 13, and 22 of Schedule 14A above and the following items of Schedule 14C (§ 240.14c-101 of this chapter) of Regulation 14C under the Securities Exchange Act of 1934:

Item 2. Statement that proxies are not solicited;

Item 3. Date, time and place of meeting;

Item 4(b). Interest of certain persons in or opposition to matters to be acted upon; and

Item 5. Proposals by security holders.

Item 2. Dissenters' Rights of Appraisal. Outline briefly in chronological order the steps which a dissenting security holder must follow in order to perfect his rights of appraisal or similar dissenters' rights with respect to the proposed transaction. Where such rights may be exercised only within a limited time after the date of adoption of a proposal, the filing of a charter amendment or other similar act, the registrant shall include a statement undertaking to notify persons solicited of such date.

Instructions 1. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken by the registrant in regard to these matters.

2. Do not set forth the provisions of State law verbatim. If the applicable State law is set forth in a statute which the registrant or other party to the proposed transaction desires to make available to security holders, the statute shall be filed as an exhibit to the registration statement and furnished with Part II pursuant to Item 14(b) of this forms.

Item 3. Plan of Proposed Action. (a) Outline briefly the material features of the plan of proposed action. State the reasons therefor and the general effect thereof upon the rights of existing security holders.

Instructions 1. This item requires only a brief summary of the features which are pertinent from an investment standpoint. A complete legal description of the features referred to is not required and should not be given. Do not set forth the provisions of the plan verbatim; only a succinct resume is required.

2. Include a brief summary, as applicable, of the significant differences between the rights of existing security holders and their rights as holders of the securities to be registered.

3. If the plan is set forth in a written document which the registrant or other party to the proposed transaction desires to make available to security holders, the plan shall be furnished with Part II pursuant to Item 14(b) of this form.

(b) As to each class of securities of the registrant, or of any person which is a party to the plan of proposed action, which is listed for trading on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within the past two years.

Item 4. Interest of certain persons in matters to be acted upon. Describe briefly any material interest, direct or indirect, by security holdings or otherwise, of each of the following persons in the matters to be acted upon:

(a) Each person who will serve as a director or executive officer of the surviving or acquiring company upon consummation of the proposed transaction;

(b) Each person who is presently or has been a director or executive officer of any party to the proposed transaction at any time during the twelve months preceding the filing of the registration statement;

(c) Any principal security holder named in response to Item 1 of this form; and

(d) Each associate, as defined in Rule 14a-1 under the Securities Exchange Act of 1934 (§ 240.14a-1 of this chapter), of the above persons.

Instructions 1. Except in the case of a solicitation made in opposition to another solicitation, this item shall not apply to any interest arising from the ownership of securities where the security holder receives no extra or special benefit not shared on a pro rata basis by all other owners of the same class of securities.

2. For purposes of this item, a person shall be deemed to have a material interest in the transaction if, for example, such person will receive materially increased remuneration payments or other benefits upon the consummation of the transaction or if such person, as a result of the consummation of the proposed transaction, will receive the benefit of materially more favorable terms than those contained in any presently existing agreement.

Item 5. Parents. List all parents of the registrant showing the basis of control and, as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent, if any. Indicate the status of control to exist upon consummation of the plan described in response to Item 3 of this form.

Item 6. Business. (a) Provide a brief statement of the general character of the business done and intended to be done by the registrant and each other person which is a party to the transaction in which the securities to be registered are to be issued, including information as to the nature of products or services. Furnish appropriate cross-reference to the more detailed discussion of business contained in Part II of the registration statement pursuant to Item 10 of this form.

(b) For each person described above, provide information as required by Form S-7 (§ 239.26) regarding lines of business and regarding classes of similar products and services.

(c) Briefly describe any material pending legal proceedings relating to the proposed transaction to which each person described above, or any of its subsidiaries, is subject.

