

federal register

THURSDAY, MAY 27, 1976



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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER

and copies of the laws may be obtained from the U.S. Government Printing Office.

- S. 2619..... Pub. Law 94-289
An act to provide for adjusting the amount of interest paid on funds deposited with the Treasury of the United States by the Library of Congress Trust Fund Board
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- S. 2620..... Pub. Law 94-290
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- (May 22, 1976; 90 Stat. 522)
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An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

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 trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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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 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 40—LICENSING OF SOURCE MATERIAL

PART 70—SPECIAL NUCLEAR MATERIAL

Clarifying and Corrective Amendments

Notice is hereby given of amendments of the Nuclear Regulatory Commission's regulations in 10 CFR Parts 40 and 70 which are of a minor nature.

On November 17, 1975, amendments to 10 CFR Parts 40 and 70 of the Commission's regulations were published in the FEDERAL REGISTER which specified reporting requirements regarding results of monitoring for radio-nuclides in gaseous and liquid effluents released to unrestricted areas from uranium milling, uranium hexafluoride production and other licensed fuel cycle activities in which special nuclear material is used.

The reporting requirements (§§ 40.65 and 70.59) which were added by the amendment require the licensee to " * * * Submit a report to the Commission within 60 days after January 1, 1976, and within 60 days after January 1 and July 1 of each year thereafter * * * ". The amendments of §§ 40.65 and 70.59 set forth below amend this language to avoid a possible ambiguity as to the time that the second report is due (i.e. 60 days after July 1, 1976). The amendments of §§ 40.65 and 70.59 also add a specific provision that such reports shall be submitted to the appropriate Regional Office shown in Appendix D of Part 20 with a copy to the Director of Inspection and Enforcement, and delete the general directive that such reports be submitted to the "Commission".

The definition of "source material" in § 70.54(1) erroneously references § 11s. of the Atomic Energy Act of 1974 rather than § 11z. of the Act. The amendments set forth below correct this reference.

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

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 40 and 70 are published as a document subject to codification.

§ 40.65 [Amended]

1. In § 40.65, paragraph (a) (1) is amended by deleting "Commission" the first time it appears and substituting therefor "appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter, with copies to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555," and by inserting "and July 1, 1976" after "January 1, 1976".

§ 70.4 [Amended]

2. In § 70.4, paragraph (1) is amended by deleting "section 11s. of the Act" and substituting therefor "section 11z. of the Act".

§ 70.59 [Amended]

3. In § 70.59, paragraph (a) (1) is amended by deleting "Commission" the first time it appears and substituting therefor "appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter, with copies to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555," and by inserting "and July 1, 1976" after "January 1, 1976".

Effective date. These amendments become effective on May 27, 1976.

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

Dated at Bethesda, Maryland this 10th day of May 1976.

For the Nuclear Regulatory Commission,

LEE V. GOSSICK,
Executive Director
for Operations.

[FR Doc. 76-15470 Filed 5-26-76; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-EA-12; Amdt. 39-2623]

PART 39—AIRWORTHINESS DIRECTIVE Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31P type airplanes.

In the light of developments in the area of flutter analysis, a reassessment of the analysis of the PA-31P airplane indicates a need to revise operating speeds. Thus an airworthiness directive is being issued which will require a placarding of the window in the vicinity

of the pilot to set forth revised operating speeds.

Since the flutter analysis is significant to the airworthiness of the aircraft, the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER: Applies to PA-31P airplanes certificated in all categories.

To prevent possible adverse airplane vibration effects at higher altitudes, accomplish the following within the next 25 hours in service after the effective date of this Airworthiness Directive, unless already accomplished:

(a) Attach the following operating limitation placard on the pilot's side window molding in full view of the pilot:

Operating speeds

ALT 1,000	Vno mile per hour	Vne mile per hour
13	230	278
15	230	298
17	230	298
19	221	248
21	212	238
23	203	228
25	194	218
27	185	208
29	176	198

NOTE.—Speeds shown are CAS.

(b) Incorporate Piper PA-31P Airplane Flight Manual revision dated January 22, 1976 in Piper PA-31P Airplane Flight Manual 1615. (Piper Service Bulletin No. 478 refers to this same subject.)

This amendment is effective May 31, 1976.

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

Issued in Jamaica, N.Y., on May 17, 1976.

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

[FR Doc. 76-15166 Filed 5-26-76; 8:45 am]

[Docket No. 76-NE-4; Amdt. 39-2623]

PART 39—AIRWORTHINESS DIRECTIVES Pratt & Whitney R-2800-B Aircraft Engines

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Air-

worthiness Directive 50-22-1, to delete the references to the Curtiss-Wright C-46 aircraft, correct Paragraph B to read Pratt & Whitney Special Instructions No. 5F-50A instead of No. 5F-50, and add Air Force Technical Order 02A-10GA-27, dated March 1951, to Paragraph B as an equivalent means of compliance, was published in the FEDERAL REGISTER on February 19, 1976 (41 FR 7519).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39, of the Federal Aviation Regulations, AD 50-22-1 is amended as follows:

1. Applicability paragraph is amended by deleting the words "installed in certificated Curtiss-Wright C-46 aircraft".

2. Compliance paragraph is amended by deleting the words "August 1, 1950" and inserting the words "July 1, 1976".

3. Delete "5F-50" from Paragraph B and insert "5F-50A."

4. Add the following sentence at the end of Paragraph B: "Air Force Technical Order 02A-10GA-27, dated March 1951, is an equivalent means of compliance."

This amendment becomes effective on June 4, 1976.

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

Issued in Burlington, Massachusetts on May 17, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc.76-15164 Filed 5-26-76; 8:45 am]

[Docket No. 15719; Amdt. 39-2626]

PART 39—AIRWORTHINESS DIRECTIVES

Schempp Hirth and Burkhart Grob Standard Cirrus Gliders

There have been reports of warping occurring in the pilot seats on certain Standard Cirrus gliders that has resulted in jamming of the tow release lever. Jamming of this lever could result in a crash of the glider during a winch launch. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires the reinforcement of the pilot seat on Standard Cirrus gliders manufactured by Schempp Hirth and Burkhart Grob.

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

(Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 USC 1354(a), 1421, and 1423) and of section 6(c) of the

Department of Transportation Act (49 USC 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 is amended by adding the following new airworthiness directive:

SCHEMPP HIRTH AND BURKHART GROB. Applies to Standard Cirrus gliders certificated in all categories, Serial Numbers 1 through 604 for Schempp Hirth and Serial Numbers 1G through 200G for Burkhart Grob.

Compliance is required as indicated, unless already accomplished.

To prevent possible tow release lever jamming and consequent crashing of the glider during a winch launch, accomplish the following:

(a) Within the next 10 flights after the effective date of this AD, visually inspect the clearance between the tow release lever and the occupied pilot seat by performing a functional inspection of the operation of the tow release mechanism. If the occupied seat interferes with the operation of the tow release mechanism, before further flight, comply with paragraph (c) of this AD.

(b) Within the next 50 flights after the effective date of this AD, unless earlier compliance is required pursuant to paragraph (a) of this AD, comply with paragraph (c) of this AD.

(c) Reinforce the pilot seat in accordance with steps 2 and 3 of the paragraph entitled "Instructions" of Schempp Hirth Technical Note 278-18, dated December 8, 1975, or an FAA-approved equivalent, except that the minimum overall depth of the stiffening material used under step 2b should be 1/2 its width.

This amendment becomes effective June 10, 1976.

Issued in Washington, D.C. on May 20, 1976.

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

[FR Doc.76-15278 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-GL-13]

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

Designation of Transition Area

On page 13952 of the FEDERAL REGISTER dated April 1, 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 designate a transition area at Kentland, Indiana.

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, the Kentland, Indiana transition zone is added to read as follows:

KENTLAND, INDIANA

That airspace extending upward from 700' above the surface within a 5-mile radius of the Kentland Municipal Airport (latitude

40°45'27" N., longitude 37°25'48" W.); and within 2 statute miles either side of the 308° radial of the Lafayette VORTAC, extending from the 5-mile radius area to 6 miles south-east of the airport.

This amendment shall be effective 0901 GMT, July 15, 1976.

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

Issued in Des Plaines, Illinois on May 6, 1976.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.76-15165 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-SO-48]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Montgomery, Ala., control zone and transition area.

The Montgomery control zone is described in § 71.171 (41 FR 355). The description contains three extensions which are no longer required and an extension that is larger than required. It is necessary to alter the description by revoking the three extensions and reducing the size of the other. In addition, the radius area will be increased in size from 5 miles to 6 miles to provide adequate airspace for containment of Category E aircraft executing circling approaches to Dannelly Field and Maxwell Air Force Base.

The Montgomery transition area is described in § 71.181 (41 FR 440). The description contains three extensions which are no longer required and it is necessary to delete them from the description.

Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the Montgomery, Ala., control zone is amended to read:

Within a 6-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within 2 miles each side of Montgomery VORTAC 310° radial, extending from the 6-mile radius of Maxwell Air Force Base (latitude 32°22'48" N., longitude 86°21'55" W.).

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

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within a 9-mile radius of Maxwell Air Force Base (latitude 32°22'48" N., longitude 86°21'55" W.).

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

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-15275 Filed 5-26-76;8:45 am]

[Airspace Docket No. 76-SO-37]

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

Designation of Transition Area

On April 12, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 15349), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Evergreen, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

EVERGREEN, ALA.

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Middleton Field Airport (Lat. 31°24'52" N., Long. 87°02'29" W.).

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

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-15276 Filed 5-26-76;8:45 am]

[Airspace Docket No. 76-SO-50]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Anderson, S.C., control zone.

The Anderson control zone is described in § 71.171 (41 F.R. 355) and contains an extension predicated on the Anderson VORTAC. The name "Anderson VORTAC" has often been confused with "Athens VORTAC" in radio communications. Since this confusion could lead to a serious incident, the Anderson VORTAC is being renamed Electric City VORTAC and it is necessary to reflect this change in the control zone description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the Anderson, S.C., control zone is amended as follows:

" * * * Anderson VORTAC * * * " is deleted and " * * * Electric City VORTAC * * * " is substituted therefor.

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

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-15279 Filed 5-26-76;8:45 am]

[Airspace Docket No. 76-SO-49]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dalton, Ga., transition area.

The Dalton transition area is described in § 71.181 (41 F.R. 440). The radio beacon which serves the Dalton Municipal Airport is being relocated and it is necessary to alter the transition area to accommodate an instrument approach procedure which will be predicated on the relocated radio beacon. An additional five square miles of controlled airspace is required to provide adequate protection for the instrument approach procedure. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Dalton, Ga., transition area is amended as follows:

" * * * long. 84°52'00" W.) " is deleted and " * * * long. 84°52'00" W.); within 5.5 miles southwest and 6.5 miles northeast of the 318° bearing from the Whitfield RBN (lat. 34°47'37" N., long. 84°56'53" W.), extending from the 14.5-mile radius area to 8.5 miles northwest of the RBN, excluding that portion that coincides with the Chattanooga, Tenn., transition area." is substituted therefor.

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

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-15280 Filed 5-26-76;8:45 am]

[Airspace Docket No. 76-SO-31]

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

Alteration of Transition Area

On April 5, 1976, a Notice of Proposed Rulemaking was published in the

FEDERAL REGISTER (41 F.R. 14394), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Brunswick, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Brunswick, Ga., transition area is amended as follows:

" * * * long. 81°27'59" W.) * * * " is deleted and " * * * long. 81°27'59" W.); within 3 miles each side of the Golden Isle localizer west course, extending from 8.5-mile radius area to 8.5 miles west of the LOM * * * " is substituted therefor.

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

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-15281 Filed 5-26-76;8:45 am]

[Airspace Docket No. 76-SO-39]

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

Designation of Control Zone

On April 12, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 15350), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Hattiesburg, Miss., control zone.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable and recommended that the name of the control zone be changed from Hattiesburg to Pine Belt. We have determined that the use of the name Pine Belt will be less confusing and have adopted the recommendation.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the following control zone is added:

PINE BELT, MISS.

Within a 5-mile radius of Pine Belt Regional Airport (lat. 31°28'03" N., long. 89°20'11.6" W.). This control zone is effective from 0530 to 1430 hours and from 1600 to 0100 hours, local time, daily.

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

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-15277 Filed 5-26-76;8:45 am]

[Airspace Docket No. 76-NW-8]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On March 29, 1976, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (41 FR 12904 and 16477) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a temporary restricted area to contain a joint military exercise "BRAVE SHIELD XIV" which is scheduled from August 18 through August 26, 1976. This restricted area would also be included in the continental control area for the duration of its time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.

In § 71.151 (41 FR 345) the following restricted area is included for the duration of its time of designation from 0001 p.d.t., August 18, 1976, through 2400 p.d.t., August 26, 1976: R-6716, Brave Shield, XIV, Wash.

In § 73.67 (41 FR 698) the following restricted area is added:

8-6716 BRAVE SHIELD XIV, WASH.

Boundaries. Beginning at Lat. 46°53'40"N., Long. 120°12'15"W.; to Lat. 46°58'00"N., Long. 119°51'00"W.; to Lat. 46°58'00"N., Long. 119°30'00"W.; to Lat. 46°48'30"N., Long. 119°10'00"W.; to Lat. 46°39'00"N., Long. 118°58'40"W.; to Lat. 46°30'00"N., Long. 119°15'00"W.; to Lat. 46°23'00"N., Long. 119°15'00"W.; to Lat. 46°21'30"N., Long. 119°18'00"W.; to Lat. 46°24'00"N., Long. 119°37'00"W.; to Lat. 46°27'00"N., Long. 119°50'00"W.; to Lat. 46°33'00"N., Long. 120°09'00"W.; thence along the western border of R-6714A to point of beginning.

Designated altitudes. 2000 feet AGL to and including 17,000 feet MSL.

Time of designation. Continuous, 0001 p.d.t. August 18 through 2400 p.d.t. August 26, 1976.

Controlling agency. Federal Aviation Administration, Seattle ARTC Center.

Using agency. U.S. Air Force, Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

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

Issued in Washington, D.C., on May 20, 1976.

B. KEITH POTTS,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-15432 Filed 5-26-76;8:45 am]

[Docket No. 15717; Amdt. No. 1022]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent 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 (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs 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 F.R. 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 SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs 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-VORDME SIAPs, effective July 15, 1976.

Mobile, AL—Bates Field, VOR Rwy 9 (TAC), Amdt. 20.

Mobile, AL—Bates Field, VOR Rwy 32, Original, cancelled.

Mobile, AL—Bates Field, VOR/DME Rwy 32, Original.

Ozark, AL—Blackwell Field, VOR Rwy 30, Amdt. 2.

Kentland, IN—Kentland Muni. Arpt., VOR-A, Original.
Savannah, TN—Savannah-Hardin County Arpt., VOR/DME Rwy 18, Original.
Savannah, TN—Savannah Muni. Arpt., VOR/DME-A, Amdt. 1, cancelled.
Rockwall, TX—Rockwall Muni. Arpt., VOR Rwy 16, Original.
Point Pleasant, WV—Mason County Arpt., VOR/DME-A, Original.

* * * effective June 17, 1976

Montague, CA—Siskiyou County Arpt., VOR-B, Original.
San Jose, CA—San Jose Muni. Arpt., VOR Rwy 12R/L, Amdt. 14.
San Jose, CA—San Jose Muni. Arpt., VOR-A, Amdt. 3.
San Jose, CA—San Jose Muni. Arpt., VOR/DME Rwy 12R/L, Amdt. 1, cancelled.
San Jose, CA—San Jose Muni. Arpt., VOR/DME Rwy 30L/R, Amdt. 3.

* * * effective June 3, 1976

Visalia, CA—Visalia Muni. Arpt., VOR Rwy 12, Amdt. 1.
Visalia, CA—Visalia Muni. Arpt., VOR Rwy 30, Amdt. 3.

* * * effective May 17, 1976

Bennington, VT—Bennington State Arpt., VOR-A, Amdt. 5.

* * * effective May 13, 1976

Kamuela, HI—Waimea-Kohala Arpt., VOR Rwy 4, Amdt. 7.
Kamuela, HI—Waimea-Kohala Arpt., VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 15, 1976.

Greenville, MS—Greenville Int'l Arpt., LOC (BC) Rwy 35R, Amdt. 2.

* * * effective July 8, 1976

Rockford, IL—Greater Rockford Arpt., LOC (BC) Rwy 18, Amdt. 8.

* * * effective June 17, 1976

San Jose, CA—San Jose Muni. Arpt., LOC (BC) Rwy 12R, Amdt. 9, cancelled.
San Jose, CA—San Jose Muni. Arpt., LOC/DME Rwy 30L, Amdt. 3.

* * * effective June 3, 1976

Visalia, CA—Visalia Muni. Arpt., LOC/DME Rwy 30, Original.

* * * effective May 17, 1976

Saginaw, MI—Tri-City Arpt., LOC(BC) Rwy 23, Amdt. 4.

* * * effective May 13, 1976

Elkhart, IN—Elkhart Muni. Arpt., SDF(BC) Rwy 9, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 15, 1976.

Anchorage, AK—Merrill Field, NDB-B, Amdt. 1.

New Castle, IN—Sky Castle Arpt., NDB Rwy 9, Original.

Greenville, MS—Greenville Int'l Arpt., NDB Rwy 35R, Amdt. 2.

Arlington, TN—Arlington Muni. Arpt., NDB Rwy 15, Amdt. 2.

Arlington, TN—Arlington Muni. Arpt., NDB Rwy 33, Amdt. 2.

Lewisburg, TN—Ellington Arpt., NDB Rwy 20, Amdt. 1.

Savannah, TN—Savannah-Hardin County Arpt., NDB Rwy 36, Amdt. 1.
 Pennington Gap, VA—Lee County Arpt., NDB Rwy 7, Amdt. 1.

*** effective July 8, 1976

Tuscaloosa, AL—Tuscaloosa Muni. Arpt., NDB Rwy 4, Amdt. 3.
 Charlevoix, MI—Charlevoix Muni. Arpt., NDB Rwy 8, Amdt. 1.
 Charlevoix, MI—Charlevoix Muni. Arpt., NDB Rwy 26, Amdt. 1.

*** effective June 17, 1976

Houston, TX—Lakeside Arpt., NDB Rwy 15, Original.

*** effective June 10, 1976

Deckerville, MI—Lamont Arpt., NDB Rwy 9L, Original.
 Deckerville, MI—Lamont Arpt., NDB Rwy 27R, Original.

*** effective June 3, 1976

Van Horn, TX—Culberson County Arpt., NDB Rwy 21, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 8, 1976.

Tuscaloosa, AL—Tuscaloosa Muni. Arpt., ILS Rwy 4, Amdt. 4.

*** effective June 17, 1976.

San Jose, CA—San Jose Muni. Arpt., ILS Rwy 12R, Original.
 San Jose, CA—San Jose Muni. Arpt., ILS Rwy 30L, Amdt. 13.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 15, 1976.

Southern Pines, NC—Pinehurst-Southern Pines Arpt., RNAV Rwy 23, Amdt. 3.

(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).)

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

Issued in Washington, D.C., on May 20, 1976.

JAMES M. VINES,
 Chief, Aircraft
 Programs Division.

[FR Doc.76-15431 Filed 5-26-76; 8:45 am]

Title 16—Commercial Practices
 CHAPTER II—CONSUMER PRODUCT
 SAFETY COMMISSION
 PART 1512—REQUIREMENTS FOR
 BICYCLES

Statements of Policy or Interpretation;
 Compliance With Affirmative Labeling
 Requirement

• The purpose of this document is to establish section 1512.50, a statement of policy and interpretation, with respect to the affirmative labeling requirements for bicycles under 16 CFR 1512.19(d)(1) (republished, 41 FR 4144, 4151, January 28, 1976). The Consumer Product Safety Commission issued the regulations at Part 1512 under the authority of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*).

Part 1512 establishes a comprehensive set of safety-related requirements for certain bicycles first introduced into interstate commerce on or after May 11, 1976. Section 1512.19(d) of Part 1512 requires that bicycles covered by the regulations be labeled with the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles." Section 1512.19(d)(1) states that the label, which may consist of a hang tag, is to be placed on each assembled bicycle, and is required to be at least 6.4 cm. (2.5 in.) by 17.8 cm. (7 in.) with the labeling statement in capital letters at least 0.6 cm. (0.25 in.) high.

The affirmative labeling requirement was established as to all bicycles subject to the regulation and introduced into interstate commerce from May 11, 1976 through May 11, 1978. The purpose of the requirements is to aid consumers in identifying bicycles that comply with the safety requirements of the regulation, in recognition of the fact that for a period of time after the effective date of the regulation, both bicycles that comply and bicycles that do not comply will be available to consumers. Thus, this requirement is intended to assist consumers who are purchasing bicycles in making an informed choice.

This statement of policy and interpretation is issued as a result of a letter to the Commission dated May 4, 1976, from the Michigan Tag Company, Grand Rapids, Michigan. The company explained that it had produced 352,000 tags for a bicycle manufacturer to use in compliance with the affirmative labeling requirements, and that, while the tags complied with the conspicuousness, legibility, and type size requirements of section 1512.19(d)(1), they are 2 $\frac{1}{16}$ inches wide instead of the required minimum 2 $\frac{1}{2}$ inches. The letter contained assurances that future tags produced by the company will meet the minimum width requirements.

After considering the problem raised, in light of the purpose of the affirmative labeling requirement, the Commission believes that this deviation from the prescribed width dimension should be permitted, and that such deviation, even if it had amounted to as much as 0.32 cm. ($\frac{1}{8}$ in.) should not be considered grounds for bringing an enforcement action, under the circumstances. Therefore, the statement of policy and interpretation is issued to inform the Michigan Tag Company, as well as other persons who may be similarly situated, that the Commission will consider tags to be in compliance that were ordered to the correct specifications, but that, due to a manufacturing variance, are no more than $\frac{1}{8}$ inch smaller in either or both of their linear dimensions than those specified in the regulation. However, this policy only applies to hang tags that meet the requirements of section 1512.19(d)(1) in all other respects.

Because the material published below is a Commission policy statement involving enforcement of a regulation, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring

notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Even if the statement published below, however, could be characterized as rulemaking, rather than policy or interpretation, the Commission for good cause finds that notice and public procedure are impracticable, unnecessary, and contrary to the public interest because it relieves what would be an unnecessary economic hardship without compromising the public health and safety. Moreover, since the effect of the statement is to grant or recognize an exemption, or relieve a restriction, requirements for a delayed effective date are not applicable. Therefore, the statement published below shall become effective May 27, 1976.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269 (a)), 16 CFR Part 1512 is amended as follows:

1. By inserting a new Subpart A heading immediately preceding § 1512.1 to read as follows:

Subpart A—Regulations

§ 1512.19 [Amended]

2. In section 1512.19, by adding to the end of paragraph (d)(1), "(See also section 1512.50.)"

3. By adding a new Subpart B reading as follows:

Subpart B—Policies and Interpretations

AUTHORITY: Sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269(a).

§ 1512.50 Affirmative labeling statement.

(a) Section 1512.19(d) requires every bicycle subject to the requirements of this Part 1512 introduced into interstate commerce on or after May 11, 1976 through May 11, 1978, to be labeled with the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles." In accordance with section 1512.19(d)(1), the label on each assembled bicycle, which may consist of a hang tag, is required to be at least 6.4 cm. (2.5 in.) by 17.8 cm. (7 in.) with the labeling statement in capital letters at least 0.6 cm. (0.25 in.) high.

(b) Because of variances in the manufacture of hang tags, a finished tag, ordered to the specifications of section 1512.19(d)(1), may be slightly smaller than the minimum specifications. However, the Commission finds that hang tags with either length or width dimensions (or both) of no more than 0.32 cm. ($\frac{1}{8}$ in.) less than the prescribed requirements adequately provide the requisite degree of conspicuousness to consumers.

(c) Therefore, the Commission will consider bicycles otherwise in compliance with the provisions of Part 1512 to be in compliance with the requirements as to length and width of hang tags used to comply with labeling requirements under section 1512.19(d)(1) for purposes of enforcement if:

(1) The hang tag is correctly labeled with the required statement under section 1512.19(d), and

(2) The hang tag meets all of the labeling conspicuousness, legibility, and

type size requirements of § 1512.19(d) (1), and

(3) It can be documented that the hang tag was ordered to the correct specifications but, due to a manufacturing variance, is no more than 0.32 cm. (1/8 in.) smaller in either or both of its linear dimensions than the requirements of § 1512.19(d) (1).

Effective date: The amendments issued above to 16 CFR Part 1512 shall become effective May 27, 1976.

Dated: May 21, 1976.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.76-15440 Filed 5-26-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5704, 34-12414; File No.
S.7-593]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Conclusions and Final Action on Rulemaking Proposals Relating to Environmental Disclosure

The Securities and Exchange Commission today announced its conclusions and final action on the rulemaking proposals regarding disclosure of environmental matters which were announced in Securities Act Release No. 5627 (Oct. 14, 1975).¹ These proposals would have required registrants to

(1) Disclose any material estimated capital expenditures for environmental control facilities for the remainder of the current fiscal year, the succeeding fiscal year, and such further periods as are deemed material;

(2) Provide as an exhibit to certain documents filed with the Commission a list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the previous twelve months, any applicable environmental standard established pursuant to a federal statute; and

(3) Undertake to provide copies of the reports listed, upon written request and the payment of a reasonable fee.

The Commission has determined to adopt so much of the proposals as relate to the disclosure of capital expenditures for environmental compliance purposes. The Commission has, however, concluded that requiring the listing and availability of environmental compliance reports would not provide additional meaningful information to investors interested in the environmentally significant aspects of the behavior of registrants and that no disclosure alternative of which it is aware would provide such additional information without costs and burdens grossly disproportionate to any resulting benefits to investors and the environment.

The Commission's disclosure requirements, as amended today, are designed to elicit information regarding (1) the material effects that compliance with federal, state and local environmental protection laws may have upon capital expenditures, earnings and competitive position of registrants, (2) all litigation commenced or known to be contemplated against registrants by a government authority pursuant to federal, state or local environmental regulatory provisions, and (3) all other environmental information of which the average, prudent investor ought reasonably to be informed. Such information appears to be that which is of interest to investors and its disclosure to them would appear also to be of some benefit to the environment. The Commission has also extensively considered whether other types of disclosure requirements might provide additional meaningful environmental information of interest to investors and of benefit to the environment, but has concluded that, at present, this is not the case. Many of the proposals which have been suggested seem to be premised upon the assumption that the Commission has the principal responsibility for substantive regulation of environmental practices. The Commission cannot, itself, undertake to regulate corporate conduct which affects the environment. Congress and the states have created government authorities specifically to perform this function. We must presume that these government authorities are responsibly performing their duties and our disclosure requirements are necessarily premised, in part, upon this assumption.

Accordingly, the Commission has determined to withdraw disclosure proposals relating to compliance reports announced in Release No. 5627, and has concluded that its existing rules, previously adopted,² along with the action it is taking today, satisfy the Commission's obligations under the federal securities laws and the National Environmental Policy Act of 1969 ("NEPA").³

BACKGROUND

The rulemaking proposals announced in Release No. 5627 are the most recent effort in the Commission's lengthy consideration of the relationship between its disclosure authority under the federal securities laws and NEPA. This consideration commenced in 1971 and, as a result, the Commission, in Securities Act Release No. 5170 (July 19, 1971), alerted registrants to the fact that its existing rules required the disclosure of the material effects upon a registrant's business of compliance with environmental laws. Subsequently, in Securities Act Release Nos. 5235 (Feb. 16, 1972) and 5386 (Apr. 20, 1973), the Commission proposed and subsequently adopted specific amendments to its registration and reporting forms designed to "promote in-

vestor protection and at the same time promote the purposes of NEPA."⁴ These amendments, which have continued in effect, specifically require:

(1) Disclosure of "the material effects that compliance with federal, state and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries";⁵

(2) Disclosure of any administrative or judicial proceeding pending or known to be contemplated by governmental authorities and arising under federal, state or local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment.⁶

On July 7, 1971, shortly prior to the issuance of Release No. 5170, the Natural Resources Defense Council ("NRDC") filed a rulemaking petition requesting that the Commission adopt certain detailed environmental disclosure rules. This petition would have required registrants to disclose, among other things, the "nature and extent" of the pollution caused by their activities, the "feasibility of curbing such pollution," and the "plans and prospects for improving [the relevant] technology."⁷ Although the NRDC proposed certain limitations on the categories of registrants to which its rules would apply, the applicability of its proposals was not contingent either upon the effect of environmental compliance on a registrant's business or upon noncompliance by a registrant with existing environmental standards. On December 21, 1971, the Commission denied the NRDC's petition on the ground that it was reviewing the disclosure resulting from Release No. 5170 and would "actively consider amendments" to its rules "in the near future."⁸ And on February 16, 1972, the Commission announced its proposals in Release No. 5235.

On February 18, 1972, two days after the publication of the Commission's rule proposals in Release No. 5235 and before the receipt of comment thereon, the NRDC sought judicial review in the

¹ Release No. 5386, at 1.

² Form S-1, Item 9(a), Instruction 5, 17 CFR 239.11; Form S-7, Item 5(a), 17 CFR 239.26; Form S-9, Item 3(c), 17 CFR 239.22; Form 10, Item 1(b), Instruction G, 17 CFR 249.210; and Form 10-K, Item 1(b)(7), 17 CFR 249.310. See 17 CFR 239.0-1, 249.0-1.

³ Form S-1, Item 12, Instruction 4, 17 CFR 239.11; Form S-7, Item 5(e), 17 CFR 239.26; Form 10, Item 10, Instruction 4, 17 CFR 249.210; Form 10-K, Item 5, Instruction 4, 17 CFR 249.310; and Form 8-K, Item 3, Instruction 4, 17 CFR 249.308. See 17 CFR 239.0-1, 249.0-1.

⁴ Petition, Exhibit A at 1. The petition also contained rulemaking proposals concerning equal employment opportunity. This aspect of the petition was discussed in detail in Release No. 5627 at 42-48, but is not presently in issue.

⁵ A copy of the letter denying the petition is available for public inspection in SEC File No. 4-179.

⁶ Securities Act Release No. 5386 (Apr. 20, 1973); see also n. 23, *infra*, and accompanying text.

⁷ 42 U.S.C. 4321-4335.

⁸ "SEC Docket" 41 (Oct. 29, 1975), 40 Fed. Reg. 51656 (Nov. 6, 1975).

Court of Appeals for the District of Columbia of the denial of its petition. This effort was, however, unsuccessful, as the Court of Appeals held that, under the circumstances, the Commission's action on the petition was not final agency action subject to judicial review.⁹ Thereafter, on May 2, 1973, the NRDC filed a complaint in the District Court for the District of Columbia challenging both the rules adopted by the Commission on April 20 in Release No. 5386 and the denial of its rulemaking petition. On May 25, 1975, the NRDC filed a second action in the Court of Appeals also seeking review of the promulgation of the rules announced in Release No. 5386. The Court of Appeals subsequently dismissed that action for lack of jurisdiction.¹⁰

In the district court litigation, "Natural Resources Defense Council, Inc., v. Securities and Exchange Commission," 389 F. Supp. 689 (D.D.C.), Judge Charles R. Richey held, on December 9, 1974, that the Commission had not met the requirements of the Administrative Procedure Act in its rulemaking action. Specifically, the Court held that Release No. 5235 did not adequately alert interested persons to the fact that the rule proposals therein were intended to discharge the Commission's obligations under NEPA,¹¹ and that Release No. 5386 did not contain an adequate statement of the Commission's obligations under NEPA, the alternatives the Commission considered, and the reasons it rejected substantial alternatives.¹² Accordingly, the Court remanded the matter to the Commission for further rulemaking action.

Although the Commission did not, and does not, agree that it had failed to satisfy the requirements of the Administrative Procedure Act, it undertook to comply with the Court's order rather than appeal the judge's decision, and announced in Securities Act Release No. 5569 (Feb. 11, 1975), and thereafter conducted, a lengthy proceeding aimed at obtaining the widest possible public participation to assist it in ascertaining whether any further rulemaking was appropriate and in resolving certain factual issues raised by Judge Richey.¹³ The proceeding elicited 54 oral presentations at 19 days of public hearings, and 353 written comments, exceeding in the aggregate 10,000 pages. Then on October 14, 1975, in Release No. 5627, the Commission announced its conclusions and proposed certain disclosure rules, discussed supra. Approximately 210 letters of comment were received during the course of the comment period on these proposals. Copies of these comments, all correspondence concerning the proposals with

the Environmental Protection Agency and the Council on Environmental Quality, *inter alia* and a summary of comments are available for public inspection in SEC File No. S7-593.

In all, the Commission has compiled an estimated 15,000 pages of comments, testimony, memoranda, data and arguments over a five-year period as a result of the NRDC's proposals. In addition, our staff has had discussions with the two federal entities having primary responsibility respecting environmental matters. While helpful, those discussions have not engendered any workable proposals beyond those which the Commission has adopted, either previously or today.

RULEMAKING ALTERNATIVES

1. DISCLOSURE OF ESTIMATED CAPITAL EXPENDITURES FOR ENVIRONMENTAL CONTROL FACILITIES

The Commission has determined to adopt the proposed amendment to its existing environmental disclosure requirements concerning material estimated capital expenditures for environmental control facilities.¹⁴ It has come to the attention of the Commission that disclosure with respect to material estimated capital expenditures for environmental control facilities, although required under the general wording of the existing requirements, has not been provided by all registrants for similar periods. The Commission's primary purpose in proposing and adopting this amendment, therefore, is to make such disclosure more uniform and comparable among registrants.

Several commentators expressed their general approval of Item D during the course of the comment period. The majority of commentators, however, either raised no objection to, or did not comment on, this proposal. In this regard, it should be particularly noted that none of the commentators opposed Item D on the ground that the information required was unavailable or that the compilation of such information would impose an undue burden on registrants.

The Commission hereby amends Forms S-1, S-2, S-7, and S-9 pursuant to Sections 7, 10 and 19(a) of the Securities Act and Forms 10 and 10-K pursuant to Sections 12, 13, 15(d), and 23(a) of the Exchange Act. The amendments shall be effective with respect to reports and registration statements filed with the Commission on or after July 1, 1976. The text

¹⁴ This aspect of the proposal, described as "Item D" in Release No. 5627, would amend the existing requirement concerning disclosure of the material effects of compliance with environmental laws quoted in the text accompanying n. 5, supra. The proposed amendment would add thereto the sentence:

Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

of the amendments adopted is attached as Exhibit A.¹⁵

2. LISTING OF ENVIRONMENTAL COMPLIANCE REPORTS

Comments received by the Commission almost unanimously opposed the proposal to require lists of registrants' most recently filed environmental compliance reports which indicate noncompliance, at any time within the previous twelve months, with any applicable environmental standard established pursuant to a federal statute. A significant number of interested parties suggested that the proposals would elicit disclosure which was inherently misleading. In this regard it was asserted that: (1) Environmental compliance reports generally consist of listings of detailed, technical information which require a comprehensive level of environmental expertise, not possessed by the average investor; (2) because of inconsistencies both in the application and interpretation of environmental standards and in the reporting requirements thereunder and because there are no environmental laws presently existing with respect to some types of environmentally significant conduct, the proposals would not provide investors with information necessary to compare the total environmental performance of different companies; and (3) the various types of environmental compliance reports actually filed usually do not contain comparable information and normally do not provide complete information with respect to the noncomplying conduct.

A primary criticism expressed by a substantial majority of the commentators was that the proposals fail to distinguish between significant and de minimis violations of applicable environmental standards. It was felt that a long list of reports mostly indicating de

¹⁵ In connection with the proposals announced in Release No. 5627, the Commission indicated that, pursuant to Section 23(a) (2) of the Securities Exchange Act, it had considered such proposals and was unaware of any burden they would impose on competition not necessary or appropriate in furtherance of the purposes of the Act and specifically invited comment on this matter. Only two letters of comment were received regarding the competitive impact of Item D. It was asserted therein that anti-competitive effects may result in certain capital intensive industries from the adoption of Item D since the information called for would necessarily involve the disclosure of heretofore confidential information concerning plant production and costs. It was felt that this information may be used in part by privately held companies to make decisions regarding capital investment so as to gain a competitive advantage. It is the Commission's position that any burdens on competition arising from the use by private companies of the disclosures required by publicly-held companies are inherent in the disclosure requirements contemplated by the Exchange Act and, to the extent they exist, are, therefore, necessary and appropriate in the furtherance of the purposes of that Act.

⁹ "Natural Resources Defense Council, Inc. v. Securities and Exchange Commission," No. 72-1148 (C.A.D.C., Feb. 8, 1973).

¹⁰ "Natural Resources Defense Council, Inc. v. Securities and Exchange Commission," No. 73-1591 (C.A.D.C., June 17, 1974).

¹¹ 389 F. Supp. at 700.

¹² *Id.* at 701.

¹³ *Id.*

minimis violations would provide little information of benefit to investors concerned with the environment. An investor, if interested, would be forced to examine the documents underlying the list provided pursuant to the proposal. Otherwise, in the absence of some indication of the relative significance of the items listed, an investor would be inclined to evaluate companies merely by the number of reports listed.³⁶ Companies which listed fewer reports, all of which related to egregious violations, might superficially appear more environmentally responsible than those listing a larger number of reports of insignificant violations.

It has been suggested that the scope of the proposal could be expanded to include a listing of all filed monitoring data, rather than merely "environmental compliance reports," which indicate that a registrant has not met any state or local, as well as federal, environmental standard during the preceding 12-month period. Although this might increase the range of corporate environmental practices which would be disclosed in filings with the Commission, it would not alleviate the other inadequacies discussed above. Moreover, this would result in substantial uncertainties regarding which types of information are subject to the listing requirement and which of the many state and local regulatory requirements (e.g., building codes) are considered to be "environmental standards."

It does not appear that a definitive and universal standard can be developed to insure that only reports which relate to "significant" noncompliance with existing environmental standards would be listed by registrants. The Commission has considered whether to require registrants also to include a brief narrative description of the information contained in the proposed listed reports which relate to noncompliance considered "significant" by the registrant. The Commission has concluded, however, that allowing each registrant to apply its own notions of significance would compound, rather than lessen, the difficulty in comparing the environmental performance of different companies. In addition, such a narrative would merely produce information largely duplicative of that already disclosed by registrants.

