

spaces would not create a hazard any greater than the use of non-explosion proof electrical equipment.

8. One commenter asked whether vessels subject to the requirements for bulk dangerous cargoes in Subchapter O of Title 46, Code of Federal Regulations, must comply with the regulations adopted in this rulemaking. A vessel that is subject to the requirements in Subchapter O will have to comply with the regulations adopted in this rulemaking if it is certificated under the provisions of the tank vessel regulations in Subchapter D, as required under § 151.01-10.

9. One commenter remarked that § 32.35-15(f) was unclear. This paragraph has been changed to read the same as § 32.45-1(f)(4-a), for clarity and consistency.

In accordance with the foregoing, Part 32 and Part 35 of Title 46, Code of Federal Regulations, are amended as follows:

1. By adding a new § 32.35-15 to read as follows:

§ 32.35-15 Installation of air compressors on tank vessels contracted for on or after June 15, 1977—TB/ALL.

No tank vessel, except an oil pollution clean-up vessel, that carries petroleum products grades A thru D contracted for on or after June 15, 1977 may have an air compressor or an air compressor intake installed in any of the following cargo areas:

- (a) A cargo handling room.
- (b) An enclosed space containing cargo piping.
- (c) A space in which cargo hose is stowed.
- (d) A space adjacent to a cargo tank or cargo tank hold.
- (e) A space within three meters of any of the following:
 - (1) A cargo tank opening.
 - (2) An outlet for cargo gas or vapor.
 - (3) A cargo pipe flange.
 - (4) A cargo valve.
 - (5) An entrance or ventilation opening to a cargo handling room.
- (f) The cargo deck space. For the purpose of this paragraph, "cargo deck space" means the volume bounded by the open deck over the cargo tank block, including all ballast tanks within the cargo tank block, extending to the full width of the vessel, plus three meters (about 10 feet) fore and aft of the cargo tank block and up to a height of 2.4 meters (about 8 feet) above the deck.
- (g) An enclosed space having an opening into a location described in paragraphs (a)-(f) of this section.
- (h) A location similar to those described in paragraphs (a)-(g) of this section in which cargo vapors or gases may be present.

2. By adding a new § 35.35-85 to read as follows:

§ 35.35-85 Air Compressors—TB/ALL.

- (a) No person may operate an air compressor in a cargo area described in § 32.35-15 of this subchapter.
- (b) The owner of a vessel that has an air compressor or an air compressor in-

take in a cargo area described in § 32.35-15 of this subchapter must have the equipment made permanently inoperative or removed from that location at the next drydocking or inspection for certification of the vessel after June 15, 1977, whichever occurs first. The equipment may not be reinstalled thereafter in a cargo area described in § 32.35-15 of this subchapter.

(R.S. 4405, as amended (46 U.S.C. 375); R.S. 4417a, as amended (46 U.S.C. 391a); R.S. 4462, as amended (46 U.S.C. 416); sec. 1 Pub. L. 95-244, 73 Stat. 475 (46 U.S.C. 481(a)); sec. 6(b)(1), 80 Stat. 938 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b) and (n)(4).)

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

Dated: May 9, 1977.

O. W. SILER,
Admiral, United States
Coast Guard, Commandant.

[FR Doc. 77-14317 Filed 5-18-77; 8:45 am]

Title 47—Telecommunication
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION
PART 1—PRACTICE AND PROCEDURE

Editorial Amendments Concerning Notice and Rule Making Proceedings

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Rules amended to make it clear that Subpart C of Part 1 (the rules of procedure) applies only to notice and comment rulemaking proceedings and has no application to formal rule making (or rate making).

EFFECTIVE DATE: May 20, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Office of General Counsel, 202-632-6444.

SUPPLEMENTARY INFORMATION:

Adopted: May 5, 1977.

Released: May 9, 1977.

Order. In the matter of editorial amendment of Part 1, rules of practice and procedure.

1. Confusion and uncertainty appear to have arisen concerning the scope of both § 1.4(b)(1) and Subpart C of the rules and regulations. The cited procedures apply only to notice and comment rulemaking proceedings conducted under 5 U.S.C. 553. Recently, however, some persons have read them as applying to either formal rulemaking (or rate making) proceedings. To dispel any misunderstanding, they are hereby amended to more expressly state their scope.