(d) Furnish a brief reference to other material pending legal proceedings to which any such person is a party and which may have a substantial adverse effect upon the earnings or financial condition of the registrant or other party to the proposed transaction. Include appropriate cross-reference to the more detailed discussion of legal proceedings contained in Part II of the registration statement.

Instruction. Items 6(a), (b), and (d) shall not apply if the plan described in answer to Item 3 involves only the registrant and one or more of its totally-held subsidiaries.

Item 7. Description of Securities. Briefly describe the securities to be registered as required by Form S-7 (§ 239.26) regarding Capital Stock, Debt Securities or Other Securities To Be Registered.

Instruction. Descriptions of provisions contained in a written agreement or other document which restrict the payment of dividends need not be given in response to this item, but should be set forth instead in Part II of the registration statement pursuant to Item 12 of this form, with appropriate cross-reference thereto in the prospectus.

Item 8. Selected financial information and comparative per share data. (a) Furnish in tabular form the following selected financial information, including a concise statement of any qualifications in the auditor's opinion, for the registrant and each other person which is a party to the proposed transaction, or for each such person and its subsidiaries consolidated, as appropriate. Comparable pro forma combined financial information should be presented.

SELECTED FINANCIAL INFORMATION

INCOME STATEMENT DATA

Net sales and operating revenues and other revenues
Gross profit
Income before extraordinary items
Net income

PER SHARE DATA

Income per common share before extraordinary items
Net income per common share (and common share equivalents, if applicable)
Net income per share on a fully diluted basis
Dividends

BALANCE SHEET INFORMATION (AT END OF PERIOD)

Working capital
Total assets
Total assets less excess of cost of assets acquired over book value
Long term debt
Total indebtedness
Shareholders' equity (where redemption value pertaining to preferred shares is material in relation to total equity, that amount should be shown separately)

Instructions 1. Income statement and per share data should be presented for each of the last five fiscal years of each person described above (or for the life of such person, and its predecessors, if less), and balance sheet data should be presented as of the date of the balance sheet filed for such person pursuant to Item 13 of Part II of this form. Where necessary to indicate a material adverse trend, corresponding information should also be provided for the previous year or years. If available, furnish the income

statement and per share data specified above for the interim period of the current year and the corresponding period of the preceding fiscal year.

2. Include appropriate cross-reference to the financial statements and auditor's report contained in Part II pursuant to Item 13 of this form.

3. The selected financial data should be followed, where applicable, by a brief textual discussion of any material changes in the income data from period to period which may, in the opinion of management, make historical operations or earnings not indicative of current or future operations or earnings. Furnish appropriate cross-reference to the more detailed information contained in the "Management's Discussion and Analysis" section of Part II of this registration statement.

(b) Historical and pro forma earnings per share and dividends per share shall be presented in tabular form, where appropriate, and equated to a common basis in exchange transactions.

Instruction. Items 8(a) and (b) shall not apply if the plan described in answer to Item 3 involves only the registrant and one or more of its totally-held subsidiaries.

Item 9. Statements of available information and information incorporated by reference. (a) A statement shall be included that the registrant is subject to the informational requirements of the Securities Exchange Act of 1934 and in accordance therewith files reports and other information with the Securities and Exchange Commission. The statement shall also indicate that such reports, proxy statements and other information can be inspected and copied at the offices of the Commission in Washington, D.C.; Chicago, Illinois; New York, New York; and Los Angeles, California; and that copies of such material can be obtained at prescribed rates from the principal office of the Commission at 500 North Capitol Street, Washington, D.C. 20549. In addition, any national securities exchange on which the registrant's securities are listed, and where reports, proxy statements and other information concerning the registrant can be inspected, shall be named.

(b) A further statement shall be included advising security holders that significant additional substantive information which may be necessary to make a more informed investment decision regarding the proposed transaction and the parties thereto has been filed with the Commission as Part II of this registration statement and that the registrant undertakes to promptly deliver such information without charge upon written request. The registrant shall incorporate the information set forth in Part II in the prospectus by reference and shall encourage security holders to request Part II or to seek professional investment advice.