The existing environmental requirements, adopted in Release No. 5386, call for disclosure of all administrative and judicial proceedings commenced or known to be contemplated by a government authority and arising under federal, state or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment. While it may be true that government authorities cannot initiate a proceeding or litigation

with respect to all violations of environmental standards which are reported to them or of which they otherwise become aware, the Commission must assume that violations which the responsible authority considers significant do result in such action. In addition, relying upon the determinations of the various government authorities involved directly in regulation of environmental practices as to the significance of violative conduct ensures a measure of uniformity of disclosure which would not be obtained if each registrant were required to apply its own notions of significance.

The Commission has also considered whether to require registrants to disclose violations of environmental standards which have not been reported to other government authorities. Under appropriate circumstances, however, the Commission's existing rules³⁷ requiring disclosure of all information, not otherwise specifically required, of which the average prudent investor ought reasonably to be informed, would elicit such information. Moreover, the Commission does not believe that NEPA was intended to compel it to impose environmental compliance monitoring and reporting requirements more extensive than those created and administered by government authorities charged with substantive regulation of environmental practice.³⁸ For the foregoing reasons, the Commission has also determined not to propose a requirement that registrants describe the procedures by which they internally monitor their compliance with existing environmental standards, and any violations of those standards of which they are aware and with respect to which they have not taken action reasonably believed necessary to prevent recurrence.

Thus, since the proposal announced in Release No. 5627, whether or not modified as described above, would produce additional disclosure which would be of little value at best, and misleading at worst, the Commission has determined, after balancing the benefits to investors and the environment against the burdens involved, that the proposal should be withdrawn.

3. OTHER ALTERNATIVES

In light of the familiarity of the Council on Environmental Quality with the provisions of NEPA, specific discussion of its suggestions is appropriate. The Council recognizes that the Commission should not impose new environmental monitoring requirements, duplication of existing requirements, or corporate environmental impact statement requirements. It does believe, however, that the Commission could require registrants to prepare summaries of significant information which they gather in order to ob-

tain federal, state and local permits, licenses, approvals, or variances, to register new products, to report spills and to monitor discharges and emissions, or for other corporate purposes. It has suggested that the Commission solicit from registrants and from federal and state agencies a description of the types of environmental impact information gathered and submitted to these agencies by registrants and then determine how such information could best be summarized and disclosed.³⁹

At the outset, we must observe that the Council disagrees with the Commission's analysis of its obligations under NEPA. Specifically, it believes that the Commission may not restrict its disclosure requirements to information which appears to be of interest to investors, but must undertake to provide disclosure which would be of interest to other persons and entities. For this reason, the Council's suggestion is not designed to, and would be unlikely to, produce information of the type which investors appear to be interested in. Furthermore, if the availability of summaries and condensations of this type would promote environmental goals, we believe that it is the responsibility of the government authorities which receive such information in the first instance to see that summaries and condensations are made publicly available.⁴⁰ In any event, in the absence of any indication that the substantial costs involved in such summarization would be outweighed by the resulting benefits, a determination which appears to be totally beyond the scope of our expertise, any such undertaking would clearly be inappropriate.

³⁶ The Council has also suggested that the term "environmental compliance report" used in the existing proposal be expanded to include significant variances from existing federal or state environmental standards. For reasons discussed supra, we have determined to withdraw the existing proposal. Furthermore, based upon discussions with the Environmental Protection Agency, the Commission is of the view that variances from existing environmental standards obtained from government authorities charged with the administration of environmental standards are not generally indicative of irresponsible environmental practices on the part of registrants.

³⁷ Significantly, we have been advised by the Environmental Protection Agency that it could not make available a complete index and description of the kinds of reports and data filed with it or with state and local control agencies under the various environmental statutes because of the multiplicity of the reporting requirements in federal, state and local statutes, rules and regulations. It also expressed the view that most reports and information in the possession of federal agencies could be made available to the public under the Freedom of Information Act and that important information with respect to corporate environmental practices is generally available in the localities directly affected by such practices. That agency declined to express to us any view as to whether access to such information on a national basis would serve a significant purpose.

³⁸ The Commission, after discussions with the federal entities primarily responsible for environmental matters, was unable to formulate a standard for determining the "significance" of violative conduct.

³⁹ See n. 23, *infra*, and accompanying text.
⁴⁰ The Environmental Protection Agency has advised that proposals of this type would not substantially assist it, since that agency can generally obtain necessary information under its statutory authority.

EXISTING RULES PERTAINING TO ENVIRONMENTAL DISCLOSURE

For the foregoing reasons, the Commission has determined, at this time, to adopt only the proposal relating to disclosure of capital expenditures for environmental compliance purposes. The Commission believes that its existing disclosure rules, as thus amended, meaningfully carry out its responsibilities under NEPA and that the decision not to adopt further rules is fully consistent with that Act.

First, as described above, the Commission's existing rules require disclosure of the material effects that compliance with federal, state and local environmental protection laws may have upon capital expenditures, earnings and competitive position of registrants. In the proceedings announced in Release No. 5569, numerous commentators pointed out that corporate violations of environmental regulations and corporate failure to anticipate and prepare for increasingly stringent environmental standards could severely affect a registrant's financial condition. Disclosure of the material effects which environmental compliance may have is designed to meet these concerns.²¹

Second, as also previously described, the Commission, since 1973, has required disclosure of all litigation, commenced or known to be contemplated, against a registrant by a government authority pursuant to federal, state or local provisions regulating discharge of materials into the environment or otherwise relating to the protection of the environment. This requirement is in harmony with the principles expressed in Release No. 5627 and with the Commission's proper role under the federal securities laws and NEPA. As a practical matter, the Commission cannot set environmental standards, determine when conduct lawful under such standards is environmentally injurious, or determine when conduct unlawful under such standards is environmentally insignificant. The Commission must assume that those agencies specifically charged with setting and enforcing environmental standards are discharging their obligations and institute enforcement proceedings whenever serious violations come to their attention. By requiring a description of all such litigation, regardless of whether the amount of money involved is itself material, the Commission believes it has given recognition to both the importance of the national environmental policy and to the far-reaching effects, both financial and environmental, of violations of environmental laws. Further, the fact that legal action, both pending and known to be contemplated, must be disclosed serves to foreshadow potentially

serious environmental problems facing registrants.²²

Finally, as Release No. 5627 emphasized, the Commission's existing rules require the disclosure, in filings under both the Securities Act and the Securities Exchange Act, of all material information necessary to make the statements in such filings neither false nor misleading.²³ This, under appropriate circumstances, would compel the disclosure of information concerning environmental compliance, impact, expenditures, plans, or violations, not otherwise specifically required, of which the average prudent investor ought reasonably to be informed.

The Commission believes that these three categories of requirements, together, will elicit the type of environmental information in which investors appear to be interested and are more than sufficient to discharge the Commission's NEPA obligations. Based on the rules described above, a registrant's failure, in specific instances, to make proper disclosure of environmental information could be actionable by the Commission, depending upon the appropriate exercise of the Commission's prosecutorial discretion. In addition, if an individual investor believes that in a particular instance these requirements are being violated, he may seek equitable relief or damages in court. As the Commission stated in Release No. 5627 (p. 48), "private civil actions based upon violations of the federal securities laws are a 'necessary supplement' to the Commission's own enforcement actions." *J. I. Case Co. v. Borak*, 377 U.S. 426, 432 (1964).²⁴

CONCLUSION

For the reasons stated in this release and in Release No. 5627,²⁵ the Commission has determined to adopt the proposal relating to disclosure of capital expenditures for environmental compliance purposes and to withdraw the balance of the environmental disclosure rulemaking proposals announced in Release No. 5627 on the ground that they would not provide meaningful additional information to investors. Further, the Commission believes that the costs and burdens of any disclosure alternatives of which it is presently aware would be grossly disproportionate to any resulting benefits to investors and the environment. The Commission will continue to

²¹ In the course of this proceeding it has been pointed out that the Environmental Protection Agency sometimes issues notices of violation in the nature of cease and desist orders. We believe that receipt of such an order would constitute a sufficiently concrete indication of contemplated governmental legal action to require disclosure under the existing rule.

²² See Rule 408, 17 CFR 230.408, (registration statements under the Securities Act); Rule 12b-20, 17 CFR 240.12b-20 (registration statements and periodic reports under the Securities Exchange Act); and Rule 14a-9, 17 CFR 240.14a-9 (proxy statements).

²³ To the extent relevant principles and conclusions are stated in Release No. 5627, they have not been repeated herein.

assess both the needs of investors and its experience respecting disclosure of environmental information, and will reconsider its existing rules from time-to-time as appropriate. The Commission is, however, of the view that its existing disclosure rules satisfy the Commission's obligations under NEPA.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 6, 1976.

EXHIBIT A—TEXT OF AMENDMENTS

The effective date for the amendments to Forms S-1, S-2, S-7, S-9, 10 and 10-K is July 1, 1976.

Form S-1 is amended as follows:

§ 239.11 Form S-1, registration statement under the Securities Act of 1933.

ITEM 9. DESCRIPTION OF BUSINESS

Instruction 5 to (a) is amended to read as follows:

Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form S-2 is amended as follows:

§ 239.12 Form S-2, for shares of certain corporations in the development stage.

ITEM 4. ORGANIZATION AND BUSINESS

Number 10 is added under Section (a) to read as follows:

The material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form S-7 is amended as follows:

§ 239.26 Form S-7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

ITEM 5. BUSINESS

Section (a) is amended to read as follows:

Identify the business done and intended to be done by the registrant and

²⁴ The Commission is of the view that, in appropriate circumstances, the disclosure of estimated capital expenditures or other financial consequences of environmental compliance could require a brief textual description of the environmental problem involved.

its subsidiaries. In the case of an extractive enterprise, give appropriate information as to development, reserves and production. Appropriate disclosure shall be made with respect to (i) any portion of the business which may be subject to renegotiation of profits or termination of contracts or subcontracts at the election of the Government, and (ii) the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form S-9 is amended as follows:

§ 239.22 Form S-9, for the registration of certain debt securities.

ITEM 3. STATEMENT OF INCOME

Section (c) is amended to read as follows:

Appropriate disclosure shall be made as to the material effects that compliance with Federal, State and local provisions regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form 10 is amended as follows:

§ 249.210 Form 10, general form for registration of securities pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934.

ITEM 1. BUSINESS

Instruction 6 to Section (b) is amended to read as follows:

Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form 10-K is amended as follows:

§ 249.310 Form 10-K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

ITEM 1. BUSINESS

Number 7 under Section (b) is amended to read as follows:

The material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

[FR Doc.76-15622 Filed 5-26-76; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-24]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Natural Gas Producers; Extension of Time

MAY 20, 1976.

Continuing investigation of expenditure, exploration and development activities, production, reserve additions, and revenues of natural gas producers and producing affiliates subject to the Federal Power Commission.

Order Nos. 543 issued December 10, 1975 (40 FR 58630) and 543-A issued April 19, 1976 (41 FR 17537) in the above matter provided that Form No. 64 for 1975 and prior years should be filed on or before June 11, 1976. Several requests for an extension of that date have been filed.

Upon consideration, notice is hereby given that the time is extended to and including August 11, 1976, within which to file Form No. 64 for 1975 and prior years. Subsequent reports will be filed no later than March 31, each year.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15425 Filed 5-26-76; 8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FHWA Docket No. 76-5]

PART 661—GREAT RIVER ROAD

Interim Regulations

● Purpose. These interim regulations are being issued by the Federal Highway Administration (FHWA) in order to set

temporary standards for the disbursement of funds for the planning, design, and construction of the Great River Road, pursuant to the § 148, Title 23, United States Code, and § 14 of the Federal-Aid Highway Act of 1954, P.L. 83-350, May 6, 1954, as amended. ●

The above statutes provide for the establishment of a national scenic and recreational highway in the Mississippi River Valley to be called the Great River Road. The Great River Road will extend from Lake Itasca in Minnesota to the Gulf of Mexico, and will go through all ten States bordering the Mississippi River.

The route of the Great River Road is to generally follow one of the Plans set forth in a report to Congress entitled a "Parkway for the Mississippi," prepared jointly in 1951 by the Bureau of Public Roads (predecessor to the FHWA) and the National Park Service, pursuant to the requirements of P.L. 81-262, August 24, 1949. This study, known as the Phase I Study, lead to a series of more detailed "Phase II" studies, conducted by the FHWA and the National Park Service on a State by State basis. The Phase II studies set forth the recommended routes, possible acquisitions, scenic easements, access control points, and the like in greater detail. They have been completed for six of the ten States bordering on the Mississippi River.

The suggested system is described in § 661.3 below. Only a single route will be federally funded as the Great River Road, with funds authorized under 23 U.S.C. 148. Existing roads will be used to the greatest extent possible. No new crossings of the Mississippi River are to be constructed with Great River Road funds. Nothing in the Interim Regulations prevents the States from designating as part of the Great River Road, routes in addition to the Great River Road system funded under 23 U.S.C. 148. This essentially ratifies existing practices in some States which has resulted in portions of the Great River Road being designated on both sides of the Mississippi River simultaneously.

Initial allocations for Federal funds for the Great River Road were based on a formula which gave equal weight to the preliminary cost estimate of the route in each State in relation to the preliminary cost estimate for the total route and the estimate mileage in each State in relation to the total mileage. It is anticipated that future allocations will be based on a new comprehensive estimate of the cost to complete the program.

In planning the Great River Road, the States and the FHWA are encouraged to adopt a broad philosophy which will result in the incorporation of many parkway-like features. The provisions of this Part are designed to permit maximum flexibility in this regard.

The interim regulations will remain in effect pending the issuance of final

regulations. Interested parties and governmental agencies are urged to submit written comments, views and data concerning these interim regulations and to make recommendations as to possible final regulations. Please send two (2) copies of all comments and materials to: Federal Highway Administration, Room 4226, 400-7th Street, SW., Washington, D.C. 20590, and refer to the above docket number (76-5). Any comments submitted should include the name and address of the person or organization submitting it. All comments must be submitted on or before July 12, 1976 (the closing date) in order to be considered. Comments and materials received will be available for public inspection both before and after the closing date in Room 4226, Office of Chief Counsel, Federal Highway Administration, U.S. Department of Transportation, 400-7th Street, SW., Washington, D.C.

The interim regulations are effective as of May 20, 1976.

Issued on: May 20, 1976.

NORBERT T. TIEMANN,
Federal Highway Administration.

Chapter I of Title 23, Code of Federal Regulations, is amended by adding a new Part 661, as follows:

- Sec. 661.1 Purpose.
- 661.2 Definitions.
- 661.3 System designation.
- 661.4 System criteria.
- 661.5 Project eligibility.
- 661.6 Design and construction.

AUTHORITY: § 14, P.L. 83-350, 68 Stat. 70, May 6, 1954, as amended; 23 U.S.C. § 148; 23 U.S.C. § 315; 49 CFR § 1.48.

§ 661.1 Purpose.

The purpose of this part is to outline the interim procedures to be followed in the funding, programing and execution of a program for a National Scenic and Recreational Highway in the Mississippi River Valley, known as the Great River Road.

§ 661.2 Definitions.

(a) The term "construction" is as defined in 23 U.S.C. 101(a) and in addition means the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas and other appropriate facilities as determined by the Secretary.

(b) The term "Great River Road" means a scenic and recreational highway, to be developed along the Mississippi River from Lake Itasca in Minnesota to near Venice, Louisiana and the Gulf of Mexico.

(c) The term "Scenic and Recreational Highway" means a highway generally within a scenic corridor of park-like development having significant scenic, historical and recreational features.

§ 661.3 System designation.

(a) A single route system for the Great River Road shall be designated for

Federal participation purposes. Except where there are significant breaks in continuity, it shall, to the maximum extent possible, follow existing road alignment. It shall cross the Mississippi River on existing bridges.

(b) The ten Mississippi River States shall select, in cooperation with and subject to the approval of the Federal Highway Administration (FHWA), the general alignment of the Great River Road system between designated existing Mississippi River crossings. Each State is responsible for the following system segments:

State	System segments
Minnesota	Lake Itasca to Red Wing and La Crescent to Iowa State line.
Wisconsin	Hager City to LaCrosse and Prairie du Chien to Illinois State line.
Iowa	Minnesota State line to Marquette and Muscatine to Ft. Madison.
Illinois	Wisconsin State line to Muscatine, Niota to Hannibal and Chester to Kentucky State line.
Missouri	Hannibal to St. Marys.
Kentucky	Illinois State line to Tennessee State line.
Tennessee	Kentucky State line to Memphis.
Arkansas	West Memphis to Shives.
Mississippi	Greenville to Louisiana State line.
Louisiana	Mississippi State line to the Gulf of Mexico crossing from the east bank to the west bank at Baton Rouge.

(c) The established Mississippi River crossings may be changed to other existing crossings and the Great River Road system segments modified accordingly when jointly agreed to by the States involved and approved by the FHWA.

(d) Each State shall submit for FHWA approval the location of its segments of the Great River Road system. The FHWA will approve system segments selected pursuant to the criteria set forth in this part.

(e) The States' selection and FHWA approval of a single scenic and recreation route system is provided for in this part for the purpose of establishing eligibility for the special category funds authorized under 23 U.S.C. 148. The States may continue to develop and sign additional routes on both sides of the river as the Great River Road which will not be eligible for Federal funds authorized by 23 U.S.C. 148.

§ 661.4 System criteria.

In establishing the general alignment of the Great River Road system the following criteria shall be adhered to:

(a) The system shall originate at the headwaters of the Mississippi River at Itasca in Minnesota, extend generally parallel and in proximity to the river, and terminate near the Gulf of Mexico in the vicinity of Venice, Louisiana.

(b) The system shall be located to take advantage of scenic river views and provide the user opportunities to stop and enjoy unique features and recreational activities.

(c) The system shall provide for a variety of experiences or themes, such as scenery, nature, history, geology and land use, for scientific or cultural purposes.

(d) The system shall include or allow for subsequent development, conveniently spaced roadside rest areas and other turnouts, so that the user may view and otherwise take advantage of the scenic, recreational and cultural areas of interest along the route.

(e) The system shall be located so that the unique values of the corridor may be protected. This may be accomplished by appropriate route selection, effective control or elimination of development inconsistent with the nature and performance of the highway through zoning or other land use restrictions, the acquisition of scenic easements and where necessary, the direct acquisition of scenic, historic, woodland or other areas of interest in fee, or by other appropriate measures.

(f) The system shall be located so as to provide for convenient access to:

(1) Larger population centers of the States through which the Great River Road passes,

(2) Other elements of the Federal-aid system, particularly the Interstate System,

(3) Sites of historical, archeological, scientific, scenic, or cultural interest in the areas through which the route passes,

(4) Local services such as gas, food, and lodging and recreational facilities to a degree not inconsistent with the purposes of the route.

§ 661.5 Project eligibility.

(a) Projects for expenditures for Great River Road funds shall be located on roads on the Great River Road system. In addition, except for portions on Federal lands, the roads shall also be part of the Federal-aid system (23 U.S.C. 103).

(b) Great River Road projects shall be implemented under normal Federal-aid primary project procedures unless otherwise provided herein or otherwise approved by the Administrator.

(c) Projects for utilization of Great River Road funds will be selected on the following bases, listed in order of declining priority:

(1) Environmental studies for acquisition of additional right-of-way and scenic easements which are on existing route segments.

(2) Acquisition of scenic easements and areas of scenic, historical, archeological, or scientific interest which are on existing route segments.

(3) Construction of rest areas, scenic overlooks, bicycle trails and reasonable access to areas of interest and scenic enhancement on existing route segments.

(4) Preliminary engineering through the location stage for segments on new location, including environmental studies.

(5) Reconstruction and rehabilitation of the existing route segments.

(6) Construction of new route segments to establish route continuity.

(d) Great River Road funds shall not be used to construct new Mississippi River crossing structures.

(e) Where traffic service and highway safety warrants are more than adequate to support the use of other Federal-aid highway funds, the use of such funds should first be given serious consideration.

(f) No fees or tolls shall be charged for any facility constructed or improved with Great River Road funds. The provisions of 23 U.S.C. 129(a) shall not apply to any bridge or tunnel on the Great River Road.

(g) Except for portions on Federal lands, Great River Road projects shall be eligible for 70 percent Federal funding. Any portion on Federal lands shall be eligible for 100 percent Federal funding.

§ 661.6 Design and construction.

(a) Except as indicated below, the Great River Road shall be designed and constructed by each of the 10 Mississippi River States in accordance with FHWA regulations and directives.

(b) Traffic carrying roadway elements of the Great River Road shall be designed in accordance with standards, specifications, policies and guides applicable to the design of Federal-aid projects. Great River Road funds may participate in preliminary engineering, right-of-way and physical construction, but participation in the physical construction shall be limited to a roadway width for 2-12' lanes plus shoulder.

(c) The other design elements of the total facility should incorporate parkway-like features which will allow the user-motorist to maintain a leisurely pace and enjoy the scenic and recreational aspects of the route. Such features may include rest areas and scenic overlooks with suitable facilities and bike-ways and pedestrian walkways within the right-of-way.

(d) Outdoor advertising signs, displays and devices shall be effectively controlled pursuant to 23 U.S.C. 131.

(e) Pursuant to 23 U.S.C. 148(a) (3), the Great River Road shall be signed with uniform identifying trail markers.

[FR Doc.76-15455 Filed 5-26-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 529-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama: Revised Emission Limits for Sulfuric Acid Plants

On September 4, 1975 (40 FR 40854), notice was given of Alabama's proposal to revise its approved implementation plan by changing the emission limits provided for sulfuric acid plants. These changes were adopted by the Alabama Air Pollution Control Commission on April 22, 1975, after notice and public hearing, and were submitted for the Agency's approval on July 25, 1975. Copies of the materials submitted by the State were made available at the Agency's Region IV office in Atlanta, Georgia

and at the office of the Alabama Air Pollution Control Commission in Montgomery. The public was invited to comment on the proposed changes, but no comments were received. The purpose of the present notice is to announce the Administrator's approval of the revision.

The effect of the revision is to relax the original limit on sulfur dioxide emissions from existing facilities, 6.5 pounds per ton of 100% acid produced, to 27 pounds per ton of 100% acid produced; sources now emitting less than 27#SO₂/ton H₂SO₄, however, will not be allowed to increase emissions of this pollutant. The original limits on sulfur trioxide and sulfuric acid mist emissions from existing facilities remain unchanged. New facilities must meet SO₂ and acid mist emission limits equivalent to those specified in the Agency's New Source Performance Standards: 4 pounds SO₂ and 0.15 pound H₂SO₄ mist per ton of 100% acid produced (40 CFR 60.82 and 60.83). All facilities must now install, calibrate, maintain, and operate equipment for the continuous monitoring and recording of sulfur dioxide emissions; such equipment must be approved by the State air pollution control agency.

The Agency's analysis of the revised control strategy and diffusion modeling results submitted in support of this revision confirm the State's position that implementation of the revision will not adversely affect the attainment and maintenance of the national ambient air quality standards. Copies of the Agency's evaluation statement and the materials submitted by the State in connection with the revision may be examined by the public during normal office hours at the following locations:

Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

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

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104.

Since Alabama's revised emission limits for sulfuric acid plants will not, in the determination of the Administrator, interfere with the attainment and maintenance of the national ambient air quality standards in the State, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this action immediately effective in that the revised emission limits are already in effect under State law and regulation, and the Administrator's approval action imposes no additional burden on anyone.

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

Dated: May 20, 1976.

JOHN QUARLES,
Acting Administrator.

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

Subpart B—Alabama

In § 52.50, paragraph (c) is amended by adding subparagraph (13) as follows:

§ 52.50 Identification of plan.

(c)

(13) Revised limits on sulfur dioxide and sulfuric acid mist emissions from sulfuric acid plants, submitted on July 25, 1975, by the Alabama Air Pollution Control Commission.

[FR Doc.76-15379 Filed 5-26-76;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 549-7]

PART 420—IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

Extension of Comment Period and Notice of Availability

On March 29, 1976 the Agency published a notice of interim final rulemaking (41 FR 12920) establishing effluent limitations and guidelines for the forming, finishing and specialty steel segments of the iron and steel manufacturing point source category, based upon use of best practicable control technology currently available. The due date for comments provided in the notice was April 28, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Forming, Finishing and Specialty Steel Segments of the Iron and Steel Manufacturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to June 28, 1976.

Dated: May 14, 1976.

JOHN T. RHETT,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.76-15380 Filed 5-26-76;8:45 am]

Title 41—Public Contracts and Property Management

[AIDPR Notice 76-3]

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

Miscellaneous Amendments

This Notice contains the following amendments to the AID Procurement Regulations (41 CFR Part 7):

1. The amendment of §§ 7-1.702(d), 7-1.104-2(b) (8), and 7-1.704-6(a) to reflect the increase in the small business screening threshold for PIO/T's from \$2,500 to \$5,000.

2. The addition of a new Appendix H incorporating AID Policy Determination 65, "Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance."

3. The amendment of § 7-3.211(a) to reflect the increase in the Small Projects Research Program authorization from \$25,000 to \$35,000.

4. The amendment of §§ 7-1.305, 7-1.306, 7-1.310, 7-1.310-7, 7-1.310-10, 7-1.600, 7-1.702(d) (5), 7-4.5300(b), 7-4.5301(d) (4) (i), and 7-4.5301(d) (4) (iv) to reflect changes in AID Manual Order and AID Handbook references, AID organizational changes, and the elimination of duplicate coverage provided in other AID Handbooks.

5. The amendment of §§ 7-1.1001(b) (2), 7-1.1001(b) (3), 7-1.1003-3, 7-1.1003-7, 7-3.101-50(a), 7-3.102, 7-3.103, 7-3.215, 7-3.600, 7-3.807-3, and 7-4.1004-2, to reflect FPR changes.

6. The amendment of §§ 7-1.104-4, 7-1.454, 7-1.455, 7-1.456, 7-3.807-2, 7-3.807-2(c), 7-3.308, and 7-4.5801(b) to make editorial changes and to eliminate reference to functions covered in other AID Handbooks.

7. The removal of unnecessary "[Reserved]" entries in §§ 7-1.209, 7-1.311, 7-1.605-4, 7-1.703, 7-1.1003, 7-1.1003-2, 7-3.212, and 7-3.213.

PART 7-1—GENERAL

Subpart 7-1.1—Introduction

1. § 7-1.104-4 is revised as follows:

§ 7-1.104-4 AIDPR Notices.

AIDPR Notices will be used to promulgate changes to the AIDPR. Such Notices will be prepared by the Assistant Administrator for Program and Management Services.

Subpart 7-1.2—Definition of Terms

§ 7-1.209 [Deleted]

2. § 7-1.209 is deleted.

Subpart 7-1.3—General Policies

§§ 7-1.305, 7-1.306, 7-1.310, 7-1.310-7, 7-1.310-10 and 7-1.311 [Deleted]

3. §§ 7-1.305, 7-1.306, 7-1.310, 7-1.310-7, 7-1.310-10, and 7-1.311 are deleted.

Subpart 7-1.4—Procurement Responsibility and Authority

§§ 7-1.454, 7-1.455 and 7-1.456 [Deleted]

4. §§ 7-1.454, 7-1.455, and 7-1.456 are deleted.

Subpart 7-1.6—Debarred, Suspended, and Ineligible Bidders

§ 7-1.600 [Amended]

5. § 7-1.600 is amended to change the reference " * * * as AID Manual Order 1414.13." in the first sentence to " * * * in AID Handbook 15."

§ 7-1.605-4 [Deleted]

6. § 7-1.605-4 is deleted.

Subpart 7-1.7—Small Business Concerns

§§ 7-1.702, 7-1.704-2 and 7-1.704-6 [Amended]

7. §§ 7-1.702(d), 7-1.704-2(b) (8), and 7-1.704-6(a) are amended to delete the figure "\$2,500", and substitute the figure "\$5,000", wherever it appears.

§ 7-1.702 [Amended]

8. § 7-1.702(d) (5) is amended to delete " * * * Manual Order 417.5 * * *" and substitute " * * * AIDPR Appendix F * * *".

§ 7-1.703 [Deleted]

9. § 7-1.703 is deleted.

Subpart 7-1.10—Publicizing Procurement Actions

10. In § 7-1.1001, paragraph (b) is revised as follows and paragraph (b) (3) is deleted.

§ 7-1.1001 General policy.

* * * * *

(b) * * *

(2) AID's Small Business Office maintains a Contractor's Index, which serves as a reference source and an indication of a prospective contractor's interest in performing AID contracts. Prospective contractors are invited to file the appropriate form (Standard Forms 254/255, Architect-Engineer and Related Services Questionnaires; or AID Forms 1420-6, Management Consultant Questionnaire; 1420-7, Construction Contractor's Questionnaire; or 1420-19, Urban and Regional Planner Consultant Questionnaire) with AID's Small Business Office (Department of State, Agency for International Development, Washington, D.C. 20523—Attention: Small Business Office). These forms should be updated annually.

* * * * *
 §§ 7-1.1003, 7-1.1003-2, 7-1.1003-3, and 7-1.1003-7 [Deleted]

11. §§ 7-1.1003, 7-1.1003-2, 7-1.1003-3 and 7-1.1003-7 are deleted.

PART 7-3—PROCUREMENT BY NEGOTIATION

Subpart 7-3.1—Use of Negotiation

§ 7-3.101-50 [Amended]

12. § 7-3.101-50 is amended by deleting paragraph (a) in its entirety; paragraphs (b), (c), and (d) are redesignated paragraphs (a), (b), and (c), respectively.

§§ 7-3.102 and 7-3.103 [Deleted]

13. §§ 7-3.102 and 7-3.103 are deleted.

Subpart 7-3.2—Circumstances Permitting Negotiation

§ 7-3.211 [Amended]

14. § 7-3.211(a) is amended to delete the figure "\$25,000" and substitute the figure "\$35,000".

§§ 7-3.212, 7-3.213 and 7-3.215 [Deleted]

15. §§ 7-3.212, 7-3.213, and 7-3.215 are deleted.

Subpart 7-3.3—Determinations, Findings, and Authorities

§ 7-3.308 [Deleted]

16. § 7-3.308 is deleted.

Subpart 7-3.6—Small Purchases

§ 7-3.600 [Amended]

17. § 7-3.600 is amended to delete the figure "\$2,500" and substitute the figure "\$10,000".

Subpart 7-3.8—Price Negotiation Policies and Techniques

§ 7-3.807-2 [Amended]

18. § 7-3.807-2 is amended to delete the title "[Reserved]." and substitute the title "Requirements for price or cost analysis."

§ 7-3.807-50 [Redesignated]

19. § 7-3.807-2(c) is redesignated § 7-3.807-50.

§ 7-3.807-3 [Deleted]

20. § 7-3.807-3 is deleted.

PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 7-4.10—Architect-Engineer Services

§ 7-4.1004-2 [Amended]

21. § 7-4.1004-2 is amended by changing the references to " * * * AID Form 1420-5 * * *" to " * * * Standard Forms 254 and 255 * * *".

Subpart 7-4.53—Procurement Under AID Research and Analysis Program

§ 7-4.5300 [Amended]

22. § 7-4.5300(b) is amended to delete the title "Director, Office of AID Research and University Relations, Bureau for Technical Assistance (TA/RUR)" and substitute the title "Director, Inter-Regional Research Staff, Bureau for Technical Assistance (TA/RES)".

§ 7-4.5301 [Amended]

23. § 7-4.5301(d) (4) (i) is amended to delete the term "South Asia".

§ 7-4.5301 [Amended]

24. § 7-4.5301(d) (4) (iv) is amended to delete the term "East".

Subpart 7-4.58—Collaborative Assistance Selection Procedures

§ 7-4.5801 [Amended]

25. § 7-4.5801(b) is amended to delete reference to " * * * the Policy Determination entitled 'Definition and Extension of Source Selection Practices Appropriate to AID Direct Contracts for Technical Assistance'" and substitute reference to " * * * AIDPR Appendix H—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance."

26. A new Appendix G is added as follows:

APPENDIX G—[RESERVED]

27. A new Appendix H is added as follows:

APPENDIX H—USE OF COLLABORATIVE ASSISTANCE METHOD FOR AID DIRECT CONTRACTS FOR TECHNICAL ASSISTANCE

1. Introduction.

(a) AID direct contracts for technical assistance are now classified in one of three categories depending on the source selected to perform the services. They are:

- (1) architect/engineer services provided within a technical assistance project;
- (2) services to be performed by an educational/non-profit institution; and
- (3) services to be performed by commercial contractors, or others, as a result of competitive negotiation.

(b) Procurement policies and procedures for architect/engineer services are contained in the AID Procurement Regulations (AIDPR 7-4.10). Services to be performed by commercial contractors, or others, as a result of competitive negotiation will now be procured under policies and procedures contained in new Subpart 7-4.56, General Selection Procedures, in the AID Procurement Regulations.

(c) For the procurement of services to be performed by educational institutions or international research centers, there are two new Subparts to the AID Procurement Regulations. The first of these, Subpart 7-4.57, Educational Institution and International Research Center Selection Procedure, will be used whenever it has been determined that required services or relationships necessary for the successful performance of the project are available only from an educational institution or international research center (except contracts negotiated under AIDPR 7-3.211 and contracts negotiated under Subpart 7-4.58, Collaborative Assistance).

(d) The second of these, new Subpart 7-4.58, Collaborative Assistance, introduces an additional approach for obtaining services from educational institutions or international research centers and is the major concern of this Appendix.

2. Purpose.

This Appendix describes an alternative contractual relationship known as the Collaborative Assistance approach for the following purposes:

- (a) Increasing the joint implementation authority and responsibility of the contractor and the LDC;
- (b) Encouraging more effective collaboration between all participating parties (AID, host country, and contractor) at important stages, including the design stage, of a technical assistance project.

3. Policy.

The collaborative assistance approach represents an alternative method for long-term technical assistance which involves professional collaboration with Educational Institution or International Research Center Contractors and LDC counterparts for a problem-solving type activity to develop new institutional forms and capabilities, to devise operating systems and policies, and to conduct joint research and development—including training. In such an activity, the difficulty in defining, in advance, precise and objectively verifiable contractor inputs and long-term project content as a basis for payment usually requires a flexible approach to project design, contracting, and project implementation. Such flexibility is also essential to the collaborative style which is responsive to LDC desires in problem areas of great complexity and varying uncertainty. Other types

of technical assistance, which are usually shorter in term are amenable to more precise definition in advance, or involve closely defined and relatively standardized services, or are otherwise more analogous to commodity resource transfers, may be suitable for other contracting methods, e.g., certain forms of institution building, on-the-job training, resource surveys, etc. The collaborative assistance method is an approved method for providing technical assistance, when used in accordance with the circumstances outlined above, and with the guidelines set forth in paragraph 4. below.

4. Implementation Procedures.

(a) Introduction.

This paragraph 4. provides background information, guidelines and procedures to effect the implementation of the policy set forth in 3. above.

(b) Conditions and Practices.

In order for this policy to work effectively, even when the proposed activity fits the criteria described under Policy, there must also be:

- (1) Acceptance of the notion that the host country, in consultation with the Educational Institution or International Research Center contractor, is in the best position to make tactical, day-to-day decisions on project inputs within agreed-upon limitations and output expectations;
- (2) Sufficient trust and respect between the Agency and the contractor to allow this flexible implementation authority;
- (3) A direct-hire project monitor with appropriate background to be knowledgeable of progress and to assist in an advisory and facilitative capacity, both during and between periodic reviews.

In addition, the following important conditions must be met:

- (1) Adequate pre-project communication between, and identification of assistance required by, the host government and USAID;
- (2) Full joint planning and improved project design ("Joint" as used herein refers to the primary parties, i.e., the collaborating institutions, as well as the host government and USAID. In some instances, it can also include other donors.);
- (3) Careful contractor selection i.e., matching of the contractor's technical and managerial capabilities to the anticipated requirements of the overseas activity;
- (4) Establishment of relationships between host country, AID and contractor staff to include host country leadership, flexible implementation authority, and effective management by the contractor;
- (5) Improved joint project evaluation, feedback, and replanning; and
- (6) Simplified administrative procedures and greater reliance on in-country logistical support.

(c) Project Stages and Contractor Involvement.

In the long-term technical assistance projects as described above, there are four discrete but sometimes overlapping decision stages which take place—with the principal contractor usually involved in the last three.

(1) Problem Analysis and Project Identification.

After the host government has indicated a desire for U.S. collaboration on a particular problem and the AID field mission has determined that the proposed activity is consistent with its program goals and priorities, considerable effort is usually necessary to refine further the project purpose and type of assistance required and provide a basis for contractor selection. This is a crucial step and is focused on results sought—on what the prospective contractor is expected to produce in relation to resources to be used and to project purpose. It should result in a clear understanding of what the LDC wants, and

an overall plan which includes agreement on specific objectives or outputs, acceptable types of activities and inputs and an initial budget—resulting in project documentation. At this step, AID makes decisions it cannot delegate on what it will support and at what cost. If needed to supplement its direct-hire expertise, AID can use outside consultants for analysis and advice but retains the ultimate decision for itself in collaboration with, but independent of, the requesting host government. (Normally, the proposed contractor for project definition and subsequent implementation should not have been involved in the problem analysis and project identification stage as a consultant to either the host country government, host institution, or USAID. If a potential contractor has been so involved, particular care must be taken to prevent actual or apparent organizational conflicts of interest in the procurement that follows. This could require, at a minimum, a careful assessment and complete documentation of reasons for selection.)

Normally, there will need to be some mutual interaction between the overall planning stage outlined here and the detailed planning and design work which follows in the next phase. There will usually be some overlap, with preliminary decisions in this stage providing a basis for selection of implementing agents for stage (2) which in turn proceeds through some preliminary planning to guide completion of stage (1) as a basis for long-term contracting.

(2) Project Definition.