2. Authority for this action is contained in sections 4 (i) and (j) and 303 (r) of the Communications Act of 1934,

as amended, 47 U.S.C. 154 (i) and (j) and 303(r), and in § 0.231(d) of the rules and regulations, 47 CFR 0.231(d). Because the amendments are editorial and procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 do not apply.

3. Accordingly, it is ordered, effective May 20, 1977, that Part 1 of the rules and regulations is amended as set out below.

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

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

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is revised as follows:

1. Section 1.4(b)(1) is revised to read as follows:

§ 1.4 Computation of time.

(b) * * *

(1) For documents in notice and comment rule making proceedings, the date of public notice is the date of publication in the FEDERAL REGISTER.

2. Following the designated center heading at the beginning of Subpart C, § 1.399 is added, to read as follows:

§ 1.399 Scope.

This subpart shall be applicable to notice and comment rulemakings proceedings conducted under 5 U.S.C. 553, and shall have no application to formal rule making (or rate making) proceedings unless the Commission directs that it shall govern the conduct of a particular proceeding.

§ 1.417 [Deleted]

3. Section 1.417 is deleted.

[FR Doc. 77-14236 Filed 5-18-77; 8:45 am]

[FCC 77-319]

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Improvement of the Commission's Overall Financial Disclosure System

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This is an Order adopting an amendment of the criteria of position categories, and requiring incumbents to file statements of employment and financial interests. The action, taken with the agreement of the U.S. Civil Service Commission, increases the number of employees who must file such statements. The amendment was adopted pursuant to the Commission's policy of strengthening the standards of ethical conduct, and improving its overall financial disclosure system.

EFFECTIVE DATE: May 26, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Fred J. Goldsmith, Office of Executive Director, 202-632-7143.

SUPPLEMENTARY INFORMATION:

Adopted: February 10, 1977.

Released: May 13, 1977.

Order. In the matter of amendment of Part 19 to improve the Commission's overall financial disclosure system.

1. These amendments to Part 19 of the Commission's rules and regulations are made pursuant to the Commission's policy of strengthening the standards of ethical conduct, and improving the Commission's overall financial disclosure system.

2. Because the amendment involves internal Commission personnel and management matters exclusively, compliance with the prior notice and effective date requirements of 5 U.S.C. 553 is unnecessary.

3. Accordingly, it is ordered, Effective May 26, 1977, pursuant to the authority contained in sections 4(i), 303(r) and 5(b) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), and 303(r), that § 19.735-403 of Part 19 of the FCC rules is hereby deleted, and the following inserted in lieu thereof:

§ 19.735-403 Employees required to submit statements.

Except as provided in § 19.735-404, statements of employment and financial interests shall be required from the following employees of the Commission:

(a) Employees who are Administrative Law Judges.

(b) Employees who are Members of the Review Board.

(c) Employees who are in Grade GS-13 or above.

(d) Employees who are in Grade GS-11 or above and who are Heads or Supervisors of Assistant Heads or Supervisors of field offices.

(e) All purchasing agents and all employees, professional, administrative, and clerical, in the offices of the Commissioners.

(f) All employees serving as auditors or accountants, with the principal duty of auditing private enterprises.

(g) All employees, professional, administrative, and clerical, in the offices of the Commissioners.

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

FEDERAL COMMUNICATIONS COMMISSION,¹

VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14292 Filed 5-18-77;8:45 am]

¹ Commissioner Lee absent.

PART 73—RADIO BROADCAST SERVICES

Effects of Terrain on Signal Propagation, Evaluation; Temporary Suspension of Certain Portions of Sections

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Indefinite stay of procedures for evaluating effects of terrain on signal propagation. This further stay is necessary pending Commission action to finalize more accurate procedures for employing terrain roughness corrections, even in those cases where terrain anomalies are encountered.

EFFECTIVE DATE: Effective date stayed.

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

FOR FURTHER INFORMATION CONTACT:

John M. Taff, Policy and Rules Division, Broadcast Bureau, 202-632-5414.

SUPPLEMENTARY INFORMATION:

Adopted: April 28, 1977.

Released: May 9, 1977.

Order. In the matter of temporary suspension of certain portions of §§ 73.313, 73.333; 73.684 and 73.699 of the Commission's Rules and Regulations, order.