(1) Pursuant to the statement required above, the matters contained in Part II of the registration statement should be clearly identified. It shall be pointed out that Part II contains information relating to directors and officers of the surviving or acquiring company (including their remuneration, options granted to them, and material interests of such persons or principal security holders in transactions with the surviving or acquiring company), and descriptions of business, litigation, financial statements and certain other matters concerning the parties to the proposed transaction. Include any additional description necessary to indicate the nature of the matters contained in Part II.

Instructions 1. The information required by Item 9(b)(1) may be set forth in tabular form, as appropriate: *Provided*, That the captions or capsule descriptions clearly reveal the nature of the matters referred to.

2. If proxies are to be solicited, an additional form of proxy should be delivered with the information contained in Part II.

(2) Briefly describe the procedure or procedures by which a copy of the information contained in Part II may be obtained. Include the name and address of the person to whom a written request is to be directed and any place where the information contained in Part II may be inspected.

(c) The registrant shall deliver with each prospectus a pre-addressed card, sheet, envelope or other similar material which shall:

(1) Indicate clearly that significant additional information regarding the proposed transaction and the parties thereto may be obtained without charge by returning the card or other material;

(2) Provide for all postage to be paid by the registrant; and

(3) Provide a specially designated blank space for dating the card or sheet and for indicating the name and address to whom the information contained in Part II is to be directed.

Instruction. The registrant shall indicate a reasonable date by which security holders should request the available information if they desire to receive such information prior to the date on which the meeting of such security holders is held or the date on which the proposed transaction is effectuated if no such meeting is held.

PART II—INFORMATION AVAILABLE UPON REQUEST

GENERAL NOTE.—The information contained in this section in response to items 10 through 16 shall be incorporated by reference as part of the prospectus and made available upon request pursuant to Item 9 of this form.

Item 10. Business. Provide a description of business and related matters as required by Item 5 of Form S-7 for the registrant and each other person which is a party to the proposed transaction.

Instructions 1. Information set forth in Part I of this registration statement need not be included in response to this item.

2. This item shall not apply if the plan described in answer to Item 3 involves only the registrant and one or more of its totally-held subsidiaries.

Item 11. Officers, Directors and Certain Transactions with Management and Others. If any person who will serve as a director of the surviving or acquiring company was not elected to such office by security holders of the issuer of the securities in respect of which proxies are to be solicited, or by security holders of the issuer furnishing an information statement with regard to the proposed transaction, provided the information required by the following items of Schedule 14A (§ 240.14a-101 of this chapter) of Regulation 14A under the Securities Exchange Act of 1934 with respect to the surviving or acquiring company:

Item 6. Nominees and directors; and

Item 7. Remuneration and other transactions with management and others.

Item 12. Restrictions on Payment of Dividends. Furnish a brief summary of any provisions contained in a written agreement or other document which restrict the payment of dividends as to any security described in response to Item 7 of this form.

Item 13. Financial Statements. Furnish the following financial statements for the registrant and each other person which is a party to the transaction in which the securities to be registered are to be issued:

(a) Statements of Income, as required by Item 6 of Form S-7 (§ 239.26);

(b) Other Financial Statements and Schedules as required by Item 10 of Form S-7;

(c) A Combined Pro Forma Statement of Income for each of the last five fiscal years (or for the life of such persons and predecessors if less), as appropriate in the circumstances, indicating the aggregate and per share earnings for each such year. If the transaction establishes a new basis of accounting for assets of any of persons included therein, the pro forma statement of income shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(d) A Combined Pro Forma Balance Sheet, giving effect to the proposed plan of action if substantial changes will occur in the company's asset, capital shares, other stockholders' equity or reserve accounts. The balance sheets shall set forth in columnar form, and show in related manner, the balance sheet of the company prior to the reorganization, the changes to be effected in the reorganization and the balance sheet of the company after giving effect to the plan of reorganization. By a footnote or otherwise, a brief explanation of the changes shall be given.