At this stage, having selected the implementing agent, the U.S. and LDC organizations which will be collaborating in carrying out the project are encouraged to work out, to their mutual satisfaction, the particulars of what to do and how to do it (i.e., detailed project design) within the context of LDC leadership and responsibility and the general agreements and budget reached in stage (1). The emphasis here is on the technical approach to be utilized and the scheduling and management of project inputs. This may involve a short-term reconnaissance and/or an extensive period of detailed joint planning and feeling out of what is feasible during a preliminary operating phase of the project, possibly lasting as much as a year or more. This stage recognizes the importance, for the problem-solving or ground-breaking types of technical assistance, of involving the U.S. and LDC implementing organizations together as soon as the detailed design work begins. AID's role here is to facilitate, not direct, the joint planning, assure consistency with prior agreements or concur in changes, affirm that the implementing parties have agreed on a reasonable project design, and prepare or cause to be prepared the documentation required for stage (3), including any amendments that might be required to the project documentation. If and when a decision is made by the host government and AID to proceed into the operating phase with the same contractor, the U.S. intermediary should be treated as a cooperating partner in the negotiation of the subsequent long-term operating agreement(s) with the host government, host institution and AID.

(3) Implementation.

The results of the approach outlined in the stage above should include, in addition to a better understanding and more meaningful commitment by all parties, the following specific products:

- (1) A jointly developed, life-of-project design which reflects the commitment of all parties and includes clear statements of purpose, principal outputs, eligible types of activity and expenditure limits, critical assumptions, and major progress indicators;
- (2) A workplan and input schedule for the first two years or at least as long as the ex-

penditure period for the next obligation of project funds;

(iii) Provisions for any administrative support, special services or other inputs by the host country, contractor, and/or AID; and

(iv) A plan for periodic joint evaluation and review of progress and subsequent workplans, normally annually, with the participation of all parties.

Appropriate elements of these agreements and understandings are now embodied in a contract for project implementation, as described in paragraph (3) (1) of the section below on *Contracting Implications*. This contract allows the U.S. Intermediary to apply its judgment, reflecting close collaboration with its LDC colleagues, in adjusting the flow of AID-financed inputs and in making other operational decisions with a minimum of requirements for prior AID approvals or contract amendments as long as the contractor stays within the bounds of the approved overall plan and budget. In this phase, AID will give technical assistance contractors the authority and responsibility for using their specialized expertise to the fullest extent in the scheduling and managing of project inputs.

(4) *Monitoring, Joint Evaluation and Replanning.*

With increased flexibility and responsibility for implementation placed with the technical assistance contractor, the host government, and/or institutional collaborator, improved and timely progress reporting and periodic, joint, and structured reviews of results and evolving plans are imperative as a basis for monitoring and evaluating contractor performance, revalidating or adjusting project design, and for determining future funding levels and commitments.

Both the contractor's annual report and the joint review should be structured within the framework of purpose, outputs, performance indicators, etc., originally established in the project identification phase—as modified by detailed project design—and reflected in the Project Agreement and other pertinent documentation. The field review will normally serve as the occasion for discussing changes in or additional to previously agreed-to workplans as well as proposing changes in purpose, types of activities authorized and budgets which require contract amendment. Obviously, the appropriate host government, host institution, and senior contractor officials should be thoroughly involved in the process, which will have to be adapted to the conditions within specific projects and countries. An important USAID responsibility is to assure that there is appropriate host country participation in developing and improving project plans prior to new obligations of funds. The special requirements and responsibilities of the various parties shall also be reflected in ProAg and contract terms and in guidelines on the content of annual reports, evaluation procedures, etc.

Standard checking on services actually delivered as a basis for reimbursement will be continued including appropriate audit of expenditures.

(d) *Contracting Implications.*

The principal elements of change in present contracting practices, as detailed below, are earlier selection and involvement of the prime contractor, contracting by major stages of project design and operations, minimizing the need for pre-contract negotiations and contract amendments and AID approvals, and providing technical assistance contractors with the authority and responsibility needed to manage implementation within the approved program bounds.

(1) *Selection.*

The early involvement of an Educational Institution or International Research Center contractor in the definition stage of a long-

term technical assistance project, after AID decides what it wants to undertake in stage (1), does not alter the Agency's responsibility to select its contractors carefully and in full compliance with appropriate contracting regulations and selection procedures. What is required here is that contractor selection be carried out at an earlier stage than has sometimes been the Agency practice in the past or with other types of contracts and in anticipation that the contractor, assuming adequate performance, will participate in all subsequent phases until final completion.

(2) *Contracting Stages.*

In contracting, the initial design stage should be separated from the longer term implementation stage without any AID commitment to undertake the second until it has exercised its independent judgment based on the product of the first plus any outside expert appraisal it and the host country want to use.

The long-term implementation stage itself may be further sub-divided into contract periods which permit time between pre-determined events for analysis, determination of new project requirements, and evaluation of performance prior to initiating the next phase by contract amendment/extension. If, for any reason, such an examination does not appear to warrant project continuation, then termination of the project and/or contract would be the next step.

(3) *Flexible Implementation Authority.*

While good project design will eliminate or diminish many operational problems, the very nature of long-term technical assistance requires flexible implementation within agreed purposes, ultimate outputs, types of activity and available financing. With these key variables for AID management control established, contracts should be written so as to minimize the need for amendments and AID approval of changes in input particulars. This can be facilitated, both for the USAID, host country, institution, and the contractor, by:

(1) *Retention of Operational Plan in Contract and Removal of Workplan.*

The contract narrative will contain the life-of-the-project Operational Plan, consistent with the project design as developed in stage (2) and reflected in the project documentation (and subsequent amendments thereto). The Operational Plan includes a statement of the purpose to be achieved, the outputs to be produced by the contractor and the types of activities to be undertaken, the more significant indicators of progress, a general description of the type of inputs that are authorized and intended to be provided during the life of the project, and the overall budget.

In order to allow adjustments at the implementation level without going through the contract amendment process, the detailed but short-term workplan containing specific descriptions and scheduling of all inputs such as numbers and types of staff, participants, commodities, etc., and specific activities, will not be a part of the contract. It is a working document to be modified in the field when the situation demands. The latest version will be available as a supporting document to justify proposed new obligation levels. Normally, the workplan and derived budget will cover a rolling two year period, i.e., each year another yearly increment is added after review and approval.

(ii) *Budget Flexibility.*

To support this implementation flexibility, contract budget or fiscal controls will be shifted from fixed line items for each input category to program categories, permitting the technical assistance contractor to adjust amounts and timing to achieve previously approved project purpose and outputs—as long as he remains within the total contract

amount and approved types of activity. This same type of flexibility should apply to any local currency supplied for project operations and/or contractor staff support. While an essential corollary to eliminating the workplan from the contract, this is not a unique procedure under cost reimbursement type contracts when the contractor has demonstrated adequate management capability.

(iii) *Negotiation of Advance Understandings.*

To permit university and International Research Center contractors to manage their activities in accordance with their own policies and procedures and thereby sharpen their management responsibility while achieving substantial savings in time and reduced documentation, AID will negotiate advance understandings with its technical assistance contractors on dollar cost and administrative procedures that will be included by reference in its subsequent contracts. The negotiation of such "packages" is being expedited, particularly with those organizations with whom repetitive Agency contracting is anticipated, and will be used in all relevant relationships involving the Agency and respective contractors in lieu of traditional contract standard provisions, whenever this may be appropriate. This does not apply to local currency costs and host government procedures which must be negotiated in each case.

The purpose of the practices listed above is not only to give a qualified contractor the authority to adjust the composition and timing of inputs but to assign him the clear responsibility of managing such resources, as the evolving circumstances require, to achieve the agreed-upon outputs on a cost efficient basis. It should also reduce the delay and paperwork involved in frequent but minor contract amendments and approvals. For the Agency as a whole, both in the Mission and in AID/W, these have involved a large workload and cost.

(e) *Role of AID.*

Nothing in this Appendix is intended to delegate, diminish or otherwise modify AID's final responsibility for the prudent management of public funds and its own programs. Rather, in withdrawing from the day-to-day involvement in and responsibility for the management of adjustment of the flow of inputs during implementation, the best use of limited Agency staff and time can be devoted to protecting the public interest in gaining maximum results from the funds appropriated for technical assistance by:

(1) Seeking optimum identification in terms of LDC priorities and U.S. capabilities;

(2) Mobilizing and selecting the best U.S. professional talent to design and carry out the project;

(3) Monitoring what is happening to assure adequacy of processes, get a feel of results, assure actual delivery of inputs being financed;

(4) Assuring that the attention of AID's implementation agents and LDC colleagues stay well focused on project purpose and results to be achieved (outputs) and the relation to these of what is being done and actual results;

(5) Providing intermediaries adequate authority and responsibility to adjust inputs promptly and sensitively to the evolving project situations.

Attention to these considerations and to achievement of the pre-implementation conditions prescribed above should greatly increase the chances for successful project completion and impact on a cost effective basis, which is the final measurement of prudent management.

AUTHORITY: This AIDPR Notice 76-3 is issued pursuant to 41 CFR 7-1.104.4.

Effective date: This AIDPR Notice is effective July 1, 1976.

Dated: May 18, 1976.

JOHN F. OWENS,
Deputy Assistant Administrator
for Program and Management
Services.

[FR Doc.76-15404 Filed 5-26-76;8:45 am]

Title 43—Public Lands: Interior
CHAPTER II—BUREAU OF LAND
MANAGEMENT

[Circular No. 2391]

PART 2740—RECREATION AND PUBLIC
PURPOSES ACT

PART 2800—RIGHTS-OF-WAY,
PRINCIPLES AND PROCEDURES

PART 3860—MINERAL PATENT
APPLICATIONS

Miscellaneous Amendments

This rulemaking makes several technical amendments in 43 CFR Chapter II, to correct and update the Code of Federal Regulations. Two amendments revise section titles to reflect the content of the section. Five amendments use the words "authorized officer" as the new designation of the responsible official referred to in the regulation. These changes bring the amended provisions into conformance with other sections of the regulations.

Since this rulemaking is a maintenance action, it is determined that the rulemaking procedure is unnecessary and these amendments shall become effective on May 28, 1976.

Title 43 CFR is hereby amended as follows:

1. The heading of § 2741.4 is revised to read as follows:

§ 2741.4 Applications for transfer, change of use, renewal of leases; and for new leases under the Act of June 20, 1966

§ 2811.1 [Amended]

2. In § 2811.1 the phrase "officer in charge" is amended to read "authorized officer."

§ 2812.0-6 [Amended]

3. In § 2812.0-6(h) the words "district forester" are revised to read "authorized officer" and the word "paragraph" is revised to read "subpart."

§ 2812.1-1 [Amended]

4. In § 2812.1-1(b) the phrase "appropriate district forester" is amended to read "authorized officer."

§ 2812.4-4 [Amended]

5. In § 2812.4-4(c) the phrase "appropriate district director" is amended to read "authorized officer."

§ 2812.7 [Amended]

6. In § 2812.7 the phrase "appropriate district forester" is amended to read "authorized officer."

7. The heading of 3862.4-1 is revised to read as follows:

§ 3862.4-1 Newspaper publication.

JACK O. HORTON,
Assistant Secretary
of the Interior.

MAY 20, 1976.

[FR Doc.76-15401 Filed 5-26-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE
COMMISSION

SUBCHAPTER A—GENERAL RULES AND
REGULATIONS

[Third Revised Service Order No. 1171
Amdt. No. 1]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

MAY 24, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of May 1976.

Upon further consideration of Third Revised Service Order No. 1171 (41 FR 3091), and good cause appearing therefor:

It is ordered, That:

Third Revised Service Order No. 1171 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1171 Regulations for return of hopper cars.

(g) Expiration date. This order shall expire at 11:59 p.m., November 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., May 31, 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 copies 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 and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15522 Filed 5-26-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Special Regulations

The following special regulation is issued and is effective on September 1, 1976.

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

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

Public archery hunting of deer and feral hogs on a portion of the Aransas National Wildlife Refuge, Texas, is permitted from noon September 23 through September 27, 1976, October 1 through October 4, 1976, and October 8 through October 10, 1976. That portion open to hunting is designated by signs and delineated on maps available at refuge headquarters near Austwell, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with applicable State hunting regulations and subject to the following special conditions:

(1) A bag limit of three (3) deer, either sex, but not to include more than two (2) bucks, may be taken by each hunter. There is no limit as to the number of feral hogs that may be taken.

(2) All hunters must check in and out of the hunting area at the refuge entrance on Texas Farm Road 2040.

(3) A valid 1976-77 Texas hunting license is required of each participant. A current State Archery tag is also required.

(4) All hunting arrows must bear the name and address of the user in a non-water-soluble medium.

(5) No target or field arrows are permitted on the refuge.

(6) Taking, or attempting to take wildlife species other than deer or feral hogs is prohibited.

(7) All motor vehicles must travel only on the shell surfaced roads of the refuge.

(8) No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer.

(9) In the event of the arrival of whooping cranes, the refuge or any portion thereof may be immediately closed to hunting.

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 October 10, 1976.

W. O. NELSON, JR.,
Regional Director,
U.S. Fish and Wildlife Service.

MAY 20, 1976.

[FR Doc.76-15402 Filed 5-26-76;8:45 am]

Title 7—Agriculture

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

[Navel Orange Regulation 382]

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

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period May 28-June 3, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges, so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.682 Navel Orange Regulation 382.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel 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 Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to

provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for first grade Navel oranges is holding well in all areas and strengthening in some, but lesser quality fruit is not showing strength in the market. Prices f.o.b. averaged \$2.96 a carton on a reported sales volume of 1,186 cartons last week, compared with an average f.o.b. price of \$3.14 per carton and sales of 1,077 cartons a week earlier. Track and rolling supplies at 370 cars were down 90 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed 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 regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be com-

pleted on or before the effective date hereof. Such committee meeting was held on May 25, 1976.

(b) Order. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 28, 1976, through June 3, 1976, are hereby fixed as follows:

- (i) District 1: 1,000,000 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: May 26, 1976.

CHARLES R. BRADER,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[FR Doc.76-15740 Filed 5-26-76; 11:29 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Rental Housing Loan Policies, Procedures and Authorizations; Correction

FR Doc. 76-9410 appearing at pages 13932-13933 in the issue for Thursday, April 1, 1976, is corrected by inserting the following sentences before the last sentence in § 1822.86(a), as follows:

§ 1822.86 Limitations.

(a) Loan limits. * * * Additional loans may be made, without regard to the \$1,500,000 limitation provided the project is completed and the housing has been successfully operated for at least 12 months. A clear market demand must be evidenced for any additional units to be provided. * * *

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

Effective date. This correction shall become effective on May 27, 1976.

Dated: May 18, 1976.

DENTON E. SPRAGUE,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-15510 Filed 5-26-76; 3:45 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

Forest Service

[36 CFR Parts 213, 231 and 261]

NATIONAL FORESTS AND NATIONAL GRASSLANDS

Grazing

Notice is hereby given that the Forest Service is considering amending regulations in 36 CFR Parts 213, 231, and 261, concerning grazing on the National Forests and National Grasslands. Many proposed changes are editorial; others are substantive. Following is a listing of the substantive changes and the reasons for making them:

(1) Land Utilization Projects are being specifically added to the definition in paragraph (b) (1) of § 231.1 of "National Forest System lands." This corrects an omission in that it is intended that Land Utilization Projects are part of the National Forest System.

(2) Section 231.2, retitled "Range planning and management," is amended to include provision for planning and management of wild free-roaming horse and burro territories. Pub. L. 92-195, the Wild Free-Roaming Horse and Burro Act, directs the Secretary to manage wild free-roaming horses and burros as part of the natural system where territories are established on National Forest System lands. This change authorizes planning and management of wild horse and burro territories.

(3) Section 231.3 is being amended to clarify the requirements under which term permits may be issued. A new paragraph (d) (9) is being added to authorize the issuance of negotiated bid permits where no qualified applicants for other authorized permits are available. This change is needed to add authority to issue permits on developing ranges where there is potential for sustained range livestock grazing operations.

(4) A new paragraph (a) (10) is being added to § 231.5 covering payment of fees on negotiated bid permits. The addition of this paragraph is needed to cover the method grazing fees will be assessed on permits authorized under § 231.3(d) (9).

(5) In addition to numerous editorial changes in § 231.7, a clause is being added to paragraph (d) stating that the Chief, Forest Service, will provide leadership in cooperative management of non-Federal forested ranges. The addition to paragraph (d) is necessary to provide for

authority for the Forest Service to accomplish the intent of the Cooperative Forest Management Act of 1950 (64 Stat. 473 as amended (16 U.S.C. 536c, 568d)).

(6) Paragraph (a) (3) of § 231.8 is being amended to describe the role of State cattle and sheep sanitary boards in the administration of the Wild Free-Roaming Horse and Burro Act. This change is needed to update the regulations in light of the Wild Free-Roaming Horse and Burro Act (Pub. L. 92-195).

(7) Section 231.9 is being amended to give the Chief, Forest Service, clear authority to install and maintain range improvements on National Forest System lands. The purpose of this change is to clarify that authority is delegated to the Chief, Forest Service.

(8) Section 261.13 is being rewritten in its entirety to broaden authority to cover lands administered under the Bankhead-Jones Farm Tenant Act as well as other National Forest System lands. Paragraph (e) of this section is being amended to make possible the sale of impounded, unclaimed animals at fair market value when costs of impoundment and care of the animals exceed fair market value of such animals, and paragraph (g) is added to define livestock as other than wild free-roaming horses or burros. The reasons for these changes are, (a) to authorize, where necessary, impoundment action on National Grasslands, (b) to make possible disposal of impounded, unclaimed livestock where impoundment and care costs necessarily exceeds the actual value of the animals, and (c) to cause these regulations to cover the intent of Pub. L. 92-195, the Wild Free-Roaming Horse and Burro Act.

All persons who wish to submit written data, views, or objections pertaining to the proposed revision may do so by submitting them to the U.S. Department of Agriculture, Forest Service, Range Management Staff, Washington, D.C. 20250, on or before June 28, 1976.

All written submissions made pursuant to this notice will be available for public inspection in Room 610, 1621 North Kent Street, Rosslyn Plaza, Building E, Arlington, Virginia, during regular business hours (7 CFR 1.27(b)).

ROBERT F. LONG,
Assistant Secretary,
U.S. Department of Agriculture.

MAY 24, 1976.

In consideration of the foregoing, the Forest Service proposes to amend Parts 213, 231, and 261 of Title 3 of the Code of Federal Regulations as indicated below. Unless otherwise stated, the authority is Sec. 1, 30 Stat. 35, as amended, Sec. 1, 33 Stat. 628 (U.S.C. 551, 472); Sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011).

PART 213—ADMINISTRATION OF LANDS UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT BY THE FOREST SERVICE

1. By revising paragraph (e) of § 213.1 to read as follows:

§ 213.1 Designation, administration, and development of National Grasslands.

(e) National Grasslands in the following States and counties are hereby grouped and designated as indicated:

State in which grassland is located	National grassland	Counties where located
Colorado	Pawnee, Comanche	Weid. Baca, Las Animas, Otero.
Idaho	Curlew	Oneida, Power.
Kansas	Cimarron	Morton, Stevens.
Nebraska	Ogala	Dawes, Sioux.
New Mexico	Kiowa	Colfax, Harding, Nora, Union.
North Dakota	Cedar River, Sheyenne, Little Missouri.	Grant, Sioux. Ransom, Richland. Billings, Golden Valley, McKenzie, Slope, Cimarron.
Oklahoma	Rita Blanca	Roger Mills (Okla.), Hemphill (Tex.).
Oklahoma-Texas	Black Kettle	Jefferson.
Oregon	Crooked River	Custer, Fall River, Jackson, Pennington, Carson.
South Dakota	Buffalo Gap, Grand River, Fort Pierre.	Perkins, Ziebach, Jones, Lyman, Stanley.
Texas	Lyndon B. Johnson, Rita Blanca, Caddo, McClellan Creek.	Montague, Wise. Dallas. Fannin. Gray.
Wyoming	Thunder Basin	Campbell, Converse, Crook, Niobrara, Weston.

§ 213.5 [Removed]

2. By revoking and reserving § 213.5, Grouping of the National Grasslands into administrative designations therefor.

PART 231—GRAZING

3. By revising paragraph (b) (1) of § 231.1 to read as follows:

§ 231. Range resource development and administration.

(b) *Definitions.*

(1) "National Forest System lands," as used in this part, are the National Forests, National Grasslands, Land Utilization Projects, and other Federal lands for which the Forest Service has administrative jurisdiction.

4. By revising § 231.2 to read as follows:

§ 231.2 Range planning and management.

(a) Range allotments will be designated on National Forest System lands and on other lands under Forest System control. Associated private and other public lands should be included in such designations to form logical range management units.

(b) Each range allotment and wild horse or burro territory will be initially analyzed and a plan of management developed and implemented. The analysis and plans will be updated whenever needed as determined by conditions on the allotment or territory.

5. By amending paragraph (d) of § 231.3 as follows:

§ 231.3 Grazing permits and grazing agreements.

(d) Grazing permits and grazing agreements authorizing livestock use on National Forest System lands and on other lands under Forest Service control shall be as follows:

(1) Paid term permits may be issued for periods of 10 years or less to persons who own the livestock to be grazed and such base ranch property as the Chief, Forest Service, may require. They may also be issued in connection with changes of ownership of the base property or the permitted livestock of term permittees. Term permits are renewable at the new of each term period provided the provisions and requirements under which they are issued continue to be met. The term permit provides its holder first priority for its renewal at the expiration of the term permit period. The Chief, Forest Service, shall prescribe provisions and requirements under which term permits may be issued, renewed, and administered, including:

- (i) Criteria for eligibility;
- (ii) Ownership of base property and livestock;
- (iii) Specifications for ownership of base property;
- (iv) Provisions and requirements under which term permits may be issued through acquisition by purchase, inheritance, or otherwise of base property or permitted livestock of term permittees;
- (v) Conditions for the approval of nonuse of permit for specified periods;

(vi) Upper limits governing size of permit that any person, firm or corporation may hold.

(2) Paid temporary permits may be issued annually to persons under such provisions and requirements as the Chief, Forest Service, shall prescribe.

(3) Paid term or temporary permits with a specific on-and-off provision may be issued to persons owning livestock that will graze on range only part of which is National Forest System lands and on other lands under Forest Service control.***

(6) Free permits may be issued to: (1) Persons who reside on ranch or agricultural lands within onr contiguous to National Forest System lands for not to exceed 10 head of livestock owned or kept for domestic purposes and whose products are consumed or whose services are used directly by the family of the resident, and who distinctly need such National Forest System lands to support such domestic animals.

(ii) Persons for the number of horses, mules or burros needed to manage permitted livestock and who clearly need National Forest System lands to support such animals.

(iii) Prospectors, campers, and travelers for the few head of livestock actually used during the period of occupancy.

(iv) Others as may be authorized by the Chief, Forest Service.***

(9) Negotiated bid permits may be issued in the absence of applicants qualified for other permits or agreements for periods up to 5 years. Authorized use will be under a grazing management plan and will be limited by the ability of the range resource to support such use.

(64 Stat. 88 (16 U.S.C. 580 1))

6. By amending paragraph (a) of § 231.5 by adding a paragraph (10):

§ 231.5 Fees, payments, and refunds or credits.

(a)***
(10) For negotiated bid permits, fees paid will be a negotiated item. It may be more or less than standard fees.

(Sec. 501, 65 Stat. 290, (31 U.S.C. 483a))

7. By amending § 231.6 as follows:

§ 231.6 Revocation and suspension of grazing permits.

The Chief, Forest Service, is authorized to revoke or suspend term grazing permits in whole or in part on all National Forest System lands and on other lands under Forest Service control:

(a) For permittee's failure to comply with any of the provisions and requirements in the grazing permit; any of the regulations of the Secretary of Agriculture on which the permit is based; or, the instructions of Forest officers issued thereunder; and,

(b) For permittee's knowingly and willfully making a false statement of representation in grazing application, and amendments thereto.

(c) For permittee's violation of, or failure to comply with, Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit.

8. By amending § 231.7 as follows:

§ 231.7 Cooperation in management.

(a) *Cooperation with local livestock associations.* (1) *Authority.* The Chief, Forest Service, is authorized to recognize cooperate with, and assist local livestock associations organized primarily to manage the livestock and range resources on a single range allotment, associated groups of allotments or other association-controlled lands on which the members' livestock are permitted to graze.

(2)***
(iv) Share costs for handling of livestock, construction and maintenance of range improvements or other accepted programs deemed needed for proper management of the permitted livestock and range resources.***

(b) *Cooperation with national, State, and county livestock organizations.* The policies and programs of National, State, and county livestock organizations give direction to, and reflect in, the practices of their members. Good working relationships with these groups is conducive to the betterment of range management on both public and private lands. The Chief, Forest Service, should endeavor to establish and maintain close working relationships with National livestock organizations having an interest in the administration of National Forest System lands, and should direct Forest officers to work cooperatively with State and county livestock organizations having similar interests.

(c) *Interagency cooperation.* The Chief, Forest Service, will cooperate with other Federal agencies interested in improving range management on public and private lands.

(d) *Cooperation with others.* The Chief, Forest Service, will cooperate with other agencies, institutions, organizations, and individuals interested in improving range management on public and private lands, and provide leadership in cooperative management of non-Federal forested ranges.

9. By revising paragraph (a) of § 231.8 to read as follows:

§ 231.8 Cooperation in control of stray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.

(a) Insofar as it involves National Forest System lands and other lands under Forest Service control or the livestock which graze thereupon, the Chief, Forest Service, will cooperate with:

- (1) State, county, and Federal agencies in the application and enforcement of all laws and regulations relating to livestock diseases, sanitation and noxious farm weeds;

(2) The Animal Plant Health Inspection Service and other Federal and/or State Agencies and institutions in surveillance of pesticide spray programs; and

(3) State cattle and sheep sanitary boards in control of estray and unbranded livestock to the extent it does not conflict with the Wild Free-Roaming Horse and Burro Act of December 15, 1971.

(85 Stat. 649, P.L. 92-195, (16 U.S.C. 1331-1340))

10. By amending § 231.9 to read as follows:

§ 231.9 Range improvements.

(a) The Chief, Forest Service, is authorized to install and maintain structural and nonstructural range improvements needed to manage the range resource on National Forest System lands and other lands controlled by the Forest Service.

(b) Such improvements may be installed and maintained by individuals, organizations or agencies other than the Forest Service subject to the following:

(1) All improvements must be authorized by cooperative agreement, memorandum of understanding or special use permit. * * *

(c) A user of the range resource on National Forest System lands and other lands under Forest Service control may be required by the Chief, Forest Service, to maintain such improvements in a satisfactory state of repair.

(Sec. 12, 64 Stat. 85 (16 U.S.C. 580h))

PART 261—TRESPASS

11. By amending § 261.13 as follows and adding paragraph (g):

§ 261.13 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock on the National Forest System lands and on other lands under Forest Service control, which are not removed therefrom within the periods prescribed by this regulation, may be impounded and disposed of by a Forest officer as provided herein.

(a) When a Forest officer determines unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded any time 5 days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When a Forest officer determines that unauthorized livestock use is occurring but does not have complete knowledge of the kind of livestock, or if the name and address of the owner thereof are unknown, such livestock may be impounded any time 15 days after the date a notice of intent to impound authorized livestock is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will identify the area or areas in which it will be effective.

(c) Unauthorized livestock on National Forest System lands and on other lands under Forest Service control, which are owned by persons given notice under paragraph (a) of this section, and any unauthorized livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice any time within the 12-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be published in a local newspaper, and posted at the county courthouse and in one or more local post offices. The notice will describe the livestock and specify the date, time, and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.

(e) The owner may redeem the livestock any time before the date and time set for the sale by submitting proof of ownership and paying for all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock. However, when the impoundment costs exceed fair market value, a minimum acceptable redemption price at fair market value may be established for each head of livestock.

(f) If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be sold at public sale to the highest bidder, providing his bid is at or above the minimum amount set by the Forest Service. If a bid at or above the minimum amount is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the Forest officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale. Agreements may be made with State agencies whereby unbranded livestock or livestock of unknown ownership are released to the agency for disposition in accordance with State law.

(g) The term livestock as used in this section refers to cattle, sheep, goats, hogs, and equines not meeting the definition of wild, free-roaming horses or burros in Pub. L. 92-195.

(30 Stat. 35, as amended, Sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472); 50 Stat. 525, as amended (7 U.S.C. 1011))

[FR Doc. 76-15511 Filed 5-26-76; 8:45 am]

Packers and Stockyards Administration
[9 CFR Part 201]
REGISTRATIONS
Cancellation

Notice is hereby given that, pursuant to the authority contained in an Act of Congress approved July 12, 1943 (7 U.S.C. 204), and in sections 303 and 407(a) of the Packers and Stockyards Act, 1921 as amended (7 U.S.C. 203 and 228), the Packers and Stockyards Administration

proposes to amend section 201.13 (9 CFR 201.13) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

Statement of Consideration. On January 1, 1972, section 201.13 of the regulations under the Packers and Stockyards Act, 1921, as amended was modified to establish a procedure for cancelling the registrations of persons no longer engaged in activities which subject them to regulation under the Act and the regulations promulgated thereunder. The purpose of the regulation change would permit the Administration to cancel the registrations of all registrants who had discontinued operations, or who were deceased. The cancellation procedure was based on the belief that it would eliminate voluminous inactive registrants' records system maintained in the Packers and Stockyards Administration and in the Federal Records Center. It would also provide for a civil action under section 303 of the Act if a person whose registration had been cancelled resumed operation as a market agency or dealer without first applying for registration and filing a surety bond or bond equivalent.

It has been this Administration's experience since promulgation of the amended regulation that it has not achieved the intended purposes. It is proposed, therefore, to delete that part of the regulation pertaining to cancellation of registrations.

Should the proposal be adopted the Packers and Stockyards Administration would revert to the system of making registrations inactive when the registrant is no longer engaged in the business of a market agency or dealer. The registrant records will be marked "inactive" and the date of such action stamped on the records. The records will be maintained in accordance with the approved records disposition schedule. If an "inactive" registrant resumes operations without first notifying the Administration and filing a reasonable bond or bond equivalent he will be subject to an administrative action for violation of section 312(a) of the Act and sections 201.29 and 201.30 of the regulations.

It is proposed that § 201.13(a) (9 CFR 201.13(a)) be amended to read as follows:

§ 201.13 Registrants to report changes in name, address, control or ownership.

(a) Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a registrant such registrant shall report such change in writing to the Administrator, Washington, D.C. within 10 days after making such change.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, Department of Agriculture, Washington, D.C. on or before June 28, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to public business (7 CFR 1.27(b)).

(Section 407 of the Packers and Stockyards Act, 42 Stat. 159, as amended, 7 U.S.C. 228 and 57 Stat. 422, 7 U.S.C. 204)

Done at Washington, D.C., this 21st day of May 1976.

MARVIN L. McLAIN,
Administrator, Packers and
Stockyards Administration.

[FR Doc. 76-15439 Filed 5-26-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 422]

[Regulations No. 22]

ORGANIZATION AND PROCEDURES

Availability of Information and Records to the Public

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the proposed amendment set forth in tentative form below is proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare.

The purpose of the proposed amendments to § 422.426 (b) and (c) is to include in the Social Security Administration's Freedom of Information regulations specific reference to section 1865 (a) (2) of the Social Security Act, which provides for the Joint Commission on Accreditation of Hospitals (JCAH), if authorized by the hospitals, to release to the Secretary (or a State agency designated by him) on a confidential basis copies of accreditation surveys of hospitals made by the JCAH. Materials released under this provision are thus matters specifically exempted by statute from disclosure under the Freedom of Information Act (5 U.S.C. 552). The recent Supreme Court decision in *Robertson v. Butterfield*, 498 F.2d 1031, reversed under the name of *Federal Aviation Administration v. Robertson*, 95 S. Ct. 2140 (1975), has made clear that confidentiality statutes such as section 1865(a) (2) are not invalidated by the Freedom of Information Act (FOIA), and are to be given full effect.

There has been considerable uncertainty as to what documents are covered by the provisions of 1865(a) (2), and question has centered on accreditation letters and accompanying Recommendations and Comments (sometimes referred to as deficiency letters) which are sent by JCAH to the surveyed hospital. The preamble to the Social Security Administration regulations published on July 1, 1975 (40 FR 27648, 27650), stated:

Several [commentators on the Notice of Proposed Rulemaking and proposed regulations published on April 23, 1975 (40 FR 17849)] protested the release of Joint Commission on Accreditation of Hospitals (JCAH) survey reports. Such reports have

not been released and release of such reports is not a matter of administrative discretion. A specific statute (section 1865(a) (2) of the Social Security Act) requires that JCAH survey reports in the possession of the Social Security Administration be kept confidential. However, other JCAH documents are not within the scope of section 1865(a) (2) and would be released under this regulation.

It was not clear under this language whether the accreditation letters and accompanying Recommendations and Comments were among the documents to be kept confidential or to be released. However, the Social Security Administration had previously released copies of these documents on a couple of occasions and the JCAH brought suit against the Secretary to protect their confidentiality. Accordingly, the question has been carefully reexamined and it has been concluded that the accreditation letters and accompanying Recommendations and Comments prepared by the JCAH concerning hospitals surveyed by it are confidential under the provisions of section 1865(a) (2) of the Social Security Act.

The JCAH, consisting of representatives of various professional medical organizations, has been engaged in surveying hospitals since 1952 on a voluntary basis applying standards established by JCAH. The surveys have been confidential and information has been shared only with the concerned hospital. When the Medicare program was instituted in 1965 this established mechanism was utilized. The statute provided that a hospital accredited by the JCAH would be deemed to meet most of the conditions for participation in the Medicare program. The law was further amended by the Social Security Amendments of 1972 (Pub. L. 92-603) to provide for surveys by the Secretary (or a State agency) on a selective sample basis of JCAH accredited hospitals as a means of validating the JCAH survey process. To facilitate this validation process, section 1865(a) (2) was added by section 244 of Pub. L. 92-603 to make the JCAH materials available without otherwise impinging on the confidential relationship between JCAH and the hospitals it surveys. The accreditation letters and Recommendations and Comments are comprehended within this confidential JCAH-hospital relationship. These letters are what JCAH has in fact been providing to the Department of Health, Education, and Welfare in implementation of the 1972 amendment, and they have been used by the Department in connection with the Department's surveys of JCAH accredited hospitals. Therefore, protection of this information from disclosure comes within the mandate of section 1865(a) (2) and the above-cited *Robertson*, decision.

In implementing section 1865(a) (2) the Department will be guided by the advice of the Attorney General that the protection afforded by the provision does not extend to requests from the Congress (i.e., requests on behalf of either house of Congress or on behalf of a committee or subcommittee of Congress).

The new proposals will have no effect on disclosure of information from the

HEW initiated validation surveys or any subsequent surveys of JCAH hospitals performed for HEW by any State agency. Section 1864(a) of the Social Security Act requires that pertinent findings from such surveys be made public.

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1858, Baltimore, Maryland 21203, on or before June 28, 1976. Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 1102, 1865(a) (2) and 1871 of the Social Security Act as amended; 49 Stat. 647, as amended, 86 Stat. 1423, 79 Stat. 331, 42 U.S.C. 1302, 1395bb(a) (2), and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.800 Health Insurance for the Aged and Disabled—Hospital Insurance.)

Dated: April 9, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 18, 1976.

MARJORIE LYNCH,
Acting Secretary of Health,
Education, and Welfare.

Part 422 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

Sections 422.426 (b) and (c) are revised to read as follows:

§ 422.426 Information on records that are not available.

(b) *Materials exempt from disclosure by statute.* Pursuant to paragraph (b) (3) of 5 U.S.C. 552, which exempts from the requirement for disclosure matters that are exempt from disclosure by statute, disclosure of the following materials is prohibited:

(1) Materials described in section 1106 of the Social Security Act, as amended, except as disclosure is authorized by Part 401 of this chapter. Section 1106 prohibits disclosure of any file, record, report, or other paper or information obtained by the Secretary in discharging his duties under the Social Security Act; and

(2) Materials described in section 1865 (a) (2) of the Social Security Act, as amended. Section 1865(a) (2) provides for release by JCAH to the Secretary (or a State agency designated by him) on a confidential basis accreditation surveys made by JCAH, if the hospitals authorize such release. Materials which are confidential under this provision include accreditation letters and accompanying Recommendations and Comments prepared by the JCAH concerning hospitals surveyed by it.

(c) *Effect of exemption.* Neither 5 U.S.C. 552 nor this regulation (except insofar as they refer to sections 1106 and 1865 of the Social Security Act and Part 401 of this chapter) directs the withholding of any record or information. Materials exempt from mandatory disclosure will nevertheless be made available when this can be done consistently with obligations of confidentiality and administrative necessity. The disclosure of materials or records under these circumstances in response to a specific request, however, is of no precedent force with respect to any other request.

[FR Doc. 76-15303 Filed 5-26-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 203]

[Docket No. R-76-393]

DWELLING UNITS IN COOPERATIVE HOUSING DEVELOPMENTS

Notice of Proposed Rulemaking

Section 4(b) of the Emergency Home Purchase Assistance Act of 1974 added a new subsection (n) at Section 203 of the National Housing Act. The new subsection (n) authorized the Secretary under certain conditions to insure mortgages involving a dwelling unit in a cooperative housing development which is covered by a blanket mortgage insured under the National Housing Act.

Notice is hereby given that the Secretary proposes to amend Part 203 by adding sections to provide for the insurance of mortgages involving a dwelling unit in a cooperative housing development which is covered by a blanket mortgage insured under the National Housing Act.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, and arguments with respect to this proposal. Communications should be identified by the above docket number and title, and should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

All relevant materials received on or before June 28, 1976, will be considered before adoption of the final rule. Copies of comments submitted will be available for public inspection during normal business hours at the above address.

A Finding of Inapplicability of Section 102(2)(c), National Environmental Policy Act of 1969, has been made with regard to these proposed regulations in accordance with HUD Handbook 1390.1. A copy of the Finding of Inapplicability is available for public inspection at the above address.