1. By Commission Order, released May 10, 1976 (FCC 76-382), use of terrain roughness corrections in filings by FM and TV station applicants was stayed. Specifically, the effectiveness of §§ 73.313 (f), (g), (h), (i) and (j); 73.333, Figures 4 and 5; 73.684 (h), (i), (j), (k) and (l); and, 73.699, Figures 10d and 10e was stayed until May 1, 1977. In its Order, the Commission expressed the belief that the period of the stay would provide enough time to complete its study of ways to deal with atypical terrain configurations and develop appropriate procedures for employing the sound concepts on which terrain roughness corrections are based, even in those limited number of cases where terrain anomalies are encountered.

2. While the Commission's effort in regard to the foregoing is essentially complete, the results of that study lead to the conclusion that a further rule making proceeding is required. In light of the time that will be needed to complete this undertaking, and in the interest of orderly administration, we find it necessary to order a further stay of the effectiveness of the subject rule sections.

3. During the period of the additional stay ordered here, the situation will remain as it has been during the preceding stay. That is, predicted contours will be calculated using the new curves but

without regard to terrain roughness. As we observed earlier, where doubt is expressed about the accuracy of these contours, parties are free to file supplemental showings under § 73.684(f) of these rules.¹ The use of predicted contours calculated with the new propagation curves is limited, naturally, only to those regulatory areas not subject to earlier Commission proclamations as to the use of predicted contours.²

4. Accordingly, it is ordered, Pursuant to sections 4(i), 403 and 408 of the Communications Act of 1934, as amended, That the effectiveness of §§ 73.313 (f), (g), (h), (i) and (j); 73.333, Figures 4 and 5; 73.684 (h), (i), (j), (k) and (l); and, 73.699, Figures 10d and 10e are stayed until further order of the Commission.

(Secs. 4, 403, 408, 48 Stat., as amended, 1066, 1094, 1096, (47 U.S.C. 154, 403, 408).)

FEDERAL COMMUNICATIONS COMMISSION,³

VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14322 Filed 5-18-77;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Opening of Sherburne National Wildlife Refuge, Minnesota to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: May 1, 1977, through February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Route 2, Zimmerman, Minnesota 55398 (John E. Wilbrecht) Phone 612-389-3323.

¹ If the parties wish to do so, they may offer showings based on terrain roughness. These showings will be reviewed by the Commission and given such consideration as they merit.

² See e.g., Notice of Proposed Rule Making, in Docket 20496, FCC 75-635, 53 F.C.C. 2d 1009 (1975), (41 FR 19949), where the Commission adopted special procedures for the use of signal strength contours in cases concerning, inter alia, cable television broadcast station carriage.

³ Commissioner Lee absent.

SUPPLEMENTARY INFORMATION:

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

Sports fishing is permitted on the Sherburne National Wildlife Refuge, Minnesota, only on the areas designated by signs as being open to fishing. These areas comprising approximately 1,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(a) The open season for sport fishing extends from May 1, 1977 through February 28, 1978, inclusive.

(b) During periods when no ice exists, fishing activity is confined to the St. Francis River.

(c) Access to all fish areas is permitted only at designated access sites.

(d) Boats, without motors, may be used on the St. Francis River only from designated access sites.

(e) The use of snowmobiles, all terrain vehicles, trail bikes, motorcycles, minibikes, and other such conveyances are prohibited on the refuge at all times.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33.

The public is invited to offer suggestions and comments at any time.

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

JOHN E. WILBRECHT,
Refuge Manager.

APRIL 7, 1977.

[FR Doc. 77-14290 Filed 5-18-77; 8:45 am]

PART 33—SPORT FISHING

Special Regulations Sport Fishing for Individual Wildlife Refuge Areas

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Final rule.

SUMMARY: This rule permits fishing on Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota. The Fish and Wildlife Service must establish a new fishing season for each year. The intended effect of this action is to allow sport fishing on Lake Ilo National Wildlife Refuge under regulations of the Fish and Wildlife Service.

EFFECTIVE DATES: May 7, 1977, through September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles Peck (701-385-4468).

SUPPLEMENTARY INFORMATION: The purpose of this document is to per-

mit sport fishing on Lake Ilo National Wildlife Refuge from May 7, 1977, through September 30, 1977. This action is needed to fulfill requirements found in CFR Title 50, Chapter I, §§ 33.1, 33.2, 33.3, and 33.4. The area open to fishing comprises 1,050 acres, and is delineated on maps available at refuge headquarters, 1 mile west of Dunn Center, North Dakota, and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Fishing at all times shall be limited to daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1977.

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

CHARLES S. PECK,
Project Leader, Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota 58626.

MAY 2, 1977.

[FR Doc. 77-14344 Filed 5-18-77; 8:45 am]