Instructions 1. This item shall not apply if the proposed plan of action described in answer to Item 3 involves only the issuer and one or more of its totally-held subsidiaries.

2. Historical and pro forma book value per share (excluding excess of cost of assets required) shall be presented in tabular form, where appropriate, and equated to a common basis in exchange transactions. If the transaction establishes a new basis of accounting for assets of any of the parties to the transaction, separately state the portion of pro forma book value per share arising from the new basis of accounting for such assets.

3. With regard to any party to the proposed transaction other than the registrant which at the time of filing the registration statement is not subject to the reporting requirements of the Exchange Act, the financial statements required by paragraphs (a) and (b) of this item shall be the financial statements specified in Exchange Act Form 10 (17 CFR 249.210), audited to the extent practicable. However, all schedules other than the schedules of supplementary profit and loss information may be omitted.

4. The Commission may, upon the request of the registrant, permit the omission of any of the statements herein required where such statements are not necessary for the exercise of prudent judgment in regard to any matter to be acted upon, or may permit the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise material for the exercise of prudent judgment in regard to any matter to be acted upon.

Item 14. Additional information and exhibits voluntarily included. (a) Additional information not specifically required by this form, but which the registrant deems appropriate or necessary to be disclosed in Part II of the registration statement may be set forth herein under a suitable caption.

(b) If the registrant or other party to the transaction desires to make available to shareholders any exhibit filed with this registration statement, such exhibit or exhibits should be listed herein and copies delivered

to security holders who request the information set forth in Part II of the registration statement.

Item 15. Interest of experts named in registration statement. If any expert named in the registration statement as having prepared or certified any part thereof was employed for such a purpose on a contingent basis or, at any time of such preparation or certification or at any time thereafter, had a substantial interest in the registrant or any of its parents or subsidiaries or was connected with the registrant or any of its subsidiaries as a promoter, underwriter, voting trustee, director, officer or employee, furnish a brief statement of the nature of such contingent basis, interest or connection.

Instruction. In the case of an accountant, any direct financial interest or any material indirect financial interest held during the period covered by the financial statements prepared or audited shall be deemed a "substantial interest" for the purpose of this item.

PART III—OTHER INFORMATION

Item 16. Indemnification of Directors and Officers. State the general effect of any charter provision, by-law, contract, arrangement or statute under which any director or officer of the registrant is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

Item 17. Exhibits Filed. List all exhibits filed as a part of the registration statement.

INSTRUCTIONS AS TO EXHIBITS

Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for by Item 17 above.

1. Copies of the plan or other instrument for the reclassification, merger, consolidation, transfer of assets or similar plan of acquisition pursuant to which the securities to be registered are to be issued.

2. Copies of the form of proxy and other soliciting material to be used, in addition to the proxy statement (prospectus), in soliciting votes or consents with respect to the plan, unless such material is otherwise filed with the Commission.

3. An opinion of counsel as to the legality of the securities to be registered, indicating whether they will when issued be legally issued, fully paid and non-assessable and, if debt securities, whether they will be binding obligations of the registrant.

4. The exhibits described under Items 2, 4, 5 and 6 of Instructions As To Exhibits in Form S-7 (§ 239.26), including every material contract not made in the ordinary course of business which is referred to in Part II of the registration statement.

SIGNATURES

Pursuant to the requirements of the Securities Act of 1933, the registrant has duly caused this registr tion statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of --------, State of --------, on --------, 19__.

(Registrant)

By ----------
(Signature and Title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed by the following persons in the capacities and on the dates indicated.

(Signature) (Title) (Date)

Instructions 1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and by at least the majority of the board of directors or persons performing similar functions.