In consideration of the foregoing, it is therefore proposed to amend Chapter II of Title 24 of the Code of Federal Regulations by adding to Subparts A and B, respectively, Sections 203.43c and 203.550 and by amending the list of sections for

Part 203 accordingly. The text of the amendments is as follows.

§ 203.43c Eligibility of mortgages involving a dwelling unit in a cooperative housing development.

A mortgage involving a dwelling unit in a cooperative housing development which meets the requirements of this subpart, except as modified by this section, shall be eligible for insurance under Section 203(n) of the National Housing Act.

(a) The provisions of §§ 203.16a, 203.17, 203.18, 203.19, 203.22, 203.23, 203.24, 203.26, 203.37, 203.38, 203.43b and 203.44 through 203.102 of this part shall not apply to mortgages insured under Section 203(n) of the National Housing Act.

(b) As used in connection with the insurance of mortgages under this section and Section 203.550 of this part:

(1) "Mortgage" shall mean a first lien given to secure a loan made to finance the purchase of a Corporate Certificate together with the applicable Occupancy Certificate of a cooperative ownership housing corporation in which the permanent occupancy of the dwelling units is restricted to members of such corporation.

(2) "Corporation" shall mean an organization which holds title to a cooperative housing development which is covered by a blanket mortgage or mortgages insured by FHA under the National Housing Act.

(3) "Corporate Certificate" shall mean such stock certificates, membership certificates, or other instruments which the laws of the jurisdictions in which the cooperative housing development is located require to evidence ownership of a specified interest in the corporation.

(4) "Occupancy Certificate" shall mean a written instrument provided by the corporation to each holder of a Corporate Certificate which grants an exclusive right of permanent possession of a specific dwelling unit in the cooperative housing development.

(5) References in this subpart to a dwelling, residence or property which is sold, conveyed, covered by a mortgage or subject to a lien shall be construed to mean the Corporate Certificate together with the Occupancy Certificate, except that where such references when interpreted in light of Section 203(n) of the National Housing Act clearly indicate the intent to be the dwelling unit, such reference shall mean the dwelling unit identified in the Occupancy Certificate.

(c) The corporation shall have entered into an agreement with the Secretary and the mortgagee which:

(1) Provides that the mortgagee shall have a first lien upon the property covered by the mortgage;

(2) Permits the Secretary to exercise the voting rights which are attributable to each Corporate Certificate owned by the Secretary;

(3) Permits the Secretary to designate as his proxy an agent for the purpose of exercising the voting rights of the Sec-

retary which are attributable to the Corporate Certificate owned by the Secretary;

(4) Requires that the corporation shall furnish the Secretary with the most recent annual financial report certified to have been based on generally accepted accounting principles and the most recent monthly or quarterly financial report;

(5) Waives any option or right of first refusal the corporation may have to purchase any Corporate Certificate covered by a mortgage insured under Section 203(n) of the National Housing Act.

(6) Waives all authority the corporation may have to approve or reject the buyer of a Corporate Certificate covered by a mortgage insured under Section 203(n) of the National Housing Act.

(7) Requires the corporation on notice by the Secretary to act as his agent for a fee to be determined by the Secretary for the limited purposes of:

(i) Selling all Corporate Certificates of the corporation owned by the Secretary;

(ii) Renting and collecting rents on any dwelling unit for which the Secretary owns the Corporate Certificate.

(8) Permits the Secretary to cease making monthly payments attributable to any dwelling unit for which the Secretary owns the Corporate Certificate six months after the Secretary acquired the certificate or upon default by the corporation on the blanket mortgage covering the dwelling unit.

(9) Provides that the Secretary shall not be obligated to make payments to the corporation for outstanding debts of the mortgagor;

(10) Requires the corporation to furnish to a mortgagee or to the Secretary, on request, a statement, certified by the officer charged with maintenance of the Corporate Certificate Transfer Books, that such book currently shows that the Secretary is the owner of any Corporate Certificate transferred to the Secretary and has the exclusive right of permanent possession of the dwelling unit;

(11) Requires the corporation to notify the mortgagee, whose name and address has been provided, of any default in corporation fee payments by the mortgagor within 45 days of such default;

(12) Requires the mortgagee to notify the corporation of any default in mortgage payments by the mortgagee within 45 days of such default.

(13) Contains such other provisions as the Secretary may require. (d) The mortgage shall be accompanied by such security and other undertakings as may be required to establish a first lien on the Corporate Certificate and the Occupancy Certificate under the laws of the State where the Cooperative Housing Development is located.

(e) The mortgage involves a one-family dwelling unit in a cooperative housing project which is covered by a blanket mortgage or mortgages insured under the National Housing Act.

(f) The mortgage shall not exceed the lesser of the following:

(1) \$45,000

(2) 80 percent of the balance remaining after subtracting from the Secretary's appraised value of the property an amount equal to the portion of the unpaid balance of the blanket mortgage covering the cooperative development which is attributable to the dwelling unit the mortgagor is entitled to occupy.

(g) The mortgage shall:

(1) Involve a principal obligation in multiples of \$50.

(2) Come due on the first of the month.

(3) Have an amortization period of either 5, 10, 15 or 20 years by providing for either 60, 120, 180 or 240 monthly payments.

(4) Be for a term not to exceed 20 years and the remaining term of the blanket mortgage covering the cooperative development or three-quarters of the remaining economic life of the building improvements, whichever is less.

(5) Provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the Mortgage Insurance Premium, fire and other hazard insurance premiums, if any, within a period ending 1 month prior to the date on which the same becomes delinquent.

(6) Provide for payments to principal and interest to begin not later than the first day of the month following 60 days from the date the mortgagee's certificate on the commitment was executed.

(7) Contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days advance notice in writing of intention to prepay, but shall not provide for the payment of any charge on account of such prepayment.

(h) At the time the mortgage is insured, the mortgagor shall have paid in cash or its equivalent at least 20 percent of the balance remaining after subtracting from the Secretary's appraised value of the property an amount equal to the portion of the unpaid balance of the blanket mortgage covering the cooperative development which is attributable to the dwelling unit the mortgagor is entitled to occupy.

(i) The mortgage must be executed by a mortgagor who intends to be an occupant of the unit.

(j) The mortgagor must pay to the mortgagee upon the execution of the mortgage a sum that will be sufficient to pay fire and other hazard insurance premiums, if any, and the mortgage insurance premium for the period beginning on the date of the closing of the loan and ending on the date of the first monthly payment under the mortgage.

(k) The mortgagee shall upon application for a mortgage insurance commitment provide the following organizational documents of the cooperative corporation for examination and approval by the appropriate HUD Area Office:

(1) Certificate of Incorporation;

(2) Regulatory Agreement;

(3) By-Laws as amended;

(4) The financial statements required in paragraph (c)(4) of this subsection;

(5) Proposed Occupancy Certificate;

(6) Proposed Corporate Certificate.

§ 203.550 Mortgages involving a dwelling unit in a cooperative housing development.

(a) The provisions of 203.251(d) and 203.440 through 203.496 shall not apply to mortgages insured pursuant to Section 203(n) of the National Housing Act.

(b) References in this subpart to the term "deed" and "deed in lieu of foreclosure" or the word "property" when found in the phrases "conveyance of property", "reconveyance of property", "transfer of property", "acquisition of property" or such other phrases indicating transfer of property shall be construed to mean the assignment of Corporate Certificate and Occupancy Certificate; except that where such reference when interpreted in light of Section 203(n) of the National Housing Act clearly indicates the intent to be the dwelling unit such reference shall mean the dwelling unit identified in the Occupancy Certificate.

(c) In addition to the requirements of § 203.365 the mortgagee shall forward to the Secretary within 45 days after the transfer of the Corporate Certificate:

(1) The mortgagee's unconditional warranty that the Secretary has good and marketable title to the Corporate Certificate and the exclusive right of permanent possession of the dwelling unit.

(2) A statement certified by the officer of the corporation charged with maintenance of the Corporate Certificate Transfer Book that such book currently shows that the Secretary is the owner of the Corporate Certificate and has the exclusive right of permanent possession of the dwelling unit.

(d) In addition to the types of title evidence provided in § 203.385 the Secretary will accept a legal opinion signed by an attorney at law experienced in the examination of titles that the Secretary has good and marketable title to the Corporate Certificate and the exclusive right of possession of the dwelling unit.

Issued at Washington, D.C., May 21, 1976.

DAVID S. COOK,
Assistant Secretary for Housing
Production and Mortgage
Credit FHA Commissioner.

[FR Doc.76-15442 Filed 5-26-76; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76-093]

DRAWBRIDGE OPERATION REGULATIONS

Bayou Teche and Bayou Plaquemine
Brule, La.

At the request of the Louisiana Department of Highways, the Police Jury of Iberia Parish, the Missouri Pacific Railroad Company and the St. Martin Sugar Cooperative, the Coast Guard is considering amending the regulations for five drawbridges across Bayou Teche at miles 43.5, 52.5, 53.0, 53.3 and 56.7 to

require that the draws open on signal from 5 a.m. to 9 p.m., open on signal from 9 p.m. to 5 a.m. if at least 3 hours notice is given from October 1 through January 31, and on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given from February 1 through September 30. Also being considered is an amendment to the regulations for four drawbridges across Bayou Teche at miles 58.0, 60.7, 61.0 and 77.7 and one drawbridge across Bayou Plaquemine Brule at mile 8.0 which would require the draws to open on signal from 5 a.m. to 9 p.m., and on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given. The draws of these bridges are presently required to open on signal at all times. This change is being considered because of infrequent requests for openings from 9 p.m. to 5 a.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before June 29, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended as follows:

§ 117.540 [Amended]

1. In § 117.540(a), by inserting the words "Bayou Teche, mile 43.5, S-671 highway drawbridge at Jeanerette," immediately after the words "Bayou Teche, mile 41.8, S-671 highway drawbridge at Jeanerette" in the listing.

2. In § 117.540(a), by inserting the words "Bayou Teche, mile 52.5, S-87 highway drawbridge at New Iberia; Bayou Teche, mile 53.0, S-86 highway drawbridge at New Iberia; Bayou Teche, mile 53.3, S-3156 highway drawbridge at New Iberia; Bayou Teche, mile 56.7, S-344 highway drawbridge at New Iberia," immediately after the words "Bayou Teche, mile 48.7, S-320 highway drawbridge at Oliver" in the listing.

3. In § 117.540(b), by inserting the words "Bayou Teche, mile 58.0, S-353 highway drawbridge at New Iberia; Bayou Teche, mile 60.0, S-94 highway drawbridge at Loreauville; Bayou Teche, mile 61.0, MoPac railroad drawbridge at Loreauville," immediately after the words "Vermilion River, mile 44.9, S-3073 highway drawbridge at New Flinders" in the listing.

4. In § 117.540(b), by inserting the words "Bayou Teche, mile 77.7, St. Martin Sugar Co-operative railroad drawbridge at Levert" immediately after the words "Bayou Teche, mile 75.2, S-96 highway drawbridge at St. Martinville" in the listing.

5. In § 117.540(b), by inserting the words "Bayou Plaquemine Brule, mile 8.0, S-91 highway drawbridge at Esterwood" immediately after the words "Bayou Pat-out, mile 0.4, S-83 highway drawbridge at Weeks" in the listing.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 493, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4)).

Dated: May 20, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-15454 Filed 5-23-76;8:45 am]

[33 CFR Part 183]

[CGD 75-176]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Amendments Affecting the Safe Loading and Flotation Standards

Correctio

In FR Doc. 76-13206 appearing on page 18679 of the issue for May 6, 1976, on page 18680, in the sixth complete paragraph of the second column, the sixth line now reading "ceived before 1976, will be considered be", should read "ceived before June 21, 1976, will be considered be."

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-RM-8]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Pueblo, Colorado

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Pueblo, Colorado.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before June 28, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice

may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The Federal Aviation Administration plans to install an Airport Surveillance Radar (ASR) system to serve the Pueblo Memorial Airport. New radar instrument approach procedures require alterations to the Pueblo, Colorado, control zone and transition area in order to provide controlled airspace protection for aircraft executing these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (41 FR 355) the description of the Pueblo, Colorado, control zone is amended to read:

PUEBLO, COLORADO

Within a 6 mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles each side of the Pueblo ILS localizer west course extending from the 6 mile radius zone to the LOM; within 4 miles each side of the Pueblo VORTAC 077° radial, extending from the 6 miles radius zone to 9.5 miles east of the VORTAC.

In § 71.181 (41 FR 440) the description of the Pueblo, Colorado transition area is amended to read:

PUEBLO, COLORADO

That airspace extending upward from 700 feet above the surface within a 25 mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.), within an arc of a 33 mile radius circle of Pueblo Memorial Airport clockwise between the 088° and 133° bearings from the airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 38°30'00" N., on the east by V169, on the south by V210, on the west by a line from 37°38'00" N., 105°00'00" W. to 38°16'00" N., 105°10'00" W. to 38°30'00" N., 105°09'00" W.; that airspace extending upward from 13,700 feet MSL bounded by a line beginning at 38°16'00" N., 105°10'00" W. to 37°38'00" N., 105°00'00" W. to 37°34'00" N., 105°12'00" W. to 38°10'00" N., 105°33'00" W. to point of beginning; that airspace extending upward from 11,700 feet MSL bounded by a line beginning at 38°16'00" N., 105°10'00" W. to 38°10'00" N., 105°33'00" W. to 38°41'00" N., 105°33'00" W. to 38°36'00" N., 105°08'00" W. to 38°30'00" N., 105°09'00" W. to point of beginning.

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

Issued in Aurora, Colorado, May 17, 1976.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.76-15283 Filed 5-26-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-20]

**ALTERATION OF TRANSITION AREA
Sidney, Ohio**

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the transition area at Sidney, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before June 28, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Sidney, Ohio Airport.

Controlled airspace is required to protect this procedure. A review of the total controlled airspace was also made.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

SIDNEY, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sidney Airport (latitude 40°14'23" N., longitude 84°09'17" W).

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

Issued in Des Plaines, Illinois, on May 3, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-15187 Filed 5-26-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-11]

**ALTERATION OF TRANSITION AREA
Colorado Springs, Colorado**

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Colorado Springs, Colorado.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the

Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before June 28, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The Federal Aviation Administration plans to install an Airport Surveillance Radar (ASR) system to serve the Pueblo Municipal Airport. The new Pueblo radar instrument approach procedures, including revised radar vectoring procedures in the Colorado Springs terminal area, require an alteration to the Colorado Springs, Colorado, transition area in order to provide controlled airspace protection for aircraft executing these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (41 FR 440) the description of the Colorado Springs, Colorado, transition area is amended to read:

COLORADO SPRINGS, COLORADO

That airspace extending upward from 700 feet above the surface within a 20 mile radius of City of Colorado Springs Municipal Airport (latitude 38°48'35" N., longitude 104°42'20" W.) and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20 mile radius area to 21 miles north of the localizer, excluding the portion west of longitude 104°52'00" W.; that airspace extending upward from 1200 feet above the surface bounded on the north by latitude 39°05'00" N., on the east by V263 and V169, on the south by latitude 38°30'00" N., on the west by a line from 38°30'00" N., 105°09'00" W. to 38°36'00" N., 105°08'00" W. to 38°40'00" N., 104°52'00" W. to 39°05'00" N., 104°52'00" W.; and that airspace extending upward from 11,700 feet MSL bounded on the north by latitude 39°05'00" N., on the northeast by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial, on the east by longitude 104°52'00" W., on the south by latitude 38°55'00" N., and on the west by longitude 105°20'00" W.

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

Issued in Aurora, Colorado, on May 17, 1976.

M. M. MARTIN,
Director.

[FR Doc. 76-15282 Filed 5-26-76; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 549-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Plan Revisions—Wyoming

On May 31, 1972 (37 FR 10842) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, the Wyoming plan for implementation of the national ambient air quality standards. On October 23, 1973 (38 FR 29296), July 3, 1974 (39 FR 24504) and on June 10, 1975 (40 FR 24726), the Administrator approved supplemental information and plan revisions submitted by Wyoming.

On February 19, 1976, Wyoming submitted further revisions to its Implementation Plan which had been adopted on September 11, 1975. Additional information was provided on March 15 and April 2, 1976 clarifying portions of the original submittal. These revisions amend the legal authority, public availability of emission data, and compliance schedule portions of Wyoming's plan. Although Wyoming has not complied with out requirement (§ 51.6(d) of this title) that plan revisions must be submitted no later

than sixty days after their adoption, it is our intent to waive this requirement inasmuch as the spirit and intent of the sixty day rule were not being circumvented.

The Administrator proposes to approve all the revisions submitted on February 19, 1976. The legal authority revisions include provisions for public availability of emission data, changes in variance procedures for granting variances to the state's sulfur dioxide emission standards and a change in the state's enforcement procedures to allow for discretionary conferences after discovery of a violation. The revision relating to public availability of emission data complies with the requirements of 40 CFR 51.10(e) and hence will replace the Federal provisions discussed in 40 CFR 52.2624 which is subsequently being revoked. With respect to the changes in variance procedures, it should be noted that EPA will treat all variances as plan revisions and will review them on a case by case basis.

The revisions to the compliance schedule portion of Wyoming's plan establish new dates by which an individual air pollution source must comply with a specified emission limitation for particulate matter. For the sources affected, a comparison of the "Final Compliance Date" existing in the State Implementation Plan and the proposed revised date is as follows:

Source	Location	Final compliance date	
		Present SIP	Proposed revision
Allied Chemical	Green River	Sept. 1, 1974	Aug. 1, 1976
Black Hills Power & Light	Wyodak	May 15, 1977	May 1, 1978
Dresser Minerals	Greybull		Feb. 15, 1976
FMC	Kemmerer	Oct. 1, 1973	Dec. 31, 1976
Holly Sugar	Torrington	Dec. 15, 1974	Oct. 31, 1976
Do.	World	do.	Do.
Stauffer Chemical	Lee	Dec. 31, 1975	Nov. 1, 1976
Utah Power & Light	Kemmerer	Nov. 30, 1976	Dec. 31, 1976
Wyeon Chemical	Cheyenne		June 1, 1976

While the table above does not show incremental steps toward compliance, the actual schedules do. Three of the above listed sources—Black Hills Power and Light, Holly Sugar, and Wyeon Chemical—have final compliance dates which go beyond the attainment dates for ambient standards. Such schedule changes are approvable, since the state has shown that secondary standards will not be exceeded in the vicinity of these sources after the attainment date. These compliance schedule revisions are consistent with the approved control strategies and satisfy the requirements of 40 CFR Part 51 concerning public hearings and plan revisions.

The proposed Wyoming revisions are available for public inspection at the office of the State Agency and at the offices of the Environmental Protection Agency listed below. The public hearing record has been reviewed and considered in the evaluation of the revisions.

Wyoming Department of Environmental Quality, State Office Building West, Cheyenne, Wyoming 82001.

Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments on any of the proposed revisions. Such comments will be accepted for consideration until June 28, 1976. Comments should be addressed to the Office of the Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during business hours at the Denver Office noted above.

Authority: Section 110 of the Clean Air Act (42 U.S.C. 1857c-5); 39 FR 18805.

Dated: May 10, 1976.

JOHN A. GRAM,
Regional Administrator.

In § 52.2620, paragraph (c) (9) is revised to read as follows:

§ 52.2620 Identification of plan.

(c) * * *

(9) Legal authority additions and compliance schedule revisions submitted on February 19, 1976, by the Governor.

2. § 52.2624 is revoked and reserved as follows:

§ 52.2624 [Reserved]

3. In § 52.2625, paragraph (a) is revised and paragraph (b) is deleted. As amended, § 52.2625 reads as follows:

§ 52.2625 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of Section 51.15 of this Chapter. All regulations cited are found in the "Wyoming Air Quality Standards and Regulations, 1975."

Source	Location	Regulations involved	Date of adoption	Effective date	Final compliance date
Pacific Power & Light	Glenrock	14 (b), (e), (h)	Feb. 26, 1973	Immediately	Sept. 1, 1976
Montana-Dakota Utilities	Sheridan	14 (b), (e), (h)	do.	do.	Dec. 31, 1976
Utah Power & Light	Kemmerer	14 (b), (e), (h)	do.	do.	Do.
Black Hills Power & Light	Wyodak	14 (b), (e), (h)	do.	do.	Do.
Do.	Osage	14 (b), (e)	do.	do.	May 15, 1977
American Oil	Casper	14 (b), (e), (h)	Jan. 26, 1973	do.	Jan. 31, 1974
Basins Engineering	Wheatland	14 (b), (e), (f), (g)	June 6, 1974	do.	Apr. 5, 1974
Stanifer Chemical Co.	Green River	14 (b), (e), (f), (g)	do.	do.	Oct. 31, 1973
Do.	Leele	14 (b), (e), (f), (g)	Feb. 26, 1973	do.	Nov. 1, 1976
Barold Division of National Lead	Osage	14 (b), (e), (f), (g)	Jan. 26, 1973	do.	Dec. 31, 1975
Do.	Colony	14 (b), (e), (f), (g)	June 6, 1963	do.	Mar. 1, 1974
Holly Sugar	Torrington	14 (b), (e), (f), (g)	do.	do.	Oct. 31, 1974
Do.	Worland	14 (b), (d), (f), (g)	do.	do.	Do.
Reeves Concrete	Gillette	14 (b), (e), (f), (g)	Jan. 26, 1973	do.	Dec. 1, 1973
Do.	Sheridan	14 (b), (e), (f), (g)	do.	do.	Do.
Do.	Buffalo	14 (b), (e), (f), (g)	do.	do.	Do.
American Colloid	Lovell	14 (b), (e), (f), (g)	June 6, 1974	do.	Apr. 30, 1974
Star Valley Swiss Cheese	Thayne	14 (b), (e), (h)	Jan. 26, 1973	do.	Dec. 31, 1973
Sheridan Commercial	Sheridan	14 (b), (e), (f), (g)	do.	do.	Do.
Federal Bentonite	Upton	14 (b), (e), (f), (g)	June 6, 1973	do.	June 30, 1974
Do.	Lovell	14 (b), (e), (f), (g)	do.	do.	Do.
Wyo-Ben Products	Greybull	14 (b), (e), (f), (g)	Jan. 26, 1973	do.	Jan. 30, 1974
Do.	Lovell	14 (b), (e), (f), (g)	June 6, 1974	do.	Do.
FMC	Kemmerer	14 (e), (f), (g), (i)	Jan. 26, 1973	do.	Dec. 31, 1976
Do.	Green River	14 (b), (e), (f), (g)	June 6, 1974	do.	Oct. 31, 1974
Gunn-Quealy Coal	Rock Springs	14 (b), (e), (f), (g)	do.	do.	Mar. 31, 1974
Allied Chemical	Green River	14 (b), (e), (f), (g)	do.	do.	Aug. 1, 1976
IMC Corp.	Colony	14 (b), (e), (f), (g)	do.	do.	Oct. 31, 1974
Wyodak Resources Development	Gillette	14 (b), (e), (f), (g)	do.	do.	Feb. 28, 1974
Church and Dwight	Green River	14 (b), (e), (f), (g)	do.	do.	Nov. 1, 1973
Wycon Chemical	Cheyenne	14 (b), (e), (f), (g)	Sept. 11, 1975	do.	June 1, 1976
Dresser Minerals	Greybull	14 (b), (e), (f), (g)	do.	do.	Feb. 15, 1976
Town of Byron	Byron	13	Jan. 26, 1973	do.	July 1, 1974
Town of Chungwater	Chungwater	13	do.	do.	Do.
Town of Cowley	Cowley	13	do.	do.	Do.
Town of Lovell	Lovell	13	May 24, 1973	do.	Do.
Big Horn County	Big Horn County	13	Jan. 26, 1973	do.	Do.

(b) [Removed]

[FR Doc. 76-15382 Filed 5-26-76; 8:45 am]

[40 CFR Part 420]

[FRL 549-6]

EFFLUENT GUIDELINES AND STANDARDS
Extension of Comment Period and Notice of Availability

On March 29, 1976 the Agency published a notice of proposed rulemaking (41 FR 13015) establishing effluent limitations and guidelines for existing sources, standards of performance for new sources and pretreatment standards for new and existing sources for the forming, finishing and specialty steel segments of the iron and steel manufacturing category. The due date for comments provided in the notice was April 28, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Forming, Finishing and Specialty Steel Segments of the Iron and Steel Manu-

facturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to June 28, 1976.

Dated: May 14, 1976.

JOHN T. RHETT,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc. 76-15381 Filed 5-26-76; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 20765]

CATV TECHNICAL STANDARDS

Order Extending Time

In the matter of amendment of Part 76 of the Commission's Rules to modify certain technical standards for cable television systems.

1. On May 14, 1976, the Association of Maximum Service Telecasters, Inc. requested an extension of time from May 24, 1976, to June 23, 1976, within which to file reply comments in the above-captioned proceeding (41 FR 15717, April 14, 1976). In support of its request the Association cites the complex engineering questions raised, necessitating additional time (a) to obtain the original comments filed by others, and (b) to have engineering counsel review the comments and complete necessary studies. The Association further cites the pressure of other matters before the Commission.

2. Section 1.46 of the Commission's Rules provides that motions for extension of time may be granted for good cause shown. The Association has demonstrated that additional time will be required to prepare responsive pleadings. Therefore, the request will be granted.

Accordingly, it is ordered, That the "Motion of the Association of Maximum Service Telecasters, Inc. For Extension of Time to File Reply Comments", is granted.

This action is taken by the Acting Chief, Cable Television Bureau, pursuant to authority delegated by § 0.228(a) of the Commission's Rules.

Adopted: May 20, 1976.

Released: May 21, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
JAMES R. HOBSON,
Acting Chief,
Cable Television Bureau.

[FR Doc. 76-15464 Filed 5-26-76; 8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Chapter I]

[Notice 1976-28]

FEDERAL ELECTION CAMPAIGN ACT

Amended Notice of Proposed Rulemaking

On Wednesday, May 26, 1976, the Federal Election Commission published a Notice of Proposed Rulemaking, 41 FR 21572, which noted that hearings on the proposed regulations would be held on June 7, June 8, June 9, and June 11, 1976, at the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. The hearing scheduled for June 11, 1976, on Parts 114 (Corporate and Union Political Activity) and 115 (Government

Contractor) is hereby rescheduled for Thursday, June 10, 1976, at 9:30 a.m.

Dated: May 25, 1976.

VERNON W. THOMSON,
Chairman, for the
Federal Election Commission.

[FR Doc.76-15688 Filed 5-26-76;8:45 am]

**SECURITIES AND EXCHANGE
COMMISSION**

[17 CFR Part 240]

[Release No. 34-12438]

**REGULATION OF TRANSACTIONS IN
GOLD**

Withdrawal of Proposed Rulemaking

Notice is hereby given that the Securities and Exchange Commission withdraws proposed Rule 15c3-5 under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)).

As proposed in Securities Exchange Act Release No. 11158 (December 31, 1974) [40 FR 15201], Rule 15c3-5 would have established certain minimum standards of financial responsibility for the execution of transactions in gold by brokers and dealers and prescribed requirements for the custody and safekeeping of gold held for customers.

The section was proposed in anticipation of the lifting of restrictions on gold ownership by United States citizens on December 31, 1974. The proposal reflected

Commission concern that the heightened interest in gold trading, coupled with the volatility of gold prices at that time, might create some instability in investment activities and possibly subject customers or brokers and dealers to unknown financial risks absent guidelines and appropriate rules of conduct.

The Commission withdraws proposed Rule 15c3-5 at this time in reliance upon its existing regulatory programs for brokers and dealers.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 12, 1976.

[FR Doc.76-15391 Filed 5-26-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

BUSINESS LOAN POLICY

**Sale or Transfer of Guaranteed Portion of
Loan**

The Small Business Administration (SBA) is considering an amendment to its business loan policy regulations to simplify the matter of documentation required prior to the sale of the guaranteed portion of a loan. The proposed amendment provides that only those loan documents required to be furnished to, or requested by, SBA must be submitted to the Agency by the lender prior to the execution of a secondary par-

ticipation agreement. The existing regulations require that "all documents" be submitted to SBA.

Comments with respect to this proposed amendment may be sent to the Associate Administrator for Finance and Investment, SBA, 1441 L Street, N.W., Washington, D.C. 20416. All material received on or before June 28, 1976 will be considered.

Pursuant to the authority of Section 5 of the Small Business Act, 72 Stat. 385, 15 U.S.C. 634, and Section 7 of such Act, as amended, 72 Stat. 387, 15 U.S.C. 636, it is proposed to amend Part 120 in the manner set forth below:

Paragraph 120.5(a)(3)(i) is amended to read as follows:

§ 120.5 Operations of eligible participants.

(a) General. * * *

(3) Sale or transfer of guaranteed portion: * * *

(i) The duly executed note and settlement sheets(s) underlying the transaction, and such other documents as SBA may expressly require have been submitted by the lender to SBA.

(Catalog of Federal Domestic Assistance Programs No. 59012, Small Business Loans.)

Dated: May 24, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-15468 Filed 5-26-76;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 491; Delegation of Authority No. 136]

DIRECTOR, OFFICE OF MARITIME AFFAIRS

Delegation of Authority

RESPONSIBILITY FOR ISSUING SPECIAL WARNINGS TO MARINERS

By virtue of the authority vested in the Secretary of State by Section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended; and in the exercise of my authority under the provisions of Section 150 of the Organization Manual of the Department of State, I hereby delegate to the Director, Office of Maritime Affairs, Bureau of Economic and Business Affairs, or his designee, authority to issue special warnings to mariners, as recommended by the Comptroller General of the United States.

This delegation of authority is effective immediately.

Dated May 17, 1976.

For the Secretary of State.

LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary
for Management.

[FR Doc. 76-15403 Filed 5-26-76; 8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 76-4; Reference: Notice No. 75-3]

THE ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Closed Meeting; Correction

In FR Doc. 76-13562 appearing on page 19232 in the issue of May 11, 1976, the title should read "The Advisory Committee on Explosives Tagging".

REX D. DAVIS,
Director.

MAY 21, 1976.

[FR Doc. 76-15429 Filed 5-26-76; 8:45 am]

Office of the Secretary

INDUSTRIAL VEHICLE TIRES FROM CANADA

Antidumping; Tentative Negative Determination

Information was received on November 13, 1975 from counsel acting on behalf of the Bearcat Tire Company, of Chicago, Illinois, alleging that industrial vehicle tires from Canada 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 December 19, 1975 (40 FR 58869).

For purposes of this notice, the term "industrial vehicle tires" means press-on, solid, rubber tires, cured or bonded to steel base bands, used on off-the-highway work vehicles, whether or not self-propelled.

TENTATIVE DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for the 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 industrial vehicle tires from Canada 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

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 Canada were manufactured by Industrial Tires, Limited, of Mississauga, Ontario. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purpose 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. Home market price, as defined in § 153.3, Customs regulations (19 CFR 153.3), 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.

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 bases. In accordance with § 153.31(b), Customs regulations (19 CFR 153.31(b)), pricing

information was obtained concerning imports of industrial vehicle tires from Canada during the period July 1 through December 31, 1975.

In the import transactions, all of the 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. delivered, packed price, to the United States, with deductions for U.S. Customs duty, brokerage and transportation expenses. An addition has been made for remission of Canadian import duties, as appropriate.

d. *Home Market Price.* For 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. factory, packed, price to original equipment manufacturers. Adjustments were made for warranty expenses, for differences in packing expenses, and for differences in merchandise, as appropriate.

e. *Results of Fair Value Comparison.* 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 75 percent of all industrial vehicle tires sold to the United States during the period of investigation.

In accordance with §§ 153.33(a) and 153.37, Customs regulations (19 CFR 153.33(a), 153.37), 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 on or before June 7, 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 on or before June 28, 1976.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33(a) of the Customs regulations (19 CFR 153.33(a)).

JAMES B. CLAWSON,
Acting Assistant Secretary
of the Treasury.

MAY 24, 1976.

[FR Doc. 76-15521 Filed 5-26-76; 8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance
AdministrationNATIONAL ADVISORY COMMITTEE ON
CRIMINAL JUSTICE STANDARDS AND
GOALS

Notice of Meeting

This is to provide notice of meeting of the National Advisory Committee on Criminal Justice Standards and Goals.

The National Advisory Committee will be meeting at the Sheridan-Regal Inn, Route 132 & Bearer's Way, Hyannis, Massachusetts on June 16-19, 1976. The meeting will be open to the public.

Discussion will focus on reviewing remaining chapters of the individual task forces, which are:

1. Disorders and Terrorism
2. Juvenile Justice and Delinquency Prevention
3. Organized Crime
4. Private Security
5. Research and Development

Meeting Times: June 16, 2 p.m.-6 p.m.; June 17 & 18, 9 a.m.-5:30 p.m.; June 19, 9 a.m.-Noon.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-15647 Filed 5-26-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PILLAGER BANDS OF CHIPPEWA
INDIANS

Plan for the Use and Distribution of Judgment Funds Awarded in Docket 144 Before the Indian Claims Commission

MAY 19, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of June 8, 1974, 88 Stat. 195, in satisfaction of the award granted to the Pillager Bands of Chippewa Indians in Indian Claims Commission Docket 144. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated February 6, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on February 16, 1976, and by the Senate on February 17, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on April 28, 1976, as provided by Section 5 of the 1973 Act, *supra*.

The plan reads as follows:

The funds appropriated by the Act of June 8, 1974, 88 Stat. 195, in satisfaction of the award to the Pillager Bands of Chippewa Indians in Docket 144 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and expenses, shall be used and distributed as herein provided.

The Secretary of the Interior, hereinafter "Secretary," shall divide such funds with eighty (80) percent to be utilized for the per capita aspect of this plan and twenty (20) percent for the programing aspect of this plan.

Per Capita Aspect

The Secretary shall make a per capita distribution of such funds in a sum as equal as possible to each enrolled Pillager Band member born on or prior to and living on the effective date of this plan. The 1968 Pillager Roll shall be updated by adding the names of children born subsequent to the preparation of the roll to persons named on that roll and who qualify for enrollment with the Minnesota Chippewa Tribe, and by deleting the names of deceased enrollees.

Program Aspect

Funds for the programing aspect of this plan are apportioned on the basis of the relative number of Pillager Band affiliates with the Leech Lake Reservation and with the White Earth Reservation to the total Pillager enrollment. The apportioned shares, which represent twenty (20) percent of the respective reservation group's share of the total funds, shall be deposited in separate accounts and shall be invested by the Secretary under 25 USC 162a until the appropriate Reservation Business Committees and the respective Pillager Band affiliates of each reservation entity develop a planned use of such funds to meet social and economic needs, which may include a joint investment and use program of the bands represented on the reservation, which shall be subject to the approval of the Secretary.

General Provisions

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and are to be handled under 25 CFR 104.5. The per capita shares of minors, at the discretion of the Secretary, may be paid to the parents, legal guardian, or the person having custody of the minor and used for such purposes as set forth in 25 CFR 104.4. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-15444 Filed 5-26-76;8:45 am]

Bureau of Land Management

[CA 3653]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

MAY 20, 1976.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. CA 3653, for the withdrawal of national forest lands described below from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The lands are located within the Shasta-Trinity National Forest and have been open to entry under the general mining laws. The Forest Service has made application to withdraw the lands from mining in order to protect the Shasta Mudflow Research Natural Area. Any disturbance of the area would significantly affect its value adversely for public purposes.

On or before June 30, 1976, all persons who wish to submit comments, suggestions, or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, to eliminate the lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

MOUNT DIABLO MERIDIAN

SHASTA-TRINITY NATIONAL FOREST

- T. 40 N., R. 2 W.,
Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ -
NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ -
NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ -
SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, All;
Sec. 29, E $\frac{1}{2}$;
Sec. 32, NE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$;
Sec. 34, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described aggregates 3,530 acres of land in Siskiyou County.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-15398 Filed 5-26-76;8:45 am]

[W-54873]

WYOMING**Application**

MAY 20, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a 4½" pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 22: Lot 2, SE¼NW¼, NE¼SW¼,
NW¼SE¼.

The pipeline will transport natural gas from a well in sec. 22 to an existing gathering system in sec. 27, T. 28 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
*Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.76-15399 Filed 5-26-76;8:45 am]

[Wyoming 54877]

WYOMING**Application**

MAY 20, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Husky Pipeline Company of Cody, Wyoming filed an application for a right-of-way to construct a three inch pipeline for the purpose of transporting natural gas across the following Federal Lands:

SIXTH PRINCIPAL MERIDIAN

WYOMING

T. 54 N., R. 101 W.,
Sec. 9: NE¼SW¼, NW¼SE¼

The pipeline will transport natural gas from a point in the NW¼SE¼ of Section 10 westerly to the main pipeline between Cody, Wyoming and the Elk Basin Oil Field in Park County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so

promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,
*Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.76-15400 Filed 5-26-76;8:45 am]

[NM 28204]

NEW MEXICO**Notice of Application**

MAY 20, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 26 N., R. 11 W.,
Sec. 7, W¼SE¼.

This pipeline will convey natural gas across .140 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
*Acting Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.76-15443 Filed 5-26-76;8:45 am]

[NM 28105, 28110 and 28202]

NEW MEXICO**Applications**

MAY 19, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 32 N., R. 8 W.,
Sec. 30, lots 3, 4 and SE¼SW¼;
Sec. 31, W¼NE¼ and NE¼NW¼.

T. 32 N., R. 9 W.,
Sec. 25, lots 9 and 10.
T. 26 N., R. 12 W.,
Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

These pipelines will convey natural gas across 1.637 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 76-15466 Filed 5-26-76; 8:45 am]

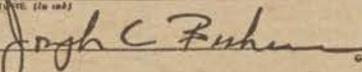
Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Receipt of Application
Correction

In FR Doc. 76-15094 appearing at page 21229 of the issue for Monday, May 24, 1976, the signature, page 21231, reading "Loron R. Poncisor," should read "Loren K. Parcher."

ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dr. Joseph C. Besharse, Ophthalmology Research, College of Physicians and Surgeons, Columbia University, New York, New York 10032.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		1. APPLICATION FOR (See page one)													
 FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To receive a maximum of four living Texas blind salamanders, <u>Typhlomolge rathbuni</u> , which have already been removed from the wild. They will be shipped to me by Mr. Glenn Longley who is presently in possession of them. They will be used in a combined autoradiographic and electron microscopic study of the eyes.													
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Dr. Joseph C. Besharse Ophthalmology Research College of Physicians and Surgeons Columbia University New York, New York 10032		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING. <table border="1" style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT 5' 11"</td> <td>WEIGHT 180 lb</td> </tr> <tr> <td>DATE OF BIRTH Jan. 21, 1944</td> <td>COLOR HAIR Brown</td> <td>COLOR EYES Green</td> </tr> <tr> <td colspan="3">PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER 212-694-3708 429788801</td> </tr> <tr> <td colspan="3">OCCUPATION Biologist, NIH Postdoctoral Fellow</td> </tr> </table> ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT 5' 11"	WEIGHT 180 lb	DATE OF BIRTH Jan. 21, 1944	COLOR HAIR Brown	COLOR EYES Green	PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER 212-694-3708 429788801			OCCUPATION Biologist, NIH Postdoctoral Fellow		
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT 5' 11"	WEIGHT 180 lb													
DATE OF BIRTH Jan. 21, 1944	COLOR HAIR Brown	COLOR EYES Green													
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER 212-694-3708 429788801															
OCCUPATION Biologist, NIH Postdoctoral Fellow															
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING. EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED													
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? (If yes, list jurisdictions and type of documents) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO To my knowledge no such approval is required.													
9. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED In the laboratory of Dr. Joe G. Hollyfield in Ophthalmology Research, College of Physicians and Surgeons, Columbia University, New York, N. Y. 10032		10. DESIRED EFFECTIVE DATE Immediately													
11. DURATION NEEDED 1 year		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 22.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 50 CFR 17.22													
CERTIFICATION															
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink) 		DATE Jan. 30, 1976													

ATTACHMENT 50 CFR 17.23
NUMBERS BELOW CORRESPOND TO SUBSECTIONS
OF 17.23

1. Scientific Name: *Typhlomolge rathbunt*, Common Name: Texas Blind Salamander. Three immature and one adult specimens to be used in an autoradiographic and electron microscopic study of the eyes.

2. Animals have been removed from the wild and are being maintained alive by Mr. Glenn Longley at Southwest Texas State University in San Marcos, Texas.

3. The nature of the activity for which a permit is requested requires that the material be removed from the wild and preserved under controlled procedures in the laboratory. The idea here is to use material that has already been removed from the wild.

4. The animals were removed from the wild by Mr. Glenn Longley in San Marcos, Texas.

5. I am a National Institutes of Health Postdoctoral Fellow in Ophthalmology Research at the College of Physicians and Surgeons of Columbia University. In addition to my own laboratory-office space I have access to all materials and equipment in the laboratory of Dr. Joe G. Hollyfield. In addition I have full access to all the facilities of the Electron Microscopy Laboratory directed by Dr. T. Iwamoto. This large laboratory complex includes high-low incubators for maintenance of animals and supplies and equipment for all light and electron microscopic techniques. This includes Zeiss light microscopes, a Siemens electron microscope, and Sorvall ultramicrotomes. These facilities are fully adequate for the proposed study.

6. Although the animals will be obtained alive they will be preserved within two weeks of receiving them. No attempt will be made to keep them alive longer than this two week period.

(i) During this two week period they will be maintained in a high low incubator set at the same temperature as water from their natural environment.

(ii) I will personally care for the animals. I have studied related cave-adapted salamanders since 1969 and have maintained several species (*Typhlotriton spelaeus*, *Haidetriton wallacei*, and *Gyrinophilus palleucus*) in the laboratory for periods up to two years. Most of my published scientific work is based on the study of such material. (See my personal resume).

(iii) The proposed activity will not permit cooperation in a breeding program.

(iv) Animals will be transported by air express in two one liter thermos bottles which will be packed with a bag of ice inside a heavy-duty styrofoam box (2' x 2' x 2') with walls two inches thick. These shipping arrangements have been made for related species on many occasions in the past with complete success.

(v) I have never maintained this species before. Mortality of related species in my hands has been virtually nil. This species may be more fastidious than those that I have maintained previously. However, I am not attempting long term maintenance of the animals (see above).

7. Mr. Glenn Longley, Aquatic Station, Southwest Texas State University, San Marcos, Texas, has agreed by telephone conversation to ship the animals to me when I obtain a permit from the Fish and Wildlife Service.

8. (i&ii) I am proposing to carry out a combined autoradiographic and electron microscopic study on the eyes of this species.

The species is highly cave-adapted and as a consequence has only a rudimentary visual system. The details of structure of the eye and optic tectum of the brain remain largely unknown, however. The proposed morphological study will yield detailed information on the way in which the eyes of this species have been reduced. After provision of radioactive amino acids to measure protein synthetic activity by subsequent autoradiography the eyes will be fixed by standard procedures for light and electron microscopy.

(iii) The proposed use of this species represents one part of a larger ongoing study of the evolution of the visual system among the North American cave-adapted salamanders. Of the eight North American species, I have studied the eyes of four. A pattern is beginning to emerge indicating that in the older (geologic sense) cave species eye development is arrested at a prefunctional stage whereas in the younger species eyes become functional but degenerate later in life. Other than this generalization, however, little can be said of the pattern of degeneration in the group. This is largely due to the rarity of some key species. *Typhlomolge rathbunt* is an old species, perhaps the oldest among cave salamanders in North America. The study of its visual system on the limited scale proposed here will contribute significantly to an understanding of the overall pattern of eye reduction among the cave salamanders without placing undue stress on any natural population. The present availability of these animals in the hands of Mr. Glenn Longley provide a unique and perhaps transient opportunity for this study.

(iv) After removal of the eyes and mid-brain region (one specimen only) these animals will be preserved as museum specimens.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suit 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 20, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

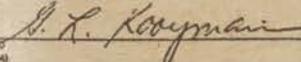
[FR Doc.76-15493 Filed 5-26-76;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant: University of California, Physiological Research Laboratory, Scripps Institution of Oceanography, La Jolla, California 92093. Dr. G. L. Kooyman.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		OMB NO. 42-1070																
		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT																
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Dr. G. L. Kooyman A-004 Physiological Research Laboratory Scripps Institution of Oceanography University of California, San Diego La Jolla, CA 92093		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Collection of 4 young sea otters (marine mammal) for studies of temperature regulation.																
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT 68"</td> <td>WEIGHT 145</td> </tr> <tr> <td>DATE OF BIRTH June 16, 1964</td> <td>COLOR HAIR Brown</td> <td>COLOR EYES Brown</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED (714) 452-2937</td> <td colspan="2">SOCIAL SECURITY NUMBER 547-44-7004</td> </tr> <tr> <td colspan="3">OCCUPATION Biologist</td> </tr> <tr> <td colspan="3">ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT Scripps Institution of Oceanography</td> </tr> </table>		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT 68"	WEIGHT 145	DATE OF BIRTH June 16, 1964	COLOR HAIR Brown	COLOR EYES Brown	PHONE NUMBER WHERE EMPLOYED (714) 452-2937	SOCIAL SECURITY NUMBER 547-44-7004		OCCUPATION Biologist			ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT Scripps Institution of Oceanography			5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Physiological Research Laboratory Scripps Institution of Oceanography NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. G. L. Kooyman, Associate Research Physiologist IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT 68"	WEIGHT 145																
DATE OF BIRTH June 16, 1964	COLOR HAIR Brown	COLOR EYES Brown																
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OCCUPATION Biologist																		
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT Scripps Institution of Oceanography																		
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Collections will be in California, or Alaska. Animals will be transported to Scripps Institution in San Diego.		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit numbers) NOAA-NMFS #109																
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdictions and type of documents) Not required																
9. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (50 CFR 17.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.		10. DESIRED EFFECTIVE DATE 1 September 1976																
		11. DURATION NEEDED 31 December 1978																
CERTIFICATION																		
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.																		
SIGNATURE (In ink)		DATE																
		15 April 76																

otters. These animals will be taught to breathe into a mask in which gas samples can be collected and tidal volume, lung volume and flow rates can be measured. These measurements will be done when the animals are at rest and while exercising.

Types and numbers of animals requested: 4 sea otters *Enhydra lutris*, either sex, 1 to 2 year old animals preferable not weighing more than 50 lb.

The animals will be collected in either California or Alaska, whichever is preferred by the Marine Mammal Commission. Our preference is California for two reasons. (1) The transportation distance is shorter, about 9 hours by car, (2) it is likely that we will be able to assume custody of some of Dan Costa's otters after he has completed his experiments. He will hold them for 2 weeks, at which time they will have adjusted to captivity and transportation will be less risky.

Capture in California would be by the California Fish & Game method of two scuba divers coming up from below the animals with a net. The animals will be transported in an air conditioned van to the Scripps laboratory. During the trip they will be held in a cooled water bath of 2 x 3 feet and 2 feet deep. Only 2 animals will be transported at a time, and they will not be fed during the trip.

If the animals are collected in Alaska we will follow the netting procedures used by the Alaska Fish & Game. All 4 animals will be collected at this time from Prince William Sound, held for a few days at the laboratory facilities of Ancel Johnson, and then flown by chartered aircraft directly to San Diego. A short stop of 2 or 3 hours will be necessary in Seattle at which time the animals will be fed a small meal. The same type of containers for holding the animals as described for the California collection will be used.

In either case, whether the animals are collected in California or Alaska, G. L. Kooyman will accompany the animals. If collected in Alaska R. L. Gentry will be present also. I have collected, transported and maintained a variety of marine mammals over the past 10 years. These have ranged from collecting Weddell seals in the antarctic to collecting and recuperating sick sea lions taken from the local beaches. These animals have remained in good health, and have been held in our facilities for up to 2 years. My special research interests are respiratory physiology and temperature regulation and I am familiar with the problems of respiratory and thermal stress in marine mammals.

At Scripps Institution of Oceanography the animals will be kept in a rectangular tank that is 15 x 40 feet. The water depth will be kept at 3.5 feet. There is fresh running sea water flowing through continuously. The tank will be cleaned weekly, at which time the otters will be allowed to swim into an adjacent 25 foot diameter circular tank.

The sponsoring organizations for this research are the Department of Health, Education, and Welfare, National Institutes of Health, National Heart and Lung Institute, Bethesda, MD 20014 and Bureau of Land Management, Outer Continental Shelf Exploration Program, National Marine Fisheries Service.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written

LYNN A. GREENWALT,
Director, Bureau of Fish & Wildlife
Department of the Interior
Washington, D.C.

DEAR SIR: I have reviewed the arrangements for transporting and maintaining the sea otters for which Dr. Kooyman is applying. It is my opinion that his arrangements are adequate to provide for the well-being of these animals.

Sincerely yours,

JACK E. VANDERLIP,
Animal Resources, University of
California, San Diego.

PURPOSE OF COLLECTIONS:

This application is for the purpose of expanding our present study of thermal regulation and the effects of oiling on northern fur seals to the sea otter, *Enhydra lutris*. We will also conduct pulmonary function experiments on the sea otters as part of another project on the comparative physiology of vertebrate lungs.

The temperature regulation studies are directed towards the assessment of the hazards of oil spills to sea otters. We will determine the increase heat loss in animals whose pelts have become fouled with crude oil, and the integrity of the coat after the soiled animals have been cleaned. The metabolic rate, subcutaneous and foot temperatures will be determined from animals in a temperature controlled water bath. Control values of 4 animals will be obtained at several temperatures and then at least 2 of the otters will be exposed to crude oil and their metabolic rates again measured at a controlled temperature. Shortly thereafter, the animals will be cleaned and their metabolic rates measured once again. After several weeks they will again be measured.

The comparative physiology of respiration will include several tests to help learn why marine mammal lungs are so different from other mammals. Particularly, why the relative lung volume of sea otters is so much greater than other mammals. Pulmonary function tests will be carried out on trained

data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 20, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc.76-15492 Filed 5-26-76;8:45 am]

ENDANGERED SPECIES PERMITS

Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" DECEMBER 19, 1975 (40 FR 58872-73)

Applicant: Texas Memorial Museum, The University of Texas at Austin, Austin, Texas 78757. Wann Langston, Jr., Director.

Official Action: Issued permit April 2, 1976: "Authorized to conduct the following activities, as specified in Block 10 (in the State of Texas), with endangered species of crocodylians, for the purpose of scientific research: "1. May salvage carcasses of dead and mortally injured specimens of American alligators (*Alligator mississippiensis*) from the wild within Texas.

"2. May receive and salvage dead specimens of endangered species of crocodylians from zoos within Texas."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 9, 1976 (41 FR 5648-49)

Applicant: Mr. Elmer E. Lloyd, 36929 S.E. Deming Road, Sandy, Oregon 97055.

Official Action: Issued permit April 6, 1976: "Authorized to import, as specified in Block 10 (at any U.S. Customs port as specified in 50 CFR 14.12), from Burnaby, British Columbia, one (1) male, and one (1) female Palawan Peacock Pheasant (*Polyplectron emphanum*), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JANUARY 29, 1976 (41 FR 4304-05)

Applicant: University of Hawaii, Honolulu, Hawaii 96822, Charles van Riper III.

Official Action: Issued permit April 16, 1976: "Authorized to conduct, as specified in Block 10 (in Hawaii, Oregon, and Pennsylvania), the following activities with Pallas (*Psittirostra balleui*) for the purposes of scientific research and propagation:

"1. May take not to exceed ten (10) Pallas from the wild environment by the use of mist nets.

"2. May house the Pallas at the University of Hawaii while conducting research and propagation activities.

"3. May transport the ten (10) Pallas to either Oregon State College or the University of Pennsylvania for the continued scientific research and propagation activities."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JANUARY 28, 1976 (41 FR 4040-41)

Applicant: Burnt Fork Game Farm, Route 1, Box 57, Stevensville, Montana 59870. David L. Majors.

Official Action: Issued permit April 16, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (in Idaho, Nebraska, Nevada, and Washington), the following species and numbers of endangered pheasants, for the purpose of propagation, from the following sources:

"1. May receive—from Mr. Joseph H. Pete, 4816 Monte Cristo, Las Vegas, Nevada 89108: One pair of bar-tailed pheasants (*Syrnaticus humiae*)
One pair of brown-eared pheasants (*Crossop-tion mantchuricum*)
One pair of Edward's pheasants (*Lophura edwardsi*)
One pair of Mikado pheasants (*Syrnaticus mikado*)

"2. May receive—from Mr. Jerry McRoberts, Gurley, Nebraska 69141:
One pair of bar-tailed pheasants
One pair of Edward's pheasants
One pair of Mikado pheasants

"3. May receive—from Dr. D. A. Christensen, Route 1, Box 3, Kendrick, Idaho 83532:
One pair of brown-eared pheasants
One pair of Swinhoe's pheasants (*Lophura swinhoii*)

"4. May receive—from Mr. Larry Baitey, Route 2, Kuna, Idaho 83634: One pair of Swinhoe's pheasants."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 9, 1976 (41 FR 5649-50)

Applicant: Mrs. Holly A. J. Nichols, 10611 Mt. Boracho, San Antonio, Texas 78213.

Official Action: Issued permit April 20, 1976: "Authorized to import, as specified in Block 10 (through those ports as specified in 50 CFR 14.12), one (1) pair of imperial parrots (*Amazona imperialis*), or— one (1) pair of St. Lucia parrots (*Amazona versicolor*), but not both species, for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 26, 1976 (41 FR 8402-03)

Applicant: Cornell University Laboratory of Ornithology, 159 Sapsucker Woods Road, Ithaca, New York 14850. Dr. Tom J. Cade.

Official Action: Issued permit April 21, 1976: "Authorized to import, as specified in Block 10 (Monterey, Mexico, to Denver, Colorado), not to exceed six (6) nestling Peregrine falcons (*Falco peregrinus anatum*), for the purpose of scientific research and propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 8, 1976 (41 FR 9900-03)

Applicant: New York Zoological Society (Bronx Zoo), 185th Street and Southern Boulevard, Bronx, New York 10460. William G. Conway, General Director.

Official Action: Issued permit April 29, 1976: "Authorized to import, as specified in Block 10 (through those ports as specified in 50 CFR 14.12), one (1) male, and two (2) female gaur (*Bos gaurus*), from the West Berlin Zoo, to the Bronx Zoo, for the purpose of propagation."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's

office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Dated: May 19, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc.76-15378 Filed 5-26-76;8:45 am]

Office of the Secretary

EDWARD R. COWLES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change.
- (2) No Change.
- (3) No Change.
- (4) No Change.

This statement is made as of April 4, 1976.

Dated: April 7, 1976.

E. R. COWLES.

[FR Doc.76-15445 Filed 5-26-76;8:45 am]

FREDERICK W. HOEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) Purchased 12 shares of Boston Edison Company common stock.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of April 4, 1976.

Dated: April 4, 1976.

FREDERICK W. HOEY.

[FR Doc.76-15446 Filed 5-27-76;8:45 am]

J. SCOTT KAY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change.
- (2) No Change.
- (3) No Change.
- (4) No Change.

This statement is made as of April 4, 1976.

Dated: May 13, 1976.

J. SCOTT KAY.

[FR Doc.76-15448 Filed 5-26-76;8:45 am]

JOHN H. KLINE**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change.
- (2) No Change.
- (3) No Change.
- (4) No Change.

This statement is made as of April 3, 1976.

Dated: April 5, 1976.

JOHN H. KLINE.

[FR Doc.76-15448 Filed 5-26-76;8:45 am]

JOHN V. SALO**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) (A) Increase in holdings by 20 shares of Public Service Company of New Hampshire common stock.
- (B) Increase in holdings by 100 shares of Georgia Power Company preferred stock.
- (3) No change.
- (4) No change.

This statement is made as of April 4, 1976.

Dated: April 2, 1976.

JOHN V. SALO.

[FR Doc.76-15449 Filed 5-26-76;8:45 am]

E. F. TIMME**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of April 20, 1976.

Dated: April 1, 1976.

E. F. TIMME.

[FR Doc.76-15456 Filed 5-26-76;8:45 am]

**OUTER CONTINENTAL SHELF
ADVISORY BOARD****Notice of Meeting**

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No.

92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Outer Continental Shelf Advisory Board will meet during the period 9:00 a.m. to 5:00 p.m., June 14, in the Gold Ballroom, Sheraton-Palace Hotel, 639 Market Street, San Francisco, California.

The meeting will cover the following principal subjects:

1. Status Report—Leasing Program.
2. OCS Leasing Schedule.
3. OCS Legislation.
4. OCS Orders.
 - a. Revised OCS Order No. 2—Pacinc.
 - b. Operating Order—State review of development plans.
5. Procedural Matters.
 - a. Agenda Steering Committee report.
 - b. Procedures to receive assistance from OCS Environmental Studies Advisory Committee.
6. Release of certain data to the States.
 - a. Results of archeological surveys.
 - b. Live bottom delineations.
7. Information Items.
 - a. Coordination between Department of the Interior and Corps of Engineers.
 - b. Coral management status.
 - c. Geologic and geophysical regulations.

The meeting is open to the public. Interested persons may make oral or written presentations to the committee. Such requests should be made no later than June 4 to: Alan Powers, Office of OCS Program Coordination, Department of the Interior, Washington, D.C. 20240, 202/343-9311.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

ALAN D. POWERS,
*Director, Office of
OCS Program Coordination.*

MAY 24, 1976.

[FR Doc.76-15451 Filed 5-26-76;8:45 am]

DEPARTMENT OF DEFENSE**Department of the Army****COUNCIL ON ENVIRONMENTAL QUALITY****Final Environmental Impact Statement**

Construction of Military Family Housing in the Fort Belvoir, Virginia, Military Reservation.

Notice of Filing of Final Environmental Impact Statement with Council on Environmental Quality.

In compliance with the National Environmental Policy Act of 1969, the Army is filing with the Council on Environmental Quality a Final Environmental Impact Statement concerning the construction of 1,445 military housing units in the Fort Belvoir, Virginia, Military Reservation.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested individuals may obtain copies from the Office of the

US Army Engineer District, Norfolk, ATTN: NAOEN-D, 803 Front Street, Norfolk, Virginia 23510. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E676, Pentagon Building, Washington, D.C. 20310. (Telephone: (202) 694-1163).

CHARLES R. FORD,
*Deputy Assistant Secretary
of the Army, Civil Works.*

[FR Doc.76-15396 Filed 5-26-76;8:45 am]

Corps of Engineers**CIVIL WORKS ADVISORY COMMITTEE****Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is given that the Civil Works Advisory Committee will meet on 16 June 1976 from 1300-1615 hours, in Room 4A 232/Forrestal Building, 10th and Independence Avenue, Washington, D.C. The public is invited to attend. Following is the agenda for the Committee meeting:

1300 to 1330----	Opening Remarks by Chairman, Civil Works Advisory Committee and the Director of Civil Works, U.S. Army Corps of Engineers.
1330 to 1445----	Reports from Committee Members.
1445 to 1500----	Break.
1500 to 1615----	Public Testimony and Discussion Among Committee Members.
1615-----	Adjournment.

The purpose of the Civil Works Advisory Committee is to advise the Secretary of the Army on ways to improve the Civil Works Program of the Corps of Engineers. Specifically, it will advise how the Corps of Engineers can shorten the time span from project inception to project completion by developing an approach to early identification of those civil works projects which are feasible, economically and environmentally sound, and have public support for early funding.

The Committee would be pleased to receive written communications from interested parties; these may be sent to Dr. Robert D. Wolff, Executive Secretary, Civil Works Advisory Committee, ATTN: DEAN-CWP-A, Washington, D.C. 20314 (telephone: 202 693-7187).

Dated: May 25, 1976.

MARVIN W. REES,
*Colonel, Corps of Engineers,
Executive Director of Civil Works.*

[FR Doc.76-15697 Filed 5-26-76;8:37 am]

DEPARTMENT OF AGRICULTURE**Forest Service****CARSON NATIONAL FOREST TIERRA
AMARILLA GRAZING ADVISORY BOARD****Notice of Meeting**

The annual meeting of the Tierra Amarilla Grazing Advisory Board will

be held at 10:00 A.M. on Friday, June 18, 1976, at the Tres Piedras Ranger Station, Tres Piedras, New Mexico.

The purpose of this meeting is to elect officers of the Tierra Amarilla Grazing Advisory Board.

The meeting will be open to the public. Persons who wish to attend should notify W. R. Snyder, Forest Supervisor, Carson National Forest, P.O. Box 558, Taos, New Mexico, phone (505) 758-2237. Written statements may be filed with the Board before or after the meeting.

J. CRELLI,
Acting Forest Supervisor.

MAY 19, 1976.

[FR Doc.76-15435 Filed 5-26-76; 8:45 am]

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Committee will meet at Elmer's Colonial Pancake and Steak House, 415 N.E. Third, Bend, Oregon 97701, at 8:00 p.m. on June 17, 1976.

The subject of this meeting is "Forests Insects and Related Management Problems." Timber Staff Officer Jack Hill will present an overview of the insects that cause major damage to the local forests and the resultant problems involved managing the forest.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor or Sandy Ferguson at 211 N.E. Revere, Bend, Oregon 97701, telephone number (503) 382-6922. Written statements may be filed with the Committee before or after the meeting.

EARL E. NICHOLS,
Forest Supervisor.

MAY 21, 1976.

[FR Doc.76-15438 Filed 5-26-76; 8:45 am]

MT. BUTLER-DRY CREEK PLANNING UNIT LAND USE PLAN

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan for the Mt. Butler-Dry Creek Planning Unit, USDA-FS-R6-FES-(Adm)-75-13.

The environmental statement concerns a proposed land use plan for management of a largely roadless, 22,100 acre planning unit on the Siskiyou National Forest. The Unit begins 4 air-miles east of the coastal town of Port Orford in Curry County, Oregon. The proposed action recommends a balanced mix of land allocations designed to sustain a high level of timber harvest, to develop the Unit's primitive recreation potential, and to protect the soil, water, fish, wildlife, aesthetic, and other resources. Most of the Dry Creek drainage is designated a Timber Management Area. Almost all of

the Elk River drainage outside Butler Creek is designated a roadless Fisheries/Wildlife Area. Fisheries/Recreation Areas totalling 2,500 acres are designated along Dry Creek and Rock Creek.

This final environmental statement was transmitted to CEQ on May 20, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th Street & Independence Ave., S.W., Washington, D.C. 20250.

Pacific Northwest Regional Office, 319 S.W. Pine Street, P.O. Box 3623, Portland, Oregon 97208.

Siskiyou National Forest, 1504 N.W. Midland, P.O. Box 440, Grants Pass, Oregon 97526.

Gold Beach Ranger Station, 1225 S. Ellensburg, P.O. Box 548, Gold Beach, Oregon 97444.

Powers Ranger Station, Powers Highway, Powers, Oregon 97466.

A limited number of single copies are available upon request to William P. Ronayne, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, Grants Pass, Oregon 97526.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

JOHN L. MILLET,
Acting Forest Supervisor.

MAY 20, 1976.

[FR Doc.76-15437 Filed 5-26-76; 8:45 am]

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The White Mountain National Forest Advisory Committee will meet June 22 and 23, 1976, at the Scandinavi Inn in West Campton, New Hampshire.

The purpose of this meeting is to discuss backcountry planning and management proposals for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603-524-6450.

PAUL D. WEINGART,
Forest Supervisor.

MAY 20, 1976.

[FR Doc.76-15436 Filed 5-26-76; 8:45 am]

Soil Conservation Service

CHOCTAW CREEK WATERSHED PROJECT, TEXAS

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being

prepared for the Choctaw Creek Watershed Project, Grayson County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by seven single purpose flood-water retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: May 17, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

J. MICHAEL NETHERY,
*Acting Deputy Administrator
for Water Resources Soil
Conservation Service.*

[FR Doc.76-15393 Filed 5-26-76; 8:45 am]

LITTLE RACCOON CREEK WATERSHED PROJECT, INDIANA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Raccoon Creek Watershed Project; Parke, Putnam, and Montgomery Counties, Indiana.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Cletus J. Gillman, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, recreation, and flood prevention. The remaining planned works of improvement, as described in the negative declaration, include the removal of selected debris blocks within a 43-mile section of channel of Little Raccoon Creek and its tributaries.

The negative declaration is being filed with the Council on Environmental Quality, and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment are on file and may be reviewed during regular working hours at the Soil Conservation Service, USDA, 5610 Crawfordsville Road, Indianapolis, Indiana 46224. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of this proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service.)

Dated: May 19, 1976.

JAMES W. MITCHELL,
Acting Deputy Administrator
for Water Resources, Soil
Conservation Service.

[FR Doc.76-15395 Filed 5-26-76; 8:45 am]

MUD CREEK WATERSHED PROJECT, ALABAMA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19659, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Mud Creek Watershed project, Cullman County, Alabama, USDA-SCS-EIS-WS-(ADM)-75-3(F)-AL.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and channel work. The channel work will consist of 4.7 miles of enlargement by excavation to provide additional streamflow capacity. The streamflow within the 4.7 miles of existing channel consists of 2.6 miles ephemeral, 1.1 miles intermittent, and 1.0 mile perennial.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 19, 1976.

JAMES W. MITCHELL,
Acting Deputy Administrator for
Water Resources Soil Conser-
vation Service.

[FR Doc.76-15392 Filed 5-26-76; 8:45 am]

SALLACOA CREEK AREA WATERSHED, GEORGIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Sallacoa Creek Area Watershed, Bartow, Cherokee, Gordon, and Pickens Counties, Georgia.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of this project.

The project concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by one multiple-purpose (floodwater retarding and recreation) structure.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601. A limited number of copies is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: May 17, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

J. MICHAEL NETHERY,
Acting Deputy Administrator
for Water Resources Soil Conser-
vation Service.

[FR Doc.76-15394 Filed 5-26-76; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Tuesday, June 29, 1976, at 9:30 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of integrated circuits.

EXECUTIVE SESSION

- (4) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be

concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on December 24, 1975 (40 Fed. Reg. 59461).

Dated: May 21, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-15412 Filed 5-26-76; 8:45 am]

Economic Development Administration
ANDREW PALLACK & CO., INC.

Notice of Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition by Andrew Pallack & Co., Inc., 120 Fifth Avenue, New York, New York 10011, a producer of men's suits, sportcoats and slacks, was accepted for filing on May 20, 1976, under Section 251 of the Trade Act of 1974 (P.L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than June 7, 1976.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-15514 Filed 5-26-76; 8:45 am]

MORTENSEN ENTERPRISES, INC.

Notice of Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition under Section 251 of the Trade Act of 1974 (P.L. 93-618), initially accepted January 6, 1976, from Mortensen Enterprises, Inc., and affiliates, Rt. 2, Box 210A, Blythe, California 92225, was subsequently withdrawn and resubmitted. The amended petition from the producer and processor of cattle feed, grains and other crops, was accepted for filing on May 19, 1976. Consequently, the United States Department of Commerce has resumed its investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than June 7, 1976.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-15515 Filed 5-26-76; 8:45 am]

FEATHER-MOCS CARBIDE CORPORATION

Notice of Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition by Feather-Mocs Caribe Corporation, LaMontana Industrial Area, Aguadilla, Puerto Rico 00603, a producer of slippers, was accepted for filing on May 21, 1976, under Section 251 of the Trade Act of 1974 (P.L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than June 7, 1976.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-15516 Filed 5-26-76; 8:45 am]

Maritime Administration

NATIONAL ASSESSMENT AND PLANNING CONFERENCE ON U.S. FLAG BULK SHIPPING

Meeting

Notice is hereby given that the U.S. Maritime Administration is sponsoring a joint industry-government-public conference entitled "A National Assessment and Planning Conference on U.S. Flag Bulk Shipping" and it will deal with the future participation of U.S.-flag vessels in the dry and chemical bulk trades of the United States. The conference will be held on Cape Code at Hyannis, Massachusetts on July 12-14, 1976.

The purposes of the conference are: to promote understanding of the issues that influence U.S.-flag participation in the dry bulk trades; to increase shippers' awareness of available government aids designed to stimulate U.S.-flag dry bulk shipping; and, to provide the Maritime Administration with individual comments from industry, user and public participants.

Attendance by the public is invited. A broad spectrum of participants is expected including representatives from industries that use or produce major dry bulk commodities, dry bulk operators, financial institutions, labor, shipyards, naval architects, academic institutions, other interested members of the public, and the Maritime Administration.

Information on the conference and registration materials can be obtained by writing or contacting:

Maritime Administration-Bulk Shipping Conference, Office of Market Development, Mr. Bernard M. Collins (961), 14th & E Streets, N.W., Washington, D.C. 20230, Phone-202-377-3325.

So ordered by the Maritime Subsidy Board, Maritime Administration.

Dated: May 4, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-15537 Filed 5-26-76; 8:45 am]

[Docket No. S-150]

ZAPATA BULK TRANSPORT, INC.

Application

Notice is hereby given that Zapata Bulk Transport, Inc., has requested written permission pursuant to section 805 (a) of the Merchant Marine Act, 1936, as amended, for the domestic operation by Zapata Marine Service, Inc., of six offshore tug/supply vessels. Zapata Marine Service, Inc., is an affiliate of Zapata Products Tankers, Inc., and Zapata Bulk Transport, Inc., which are co-holders of Operating-Differential Subsidy Agreement, Contract No. MA/MSB-167. This is a 20-year contract covering the operation of four 35,000 deadweight ton tankers in world-wide bulk trades. The six tug/supply vessels will service offshore drilling rigs operating in U.S. territorial waters or on the U.S. Continental Shelf. Although some of the new vessels will not commence operations for some time, permission under section 805 (a) is being requested at this time for all of the vessels.

Zapata Marine Service, Inc., previously has granted written permission pursuant to section 805(a) to operate two other offshore tug/supply vessels to service offshore drilling vessels in U.S. territorial waters or on the U.S. Continental Shelf.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on June 10, 1976 file same with the Secretary Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Assistant Secretary for Maritime Affairs.

Dated: May 21, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-15538 Filed 5-26-76; 8:45 am]

**National Oceanic and Atmospheric
Administration**

DETROIT ZOOLOGICAL PARK

**Receipt of Application for Public Display
Permit**

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of marine mammals.

Detroit Zoological Park, 8450 W. Ten Mile Road, P.O. Box 39, Royal Oak, Michigan 48064, to take ten (10) California sea lions (*Zalophus californianus*) for public display.

The requested animals will be taken by a professional collector from San Nicolas, Santa Cruz or San Miguel Island, off the coast of Santa Barbara, California, by means of a hoop net on

land or a modified gill net in water. The animals will be transported by boat to the acclimating center and then transported to the Detroit Zoo by aircraft and truck.

At the facility, four animals from the ten requested, will be placed in a pool, approximately 120 feet long, 20 feet wide, and 4-6 feet deep with haul out areas. This pool presently holds two other animals, a sea lion and a gray seal. The remaining six animals will be placed in a pool 300 feet in circumference, 20-30 feet wide, with a slanting depth from a few inches to over four feet. In addition, there are two separate holding pools used to isolate sick or injured animals or expectant females.

The sea lions are desired to provide recreational and educational benefits to the two million visitors that visit the facility annually. The facility has maintained aquatic mammals, mostly sea lions, for the past 50 years. The facility is a non-profit organization that has a full-time staff of curators and animal technicians with a broad background in the keeping of animals in captivity.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service,
3300 Whitehaven Street, N.W., Washington,
D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before June 28, 1976. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 21, 1976.

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

[FR Doc.76-15436 Filed 5-26-76; 8:45 am]

FOUKE CO.

**Withdrawal of Permit Application for
Marine Mammals**

On April 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 14204), that an application had been filed with the National Marine Fisheries Service by the Fouke Company, Greenville, South Carolina, for a permit to import 13,883 Cape fur sealskins, pursuant to regulations promulgated under the Marine Mammal Protection Act of 1972.

Notice is hereby given that on May 11, 1976, the Fouke Company requested to withdraw the application. The request to withdraw was accepted without prejudice by the National Marine Fisheries Service on May 21, 1976.

Dated: May 21, 1976.

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

[FR Doc.76-15485 Filed 5-26-76; 8:45 am]

MS. SUSE SHANE

**Issuance of Permit To Take Marine
Mammals**

On March 15, 1976, notice was published in the FEDERAL REGISTER (41 FR 10940) that an application had been filed with the National Marine Fisheries Service by Ms. Suse Shane, General Delivery, Wellborn, Texas 77881, for a permit to take by paint-tagging up to 150 Atlantic bottlenosed dolphins (*Tursiops truncatus*) in the Aransas pass area of the Texas coast for the purpose of scientific research.

Notice is hereby given that on May 21, 1976 and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Fisheries Service issued a permit for the above taking to Ms. Suse Shane, subject to certain conditions set forth therein. The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service,
3300 Whitehaven Street, N.W., Washington,
D.C.

Regional Director, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida, 33702.

Dated: May 21, 1976.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.76-15484 Filed 5-26-76; 8:45 am]

**Office of the Secretary
TRAVEL ADVISORY BOARD
Notice of Meeting**

As noted in the FEDERAL REGISTER dated April 26, 1976, on page 17414, a meeting of the Travel Advisory Board of the U.S. Department of Commerce will be held on June 2, 1976, at 9:30 a.m., in Room 4830, of the Main Commerce Building,

14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two-year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

1. Status—Expo 81.
2. Review Current Domestic Program.
3. 1977 Outlook Session.
4. Discussion:
 - (a) Improving the effectiveness of TAB;
 - (b) Role of Commerce Department in developing Federal policy affecting travel;
 - (c) Intra-governmental support for travel development;
 - (d) Expanding the working relationship between Commerce and the private sector.
5. Adjournment.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Robert Jackson, Director of Media Services, of the United States Travel Service, Room 1519, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/377-4987), will respond to public requests for information about the meeting.

CREIGHTON HOLDEN,
Assistant Secretary for Tourism,
U.S. Department of Commerce.

[FR Doc.76-15648 Filed 5-26-76; 8:45 am]

PROPOSED VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Operation and Procedures

Correction

In FR Doc. 76-15123, appearing at page 21389, of the issue of Tuesday, May 25, 1976, the following corrections should be made:

1. On page 21390, in the middle column, the third paragraph under "7. Monitoring and certification procedures," "July 9, 1976" should be substituted for the material in parenthesis.

2. On page 21391, in the third column, paragraph (g) should read as set forth below:

(g) After evaluating the comments received, the Secretary shall publish a notice in the FEDERAL REGISTER making a final finding of need or withdrawing his preliminary finding of need made under paragraph (d) of this section. The notice shall state the basis for the Secretary's final finding of need or for the withdrawal of his preliminary finding.

3. On page 21392, in the first column, the text on the 12th and 13th lines of paragraph (b) reading "on or before June 9, 1976", should be changed to read "within 15 days after the proposed Specifi-

fication is published in the FEDERAL REGISTER".

4. On page 21392, in the second column, the text on the last two lines of paragraph (c) reading "on or before June 24, 1976.", should be changed to read "not less than thirty (30) days after the date of publication of such notice."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education EDUCATION AND WORK GRANTS PROGRAM

Closing Date for Receipt of Applications; Correction

FR Doc. 76-13058 published at page 18539 in the issue of Wednesday, May 5, 1976, is corrected by changing July 9, 1976, to read July 7, 1976, in the third line of paragraph A(2), column 3.

Dated: May 24, 1976.

HAROLD L. HODGKINSON,
Director, National Institute
of Education.

[FR Doc.15574 Filed 5-21-76; 8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463) that a meeting of the National Advisory Council on Bilingual Education will be held from 9:00 a.m. until 4:00 p.m. on Monday, June 14, 1976, in the Regional Office Building, 7th and D Streets, S.W., Washington, D.C., Room 3652.