2. If the securities to be offered are those of a corporation, not yet in existence at the time the registration statement is filed, which will be a party to a consolidation involving two or more existing corporations, then each such existing corporation shall be deemed a registrant and shall be so designated on the cover page of this form, and the registration statement shall be signed by each such existing corporation and by the officers and directors of each such existing corporation as if each such existing corporation were the registrant.

3. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

ATTENTION

The texts of the following proposed amendments use ►◄ arrows to indicate new material and [ ] to indicate deletions.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

2. Rule 429 under the Securities Act (17 CFR 230.429) is proposed to be amended to read as follows:

§ 230.429 Prospectus relating to several registration statements.

(a) Where two or more registration statements have been filed by the same registrant, a prospectus which meets the requirements of the Act and the rules and regulations thereunder for use in connection with the securities covered by the latest registration statement shall be deemed to meet such requirements for use in connection with the securities covered by the earlier registration statements if such prospectus includes all of the information which would currently be required in a prospectus relating to the securities covered by the earlier statements: *Provided,* That this rule shall not apply if the latest registration statement was filed on Form S-14 (§ 239.23 of this chapter), [or] Form S-16 (§ 239.27 of this chapter), ►or Form S-14A (§ 239.28 of this chapter).◄

* * * * *

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

3. Rule 14a-3 under the Exchange Act (17 CFR 240.14a-3) is proposed to be amended to read as follows:

§ 240.14a-3 Information to be furnished security holders.

(a) No solicitation subject to this regulation shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Schedule 14A (§ 240.14a-101), ►or with a written proxy statement included in a registration statement filed under the Securities Act of 1933 on Form S-14A (§ 239.28 of this chapter) and containing the information specified in such form.◄

* * * * *

4. Rule 14a-6 (17 CFR 240.14a-6) is proposed to be amended to read as follows:

§ 240.14a-6 Material required to be filed.

* * * * *

(j) Notwithstanding the foregoing provisions of this section, any proxy statement, form of proxy or other soliciting material included in a registration statement filed under the Securities Act of 1933 on Form S-14 (§ 239.23 of this chapter) ►or Form S-14A (§ 239.28 of this chapter)◄ shall be deemed filed both for the purposes of that Act and for the purposes of this section, but separate copies of such material need not be furnished pursuant to this section nor shall any fee be required under paragraph (i) of this section. However, any additional soliciting material used after the effective date of the registration statement on Form S-14 ►or Form S-14A◄ shall be filed in accordance with this section but separate copies of such material need not be filed as an amendment of such registration statement.

5. Rule 14a-11 (17 CFR 240.14a-11) is proposed to be amended to read as follows:

§ 240.14a-11 Special provisions applicable to election contests.

* * * * *

(d) *Solicitations prior to furnishing required written proxy statement.* Notwithstanding the provisions of Rule 14a-3(a) (§ 240.14a-3(a)), a solicitation subject to this section may be made prior to furnishing security holders a written proxy statement [containing the information specified in Schedule 14A (§ 240.14a-101) with respect to such solicitation:] ►meeting the requirements of that rule:◄ *Provided,* That—

(1) * * *

(2) No form of proxy is furnished to security holders prior to the time the written proxy statement required by Rule 14a-3(a) (§ 240.14a-3(a)) is furnished to security holders: *Provided, however,* That this subparagraph (2) shall not apply where a proxy statement then meeting the requirments of [Schedule 14A (§ 240.14a-101)] ►Rule 14a-3(a)◄ has been furnished to security holders by or on behalf of the person making the solicitation.

* * * * *

6. Rule 14a-12 (17 CFR 240.14a-12) is proposed to be amended to read as follows:

§ 240.14a-12 Solicitation prior to furnishing required proxy statement.