The National Advisory Council on Bilingual Education is established pursuant to Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meeting shall be open to the public. The proposed agenda is:

- | | |
|----------------|---|
| 9 a.m.----- | Call to order. |
| 9:15 a.m.----- | Presentation of minutes. |
| 9:30 a.m.----- | Correspondence. |
| 9:45 a.m.----- | Program Delegates Report. |
| 10 a.m.----- | Old Business: |
| | Reports from Committees. |
| | Discussion of the Annual Report, Title VII Rules and Regulations. |
| 12 p.m.----- | Recess for lunch. |
| 1:30 p.m.----- | Reconvene. |
| | New Business. |
| | Presentation by Dr. Rudy Cordova, Re: Office of Education Bilingual Coordinating Council. |
| | Presentation by L. Pascua, Re: Plan for FY 77. |

3:45 p.m.----- Comments from the floor.

4 p.m.----- Adjourn.

Records shall be kept of all meetings of the Council and shall be available for public inspection in Room 421, Reporter's Building, 300 7th Street, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on May 24, 1976.

JOHN C. MOLINA,
Director,
Office of Bilingual Education.

[FR Doc.76-15465 Filed 5-26-76; 8:45 am]

RIGHT TO READ; STATE LEADERSHIP AND TRAINING PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in the National Reading Improvement Program, section 705(a)(3) of Title VII, Pub. L. 93-380 (20 U.S.C. 1921(a)(3)) applications are being accepted for awards under the Right to Read State Leadership and Training Program. The original and two copies of the application must be received by the U.S. Office of Education Application Control Center on or before June 28, 1976.

A. Applications sent by mail. Applications sent by mail should be addressed as follows: U.S. Office of Education, Grant Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.533B. Applications sent by mail will be considered to be received on time by the Application Control Center if:

(1) The applications were sent by registered or certified mail not later than June 23, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The applications are received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. Hand delivered applications. Applications to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. Authority. The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Final regulations governing the State Leadership and Training Program (45 CFR 162,

Subpart F) were published in the FEDERAL REGISTER on May 26, 1976.

D. Program information and forms. Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2130, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1921)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy.)

Dated: May 25, 1976.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-15630 Filed 5-26-76;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Thursday, and Friday, June 2-4, 1976 from 9:00 a.m. to 5:00 p.m. each day in Room 4173, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. The agenda includes a review of the 1976 scopes of work and the present status of the Advisory Committee in the Department. This meeting was scheduled on an emergency basis because of Departmental decisions affecting the Committee and the inability of the Committee otherwise to obtain a quorum prior to September 1976. While the full 15-day FEDERAL REGISTER notice cannot be met, all individuals who have previously expressed an interest in the Committee's deliberations have been notified by mail.

Members of the public are invited to attend the meeting. Interested persons wishing to address the Committee, should contact the Executive Secretary by COB Wednesday, June 2, 1976. Phone: 202-245-8454.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.76-15659 Filed 5-26-76;8:45 am]

PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, will hold a public meeting on June

11, 1976 at the Key Bridge Marriott Hotel, Francis Scott Key Room, Arlington, Virginia, from 9:00 a.m. to 5:30 p.m. This session will consist of statements from selected representatives of multisport amateur athletic groups followed by questions from Commissioners concerning such testimony.

A closed portion of the meeting will be held on Saturday, June 12, 1976 at 9:00 a.m. through Sunday, June 13, 1976 pending completion of the discussion of the subject matter. A determination to close this portion of the meeting was made by the Assistant Secretary for Administration and Management for the Department of Health, Education, and Welfare on May 25, 1976. The closed portion will be concerned with matters relating to specific individuals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy within the meaning of 5 U.S.C. 552(b).

Summary minutes, a roster of Committee members and further information on the Commission may be obtained 14 days after the meeting from Mr. Michael T. Harrigan, Executive Director.

MICHAEL T. HARRIGAN,
Executive Director.

MAY 25, 1976.

[FR Doc.76-15660 Filed 5-26-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 130—RELIABILITY SPECIFICATIONS FOR AIRBORNE ELECTRONICS SYSTEMS

Meeting

Notice is hereby given to a meeting of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 130, which is being utilized as an Advisory Committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix 1. It will be held June 22-23, in Conference Room 246, Building 1202, NASA Langley Research Center, Hampton, Virginia, commencing at 9:30 a.m. Agenda items include:

1. Approval of the Minutes of the Meeting held December 2-3, 1975;
2. NASA Preservation on Avionics Reliability Studies;
3. Tour of NASA Computer Facilities;
4. Review and Consideration of Member Inputs;
5. Determine Future Actions of SC-130, and Assignment of Tasks.

Meetings of RTCA Special Committee 130 are open to the public, subject to space limitations. The public may submit written statements to and obtain additional information from the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Oral statements may be presented at the meeting, subject to time being available.

Issued in Washington on May 19, 1976.

EDGAR A. POST,
Designated Officer.

[FR Doc.76-15284 Filed 5-26-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

NOTICE OF HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force #2's investigation of Tribal Government; and Task Force #4's investigation of Federal, State and Tribal Jurisdiction.

Hearings have been scheduled June 2 and 3, 1976, from 9:30 a.m. to 5:30 p.m. at the Phoenix Indian School, Phoenix, Arizona. The members of Joint Task Forces #2 and #4 will hear testimony from Arizona and New Mexico tribes on Tribal Government and Federal, State and Tribal Jurisdiction.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Forces #2 and #4.

Persons interested in submitting testimony should contact Paul Alexander or Mike Cox at 202-225-2235 or Judge William R. Rhodes of the Gila River Indian Community, at Sacaton, Arizona at 602-276-1857.

Dated: May 24, 1976.

KIRKE KICKINGEIRD,
General Counsel.

[FR Doc.76-15540 Filed 5-26-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-5-105; Dockets 29077, 29145]

AERONAVES DE MEXICO, S.A.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By a tariff filing dated March 26, 1976, Aeronaves de Mexico, S.A. (Aeromexico) proposes changes in the rules governing its 40-passenger Group Inclusive Tour (GIT) fares which, among other things, would: (1) eliminate the present July/August blackout period; (2) reduce the ground package from \$15 per night (\$45 minimum) to \$7 per night (\$21 minimum); and (3) reduce the advance reservation and ticketing requirement from 15 days to 7 days.¹

¹ Air Tariffs Corporation, Agent, Tariff C.A.B. No. 54, 9th Revised Pages 33 and 34.

Both Braniff Airways, Incorporated (Braniff) and Eastern Air Lines, Inc. (Eastern) have filed complaints requesting that these revisions be suspended pending investigation. Eastern also requests that, in the alternative, the fares be rejected. In support of its complaint, Braniff contends that Aeromexico's filing is, in part, a competitive response to One-stop inclusive Tour Charters (OTC), and claims that the Board has refused in other areas to allow carriers to file reduced fares to match OTC charter rates. In addition, Braniff states that the proposed revisions will increase the dilutionary impact of the fares on carrier revenues and that Aeromexico has made no showing as to the revenue impact which will result from the proposed changes. Braniff also alleges that, although Aeromexico claims that the revised rules governing group-40 GIT fares were proposed, in part, to make them comparable to the rules governing group-10 GIT fares, numerous differences continue to exist between these two sets of rules with respect to the Christmas blackout, group size, minimum/maximum stay and minimum ground package.

Eastern contends that the revised GIT fares are uneconomic because they are available during the peak travel months of July and August, and that the reduction in both the land-tour requirement and in the advance reservation/ticketing period will increase diversion of full-fare traffic. In addition, Eastern states that Aeromexico has made no attempt to justify its revised GIT fares on the basis of their economics, nor has it made a profit impact test as required in the case of domestic discount fares.

In answer, Aeromexico maintains, inter alia, that its revisions in the rules governing its 40-passenger GIT fares constitute an appropriate competitive response to OTC's from the United States to Mexico; that the GIT package rates are higher than those for OTC's to Mexico; and that a summer blackout is not required for group-10 GIT fares which have previously been approved by the Board. Aeromexico contends that there is no reason for group-10 and group-40 GIT fares to have differing minimum tour price and advance reservations/ticketing requirements. The hotel rate of \$7 per day for group-10 GIT passengers should be adequate for the group-40 GIT passengers and, if any difference is justified, Aeromexico claims it should favor the larger group.

Upon consideration of the complaints, Aeromexico's response and all relevant factors, the Board has concluded to dismiss the complaints.

Irrespective of Aeromexico's objective in relaxing certain of the rules applicable to its group-40 GIT fares, the fact remains that the restrictions here at issue are no less onerous than those which have been applicable to group-10 GIT travel, previously approved by the Board. In this circumstance, we are unable to conclude that the group-40 fares will be any more diversionary than those used by smaller groups. If anything, we

would expect somewhat less diversion because of the larger minimum group size. In any event, neither complainant has produced any estimate of the diversion and revenue loss which they allege. Nor does it seem unreasonable for Aeromexico to cancel the July/August blackout when, as the carrier claims, it operated during these months in 1975 at load factors in the forty to fifty percent range, a lower level than that experienced in other months which are not blacked out. Finally, we would note that conforming the rules governing group-10 and group-40 travel does not, per se, appear unreasonable, and reflects at least a small step toward tariff simplification.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

The complaint of Braniff Airways, Incorporated in Docket 29077 and the complaint of Eastern Air Lines, Inc. in Docket 29145 be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc. 76-15491 Filed 5-26-76; 8:45 am]

[Order 76-5-102; Docket 29297]

FRONTIER AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By Order 76-5-101, issued concurrently herewith, the Board has proposed to realign the domestic route system of Western Air Lines in a manner which would, inter alia, give Western unrestricted authority in 10 minor markets¹ where Frontier Airlines also holds restricted authority.² As discussed in Order 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Frontier as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

¹ I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

² The minor markets where both Frontier and Western presently hold restricted authority are set forth in Appendix A to this order, as well as in Appendices F and G of Order 76-5-101.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Order 76-5-101, we tentatively find and conclude that the elimination of restrictions on Frontier's operations in the markets listed in Appendix A³ is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Frontier to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a)(2) of the Board's Regulations.⁴

Accordingly, it is ordered, that:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Frontier's certificate for Route 73 so as to remove operating restrictions in the markets listed in Appendix A attached hereto;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I of Order 76-5-101, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues

³ Appendix A filed as part of the original document.

⁴ We further find and conclude that Frontier is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to properly perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

raised by the objections before further action is taken by the Board;²

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 76-5-101.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15488 Filed 5-26-76;8:45 am]

[Order 76-5-103 Docket 28330]

HUGHES AIRWEST
Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By Order 76-5-101, issued concurrently herewith, the Board has proposed to realign the domestic route system of Western Air Lines in a manner which would, inter alia, give Western unrestricted authority in 26 minor markets¹ where Hughes Airwest also holds restricted authority.² By application filed in Docket 28330, Airwest has requested a route realignment by show-cause procedures which involves, inter alia, a request for unrestricted authority in these 26 minor markets. As discussed in Order 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Airwest as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Order 76-5-101, we tentatively find and conclude that the elimination of restrictions on Airwest's operations in the 26

¹ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

² I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

³ The minor markets where both Airwest and Western presently hold restricted authority are set forth in Appendix A to this order, as well as in Appendices F and G of Order 76-5-101.

markets listed in Appendix A is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.³

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Airwest to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a)(2) of the Board's Regulations.⁴

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Hughes Airwest's certificate for Route 76 so as to remove operating restrictions in the markets listed in Appendix A attached hereto;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I of Order 76-5-101, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;⁵

⁴ Except for the 26 markets listed in Appendix A, action on the remainder of Airwest's application in Docket 28330 will be processed in due course.

⁵ We further find and conclude that Hughes Airwest is a citizen of the United States within the meaning of the Act and is fit, willing, and able to properly perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

⁶ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 76-5-101.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

Minor markets where Airwest will receive unrestricted authority¹

Market	CY 1974 traffic ²	Present authority
Great Falls to:		
Las Vegas.....	5,020	Two-stop.
Oakland.....	630	Do.
Ontario.....	910	Do.
Palm Springs.....	220	Do.
Phoenix.....	2,890	Do.
Reno.....	1,330	Do.
Sacramento.....	1,050	Do.
San Diego.....	2,970	Do.
Idaho Falls to:		
Las Vegas.....	4,570	Do.
Oakland.....	720	Do.
Ontario.....	1,230	Do.
Palm Springs.....	160	Do.
Phoenix.....	1,840	Do.
Sacramento.....	750	Do.
San Diego.....	2,680	Do.
Las Vegas to Pocatello.....	2,840	Do.
Los Angeles to Pocatello.....	7,100	Do.
Oakland to Pocatello.....	470	Do.
Ontario to Pocatello.....	960	Do.
Palm Springs to Pocatello.....	60	Do.
Pocatello to:		
Reno.....	2,210	Do.
Sacramento.....	510	Do.
San Diego.....	1,850	Do.
San Francisco/San Jose.....	7,210	Do.

¹ By order 76-5-101, we have tentatively decided to grant Western Air Lines unrestricted authority in each of the above markets. In addition, by Order 76-5-102, we have tentatively decided to grant Frontier Airlines unrestricted authority in the Great Falls to Phoenix/Las Vegas markets.

² True O & D, plus interline connecting passengers
[FR Doc.76-15489 Filed 5-26-76;8:45 am]

[Order 76-5-104; Docket 29298]

NORTHWEST AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By Order 76-5-101, issued concurrently herewith, the Board has proposed to realign the domestic route system of Western Air Lines in a manner which would, inter alia, give Western unrestricted authority in the Billings-Oakland minor market¹ where Northwest Airlines also holds restricted authority. As discussed in Order 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on

¹ I.e., a market which generates fewer than 20 true O&D plus interline connecting passengers a day.

Northwest as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefitting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Order 76-5-101, we tentatively find and conclude that the elimination of restrictions on Northwest's operations in the Billings-Oakland market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable. Specifically, we propose to implement this authority by amending Northwest's certificate for Route 3 to add a new condition (14), as follows:

(14) Notwithstanding the linear route description in this certificate, the holder may schedule nonstop flights between Billings, Mont., and Oakland, Calif.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Northwest to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a) (2) of the Board's Regulations.²

Accordingly, It is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Northwest's certificate for Route 3 so as to remove operating restrictions in the Billings-Oakland market;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and

² We further find and conclude that Northwest is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to properly perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

modifications set forth herein shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I of Order 76-5-101, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;³

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 76-5-101.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc. 76-15490 Filed 5-26-76; 8:45 am]

[Order 76-5-101, Docket 27123]

WESTERN AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By application and petition filed on October 29, 1974, Western Air Lines has requested the Board to issue an order directing interested persons to show cause why Western's certificates of public convenience and necessity for Routes 19, 28, 35, 63 and 139 should not be amended or modified to realign Western's existing 17 domestic operating segments (including seven bifurcated segments) into one linear segment,¹ and to eliminate certain certificate conditions which Western claims are no longer required for competitive reasons and impede the carrier's operating flexibility.²

Although Western is the first trunk carrier to file for a comprehensive route realignment, the carrier asserts that the objectives to be achieved for Western closely parallel the results the Board has found to be beneficial in its local service carrier realignment program. More specifically, Western claims that the realignment will permit the carrier to derive many operating benefits and there-

² All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

¹ A map showing the realigned system, as modified herein, is set out in Appendix A. Appendices to this document filed as part of the original document.

³ Western's certificates for its international Routes 52 and 152 are unaffected by this application and petition.

by provide improved service to the traveling and shipping public; to improve scheduling flexibility and equipment utilization; to conform route authority to traffic flows; to eliminate or modify certificate conditions which no longer serve a useful purpose, impair meaningful market development and inhibit more economical operations; and to provide new or improved service to the public in markets where Western's authority is now restricted by segment junction points or by outmoded certificate restrictions. The carrier also states that the requested changes in its authority should lower unit costs by increasing length of hop and passenger haul. The requested improvement in authority should also result in lower fares in some markets because of improved operating authority.

Answers in support of the petition were filed by the City and County of Denver; the Public Utilities Commission of the State of Colorado; the Denver Chamber of Commerce; the State of Idaho; the City of Idaho Falls; the Idaho Falls Chamber of Commerce; the Las Vegas Parties; the City of Pocatello, Idaho; the City of Reno, Nevada; the Reno Chamber of Commerce and the Wyoming Parties.

Answers in opposition to various phases of the petition were filed by the City of Long Beach, Air California, Alaska Airlines, American, Continental, Frontier, Hughes Airwest, North Central, Northwest, United, and Wien.³ Western filed a reply, together with a motion for leave to file an otherwise unauthorized document,⁴ in which it proposed certain additional restrictions in order to meet some of the objections raised by the opposing parties.

As stated in the recent Frontier, Piedmont, Texas International, and Airwest route realignments⁵ it has been Board policy to realign the route systems of local service carriers in order to maximize the opportunities for scheduling flexibility and equipment utilization; to conform route authority to traffic flows; and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance. The ultimate objectives of the Board's route realignment policy for local service carriers has been to reduce subsidy payments while, at the same time, improving air service to the traveling public.

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that Western's route realignment and certificate amendment proposal, as modified herein, is consistent with the Board's policy and objectives and that substantial public service and carrier benefits will derive from the realigned route system.

³ The specific markets where Western and the objecting carriers are not in accord are set forth in Appendices D through H.

⁴ We will grant the motion.

⁵ Orders 73-12-45, December 11, 1973; 73-7-22, July 6, 1973; 73-1-47, January 15, 1973; and 72-4-140, April 26, 1972.

It is our tentative view that the proposed realignment and certificate amendments will offer Western the potential for significant improvement in operating efficiency and will permit the carrier to provide improved service to the traveling public, while having a minimal effect upon competing carriers. Consolidating Western's existing lower 48-states domestic system into one segment and modifying or eliminating certain unnecessary and burdensome conditions will allow Western to provide new or improved service in markets in which such service is presently restricted as a result of either the arbitrary segmentation of the carrier's existing routes or outmoded certificate restrictions.⁶

We have, however, decided to change the technical format of Western's proposal in two respects. First, we propose to modify the carrier's proposal from a single-segment to a four-segment realignment, confining the carrier's realignment to its lower 48-states markets, and maintaining separate segments for the carrier's Mainland-Alaska, Alaska-Hawaii, and mainland-Hawaii route authority.⁷ As Western recognizes, even its single-segment proposal would not result in any substantial improvement in its Alaskan and Hawaiian authority as all flights serving these markets would still have to stop at one of the carrier's present segment-junction points.⁸ The Board's four-segment approach will maintain Western's current authority between lower 48-states gateways and Alaskan and Hawaiian points, and will at the same time simplify the carrier's certificate and more appropriately describe the true nature of Western's authority in these markets.⁹

⁶ Western would, of course, be required by Order 74-12-109 to revise its fares in markets in which it receives improved authority so that the fares are calculated in a manner which properly reflects the improved authority resulting from the realignment.

⁷ Under this approach, Western's domestic route system will be set forth in the following format:

Authority	Present format	Realigned format
Lower 48 States	Routes 19, 28, 35, and 63.	Segment 1, Route 19.
Mainland Alaska	Segments 1 and 2, Route 189.	Segment 2, Route 19.
Alaska-Hawaii	Segment 3, Route 130.	Segment 3, Route 19.
Mainland Hawaii	Segment 5, Route 35.	Segment 4, Route 19.

⁸ Lower 48-states-Alaska flights would still be required to make intermediate stops at the present gateway points of Portland, Seattle, Honolulu, or Hilo. Likewise, Mainland-Hawaii flights would still require intermediate stops at one of the present gateway points on segment 5 of Route 35.

⁹ Nearly two-thirds of the restricted markets listed in Western's 14-page proposed single-segment certificate involve Alaskan or Hawaiian points. Under a four-segment approach with separate segments for Alaskan and Hawaiian authority, all of these Alaskan and Hawaiian market restrictions will be incorporated by virtue of segment-junction stops, and thus need not be listed separately.

Secondly, we propose to modify the format in which city-pair restrictions are listed in Western's realigned certificate from the traditional alphabetical city-pair ordering to a matrix format, as shown in Appendix B. We believe that such a matrix format, with all city-pair restrictions listed in a single-page array, offers several advantages over the traditional realignment certificate format. The most obvious advantage is conciseness. Under the traditional realigned certificate format, the listing of city-pair restrictions alone may comprise anywhere from five to ten or more pages,¹⁰ while under a matrix format, all restrictions on the realigned carrier's authority (i.e., Western's lower 48-states authority) can be displayed on only one or two pages. Aside from substantially reducing the number of pages in the certificate, the matrix format will greatly facilitate use of the certificate by displaying in one table all of the carrier's authority in its realigned city-pair markets.¹¹

GENERAL OBJECTIONS TO WESTERN'S REALIGNMENT

Numerous general objections have been raised to Western's proposal, most of which are directed to the question of realigning the route systems of trunkline carriers as opposed to the previous Board realignments of local service carriers. As Western's application represents the first trunkline realignment proposal in recent years, we believe it is necessary to discuss these objections in more detail.

Frontier argues that in the past the Board has relied heavily on subsidy reduction as a primary basis for the Board's program of realigning the route structures of local service carriers, but that this central rationale is not present in the case of trunkline realignments. Frontier further argues that trunkline carriers do not need realignments, claiming that one of the purposes of the local service realignment program was to enhance the competitive posture of local service carriers vis-a-vis the trunklines, and that the trunklines with their superior route structures and traffic flow do not need the additional competitive advantages which would result from realignment,

¹⁰ Under the old format, for example, Alleghepy's realigned certificate included 14 pages of individual city-pair restrictions. (Order 74-10-60, October 10, 1974.) Even in the recent Texas International realignment city-pair restrictions comprised 6 pages of the carrier's realigned certificate (Order 76-3-201, March 31, 1976).

¹¹ The traditional realignment format, listing restrictions by city-pairs, permits one to tell at a glance what restrictions, if any, are imposed on a carrier's authority between any two points. However, one drawback of such a format is that the availability of particular one-or-more-stop aircraft routings between two points can only be determined by cross-referencing for restrictions that might be imposed on the intermediate-point city-pair markets. The matrix format—with restrictions in all city-pairs listed in a single-page array—should greatly simplify this task.

These arguments, however, misinterpret the Board's purposes in realigning the route structures of the local service carriers. At no time in previous route realignments have we stated that this procedure was to be limited solely to local service carriers. The route structures of both trunklines and local service carriers have evolved and expanded over the years in much the same manner—by the piecemeal addition of new points, segments, and routes in numerous, often unrelated proceedings. As a result, the systems of both types of carriers contain numerous segment-junction stop restrictions and other conditions, many of which were imposed as pretrial limitations or for long-since outdated competitive reasons, which serve no useful purpose and are economically wasteful. In the case of local service carriers, the purposes of the Board's realignment policy have been:

To maximize the opportunities for scheduling flexibility and equipment utilization; to conform route authority to traffic flows; and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance.¹²

We view these goals as equally applicable to the realignment of trunk carriers. While subsidy reduction and improved service were considered to be the ultimate objectives of local service carrier realignments, that is not to say that the Board has a lesser interest in promoting improved economic efficiency and better service by trunkline carriers. We reject the notion that trunkline carriers should continue to be burdened by restrictions which serve no meaningful competitive purpose and hamper their ability to provide better service to the public merely because they are not subsidized carriers.

Moreover, contrary to the implications set forth in Frontier's answer, the Board's prior route realignments have not been designed to improve the competitive posture of any local service carrier against either other local service carriers or trunk carriers. We have long recognized that the show-cause route realignment procedure is not appropriate as a means of granting improved authority which results in significant competitive implications. In each previous realignment the Board has been careful to accede to the objections of other carriers—both local service and trunkline—upon the showing of a specifically identifiable and legitimate competitive impact from grant of improved authority. Here as well, we have taken care to restrict Western's realigned authority to the extent necessary to preserve the competitive balance in key markets, and to substantially lessen the likelihood of adverse economic impact on competing carriers.

The local service carriers also argue that the granting of improved authority to Western, particularly in monopoly markets, will tend to preempt future

¹² See, e.g., Order 75-7-15, July 2, 1975, p. 2.

route expansion and strengthening opportunities for local service carriers, which might otherwise enable the carriers to enter new markets and reduce subsidy requirements. Similar arguments, based in part on Ashbacker principles,¹³ have been raised in past realignment cases and appropriately rejected by the Board.¹⁴ The fact that we are here dealing with a trunk carrier does not change our view. In the first place, we seriously doubt that the grant of improved authority to Western in monopoly and minor markets will cause the carrier to change the essentially long-haul major market emphasis of its present operations. Nor do we believe that trunkline realignments will freeze up the present route authority of local service carriers or otherwise preempt future route expansion and strengthening opportunities for local service carriers. As Frontier observed, local service carrier expansion efforts have in recent years focused more and more on high-density, medium-haul markets; yet under our proposal, Western's realigned authority in larger markets of this type will remain essentially unchanged. In many of the smaller markets, Western either presently provides single-plane service or otherwise carries the predominant share of traffic, and thus absent countervailing factors, Western would be the logical choice as the carrier to receive improved authority in the market.¹⁵ Finally, in acting on future applications by local service carriers or others for new authority in these markets—particularly in markets where Western might not be fully utilizing its improved realigned authority—the Board would not be powerless to grant such new authority for any other appropriate relief upon a sufficient showing under the statutory standards of section 401 of the Act.

Frontier and Northwest claim that grant of Western's realignment proposal will result in substantial revenue diversion.¹⁶ Frontier has estimated this diver-

sion at about \$3 million, which it claims will result in increased subsidy requirements, thereby offsetting one of the primary goals of the local service carrier realignment program. As pointed out by Western, Frontier's estimates significantly overstate Western's probable participation in these markets. These estimates do not reflect the real impact of the realignment because they assume Western will institute service in all markets pursuant to the new authority. As we have earlier stated, one of the primary goals of route realignments is to remove restrictions in small or monopoly markets which do not now or in the foreseeable future present competitive considerations of a magnitude sufficient to warrant stop restrictions, particularly with specified intermediate points. While this action will give the carrier greater operating flexibility to establish more logical aircraft routings, it is clear that not all of the markets in which Western receives improved authority will in fact receive new or additional service as a result of the realignment. Consequently, diversion that might result in these small or monopoly markets will be de minimis. Moreover, in a number of the larger markets in which Frontier claims diversion, we have proposed to restrict Western to its current authority or to otherwise limit its authority in order to protect Frontier (e.g., Billings-Salt Lake City and Denver-Phoenix), while in a number of other markets we propose to remove restrictions from Frontier's authority as well (e.g., Las Vegas/Phoenix - Billings/Casper/Cheyenne/Rapid City).

Finally, several parties have objected to the use of show-cause procedures for this realignment, claiming that the issues involved are too complex and controversial, and that Western has failed to provide sufficient operational data and economic justification to adequately assess the impact of the realignment proposal. Suffice it to say that identical objections have been raised and rejected by the Board in numerous local service carrier realignment proceedings, and we see no basis for a different result here.¹⁷

REALIGNMENT GUIDELINES

Over the course of previous local service carrier route realignments, the Board has developed general guidelines for determining the extent to which the applicant's authority should be improved in specific markets. Under these guidelines, city-pair markets are grouped into three principal classifications according to size and competitive characteristics: monopoly markets where no carrier besides the applicant is certificated at both points; minor markets which generate less than 10 true O&D passengers per day (3,650

passengers per year); and major competitive markets. For each of these three categories, the realigned authority was determined as follows:

In monopoly markets, the applicant received unrestricted authority;

In minor markets, the applicant received nonstop authority unless an objecting carrier held authority that was comparable to the applicant's authority, in which case the applicant's authority remained unchanged. If the objecting carrier held superior authority, the applicant was restricted to one intermediate stop more than the competitor's best-round-trip single-plane service;

In major competitive markets, where the applicant's authority was superior to that of the objecting carriers, the applicant received the improvement it requested. However, if an objecting carrier held comparable or superior authority, the applicant's authority was generally restricted as in the case of minor markets.

In addition to these guidelines, the Board has followed a policy of modifying or eliminating long-haul restrictions and specific intermediate-stop requirements except where such changes would have substantial competitive implications. In no case was authority awarded superior to that requested by the applicant.

After a thorough analysis of Western's proposal in light of the realignment standards which have been evolved over the course of previous local service carrier realignments, we have decided to adopt several modifications to these realignment guidelines, particularly with respect to minor markets. To place these proposed expansions of the guidelines in perspective, it is important to understand the evolution over the past few years of the Board's realignment program.

This program of realigning the route systems of local service carriers is of relatively recent origin, essentially beginning with the realignment of Hughes Airwest in 1972. In the earliest of these realignments, the Board did not formulate precise guidelines, as such, but rather proceeded on the basis of granting improved authority on an ad hoc basis in the absence of meritorious objection. Since that time, the Board has enunciated guidelines for the grant of improved authority, developing various refinements and modifications along the way. In developing these guidelines, the Board has deliberately moved slowly, gaining experience from case to case, and acceding to objections whenever another carrier could make a plausible argument of potential competitive harm as a result of improved authority. As can be seen, the route realignment concept has been dynamic in nature, as we believe it should be. Accordingly, while earlier realignment guidelines developed by the Board are valuable as a focal point, we by no means feel wedded to these criteria in considering present or future realignment proposals. As recently noted in a slightly different context, we have become convinced that nonhearing decisional standards can and should be ap-

authority, we have decided to restrict the carrier's authority in order to protect Northwest (e.g., Twin Cities-Billings/Great Falls). In short, the competitive impact on Northwest in these listed markets will be minimal.

¹⁷ See, e.g., Order 73-10-24, October 4, 1973, pp. 6-7; Order 72-4-140, April 26, 1972, p. 5.

¹³ Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945).

¹⁴ See, e.g., Order 75-7-5, July 1, 1975, p. 5.

¹⁵ Aside from the absence of competing applications in these markets, the Board has held that comparative consideration of applications is not required if a particular market is not large enough to support a carrier in addition to the incumbent, because it is the presence of the incumbent and the size of the market rather than the improvements in the incumbent's operating authority which serve to preclude the certification of the new carrier. See Frontier Route Realignment, Order 75-7-5, July 1, 1975; and Service to Spokane, 41 C.A.B. 1 (1964).

¹⁶ Northwest did not estimate actual revenue diversion, but rather estimated that \$26 million of its passenger revenue would be exposed to diversion (Northwest Answer, Appendix A). This estimate is grossly overstated, as even under Western's proposal, the carrier's realigned authority in most of the markets listed by Northwest will be unchanged or will otherwise be circuitous and noncompetitive with Northwest's superior authority. Moreover, in several of these cited markets where Western requests improved

plied to permit new or improved authority in a broader range of markets than permitted under our prior realignment guidelines. Order 76-3-71, March 11, 1976.

The guidelines as set forth below and in Appendix C are intended to be equally applicable to both trunkline and local service carrier route realignments. As the Western realignment may well precipitate similar requests from other carriers, our proposed guidelines are discussed in detail below in order to provide guidance for those carriers that might be considering similar realignments for themselves.

Monopoly Markets. In monopoly city-pair markets where Western is the only carrier certified at both points, we propose to continue our present policy of granting the applicant unrestricted nonstop authority. Appendix D sets forth those Western monopoly markets in which improved authority has been objected to by another carrier.

Minor Markets. Small markets present a particularly compelling case for relaxation of the criteria whereby improved authority will be granted by show-cause procedures. The Board's hearing resources are severely limited and must necessarily be devoted to route matters involving the needs of larger markets—markets which not incidentally are most likely to present significant competitive considerations. Consequently, it is extremely unlikely that applications for improved authority in small markets generating fewer than 30 or so passengers a day will ever be considered in formal hearings. For these markets, show-cause procedures, particularly in the realignment context, may offer the only realistic means of considering proposals for improved authority.

In past realignments, the Board has adopted a general policy of granting nonstop authority in minor markets which generate fewer than 10 true O&D passengers a day, premised on the belief that such small markets "do not present competitive considerations of significant magnitude." We remain firmly convinced that this basic policy is sound, and indeed, we believe that there is considerable justification for expansion of the minor market classification to include additional markets which, while larger than the 10-true-O&D-per-day traffic level, are nevertheless "minor" markets in the practical, real-world sense. Accordingly, we propose to include within the minor market classification those markets which generate fewer than 20 true O&D plus interline connecting passengers per day (7,300 passengers per year).¹⁸ With the inclusion of interline connecting traffic in the new standard, this traffic

level represents only a modest increase over the 10-a-day true O&D level used in previous realignments.¹⁹ Our experience with recent realignments reinforces our conclusion that grant of improved authority in such very small markets at most permits greater operating flexibility without any significant attendant harm to other carriers. We recognize in this regard that it is difficult to select a generalized threshold traffic level above which markets will begin to take on competitive significance, although we are confident that the 20-a-day level we are proposing herein (i.e., 10 passengers per day in each direction) falls well below any such threshold level.²⁰

In addition to the expansion of the minor market classification to include somewhat larger (though nevertheless minor) markets, we propose to grant unrestricted authority to all carriers authorized to serve such minor markets regardless of the comparative authority of the applicant vis-a-vis other carriers certificated in the market. In past realignments, despite our enunciated belief that as a practical matter such small markets "do not present competitive considerations of significant magnitude," the Board has on numerous occasions acceded to objections of carriers holding authority comparable or superior to the applicant's authority, restricting the applicant to its existing authority. The unintended result of these exceptions has been that minor markets have in effect come to be judged by essentially the same criteria as applied to larger competitive markets. This anomalous result is at odds with our general view that such very small markets do not present significant competitive considerations. Accordingly, in markets which generate fewer than 20 O&D plus interline connecting passengers a day, we propose to grant unrestricted authority to Western as well as to all other carriers certificated to serve the market, without regard to the comparative authority of Western vis-a-vis the other carriers in the market.²¹

The grant of permissive nonstop authority in minor markets to all carriers authorized to serve the market will give the carriers greater operating flexibility to develop more logical aircraft routings

¹⁸ As a result of this change in the minor market traffic level, only nine additional Western markets fall within the minor market classification. See Appendix E, fn. 2. This further illustrates the modest impact of our proposed modification to the guidelines.

¹⁹ In markets which generate only 10 passengers daily in each direction, the amount of traffic available for a given flight would undoubtedly be even less than 10 passengers. In relation to the capacity of large jet aircraft operated by carriers such as Western, such minimal traffic levels do not give rise to any significant competitive implications.

²¹ This is consistent with our decision in the recent Texas International route realignment to grant nonstop authority to both TXI and Frontier in the Memphis-Salt Lake City minor market. Orders 76-3-201 and 76-3-202, March 31, 1976.

in response to traffic flows, and may enable the carriers to offer new or additional service in some of these small markets that would otherwise be unfeasible. Because of their small size, many of these minor markets do not now receive single-plane service, much less nonstop service. While we expect that some of these markets will receive new or additional service as a result of the improved authority granted to Western and other carriers, it is clear that the small size of the markets involved will continue to limit the ability of these carriers to provide improved service under their new authority, and will thereby minimize diversion. Under these circumstances, we see no sound basis for denying the public the potential benefits of improved service, particularly where these benefits could be attained without any significant adverse impact on other carriers.

In line with prior realignment guidelines, Western proposed to retain certain stop restrictions in 14 minor markets where its present authority is comparable or inferior to that of other carriers. In nine additional markets which generate fewer than 20 passengers daily (but more than the previous minor market level of 10 true O&D passengers daily), Western proposed restrictions in line with non-minor market guidelines. Under our modified guideline for minor markets, we propose that all carriers certificated to serve these markets, including Western, be granted unrestricted authority. These 23 minor markets where the Board proposes better authority than that requested by Western are set forth in Appendix E. In addition to these markets, Appendix F lists all other minor markets where objections have been raised to Western's request for unrestricted authority.²² In each of these markets, we propose unrestricted authority for Western, as well as other carriers as indicated in Appendix F.²³

Non-minor Competitive Markets. We propose to follow the established realignment guidelines in non-minor competitive markets. For purposes of clarification, we have rewritten the guidelines

²² In most of the minor markets listed in Appendix F, Western's present authority is superior to that of the objecting carriers, and thus Western would be entitled to unrestricted authority even under prior realignment guidelines.

²³ Appendix G sets forth a complete list of minor markets where we propose that Frontier, Hughes Airwest, or Northwest, in addition to Western, receive nonstop authority. These proposed certificate amendments are the subject of separate show-cause orders issued contemporaneously herewith. In Docket 28330, Hughes Airwest has filed an application for a route realignment wherein it requests, *inter alia*, nonstop authority in a number of minor markets common to Western's realignment application. Consistent with our minor market guideline, we propose to grant both Western and Airwest new nonstop authority in 25 of these common markets (see Appendix F). To the extent not included herein, action on the remainder of Airwest's application in Docket 28330 will be dealt with separately.

¹⁸ We believe that consideration of interline connecting traffic as well as true O&D traffic provides a more accurate picture of the competitive potential of a given market than just the bare true O&D traffic figures. In route proceedings, for example, the Board has traditionally considered O&D plus interline connecting traffic as an appropriate gauge of traffic and service potential.

applicable to markets when an objecting carrier holds authority superior to that of the applicant. (See guideline 3(c), set forth in Appendix C.) In such cases, the applicant will be restricted to one intermediate stop more than the competitor's best round-trip single-plane service in the market.²⁴ However, if the competitor offers no single-plane service, then the applicant will be restricted to one intermediate stop more than the competitor's best authority.²⁵

As a further refinement, we propose to grant Western additional flexibility to (unless otherwise indicated) operate flights over segment 1 without regard to specific city-pair restrictions, subject to a traffic restriction. This would permit Western to operate, for example, nonstop flights between Denver and Las Vegas despite the one-stop restriction on the carrier's authority in that market, provided that on such flights, traffic enplaned at one of those two points is not deplaned at the other point.²⁶ In essence, this proposal merely substitutes a restriction on the carrier's traffic authority for the stop restriction on its operating authority, thereby affording Western greater operating flexibility without any attendant competitive impact on other carriers in the market.

Western has additionally requested the removal of single-plane and closed-door restrictions in a number of markets, to be replaced in most instances by stop restrictions. Traditionally, the route structures of local service carriers have contained few if any such restrictions, and thus it has not been necessary to focus on restrictions of this type in previous route realignments. Trunkline certificates, however, often contain such restrictions, many of which were originally imposed not to protect other carriers, but as pretrial restrictions designed to limit the scope of route proceedings. In monopoly and minor markets, we propose to grant Western unrestricted authority, eliminating all single-plane and closed-door restrictions. As previously indicated, the grant of unrestricted authority in such markets is unlikely to have significant competitive impact.