(a) Notwithstanding the provisions of Rule 14a-3(a) (§ 240.14a-3(a)), a so-

licitation (other than one subject to Rule 14a-11 (§ 240.14a-11)) may be made prior to furnishing security holders a written proxy statement [containing the information specified in Schedule 14A (§ 240.14a-101) with respect to such solicitation] ►meeting the requirements of Rule 14a-3(a)◄ if—

(1) * * *

(2) No form of proxy is furnished to security holders prior to the time the written proxy statement required by Rule 14a-3(a) (§ 240.14a-3(a)) is furnished to security holders: *Provided, however,* That this subparagraph (2) shall not apply where a proxy statement then meeting the requirements of [Schedule 14A (§ 240.14a-101)] ►Rule 14a-3(a)◄ has been furnished to security holders by or on behalf of the person making the solicitation;

* * * * *

7. Rule 14c-2 (17 CFR 240.14c-2) is proposed to be amended to read as follows:

§ 240.14c-2 Distribution of information statement.

(a) In connection with every annual or other meeting if the holders of a class of securities registered pursuant to section 12 of the Act, including the taking of corporate action with the written authorization or consent of the holders of a class of securities so registered, the issuer of such securities shall transmit a written information statement containing the information specified in Schedule 14C (17 CFR 240.14c-1 et seq.), ►or a written information statement included in a registration statement filed under the Securities Act of 1933 on Form S-14A (§ 239.28 of this chapter) and containing the information specified in such form,◄ to every such security holder who is entitled to vote or give an authorization or consent in regard to any matter to be acted upon and from whom a proxy, authorization or consent is not solicited on behalf of the management of the issuer pursuant to section 14(a) of the Act: *Provided,* That in the case of a class of securities in unregistered or bearer form, such statement need be transmitted only to those security holders whose names are known to the issuer.

* * * * *

8. Rule 14c-5 (17 CFR 240.14c-5) is proposed to be amended to read as follows:

§ 240.14c-5 Filing of information statement.

* * * * *

(e) Notwithstanding the foregoing provisions of this section, any information statement or other material included in a registration statement, filed under the Securities Act of 1933 on Form S-14 (§ 239.23 of this chapter) ►or Form S-14a (§ 239.28 of this chapter)◄ shall be deemed filed both for the purposes of that Act and for the purposes of this section, but separate copies of such material need not be furnished pursuant to this section, nor shall any fee be required under paragraph (a) of this section. However, any additional material used after the effective date of the registration statement on Form S-14 ►or Form S-14A◄ shall be filed in accordance with this section but separate copies of such material need not be filed as an amendment of such registration statement.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; (15 U.S.C. 77f, 77g, 77j, 77s(a)); secs. 14(a), 23(a), 48 Stat. 985, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570; sec. 18, 89 Stat. 155; (15 U.S.C. 78n(a), 78w(a)); secs. 12(e), 20(a), 49 Stat. 823, 833; (15 U.S.C. 79l(e), 79t(a)); secs. 20(a), 38(a), 54 Stat. 822, 841; (15 U.S.C. 80a-20(a), 80a-37(a)).)

STATUTORY AUTHORITY FOR PROPOSALS

The foregoing amendments to 17 CFR Parts 230, 239, and 240 are proposed pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19(a) thereof, and pursuant to sections 14(a) and 23(a) of the Securities Exchange Act of 1934, sections 12(e) and 20(a) of the Public Utility Holding Company Act of 1935, and sections 20(a) and 38(a) of the Investment Company Act of 1940.

SPECIFIC INQUIRIES AND PROCEDURES FOR COMMENT

Pursuant to section 23(a) of the Exchange Act, the Commission has considered the effect that the proposals would have on competition and is not aware, at this time, of any burdens that the proposals, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the anticompetitive effects, if any, the proposals would likely engender. In addition, the Commission specifically invites comment on the following issues:

(1) The effect of the proposals on the rights of security holders and the liabilities of issuers and experts involved under the federal securities laws;

(2) The benefits to investors which would be derived from the use of the registration statement contemplated by the proposal, consisting of a short prospectus (Part I), with more detailed information (Part II) filed with the Commission and made available to investors upon request; and

(3) The extent to which the proposals would reduce the costs and burdens incurred by issuers in complying with the registration and/or proxy or information requirements under the federal securities laws.