²⁴ In certain markets where Western's present authority is stop-restricted over circuitous routings and where the competitor does not operate its best authority, we have restricted Western to one-stop via circuitous intermediate points, or in the alternative, to one intermediate stop more than the general level of incumbent service, via unspecified points. See, e.g., our discussion of the Montana/Idaho-Pacific Northwest markets, pp. 15-16.

²⁵ In certain situations where the incumbent carrier offers only a limited amount of, say, nonstop service, and where improved one-stop authority for Western might have a significant competitive impact on the incumbent, we have proposed to limit the availability of certain possible intermediate point routings. See, e.g., our treatment of the Billings-Minneapolis/Salt Lake City and Las Vegas-Ontario markets.

²⁶ This traffic restriction would preclude the carriage of local as well as connecting traffic on flights operated between the two restricted points.

Air California, an intrastate carrier, has raised objections to the removal of Western's single-plane restriction in the San Jose-San Diego market, claiming that while the market may be small in terms of traffic carried on interstate carriers, the inclusion of intrastate carrier traffic raises the market well above the minor market traffic level. However, Air California's arguments have not convinced us to retain the single-plane restriction in this market. While this market, which is presently served exclusively by intrastate carriers, is relatively large considering the volume of traffic moving on intrastate carriers, we do not believe that removal of Western's restriction will have any significant competitive impact on these intrastate carriers considering their entrenched position in the market. This conclusion is bolstered by Western's competitive experience in the much larger San Francisco-San Diego intrastate market where Western presently holds nonstop authority in competition with Air California and PSA. There, despite the parity of authority, the two intrastate carriers provide a carriers operate a total of 10 daily round-trip flights in sharp contrast to Western's limited two daily round-trip service pattern. In the smaller San Jose-San Diego satellite market, these same intrastate carriers operate a total of 10 daily round-trip flights, and in view of Western's experience in the San Francisco-San Diego market, it is improbable that Western will become a significant competitive factor in the San Jose-San Diego intrastate market. Aside from this, it is manifest that the single-plane restriction on Western's San Jose-San Diego authority was not imposed to protect Air California, an intrastate carrier that was not even in existence at the time the restriction was originally imposed. As Air California was not intended to be a beneficiary of the restriction, its claims of injury as a result of removal of the restriction are not compelling. In any event, we do not believe that claims of potential competitive harm raised by intrastate carriers are entitled to the same decisional weight as similar claims that might be raised by federally certificated carriers.²⁷

In larger competitive markets, we tentatively find that single-plane and closed-door restrictions should be retained only where it can be demonstrated that no less restrictive condition will satisfy a legitimate competitive interest. Accordingly, in the absence of such a showing, we propose as a general rule to remove such restrictions to be replaced by appropriate stop restrictions in accordance with guideline 3(c).

Altogether, there are seven non-minor markets where Western's authority is

²⁷ In determining whether to grant improved authority to certificated carriers, the Board has traditionally attached only limited importance to claims of injury raised, for example, by noncertificated air taxi operators. See, e.g., The Fort Myers-Atlanta Case, Order 7510-119, October 29, 1975. We perceive no basis for different treatment with respect to intrastate carrier claims of potential injury.

subject to single-plane or closed-door restrictions. In the Las Vegas-Reno, Las Vegas-San Jose, Portland-San Jose, and Sacramento-San Francisco markets, incumbent carriers provide three or more daily nonstop round trips, and thus the grant of one-stop authority to Western should not have any significant competitive impact. In the Las Vegas-Ontario market, Airwest provides a limited amount of nonstop service together with some one-stop routings via Burbank. In these circumstances, we will restrict Western to one-stop authority via a point other than Los Angeles or Palm Springs, thus limiting the carrier to circuitous one-stop routings.²⁸ Service by incumbent carriers in the two remaining markets—San Jose-Reno/Seattle—is quite limited, and accordingly, Western will be restricted to two-stop authority via unspecified intermediates.

Based upon the foregoing, we tentatively find and conclude that the conditions contained in the attached certificate, based on the guidelines set forth in Appendix C, and their application to specific markets as set forth in Appendices D through H, are sufficient to preserve the competitive balance in key markets and substantially lessen the likelihood of adverse economic impact on competing carriers. In addition, we tentatively find and conclude that the elimination or modification of the operating restrictions, as proposed herein, are required by the public convenience and necessity and are consistent with the Board's policy of removing or modifying conditions which serve no useful purpose and which are otherwise wasteful and undesirable.²⁹

OBJECTIONS TO IMPROVED AUTHORITY IN SPECIFIC MARKETS

Numerous objections have been filed by other carriers in response to Western's proposals for improved authority in a number of specific markets. These markets are listed in Appendices D through H. Appendix D sets forth those monopoly markets which are subject to objections, while Appendices E and F list those minor markets which are either subject to objections or in which the Board proposes better authority than requested by Western. In all monopoly and minor markets, we propose to grant Western unrestricted authority.³⁰

Non-minor competitive markets subject to objections are set forth in Appendix H. In most of these markets, we

²⁸ This is similar to our treatment of the Billings-Salt Lake City and Billings-Minneapolis markets, discussed in the following section.

²⁹ We further find and conclude that Western is a citizen of the United States within the meaning of the Act, and is fit, willing, and able properly to perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder.

³⁰ Minor markets in which we propose to grant unrestricted authority to other carriers in addition to Western are set forth in Appendix G.

propose to follow our realignment guidelines for reasons which are readily apparent. In several markets, however, special circumstances exist which warrant either a departure from our guidelines or further explanation as to the reasons for following the guidelines.

Northwest Airlines has raised objections to grant of improved authority to Western in a number of markets along the northern tier between Minneapolis and Seattle/Portland, particularly with respect to markets in Montana and Idaho. Northwest holds essentially unrestricted nonstop and multistop authority along its whole route segment between Minneapolis and Seattle/Portland. Western, on the other hand, presently holds nonstop authority in the Minneapolis-Seattle/Portland markets, but is limited to circuitous two-stop authority between Seattle/Portland and its points in Montana, Idaho, Wyoming, and South Dakota. However, most of these Seattle/Portland intermediate markets generate fewer than 20 passengers per day, and thus qualify for nonstop authority under the minor market guideline. In fact, of these Seattle/Portland intermediate markets, only the Billings/Great Falls-Seattle/Portland and Butte-Seattle markets generate more than 20 daily passengers. In these latter Seattle/Portland markets, Northwest's principal service pattern is two-stop, and accordingly, Western's authority in these markets will be restricted in line with guideline 3(c). Specifically, we will limit Western to one stop via a point outside Idaho or Montana, or in the alternative, to three stops via unspecified intermediates.²¹

Northwest's concerns about the competitive impact of Western's additional authority in these markets are, in our view, greatly overstated, as even with these improvements to Western authority, Northwest will continue to enjoy a vastly superior competitive position over the northern tier between Minneapolis and Seattle/Portland. In the primary markets (Minneapolis-Seattle/Portland), the two strongest possible intermediate points available to Western—Billings and Great Falls—will be unusable due to compounding stop restrictions, while the remaining possible intermediates are all minor markets which generate fewer than 10 Seattle or Portland passengers per day each way. In contrast, Northwest has much stronger intermediate points on its Minneapolis-Portland/Seattle routings, including Billings, Great Falls,

²¹ Under this proposal, the only one-stop routings available to Western will be via San Francisco or a point south thereof, or via backhauls to small points such as Sheridan or a point east thereof. The circuitry involved in any such routings coupled with the dearth of traffic support would clearly render any one-stop routings uncompetitive with Northwest's services. Similarly, the three-stop routings available to Western involve considerably more circuitry and much less intermediate traffic support than Northwest's current routings over intermediates such as Spokane and Missoula.

and Spokane which generate substantially more Seattle/Portland passengers than the minor markets available to Western. In short, without the support of any strong intermediate points such as Billings or Great Falls, Western will pose no realistic threat to Northwest's entrenched competitive position in these markets.

Western's current authority in the Minneapolis - Montana/Idaho points markets is limited to, at best, one-stop via Casper, Cheyenne, Denver, Sheridan, or Salt Lake City. All but two of these markets are minor markets where Western will be granted nonstop authority in line with guideline 2. In the remaining non-minor markets—Billings/Great Falls-Minneapolis—Northwest objects to grant of one-stop authority via unspecified intermediates. Northwest's principal service in these two markets is one-stop with limited nonstop service in the Billings-Minneapolis market. Consequently, improved one-stop authority for Western could have a competitive impact on Northwest, and consistent with guideline 3(c), we will restrict Western to one-stop authority via a point outside South Dakota, or in the alternative to two stops via unspecified intermediates.²² Northwest also objects to any improvement in Western's authority between Billings, on the one hand, and Butte and Helena, on the other hand. The Billings-Butte market generates fewer than 20 passengers daily, and thus qualifies for nonstop authority. Moreover, because of the stringent stop restrictions we are imposing on Western's Billings-Portland/Seattle authority, the carrier will be essentially foreclosed from routing any Billings-Butte nonstop flights beyond either Portland or Seattle, and thus, the grant of nonstop authority in this local minor market should not have any competitive effect on Northwest's operations over the northern tier between Minneapolis, Billings, and Seattle/Portland. The Billings-Helena market, where Western's current authority is one-stop via Great Falls, presents a different situation in that Great Falls is by far the strongest intermediate point routing available to Western. Thus, grant of one-stop authority via an unspecified intermediate point will not give Western any significantly greater usable authority than it already has, and should not have any measurable competitive impact on Northwest.

In the Billings/Great Falls-Los Angeles/San Francisco markets, Western's current authority is superior to that of any other carrier, and in accordance with guideline 3(b), we propose to grant Western unrestricted authority. Northwest has applied for nonstop authority in these markets (Docket 25156), and has raised objections to Western's request,

²² Similarly, in the Billings-Salt Lake City market where Frontier holds nonstop authority but offers a limited amount of nonstop and one-stop service, we will restrict Western to one-stop authority via Great Falls or a point east thereof, or in the alternative to two stops via unspecified intermediates.

claiming that its own application is entitled to comparative consideration based on Ashbacker principles. However, Western is overwhelmingly the dominant carrier in these markets, carrying 90 percent of the RPM traffic in the two Great Falls-California markets, and over 50 percent of the traffic in each of the Billings-California markets during calendar year 1974. In contrast, Northwest has no usable single-plane authority in any of these markets,²³ and not surprisingly, its participation has been de minimis, amounting to no more than five percent in any one of these markets. Under these circumstances, we believe that Northwest's reliance on the Ashbacker doctrine is misplaced. Western currently holds single-plane authority in each of these markets and currently provides single-plane service in the Great Falls-Los Angeles/San Francisco markets, while Northwest for all practical purposes holds no single-plane authority whatsoever in these markets. Consequently, Northwest's contentions do not present the issue of which of two competing applications for new services should be granted, but rather whether a second carrier should be authorized to serve these markets. In similar situations, the Board has held that where a carrier already serves a market under restricted authority and transports the bulk of the traffic in the market, those existing restrictions should ordinarily be removed before another carrier is certified.²⁴ Beyond this, the Board has rejected Ashbacker claims where the particular market is not large enough to support a carrier in addition to the applicant, because it is the presence of the incumbent and the size of the market rather than improvements in the incumbent's authority which act to preclude certification of a new carrier.²⁵ Finally, in view of Western's dominance in these markets in terms of traffic carried, diversion from other carriers as a result of this improved authority will be minimal.²⁶

In the Reno/Sacramento-Seattle/Portland markets, granting one-stop authority via an unspecified intermediate point rather than via San Francisco as presently required will not improve Western's authority, as San Francisco will continue to be the least circuitous and strongest intermediate point avail-

²³ Northwest's best authority in these markets is one-stop via Minneapolis, involving a prohibitive backhaul operation.

²⁴ See, e.g., Order 73-5-127, May 29, 1973, and the cases cited therein.

²⁵ See Frontier Route Realignment, Order 75-7-5, pp. 5-6, July 1, 1975; and *Service to Spokane*, 41 C.A.B. 1 (1964), discussed at length in Order 75-7-5.

²⁶ The same cannot be said of an award of nonstop authority to Northwest in these markets. Thus, even if we were to set Northwest's application for comparative hearing, the diversionary impact of the carrier's proposal on Western, the incumbent carrier, would no doubt weigh heavily against selection of Northwest as a new carrier in the markets.

able.³⁷ The Denver/Salt Lake City-Seattle/Portland markets present a slightly different situation, as our grant of nonstop authority between Seattle/Portland and various small points in Montana and Idaho would improve Western's circuitous Denver/Salt Lake City authority by permitting one-stop service over those noncircuitous minor points. Accordingly, consistent with guideline 3(c), we will restrict Western's authority to one-stop via a point outside Montana or Idaho, or in the alternative, two-stop via unspecified intermediates.³⁸

Western's authority between Phoenix, on the one hand, and San Francisco, Oakland, San Jose, and Sacramento, on the other hand, warrants comment. At present, Western's best authority in these Phoenix-Bay Area markets is one-stop via San Diego, or via Los Angeles with a long-haul restriction. Western has requested one-stop authority via unspecified intermediate points. In this instance, all possible noncircuitous intermediate point routings—other than existing San Diego or Los Angeles routings—are subject to compounding stop restrictions, and thus, grant of unspecified intermediate point authority will not result in any improvement of usable authority. Under Western's proposal, for example, its authority in the Phoenix-Las Vegas/Ontario/Palm Springs/Reno/Salt Lake City markets will be one-stop restricted, thus affording at best two-stop authority over any of these potential Phoenix-Bay Area routings. Moreover, as at present, any Phoenix-Bay Area routing via Los Angeles will be subject to the modified long-haul restriction on Western's Phoenix-Los Angeles nonstop operations (see discussion, *infra*).

In the Phoenix-Las Vegas/Reno markets, Western's best authority is likewise one-stop via San Diego, or via Los Angeles with a long-haul restriction. Here again under Western's proposal, all possible alternative intermediate point routings are themselves stop restricted,³⁹ so that grant of unspecified one-stop authority will not result in any significant improvement in authority, and will not affect Airwest's existing nonstop and direct one-stop service in these markets.

³⁷ By Order 75-11-45, November 12, 1975, Western was granted nonstop authority in the Las Vegas-Portland/Seattle markets (*Remanded Reno-Portland/Seattle Nonstop Service Investigation*, Docket 21136, *et al.*).

³⁸ While this would permit Western to operate one-stop Denver-Seattle/Portland flights via its minor Wyoming points, any such service would be decidedly uncompetitive with the abundant nonstop services of United and Continental in these markets. In the Salt Lake City-Seattle/Portland markets, one-stop service via Wyoming points would be noncompetitive due to circuitry alone.

³⁹ Western has proposed one-stop authority in the Phoenix-Oakland/Ontario/Palm Springs/Sacramento/Salt Lake City/San Francisco/San Jose markets, so that the carrier's best authority via any of these routings would be two-stop Phoenix-Las Vegas/Reno service.

Airwest has filed objections to Western's proposal in a number of markets, many of which are markets where Western presently holds one-stop authority as compared to Airwest's inferior two-stop authority. In most of these markets, Western carries 70 percent or more of the traffic, and in view of its superior authority, clearly qualifies for improved authority even under traditional realignment guidelines.⁴⁰ Moreover, under our modified guideline for minor markets, both Western and Airwest will receive unrestricted authority in a number of these markets (see Appendix G).

Of Airwest's remaining objections, many involve markets where Western's requested improvements will result in little or no improvement in usable authority,⁴¹ while in the remainder, we have proposed to restrict Western's authority in a manner that should satisfy Airwest's objections.⁴²

Finally, in the Las Vegas-Great Falls market, Western proposes nonstop authority which coupled with its Great Falls-Calgary/Edmonton authority on Route 52 would give the carrier new one-stop authority in the Las Vegas-Calgary/Edmonton markets. The question of nonstop authority in these latter markets is presently at issue in the Las Vegas-Calgary/Edmonton Route Proceedings, Docket 27185, but in view of the fact that no objection to Western's improved authority in these markets has been raised here, we need not determine whether any restriction would otherwise be warranted.⁴³

⁴⁰ Airwest argues that because its authority in these markets was restricted to two-stops in the Airwest Route Realignment (Orders 72-9-58 and 72-12-104), Western's authority should likewise not be improved here. However, Airwest's authority in the above markets prior to its own realignment was essentially unusable due to multiple-stop requirements and circuitry. Its realigned authority was vastly improved but nevertheless limited to two-stop in recognition of the fact that Western, by virtue of its one-stop authority and historic participation, was truly the incumbent carrier in these markets. Thus, Airwest has no basis to claim competitive harm by virtue of the improvement of Western's presently superior authority in markets where Airwest has never had any significant stake, either prior to or subsequent to its own realignment.

⁴¹ See, e.g., our discussion of the Phoenix-Las Vegas/Ontario/Oakland/Palm Springs/Reno/Sacramento/San Francisco/San Jose markets and the Portland/Seattle-Ontario/Palm Springs/Reno markets.

⁴² See, e.g., our discussion of the Portland/Seattle-Great Falls/Salt Lake City and Las Vegas-Ontario markets. However, consistent with guideline 1, Western will be granted unrestricted authority in its monopoly market (see Appendix D).

⁴³ Airwest has objected to nonstop Las Vegas-Great Falls authority, but this objection is based on the argument that Western's one-stop authority should not be improved because of the prior two-stop restriction placed on Airwest in its realignment. As previously discussed, this particular objection is without merit.

In addition to the basic single-segment realignment of its certificate, Western requests the removal or modification of numerous specific certificate restrictions.⁴⁴ A number of these are closed-door or single-plane restrictions which as discussed above will be eliminated in the case of monopoly or minor markets, and replaced by stop restrictions in the case of larger competitive markets.⁴⁵ The remaining conditions are discussed below:

Condition (3), Route 35. This condition requires that all flights serving Sioux Falls originate or terminate at Rapid City or a point west thereof. Western requests that the condition be modified to require that Minneapolis-Sioux Falls nonstop flights serve any point beyond the market. Thus, Western would continue to be precluded from providing turnaround service in the market, and would obtain only modestly improved authority to originate or terminate Twin Cities-Sioux Falls flights at Pierre rather than Rapid City, and to operate Pierre-Sioux Falls turnaround service. We are not convinced by North Central's argument that such a minor modification in Western's long-haul restriction will have any significant impact on North Central's competitive position in the Sioux Falls-Twin Cities market, and thus we propose to modify the condition as requested.

Condition (5), Route 35. This condition precludes Denver-Salt Lake City flights from also serving Los Angeles, San Diego, Las Vegas, or points north or east of Denver. Frontier has objected to removal of this condition, contending that to do so would enable Western to increase its service in both the Denver-Salt Lake City and Denver-Las Vegas markets, and thereby jeopardize Frontier's competitive position in the markets. United has raised similar objections with respect to the Denver-Las Vegas market. In the Denver-San Diego market, Western presently possesses nonstop authority and operates nonstop service as well as one-stop service via Phoenix. Thus, grant of additional one-stop authority via Salt Lake City will merely permit greater operating flexibility without substantial competitive impact on other carriers in these markets. The Denver-Las Vegas and Denver-Los Angeles markets present a somewhat different situation, as Western's best authority in these markets is one-stop via Bay Area points or San Diego. However, both of these markets presently receive high levels of nonstop service,⁴⁶ and thus, one-stop service by

⁴⁴ Namely, conditions (3) through (8) on Route 35, and conditions (4) through (7) on Route 63.

⁴⁵ Conditions (4) and (8) on Route 85, and conditions (4) through (6) on Route 63.

⁴⁶ The Denver-Las Vegas market presently receives an average of eight daily nonstop round trips, with even greater levels of service during the peak weekend period. The Denver-Los Angeles market receives a total of 11 daily nonstop round trips, OAG, April 15, 1976.

Western in these markets—even via Salt Lake City—would appear to be unlikely to have any cognizable competitive impact on the incumbent nonstop carriers. Consequently, it is also unlikely that Western would be able to increase its Denver-Salt Lake City service by flowing any appreciable amount of Denver-Las Vegas/Los Angeles traffic over Salt Lake City.

This conclusion applies with equal force to the points north or east of Denver cited by Frontier.⁴⁷ The basic question presented here is the extent to which Western would be able to route traffic in these markets over the Denver-Salt Lake City sector so as to support a greater level of Denver-Salt Lake City service. With respect to Billings and Great Falls, it is apparent that Western will be unable to flow Billings/Great Falls-Salt Lake City traffic over the Denver-Salt Lake City sector because of the circuitry involved and the availability of noncircuitous nonstop and one-stop service in the Billings/Great Falls-Salt Lake City markets. While it is conceivable that Western might be able to flow some Billings/Great Falls-Denver traffic over Salt Lake City, the amount of such traffic would be quite small in view of the availability of ample Denver service over less circuitous routings.⁴⁸ In the Casper/Cheyenne/Rapid City-Salt Lake City markets, while Western would be able to flow some traffic in these markets over the Denver-Salt Lake City sector, the amount of traffic available between these points and Salt Lake City is by no means substantial—ranging from about 12 passengers per day each way in the the Cheyenne-Salt Lake City market.⁴⁹ In these circumstances, it is extremely unlikely that Western will be able to flow sufficient traffic from these points over the Denver-Salt Lake City sector to support additional nonstop service in the Denver-Salt Lake City market. In sum, we believe that condition (5) is much broader than necessary to protect any legitimate competitive interests, and we have tentatively decided to remove the condition in its entirety.⁵⁰

⁴⁷ Billings, Great Falls, Casper, Cheyenne, Rapid City, and West Yellowstone.

⁴⁸ The Great Falls-Denver market, for example, receives five daily direct one-stop flights via Billings, while the Billings-Denver market is served by five daily nonstop flights and several direct one-stop flights. Moreover, Western's ability to flow Billings-Denver traffic over Salt Lake City would be further hampered by the one-stop restriction we propose on its Billings-Salt Lake City authority.

⁴⁹ Clearly, only a portion of the traffic in even these markets would be available as flow traffic on flights routed over the Denver-Salt Lake City sector, with the remainder of the traffic traveling on nonstop services, less circuitous one-stop services, or connecting services.

⁵⁰ While carriers are not foreclosed from proposing narrower restrictions in specific markets, any such proposals should be fully documented and should demonstrate why a restriction is required in order to protect a legitimate interest.

Conditions (6) and (7), Route 35. These two related conditions require that nonstop Phoenix-Los Angeles flights originate or terminate at Seattle, Portland, Hilo, or Honolulu; and that Phoenix-Los Angeles flights on segment 4 (i.e., nonstop flights) shall not serve Denver.⁵¹ Western has proposed (1) to modify the long-haul condition to require nonstop flights to serve a point outside of California in addition to Phoenix; and (2) to eliminate the restriction on serving Denver. In past realignments, the Board has adopted the policy of modifying or removing long-haul restrictions which are unnecessary or more burdensome than required for competitive purposes. In this instance, we propose to modify the long-haul condition as requested, except that nonstop Los Angeles-Phoenix flights will continue to be precluded from serving Denver.⁵² The traffic support which a Denver-Phoenix-Los Angeles routing might provide may well have a significant competitive impact on Frontier, a subsidized carrier, in the Denver-Phoenix market; and moreover, the inclusion of Denver as an alternative long-haul point may significantly enhance Western's position in the Los Angeles-Phoenix nonstop market. The proposed Los Angeles-Phoenix condition would read as follows:

Nonstop flights shall not serve Denver, and must serve a point outside of California in addition to Phoenix.

Condition (7), Route 63. This condition requires one intermediate stop on flights in the Twin Cities-Palm Springs/San Bernardino markets, when served through an airport other than Ontario International Airport. Both markets are Western monopoly markets and the carrier participates in roughly 75 percent of the total O&D traffic. Frontier's objections, based on the argument that grant of nonstop authority will preempt the potential expansion of Frontier's route system into these markets, have not convinced us that these markets should be treated differently than other realigned

⁵¹ As the Denver restriction applies only to Phoenix-Los Angeles flights on segment 4, Western's present authority does permit a Los Angeles-San Diego-Phoenix-Denver routing, where the Los Angeles-Phoenix portion is routed over segments other than segment 4.

⁵² Continental objects to any modification of Western's long-haul condition unless contemporaneous consideration is given to Continental's application for removal of its Los Angeles-Phoenix long-haul condition requiring flights to serve Houston or Austin. This objection is without merit. We are not here proposing to eliminate Western's long-haul condition, but rather to modify the condition in a manner which will retain the essential long-haul nature of the restriction. As Western's competitive position will not thereby be significantly changed *vis-a-vis* Continental and the other carriers in the markets, we see no need either as a legal or policy matter to simultaneously consider Continental's request for complete removal of its long-haul condition.

monopoly markets. Accordingly, we propose to remove this condition.

OTHER MATTERS

Western has requested that its authority to suspend service to West Yellowstone on a seasonal basis, originally authorized by Order E-22665, September 16, 1965, be continued; and that its suspension of direct service between Sheridan and Rapid City, authorized by Order E-8953, February 18, 1955, be terminated. No objections to these requests have been filed, and accordingly, we have tentatively decided to incorporate Western's off-season suspension at West Yellowstone into its certificate.⁵³ See condition (11) in the attached proposed certificate (Appendix B).

Western has also requested the deletion of San Bernardino from its certificate, to be replaced by Ontario, the airport presently serving the San Bernardino area. We have been informally advised, however, that the San Bernardino civic parties desire to retain the designation of their community as a certificated point, and that Western is no longer pressing its deletion request. Under these circumstances, we have tentatively decided to retain San Bernardino, to be designated as Ontario-San Bernardino.⁵⁴

Western's request to hyphenate Long Beach with Los Angeles presents a different situation, as here, it appears that the Long Beach civic parties desire a cut-back or termination of certificated authority. The civic parties objected to Western's hyphenation request on the mistaken belief that the request was designed to increase Western's certificate authority and service level at Long Beach.⁵⁵ In fact, hyphenation merely makes it possible for Western to fulfill its Long Beach certificate obligations by providing service at Los Angeles, and thus in effect relieves the carrier from the requirement of serving Long Beach as a separate point. As Western points out, the intent and practical effect of its request will be to eliminate its service to Long Beach as a separate point. It thus appears that both the carrier and the civic parties are in accord as to the question of increased air service at Long Beach, and with this understanding, we tentatively find and conclude that hyphenation of Long

⁵³ The authority granted by Order E-8953 allowing Western to suspend service between Sheridan and Rapid City is permissive in nature. Consequently, no Board action is necessary to terminate the suspension since Western may reinstitute direct service at any time.

⁵⁴ As previously indicated, the existing closed-door restriction on Western's San Bernardino-Las Vegas authority (Condition (3) of Route 63) will be replaced by a stop restriction, with an appropriate amendment to reflect the new hyphenated designation.

⁵⁵ Western's authority at Long Beach is currently suspended. Order 73-9-72, September 18, 1973.

Beach with Los Angeles is required by the public convenience and necessity.⁵⁰

We have made an editorial modification to Western's proposal with respect to the carrier's authority at San Jose. In its proposed certificate, Western has listed San Jose and San Francisco separately in its table of restricted city-pair markets. However, San Francisco-San Jose is a hyphenated point on Western's system, and thus the carrier has no separate authority at San Jose. To avoid possible confusion, we have employed the hyphenated designation in each instance in the attached specimen certificate.⁵¹

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Western to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a)(2) of the Board's Regulations.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Western's certificates for Routes 19, 28, 35, 63, and 139 in the manner set forth in the accompanying proposed certificate (Appendix B);

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I attached hereto, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

⁵⁰ As Western does not currently provide service through the Long Beach Airport, the carrier would be required to file an airport notice pursuant to Part 202 of the Board's Regulations prior to instituting future service at Los Angeles-Long Beach through the Long Beach Airport. Under the provisions of sec. 202.13, any interested party is afforded the right to file memoranda in support of or in opposition to such an airport notice.

⁵¹ In several markets, Western's authority to serve San Francisco-San Jose through the

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;⁵²

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. Western Air Lines' motion for leave to file an otherwise unauthorized document, be and it hereby is granted; and

6. A copy of this order shall be served upon all persons listed in Appendix I attached hereto.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15487 Filed 5-26-76;8:45 am]

[Docket 29041]

ALOHA AIRLINES, INC.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on May 27, 1976 (41 F.R. 18469, May 4, 1976), is postponed until further notice.

Dated at Washington, D.C., May 24, 1976.

[SEAL] RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.76-15689 Filed 5-26-76;8:45 am]

COMMISSION ON CIVIL RIGHTS ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference of the Iowa, Kansas, Missouri and Nebraska Committees to this Commission will convene at 9:30 a.m. and end at 3:30 p.m. on June 25, 1976, at the Old Federal Office Building, 911 Walnut Street, Rm. 3100, Kansas City, Missouri 64106.

Persons wishing to attend this conference should contact the Committee

San Jose Airport is single-plane restricted. As discussed previously, we have proposed to replace these single-plane restrictions with appropriate stop restrictions. Rather than list these markets as separate San Jose markets, we have listed these markets as hyphenated San Francisco-San Jose markets with stop restrictions on the operation of service to the hyphenated point through the San Jose Airport. See, e.g., our treatment of the Las Vegas-San Francisco/San Jose market.

⁵² All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, 911 Walnut Street, Rm. 3103, Kansas City, Missouri 64106.

The purpose of this conference is to discuss ways to improve the effectiveness of State Advisory Committees to the U.S. Commission on Civil Rights.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-15414 Filed 5-26-76;8:45 am]

DELAWARE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 2 p.m. on June 24, 1976, at the YMCA Building, 11th and Washington Streets, Wilmington, Delaware.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Rm. 510, Washington, D.C. 20037.

The purpose of this meeting is to plan activities for fiscal year 1976-1977.

The meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-15415 Filed 4-26-76;8:45 am]

KANSAS/MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas/Missouri Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 10 p.m. on June 16, 1976, at 6829 Locust, Kansas City, Missouri 64131.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to conduct a planning session for the Bi-State (Kan./Mo.) Committee on Education.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-15416 Filed 5-26-76;8:45 am]

MARYLAND ADVISORY COMMITTEE
Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 10 p.m. on June 14, 1976, at Route 1, Box 420, Lutherville, Maryland.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 E Street, N.W., Rm. 510, Washington, D.C. 20037.

The purpose of this meeting is for the Maryland Housing Subcommittee to meet and discuss plans for new projects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-15417 Filed 5-26-76;8:45 am]

NEBRASKA ADVISORY COMMITTEE
Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. and end at 3 p.m. on June 14, 1976, at the Lincoln Community Center, 215 South 15th Street, Lincoln, Nebraska.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue planning on migrant programs and other possible SAC activities.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-15418 Filed 5-26-76;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE
Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of

the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on June 15, 1976, at the New Hampshire Highway Hotel, Concord, New Hampshire.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Rm. 1639, New York, New York 10007.

The purpose of this meeting is to discuss E.E.O. in New Hampshire and the bilingual bicultural project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-15419 Filed 5-26-76;8:45 am]

OHIO ADVISORY COMMITTEE
Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference of the Ohio Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 3 p.m. on June 16, 1976, at Fifth Race, Netherland Hotel, Cincinnati, Ohio and reconvene at 12 noon and end at 3 p.m. on June 17, 1976, at the Community Chest and Counsel Office, 2400 Reading Road, Cincinnati, Ohio.

Persons wishing to attend this conference should contact the Committee Chairperson, or the Mid-western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to distribute the Ohio Prison Report, discuss the findings and recommendations with Community groups and individuals who have been invited to attend. This is the third and final follow-up mini-conference planned by the Committee to mobilize state-wide support to implement the report's recommendation.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-15420 Filed 5-26-76;8:45 am]

PENNSYLVANIA/DELAWARE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Pennsylvania/Delaware Advisory Committee to the United States Commission on Civil Rights, origi-

nally scheduled for June 10, 1976, a notice of which was previously published on page 20440 in the FEDERAL REGISTER on Tuesday, May 18, 1976 (FR Doc. 76-14344) has been cancelled.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-15421 Filed 5-26-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA UNDER THE BILATERAL COTTON, WOOL AND MAN-MADE FIBER TEXTILE AGREEMENT

Adjusting Import Levels

MAY 24, 1976.

On September 30, 1975, there was published in the FEDERAL REGISTER (40 F.R. 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 paragraphs 5 and 7 of the agreement which provide that within the aggregate and applicable group limits, specific levels of restraint may be increased by designated percentages and that such levels may be increased for carryover and carryforward up to 11 percent of the applicable category limits.

Accordingly, pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of May 24, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in Categories 9/10, 22/23, 45/46/47, 48, 49, 50/51 and 52; wool textile products in Categories 116/117, 120, 121, and 124; and man-made fiber textile products in Categories 219, 221, 222, 224 (suits), 228, 229, 235, 237, and 238 for the twelve-month period which began on October 1, 1975.

ALAN POLANSKY,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance,
U.S. Department of Com-
merce.

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

MAY 24, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

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 paragraphs 5 and 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 of March 3, 1972, you are directed to amend, effective on May 27, 1976, the levels of restraint established for Categories 9/10, 22/23, 45/46/47, 48, 49, 50/51, 52, 116/117, 120, 121, 124, 219, 221, 222, part of, 224, 228, 229, 235, 237 and 238 to the following:

Category:	Amended 12-month level of restraint ¹	
9/10	square yards	6,783,443
22/23	do	3,916,666
45/46/47	do	3,633,255
48	dozen	24,819
49	do	51,159
50/51	do	213,138
52	do	78,181
116/117	pounds	489,461
120	numbers	336,470
121	do	201,600
124	do	1,050,000
219	dozen	4,393,049
221	do	3,018,402
222	do	1,133,132
224 (only T.S.U.S.A. Nos. 380-0420 and 380.8143)	dozen	46,706
228	do	964,569
229	do	754,217
235	do	1,559,040
237	numbers	168,144
238	dozen	218,524

¹ The levels of restraint have not been adjusted to reflect any entries made after Sept. 30, 1975.

² Square yards equivalent.

³ Of which not more than 112,954 dozen shall be in Category 50 and not more than 152,889 dozen shall be in Category 51.

⁴ 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 aggregate 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

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and 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,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-15517 Filed 5-26-76;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON
TEXTILE PRODUCTS FROM THE FED-
ERATIVE REPUBLIC OF BRAZIL

Establishing New Import Levels

MAY 24, 1976.

On September 18, 1975, there was published in the FEDERAL REGISTER (40 F.R. 43051) a letter dated September 15, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in the Federative Republic of Brazil and exported to the United States during the twelve-month period which began on October 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of October 23, 1970, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil.

On April 22, 1976, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Federative Republic of Brazil concluded a new comprehensive bilateral textile agreement concerning exports of cotton textile products from Brazil to the United States over a period of three years beginning on April 1, 1976 and extending through March 31, 1979. Among the provisions of the new agreement are those establishing specific levels of restraint for cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/

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.

23, 26 (duck), 26/27 (other than duck), 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62, and parts of 64 for the twelve-month period which began on April 1, 1976 and extends through March 31, 1977.

Accordingly, there is published below a letter of May 24, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, cancelling the directive of September 15, 1975 and directing that the amounts of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/23, 26 (duck), 26/27 (other than duck), 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62 and parts of 64, produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period which began on April 1, 1976 be limited to the designated levels. The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: June 1, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

MAY 24, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on September 15, 1975 by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Brazil and exported to the United States during the twelve-month period which began on October 1, 1975, in excess of the designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on June 1, 1976, and for the twelve-month period beginning on April 1, 1976 and extending through March 31, 1977, entry into the United States for consumption of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/23, 26 (duck), 26/27 (other than duck) 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62, and parts of 64 in excess of the following levels of restraint:

Category:	12-month level of restraint ¹
1-4 -----pounds--	8,695,652
9 -----square yards--	15,300,000
18/19 -----do-----	12,900,000
22/23 -----do-----	5,700,000
26 (duck) ² -----do-----	3,200,000
26/27 (other than duck) ³ -----do-----	8,300,000
30/31 -----numbers--	8,620,690
43 -----dozen-----	141,968
44 -----do-----	40,761
45 -----do-----	81,000
46 -----do-----	90,000
50 -----do-----	115,000
51 -----do-----	84,284
55 -----do-----	30,000
56 -----do-----	100,000
62 -----pounds--	213,043
64 (only T.S.U.S.A. 366.6500) -----pounds--	630,435
64 (floor coverings) ⁴ -----do-----	434,783

¹ The levels of restraint have not been adjusted to reflect any entries made after Mar. 31, 1976.

² The T.S.U.S.A. Nos. for duck fabric are:

- 320...01 through 04.06.08
- 321...01 through 04.06.08
- 322...01 through 04.06.08
- 326...01 through 04.06.08
- 327...01 through 04.06.08
- 328...01 through 04.06.08

³ All T.S.U.S.A. numbers in category 26 except those listed in footnote 1.

⁴ The T.S.U.S.A. numbers for floor coverings are:

360.2000	361.0542
360.2500	361.1820
360.3000	361.2010
360.7600	361.5000
360.8100	361.5422
361.0522	361.5622

Cotton textiles and cotton textile products, produced or manufactured in Brazil, which have been exported to the United States prior to April 1, 1976, shall not be subject to this directive.

Cotton textile products in Categories 43, 44, 45, 46, 56, 62 and part of 64 (floor coverings) which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings 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. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles

and cotton textile products from Brazil 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,

ALAN POLANSKY,

Chairman, Committee for the Implementations of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-15518 Filed 5-26-76;8:45 am]

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

Announcing New Import Levels

On September 30, 1975, there was published in the FEDERAL REGISTER (40 F.R. 44862) a letter dated September 25, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to 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 beginning on October 1, 1975 and extending through September 30, 1976.

By an exchange of letters dated March 24 and April 1, 1976, the two governments amended the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975 to establish specific levels of restraint for wool textile products in Categories 116/117 and 124 of 466,153 pounds and 1,000,000 units, respectively, for the year which began on October 1, 1975. These levels are the same as the designated consultation levels established for these two categories during the agreement year which began on October 1, 1974.