All interested persons are invited to submit an original and two copies of their views and comments on these proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before December 10, 1976. Such communications should refer to File No. S7-655 and will be available for public inspection.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

SEPTEMBER 27, 1976.

[FR Doc.76-28977 Filed 10-1-76;8:45 am]

federal register

MONDAY, OCTOBER 4, 1976

PART VI:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities; Interim Regulations

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities; Interim Regulations

On January 19, 1976, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER (41 FR 2766) revised regulations containing rules for determining the eligibility of activities to be carried out under the community development block grant program under Title I of the Housing and Community Development Act of 1974. These appear as 24 CFR Part 570, Subpart C of the regulations and contain rules for determining the eligibility of activities for assistance under this Part.

Section 15(b) of the Housing Authorization Act of 1976 (Pub. L. 94-375) which was effective on August 3, 1976, contained an amendment to Paragraph (2) of Section 105(a) of the Housing and Community Development Act of 1974, to include centers for the handicapped among those activities eligible for assistance under the community development block grant program.

Accordingly, notice is hereby given that HUD is revising Subpart C to incorporate amendments authorized by the Housing Authorization Act of 1976. The significant changes are discussed below:

1. A new paragraph (a)(2)(xii) is being added to § 570.200 to indicate that centers for the handicapped are included among the list of publicly owned facilities eligible for assistance under this Part.

2. Paragraph (a)(3) of § 570.201 is being amended to delete the example of a sheltered workshop as a prohibited communitywide facility. A sheltered workshop, as a part of a public center for the handicapped, is eligible for assistance and no longer subject to the prohibition against certain communitywide facilities which are not eligible for assistance under this Part.

3. Paragraph (a)(6) of § 570.201 is being amended to add centers for the handicapped to the examples of neighborhood facilities and senior centers which provide health services which are exempted from the general exclusion of medical facilities from assistance under this Part.

Interested parties are encouraged to submit written comments, views or data concerning the amended regulations promulgated hereby. Comments are explicitly requested on whether the terms "centers for the handicapped" and/or "handicapped" should be further defined for the purpose of the community development block grant program. Further, commenters favoring expanded definition of these two terms are requested to submit proposed definitions for consideration by HUD. All such materials should refer to the Docket Number, Date of publication, and filed with the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410.

All relevant material received on or before December 31, 1976, will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

In connection with the environmental review of the interim amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1 (38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

NOTE.—It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with OMB Circular A-107.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 15(b) of the Housing Authorization Act of 1976 (Pub. L. 94-375); and sec. 7(d) of the Dept. of HUD Act (42 U.S.C. 3535(d)).)

In consideration of the foregoing, 24 CFR Part 570 is amended as follows:

1. By revising § 570.200(a)(2)(xii) as follows:

§ 570.200 Eligible activities.

(a) * * *

(2) * * *

(xii) Centers for the handicapped.

* * * * *

2. By amending § 570.201(a) (3) and (6) as follows:

§ 570.201 Ineligible activities.

(a) * * *

(3) Any facility whose service is communitywide, or whose function is by its nature communitywide, unless it serves the entire community of under 10,000 population or is expressly authorized other than a neighborhood facility by § 570.200(a)(2). Examples of facilities which would ordinarily be considered as being community wide are central social service facilities, group homes, and halfway houses.

* * * * *

(6) Hospitals, nursing homes, and other medical facilities, but excluding a neighborhood facility, senior center, or center for the handicapped which provides health services; and

* * * * *

Effective date: These amendments shall be effective on October 4, 1976.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76-28962 Filed 10-1-76;8:45 am]