Under the terms of paragraph 8(b) of the bilateral agreement, the two governments have also agreed to increase the designated consultation levels established for wool textile products in Category 104 to 1,700,000 square yards and for man-made fiber textile products in Category 208 to 15,000,000 square yards for the twelve-month period which began on October 1, 1975.

Accordingly, there is published below a letter of May 24, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for con-

sumption in Categories 104, 116/117, 124 and 208 be limited to the designated levels.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MAY 24, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on September 25, 1975 by the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry during the twelve-month period beginning on 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.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to 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 of March 3, 1972, the directive of September 25, 1975 is amended, effective on May 27, 1976, to establish specific levels of restraint of 466,153 pounds for category 116/117 and 1,000,000 units for Category 124 for the twelve-month period which began on October 1, 1975.

The twelve-month levels of restraint established in the directive of September 25, 1975 for Categories 104 and 208 are amended as follows, effective on May 27, 1976:

Category	Amended 12-month level of restraint ¹
104-----square yards--	1,700,000
208-----do-----	15,000,000

¹ The levels of restraint have not been adjusted to reflect any entries made after Sept. 30, 1975.

Wool textile products in Categories 116/117 and 124, produced or manufactured in the Republic of Korea and which have been exported to the United States before October 1, 1975, shall not be subject to this directive.

Wool textile products in Categories 116/117 and 124 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and 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,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-15519 Filed 5-26-76;8:45 am]

COTTON, WOOL AND MAN-MADE FIBER APPAREL FROM HONG KONG

Establishment of Export Visa Requirement

MAY 26, 1976.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 25, 1974, as amended between the Governments of the United States and Hong Kong, the two governments are discussing establishment of an export visa requirement for apparel products in Categories 39-63, 111-125, and 214-240.

The purpose of this notice is to advise interested parties to take all necessary steps to ensure that apparel products of cotton, wool and man-made fibers, produced or manufactured in Hong Kong which are to be entered into the United States for consumption or withdrawn from warehouse for consumption, will be properly visaed, inasmuch as shipments lacking a visa will be denied entry after the effective date to be established when agreement is reached. Details of the new requirement will be published in the FEDERAL REGISTER.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-15701 Filed 5-26-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON REGULATION OF COMMODITY FUTURES TRADING PROFESSIONALS

Notice of Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on Regulation of Commodity Futures Trading Professionals ("Advisory Committee on Commodity Futures Trading Professionals") will conduct a public meeting on June 10, 1976, at the Union League Club, 65 West Jackson Boulevard, Chicago, Illinois, beginning at 10:00 a.m. The objectives and scope of activities of the

Advisory Committee on Commodity Futures Trading Professionals will be to consider and submit reports and recommendations to the Commission on the following subjects:

Standards for regulation under the Commodity Exchange Act, as amended, of domestic and foreign commodity futures trading professionals, including commodity trading advisors, commodity pool operators, futures commission merchants, floor brokers, and associated persons.

The summarized agenda for the meeting is as follows: (1) Churning, (2) Suitability/know your customer, (3) Discretionary accounts, (4) Supervision of customer accounts, (5) Advertising practices, and (6) Records of customer orders.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to David Gary, The Advisory Committee on Commodity Futures Trading Professionals, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, at least five days before the meeting. Members of the public that wish to make oral statements should inform David Gary, telephone 202-254-6354, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Dated: May 21, 1976.

WILLIAM T. BAGLEY,
Chairman Commodity Futures Trading Commission.

[FR Doc.76-15405 Filed 5-26-76;8:45 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 2, 1976, commencing at 2 p.m. The hearing will be held in the main conference room of the Commission's headquarters building, 25 State Police Drive, West Trenton. The subjects of the hearing will be:

I. A proposal to amend the Comprehensive Plan by the addition of the following project:

Bucks County Commissioners-Montgomery County Commissioners: A single-purpose floodwater retarding dam located in New Britain Township, Bucks County, Pa. Designated as PA 615, the

dam would be located on an unnamed tributary to the West Branch of Neshaminy Creek. A part of the Neshaminy Creek watershed plan, the structure would be 34 feet high and constructed of compacted earth fill. There will be 714 acre-feet of storage space.

II. A proposed water supply contract between the Commission and the Jersey Central Power & Light Company for the sale of water supplies to the company for use at the Gilbert electric generating station, Unit 8, located on the Delaware River at mile 171.3, Holland Township, Hunterdon County, N.J. The contract provides for minimum payments to the Commission by the company for water to be used for cooling a 130-megawatt combined cycle generating unit. Annual payments will be in accord with the terms and conditions of the Commission's water supply policy and regulations as adopted in Resolutions Nos. 71-4 and 74-6.

Documents relating to the items listed above may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

MAY 20, 1976.

[FR Doc.76-15397 Filed 5-26-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-549-3]

AVAILABILITY OF ENVIRONMENTAL PROTECTION AGENCY COMMENTS

Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of April 16, 1976 and April 30, 1976.

Appendix I contains a listing of the draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source

for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agencies' regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions and EPA comments referenced herein may be obtained by writing the Public Information Reference Unit, (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, DC 20460, telephone 200/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: May 19, 1976.

PETER L. COOK,
Acting Director,
Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Apr. 16 and Apr. 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
D-COE-E35023-NC.....	Maintenance of the waterway connecting Pamlico Sound and Beaufort Harbor, Carteret County, N.C.	LO2	E
D-COE-F32036-MI.....	Recreational boat harbor, detour, Chippewa County, Mich.	EO2	F
D-COE-G34021-TX.....	Operation and maintenance, Bardwell, Benbrook, Grapevine, and Navarro Mills Lakes, Trinity River Basin, Tex.	LO2	G
DS-COE-L36028-OR.....	Cheteo River jetty extension, Brookings, Ore.	LO1	K
DS-COE-L36031-WA.....	Additional flood control, Upper Baker project, Skagit River Basin, Skagit and Whatcom Counties, Wash.	LO1	K
D-COE-L36032-OR.....	Operation and maintenance, dredging Coos Bay, Coos and Millicum Rivers, Ore.	LO1	K
Department of Agriculture:			
D-AFS-D65002-PA.....	Off-road vehicles policy, Allegheny National Forest, Pa. (USDA-RS-R9-DES-ADM-76-04).	LO1	D
D-AFS-F61005-MI.....	Timber management plan, Ottawa National Forest, Mich.	LO2	F
D-AFS-J61010-00.....	Fire management, Selway-Bitterroot Wilderness, Idaho and Montana.	LO1	I
D-AFS-L61066-OR.....	John Day planning unit, land use plan, Malheur National Forest, Ore. (USDA-FS-R6-DES-ADM-76-3).	LO2	K
D-AFS-L61067-OR.....	Mount Hood planning unit, Clackamas and Hood River Counties, Ore.	LO1	K
D-AFS-L61069-ID.....	Proposed land use plan, blacktail planning unit, Kanitsu National Forest, Bonner and Kootenai Counties, Idaho (USDA-FS-R1-DES-ADM-76-13).	LO1	K
D-SCS-F36032-IN.....	Hall-Flat Creek watershed, Dubois County, Ind.	LO2	F
D-SCS-F36033-WT.....	Pine River watershed, Richland and Vernon Counties, Wis.	LO2	F
D-SCS-F36035-IN.....	Bailey-Cox-Newton watershed, Starke County, Ind.	ER2	F
D-SCS-G36046-NM.....	Espanola-Rio Chama watershed, Rio Arriba and Sandoval Counties, N. Mex.	LO1	G
Department of the Interior:			
D-IBR-J83000-00.....	Project Skywater, atmospheric water resource program, selected sites in Western States.	LO2	I
Department of Transportation:			
D-FAA-C51003-VI.....	Harry S. Truman Airport master plan, St. Thomas, V.I.	ER2	C
D-FAA-H51009-MO.....	Lee's Summit Memorial Airport, Lee's Summit, Jackson County, Mo.	LO2	H
D-FHW-D40029-VA.....	I-64 widening, from intersection Virginia 167 to Hampton Roads Bridge Tunnel, Hampton, Va.	ER2	D
D-FHW-D40030-PA.....	L.R. 1137 Section B03, Meadville to Titusville, Crawford County, Pa. (FHWA-PA-ETS-76-1).	ER2	D
D-FHW-F40053-OH.....	I-476, Belmont County, Ohio (FHWA-OH-EIS-76-01-D).	LO2	F
D-FHW-H40050-IA.....	Iowa 57, Cedar Falls, Black Hawk County, Iowa (FHWA-IA-EIS-76-02-D).	LO2	H
D-FHW-H40052-NB.....	Nebraska 14, city of Superior, Nuckolls County, Nebr. (FHWA-NEB-EIS-76-02-D).	LO2	H
D-FHW-K40035-HI.....	Kuakini Highway realignment, Palawi Road to Kema-kowaa Heiau, Hawaii County, Hawaii.	LO1	J
Federal Energy Administration:			
RD-FAA-A04031-00.....	Mandatory Canadian crude oil allocation regulations (FE --DFS-76-1).	ER2	A
Department of Housing and Urban Development:			
DS-HUD-A61246-GA.....	Proposed Lake Alma development project, Alma, Bacon County, Ga. (CDI-PE-01).	3	

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection.—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.—EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory.—EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III.—Final environmental impact statements for which comments were issued between Apr. 16, and Apr. 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-A32524-MS	Wolf and Jourdan Rivers, maintenance dredging, St. Louis Bay, Miss.	EPA continues to have environmental reservations relative to this project. The additional sampling requested by EPA has not been accomplished. Because the results of the sampling will determine the suitability of the material for overboard disposal, no final agreement can be made at this time as to the acceptability of the plan proposed, except for the configuration of the spoil piles. Also, since upland areas are within pumping distance of the channel, EPA believes further investigation of the use of upland sites for spoil disposal is in order. EPA recommended that these problems be fully discussed in a supplement to the final impact statement.	E
F-COE-A32428-MS	Pascagoula Harbor, maintenance dredging, Jackson County, Miss.	EPA continues to have environmental reservations relative to the overboard disposal of materials. Continued overboard disposal in the present manner will gradually choke off the east-west littoral currents along the north shore and adversely affect water quality in the harbor areas and along the shore to the East and West of the Harbor area. Also, some of the sediment samples appear to contain excessive quantities of mercury. EPA recommended that these problems be fully discussed in a supplement to the final impact statement.	E
FS-COE-A35106-SC	Chicago Bridge and Iron Co., permit, Collection River, Victoria Bluff, Beaufort County, S.C.	EPA continues to have environmental reservations on this project. Due to the unknowns of the final disposition of the 308 acres from the buffer area, the final statement cannot specifically relate the environmental impact of its future development.	E
F-COE-C32003-NY	New York Harbor, collection and removal of drift, New York.	EPA's concerns were adequately addressed in the final EIS.	C
F-COE-D32002-00	Monongahela River operations and maintenance of navigation system, West Virginia and Pennsylvania.	do	D
Department of the Interior:			
F-IGS-A02078-CA	Oil and gas development in the Santa Barbara Channel Outer Continental Shelf (OCS), off California (FES 76-13).	EPA had no objections to the development scenario proposed in the final EIS, but cautioned against any recommendations involving additional development before the State of California has accomplished the necessary coastal planning measures.	A
Department of Transportation:			
F-DOT-A41413-IN	U.S. 36, Danville to Avon, Hendricks County, Ind.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-A42015-SC	SC-61 expressway, northwest of Charleston, Charleston County, S.C.	do	E
F-FHW-F40009-WI	Mequon Road, WI-167, Ozaukee County, Wis. (FHWA-WIS-EIS-74-12-F).	do	F

Adequacy of the Impact Statement

Category 1—Adequate.—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information.—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

Identifying No.	Title	General nature of comments	Source for copies of comments
F-FHW-F40019-MN.	Minnesota trunk highways MN-36 and MN-13, Dakota and Hennepin Counties, Minn.	do.	F
F-FHW-J40002-ND.	U.S. 2, Ray to Bethold, Ward, Williams and Mountrail Counties, N. Dak.	EPA continues to have serious environmental reservations concerning the proposed realignment of the highway because of the further encroachment on valuable wetlands.	I
F-FHW-J40012-WY.	U.S. 187, Elk Street project, Rock Springs, Sweetwater County, Wyo.	EPA's review of the final EIS indicated that the statement was unresponsive to EPA's draft comments on noise impacts. EPA restated the need for plans to mitigate noise impacts.	I
F-HUD-E24001-GA.	Sanitary sewer trunkline, West section, Douglas, Coffee County, Ga.	EPA's concerns were adequately addressed in the final EIS.	E

Department of Housing and Urban Development:

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Apr. 16 and Apr. 30, 1976

Identifying No.	Title	Source for copies of comments
Corps of Engineers:		
F-COE-A34114-TX	Aquilla Lake, Aquilla Creek, Hill County, Tex.	G
F-COE-A39119-TX	Arkansas-Pid River Basins chloride control project, Wichita River Basin, King and Knox Counties, Tex.	G
FS-COE-G32022-1A	Mississippi River, Baton Rouge to Gulf of Mexico, Louisiana	G
F-COE-H36001-09	Big Sioux River flood and erosion project, Sioux City, Iowa and South Dakota.	II
F-COE-L32001-WA	Willapa River and Harbor navigation project, Pacific County, Wash.	K
Department of Agriculture:		
F-AFS-B61002-NH	Kilkenny unit plan, White Mountain National Forest, N.H.	B
F-AFS-B83001-MF	Cooperative spruce budworm suppression project, year 1976, Maine	B
F-REA-G07004-OK	Anadarko combined cycle unit, Caddo County, Okla.	G
F-SCS-G36037-LA	Bayou Grosse Lfte watershed, Point Coupee Parish, La.	G
F-SCS-J36003-00	Sedwick-Sand Draws watershed, Colorado and Nebraska.	I
F-SCS-K36008-HI	Wailuku-Alealo watershed project, Hawaii County, Hawaii (USDA-SCS-EIS-WSO (ADM)-75-2-(F)).	J
Department of the Interior:		
F-SFW-K01003-A7	Careza Prieta National Wildlife Refuge, Yuma and Pima Counties, Ariz. (FES 76-16).	J
Department of Transportation:		
F-CGD-C53001-NY	Loran C transmitting station, Seneca County, N.Y.	C
F-CGD-G32003-TX	Vessel traffic service, Houston, Galveston, Tex.	G
F-DOT-A40303-TX	TX-36, Jones Creek to east of Brazos River, Brazoria County, Tex.	G
NE-FAA-E51012-TN	Gilson County Airport, Trenton, Tenn.	E
F-FHW-A42344-OK	U.S. 62, Junction with OK-9, McClain County, Okla.	G
F-FHW-42404-VT	U.S. 4, West Rutland to Rutland, Rutland County, Vt.	B
F-FHW-A42407-OK	Rogers Lane, U.S. 281 interchange, Commanche County Okla.	G
NE-FHW-F40074-NC	NC-98, Oak Grove to U.S. 1, Durham and Wake Counties, N.C.	E
F-FHW-G40014-TX	FM 1382, from TX spur 303 to Dallas-Fort Worth Turnpike, Grand Prairie, Dallas County, Tex.	G
F-FHW-E40015-NC	Charlotte inner loop, from NC-49 to I-85, Mecklenburg County, N.C.	E
F-FHW-G40029-LA	U.S. 171, De Ridder to Fort Polk Highway, Vernon Parish, La.	G
F-FHW-740005-CO	I-70, Wheeler Junction to Frisco, Summit County, Colo. (FHWA-COLO-EIS-74-01-F).	I
F-FHW-K40002-CA	Simi Valley, San Fernando Freeway, CA-118, Los Angeles, Calif.	J
F-FHW-K40010-CA	CA-120, Manteca bypass, CA-5 near Mossdale to CA-99, San Joaquin County, Calif. (FHWA-CA-EIS-74-12-F).	J
FS-UMT-A54014-GA	Metropolitan Atlanta Rapid Transit System (Marta), station changes at Vine City station, Techwood station, Tucker-North Dekalb corridor, Candler Park station, East Lake station, Georgia.	F
Department of Housing and Urban Development:		
F-HUD-E28007-AL	Extension of Ray Community Public Water System (CDBG), Coosa County, Ala.	E
F-HUD-E85010-FL	Le Chalef subdivision, Palm Beach, Dade County, Fla.	E
F-HUD-E89003-NC	East Winston community development, Project I, (CDBG), Forsyth County, N.C.	E
F-HUD-K40035-CA	Buenaventura Drive, proposed arterial between CA-299 and Railroad Ave., Bedding, Shasta County, Calif. (HUD 809).	J
F-HUD-K61008-CA	Charles H. Wilson Community Park (CDBG), Torrance, Los Angeles County, Calif.	J

APPENDIX V.—Regulations, legislation and other Federal agency action for which comments were issued before Apr. 16 and 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
R-SFW-A86008-00	50 CFR pt. 29, rights-of-way general regulations, proposed miscellaneous amendments.	EPA generally had no objections to the regulations as proposed but recommended inclusion of a requirement for preparing environmental impact statements in the event that the project would involve a significant impact upon the environment. EPA also cautioned against the provision for temporary permits associated with rights-of-way.	A
A-PCC-A86006-00	Canal Zone Government, proposed procedures for consideration of environmental impact statements, notices.	EPA's review comments on the proposed procedures indicated that the canal agencies should adopt procedures for NEPA implementation which reflect their specific problems and administrative framework.	A

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

{FR Doc.76-15265 Filed 5-26-76;8:45 am}

[FRL 550-1; OPP-30008]

PESTICIDE PROGRAMS

General Statement of Policy—Data Requirements for Registration

On July 3, 1975, the Environmental Protection Agency ("EPA") pursuant to the authority of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (PL 92-516, 86 Stat. 973; PL 94-140, 89 Stat. 751; 7 U.S.C. 136) ("FIFRA") published its new rules on the registration, reregistration and classification of pesticides, 40 CFR Part 162, 40 FR 28242 (hereinafter "regulations"). These regulations became effective on August 4, 1975 and apply to all applications for registration either first submitted or resubmitted to the Agency after that date.

On June 25, 1975, the Agency, pursuant to the authority of Section 3(c)(2) of FIFRA, published in the FEDERAL REGISTER proposed Guidelines for Registering Pesticides in the United States, 40 FR 26802 (hereinafter "guidelines"). These guidelines detail the kinds of information which will be required to support the registration of a pesticide. Comments to the proposed guidelines have been received and the Agency is in the process of reviewing them in preparation of publication of final guidelines for registering pesticides.

The purpose of this Notice is to discuss the Agency's policy on data requirements for registration of a pesticide product pending publication of the final guidelines for registering pesticides, and to explain that on a case by case basis the Administrator may issue a conditional registration where certain required data

are not yet available. Such a registration would be issued conditional upon the development and submission of the required data within a specified period of time.

I. Background

Section 162.8 of the regulations, 40 CFR 162.8, is entitled Data in Support of Registration and Classification. Subsection 162.8(b) concerns data required in support of a new registration. Subsection 162.8(c) details the data required to support reregistration of a pesticide product. Subsection 162.8(d) provides, in part, that the Administrator may require such additional data as necessary to support any registration.

The data requirements for reregistration are specified in sections 162.8(c) and 162.8(d) of the regulations. As discussed in the procedural guidelines for registering pesticides [40 CFR 162.43(f)], applications for reregistration will be "called-in" by groups of products similar to each other in chemistry and broad use pattern. The Agency will not entertain applications for reregistration except in response to a "call-in". To expedite the reregistration and classification of currently registered products, the Agency is preparing a reregistration and classification guidance package for each group of similar products. As detailed at 40 CFR 162.43(f), for the convenience of the registrant the guidance package will list the types of data required to support the reregistration of the affected pesticide products.

The data requirements for new registration are not as firmly established at this time. Section 162.8(b) of the regulations outlines the general data requirements for new registration of a pesticide product and directs the potential applicant or other interested party to consult the registration guidelines for the conditions under which specific data will be required to support an application for registration. As discussed above, these guidelines were proposed on June 25, 1975 and the Agency is currently in the process of evaluating all the comments which were received and preparing the final guidelines. Until these guidelines are promulgated therefore, judgments regarding the conditions under which data will be required to support the new registration of a pesticide product have to be made on an individual case by case basis. These judgments, of course, must be consistent with the statutory mandate of FIFRA.

Section 3(c)(5) of FIFRA sets the statutory standard for approval of an application for registration. It is the responsibility of the applicant or registrant, as the case may be, to substantiate all claims made for the pesticide product and to establish that the product meets the requirements of the Act and the relevant regulations, see 40 CFR 162.6(b), 162.7(d) and 162.8(a). In order to register a pesticide product, the Administrator must determine, when considered with any restrictions imposed under FIFRA section 3(d), that:

(A) [the pesticide's] composition is such as to warrant the proposed claims for it;

(B) Its labeling and other material required to be submitted comply with the requirements of this Act;

(C) It will perform its intended function without unreasonable adverse effects on the environment; and

(D) When used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

The data requirements for registration of a pesticide have been increasing steadily over the past 25 years. For the most part, the registration regulations and proposed registration guidelines catalogue the specific requirements which have been in effect for the past several years. However, it is emphasized that FIFRA clearly authorizes the Administrator to alter the data requirements for registration of a pesticide product at any time; in implementing section 3 of FIFRA, data requirements in addition to those which had previously obtained have been imposed for both reregistration and new registration of a pesticide.

Generally, it is difficult if not impossible to reach the determinations required by section 3(c)(5) if all the data required by the Agency to support a registration application for the variety or type of pesticide for which registration is sought are not submitted. However, with respect to applications for reregistration and for new registration of products identical to currently registered pesticide products, the use history of the currently registered product and the data available to support the registration of the currently registered product may permit the Administrator to reach the determinations required by section 3(c)(5) of the Act for the period of time necessary to obtain the additional information.¹

Accordingly, 40 CFR 162.6(b)(5)(ii) provides that when the regulations require data for reregistration which cannot reasonably be anticipated to be compiled within the period for completion of the reregistration program (i.e. before October 21, 1977), the Administrator may classify and reregister the pesticide product for a reasonable period of time pending completion of the required testing, provided the pesticide does not meet or exceed the criteria for risk of 40 CFR 162.11(a)(3) and the pesticide product otherwise satisfies the requirements of the Act. This provision permits conditional reregistration for a specified term of years where there are data required to support the reregistration which cannot

¹In addition to requiring the Agency to promulgate guidelines setting forth data requirements for registration, Section 3(c)(2) of FIFRA requires the Agency to revise the guidelines "from time to time." Section 3(c)(2) then goes on to provide, in effect, that if a revision of the guidelines adds an additional kind of information to the data requirements for registration, applicants must be given time to obtain the additional information. This latter provision of section 3(c)(2) has no applicability at present, however, because it applies only to revisions of the guidelines. As noted above, the initial guidelines have not yet been promulgated.

be obtained and evaluated by October 21, 1977. The regulations do not provide for conditional reregistration where the data that are required to support the reregistration can be developed, submitted and reviewed by the Agency before October 1, 1977, because in such instances a timely decision regarding the classification and reregistration of the product can be made.

No such conditional registration provision was included in the regulations as regards new registration actions. In practical terms this has meant that it has not been possible for applicants to obtain a new registration when testing is necessary to support the new registration, and the test results are not yet available. This is entirely appropriate where the applicant proposes a new pesticide product which is different from a currently registered pesticide product. In such a case, the Administrator would be unable to make the determinations required by section 3(c)(5) of the Act without consideration of all the data required for the type of pesticide concerned, pursuant to the prevailing data requirements. However, the Administrator has determined that with respect to applications for new registration for pesticide products which are identical to currently registered products and applications for new registration for certain kinds of pesticide products which are substantially similar to currently registered pesticide products, a conditional new registration provision similar to that which has been included in the reregistration program would be in the public interest.

In the first place, where a new pesticide product is identical to a currently registered product, the Administrator may be able to make the determinations required by section 3(c)(5) of the Act, regarding use of the new pesticide product for the period of time necessary to conduct and evaluate the required long term testing, in reliance on the same information that supports the determination to approve the conditional reregistration of such a product. As discussed above, the section 3(c)(5) findings will, in the case of conditional reregistration, be based upon the use of history of the currently registered products and the data available to support that registration.

Moreover, there are other regulatory mechanisms for new products which are identical to currently registered products to enter the market short of obtaining an independent registration. 40 CFR 162.6(b)(4) provides for supplemental registration of distributor products. Such a registration permits distributor of a registered pesticide product to market the registrant's product under the distributor's brand name. No new data is required to support this registration; the product will be reregistered along with the parent pesticide product. In addition, a registrant may assign the rights of his registration to a new party by the transfer of registration procedures. To permit supplemental registration of distributor products and trans-

fers of registration, and not permit the independent registration of a new pesticide product which is identical to a currently registered product is to favor one business distribution system over another.

Furthermore, the granting of conditional registrations for new pesticide products which are identical to currently registered pesticide products would not, in all probability, affect the amount of a pesticide that is released into the environment. The amount of a pesticide sold in commerce (and therefore available for use) is controlled primarily by the amount of technical chemical produced and the prevailing market demand. Therefore, the number of independent registrations for a given type of pesticide product primarily affects the allocation of market shares among pesticide producers, rather than the quantity of the pesticide that is produced, distributed and used. The pesticide industry is, in part, composed of a number of relatively small formulator companies who depend on a continual turnover of registrations of pesticide products identical to currently registered pesticide products. It is not the Environmental Protection Agency's intention to disturb this industry structure.

A strong argument can also be made to make conditional registrations available for a narrow class of products which are substantially similar to currently registered products, where the differences are such as to present clear advantages from the standpoint of protecting the environment and the public health. A clear example of such a situation would be a new product which is identical to a currently registered product except for a formulation change which reduces the amount of active ingredient necessary to achieve the desired pesticidal effect. Another example would be a new product which is identical to a currently registered product, except for changes in the directions for use, which would result in less pesticide being utilized to achieve effectiveness. A further example would be modifications in directions for use which authorize a new application method which, while making no change in the amount of pesticide used, reduces the exposure of applicators to the pesticide. In these instances, it may not be possible to obtain a new registration, because of requirements for long term studies which have yet to be conducted.² However, a conditional new registration for a product identical to the currently registered product could be obtained under the policy articulated above. By not permitting conditional new registration of substantially similar products offering such advantages, the Agency would actually be disserving its primary mission of protecting man and the environ-

²As discussed more fully below, however, applications for conditional new registrations of these substantially similar products must be supported by product performance data which fully satisfy EPA requirements for new registrations.

ment, because it would be denying conditional new registrations to products clearly posing less risk than the currently registered product(s). The Agency has therefore determined that it is also in the public interest to entertain applications for conditional new registration for pesticide products which are substantially similar to currently registered products, if the differences are such as to reduce the exposure of man or the environment to pesticide. In such cases, as in the case of applications for conditional new registration of identical products, a conditional new registration will be issued if the Administrator can make the findings required by Section 3(c)(5) of the Act.

Accordingly, consistent with the Agency's responsibility to protect the nation's health and environment and to implement its regulations in a common sense manner, the Agency is prepared to entertain requests to classify and register new pesticide products which are identical to currently registered products or substantially similar to currently registered products (within the meaning of the discussion set out above) for a reasonable period of time pending completion of required long term testing when it is determined: (1) that the pesticide does not meet or exceed the criteria for risk set forth in section 162.11(a)(3), and (2) that the pesticide product otherwise satisfies the requirements of the Act and the regulations. Such a registration will be issued conditional upon the submission to the Agency within a fixed term of less than five years of appropriate data developed in accordance with tests procedures meeting the intent and reliability of the registration guidelines. The period of conditional new registration will be sufficient to allow development, submission and review of required data and will be nonrenewable. Where a pesticide product does not otherwise satisfy the requirements of the regulations, or where there is doubt as to the advisability of classifying and registering the pesticide product pending completion of the required testing, such action will not be taken. If at any time, sufficient evidence regarding unreasonable adverse effects from use of the pesticide comes to the attention of the Agency, proceedings to either change the classification of the product or cancel or suspend its registration, as appropriate, will be initiated.

II. Circumstances under which conditional registration will be approved

Whether a request to approve the conditional reregistration of a currently registered product and the conditional new registration of a new pesticide product which is identical or substantially similar to a currently registered product will be granted, will depend on the data available to support such a registration action. Generally, the Agency is prepared to approve such a request where only required long term data is as yet unavailable to support the registration, provided available information does not indicate a potential for unreasonable ad-

verse effects from use of the product. Accordingly, no requests for conditional reregistration of a currently registered product or conditional new registration of a new pesticide product which is identical or substantially similar to a currently registered product will be honored if the pesticide meets or exceeds the criteria for risk set forth in 40 CFR 162.11(a)(3), or if short term data, as, for example, data on the general chemistry of the product or its acute or sub-acute toxicity to mammalian or avian species or aquatic organisms, are unavailable.

The requirements for conditional reregistration were discussed in the February 17, 1976 FEDERAL REGISTER Notice entitled "Data Requirements to Support Reregistration of Pesticide Active Ingredients and Preliminary Schedule of Call-ins" (41 FR 7218). This notice announced the Agency's preliminary assignment of the active ingredients of currently registered products to one of five reregistration categories based upon a review of data available to support the reregistration of the pesticide products. An active ingredient is assigned to category I if the data required to support reregistration are generally available in Agency files. An active ingredient is assigned to category II if the data available in the Agency's files are generally not sufficient to support reregistration and if the necessary testing cannot reasonably be expected to be completed prior to October 21, 1977. An active ingredient is assigned to category III if the data available in the Agency's files are not sufficient for reregistration and if the necessary testing can reasonably be expected to be completed by October 21, 1977. An active ingredient is assigned to category IV if available data indicates that the pesticide meets or exceeds any of the criteria for risk of 40 CFR 162.11(a)(3), thereby rendering the pesticide subject to a rebuttable presumption against registration. Assignment to category IV takes precedence over assignment to categories I, II or III; thus when the properties of an active ingredient are such as to give rise to a rebuttable presumption against registration, the chemical is not assigned to any of the other categories. An active ingredient is assigned to category V if EPA's review of the relevant data has not yet reached the point at which it can be assigned to one of the other categories. The February FEDERAL REGISTER notice encouraged interested persons to submit information which might affect the category assignments. As active ingredients are reassigned from category V and as other shifts of assignment, if any, are made they will be announced in subsequent FEDERAL REGISTER notices.

Only pesticide products all of whose active ingredients are in category I or II are eligible for either full or conditional reregistration. Similarly, the class of pesticides products which may be eligible for conditional new registration is limited to those all of whose active ingredients fall within Reregistration Category I or II. If an active ingredient falls

within category III, the short term data must be submitted to the Agency before any decision on the classification and registrability of the product will be made. If an active ingredient falls within category IV, the presumption against registration must be rebutted or the public hearing processes of 40 CFR 162.11(a) must be conducted and the determination reached that the benefits from use of the pesticide exceed the risks before a registration can be issued. If an active ingredient falls within category V, the data available to support the registration must be reviewed and the determination made that the active ingredients fall within category I or II before the pesticide product will be considered for either conditional or full registration.

The provisions for conditional new registration and conditional reregistration may not be utilized to avoid the compensation for data provision of section 3(c)(1)(D) of the Act. The current procedures for complying with the mandates of section 3(c)(1)(D) were discussed in the January 22, 1976 FEDERAL REGISTER Notice entitled "Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This Notice explained that the new regulations on registration, reregistration and classification clearly place the burden on the applicant to substantiate all claims made by the pesticide and to demonstrate that it will perform its intended function without causing unreasonable adverse effects on man or the environment. In order to meet this burden an applicant must either submit the necessary data long with the application or reference data previously submitted to the Agency in support of another registration. The Administrator will not consider in support of an application any data not submitted with, or referenced in the application.

The Administrator will not approve a conditional new registration or a conditional reregistration unless the applicant has either submitted or referenced such adequate studies as are available to support the registration action. To hold otherwise, would as a practical matter, be to countenance avoidance of the data compensation provisions of section 3(c)(1)(D) of the Act. Moreover, since the conditional new registration and conditional reregistration of like products will expire at the same time, all parties dependent on the same data for continued registration will simultaneously have to submit it to the Administrator in order to satisfy the condition attached to the registration. If an applicant must, at this juncture, rely on data prepared at the expense of another, the data compensation provisions of section 3(c)(1)(D) will apply.

As discussed above, the section 3(c)(5) determination in the case of conditional registration will be made in reliance on the use history of the currently registered product and the data available to support the registration. Where available data

satisfy the data requirement there is no question but that they must be submitted or referenced in the application. There may, in addition, be data available which though relevant to the issue addressed by a new data requirement, do not meet the full rigor of the requirement. The Agency will notify an applicant when citation of data which do not fully satisfy the data requirement for registration is necessary in order for the Administrator to make the determinations required by section 3(c)(5) of the Act for the period of the conditional registration. As discussed above, the Administrator will not approve a conditional registration in such instances, unless the data in question are incorporated in the application by the applicant.

III. Term and Conditions of Conditional Registration

Applicants for new registration or reregistration which satisfy the criteria discussed above will be issued either a *conditional new registration* or a *conditional reregistration*, as the case may be. If data developed in accordance with test procedures meeting the intent and reliability of the registration guidelines are not submitted to the Agency within the period of the conditional registration, proceedings to cancel the registration shall be initiated. If submitted data establishes that the pesticide may generally cause unreasonable adverse effects on man or the environment, proceedings to change the classification of the pesticide or cancel the registration and, if appropriate, to suspend the registration of the pesticide pending the cancellation proceedings shall be initiated.

As discussed above, no conditional reregistration for a currently registered product or conditional new registration for a new pesticide product which is identical or substantially similar to a currently registered product will be approved where required short-term data, as for example information on the products general chemistry or its acute or subacute toxicity, are unavailable. The industry has had knowledge of these data requirements for a considerable period of time, and these requirements can be satisfied within a relatively short period of time. Moreover, the acute and subacute evaluations are required to determine the appropriate use classification for the pesticide product. Thus, the Administrator shall only approve a conditional registration where long-term studies required to support the registration are as yet unavailable and where the other conditions discussed in this document are satisfied.

It is conceivable that an application for new registration or reregistration may require more than one long-term study to support a full registration. When more than one study is required to support a single product, the longest time allowed to conduct and submit the test results will determine the period of conditional registration. Earliest possible data development and submission is

nonetheless strongly encouraged so that a timely decision on the full registrability of the pesticide product can be made. As soon as the registrant obtains any information regarding adverse effects on man or the environment from use of the pesticide, he shall, pursuant to the authority of Section 6(a)(2) of the Act and 40 CFR 162.8(d)(2), immediately submit such information to the Administrator.

The studies which the Administrator considers long term are as follows:

A. Product Hazard Data Requirements

The product hazard data requirements for reregistration are generally contained at 40 CFR 162.8(c)(3). The product hazard data requirements for new registration are outlined at 40 CFR 162.8(b)(4). 40 CFR 162.8(d) authorizes the Administrator to request such additional data regarding product hazard as is necessary to support the registration of a pesticide product.

If there are long term product hazard data required to support the reregistration of a currently registered pesticide product and the data are not yet available, provided the active ingredient(s) of the product are in reregistration category II and the pesticide product otherwise satisfies the requirements of the Act and the regulations, the product will be eligible for conditional reregistration for a specified period of time. The February 17, 1976 FEDERAL REGISTER Notice indicated that the following time periods are considered reasonable for development and submittal of these long term tests; teratogenic, 12 months; reproduction, 24 months; oncogenic, 36 months; chronic feeding, 36 months; foliar residue and exposure, 48 months. These time periods for conditional registration are calculated from the date the pesticide product is "called in" for reregistration.

If a new pesticide product is identical or substantially similar to such a currently registered product, the applicant for new registration may be given a conditional new registration for the same period of time as is provided for the reregistrant. Such a scheme will put the new registrant on an equal footing with reregistrants dependent on submittal of the same data. The conditional new registration will be valid for the specified period of time calculated from the first time the missing data are requested in a reregistration guidance package. The Agency will no longer issue a new registration conditioned on receipt of long term product hazard data, once the time for obtaining and submitting these data to the Agency has passed.

B. Environmental Chemistry Data Requirements

On June 23, 1970, the Agency notified persons responsible for federal registration of pesticides of the environmental chemistry studies generally necessary to determine the effect of pesticides on the environment (PR Notice 70-15). The proposed registration guidelines have incorporated these requirements and included some additional requirements. As was

mentioned above, the conditions under which a specific study will be required to support an application for registration is being re-examined in preparation of the final guidelines. Until the guidelines are finalized, the environmental chemistry data required to support a specific application will be determined on a case-by-case basis.

Environmental chemistry data were not explicitly included in the new regulations as a data requirement for reregistration. It was the Agency's intent to require environmental chemistry studies for reregistration on a case-by-case basis, pursuant to the authority of 40 CFR 162.8(d), where such studies would be particularly relevant. The regulations contemplated that all registrants of products meeting the requirements for environmental chemistry data would need to submit such data at the five year anniversary of their registration as part of the five year cancellation program. In addition, as is discussed below, 40 CFR 162.8(b)(3)(ii) of the regulations provided that applicants for new registration of pesticides intended for outdoor application would be required to submit environmental chemistry data, prior to approval of their applications for new registration.

The Administrator is persuaded that this time schedule for submittal of environmental chemistry data is inequitable. Registrants of currently registered products are given more time than is necessary to conduct the required environmental chemistry studies and new registrants of pesticide products which are identical or substantially similar to currently registered products are put at a serious disadvantage.

Therefore, pursuant to the authority of 40 CFR 162.8(d), the Administrator will be requiring environmental chemistry data for reregistration of all pesticide products intended for outdoor application. If the necessary data are not yet available, affected reregistrants may be granted a conditional reregistration for a period of three years to run from the date of call-in for registration.

40 CFR 162.8(b)(3)(ii) provides that environmental chemistry studies will be required to support the application of a new pesticide product intended for outdoor application. If a new pesticide product is identical or substantially similar to a currently registered product and it requires environmental chemistry data which are not yet available to support the registration, the applicant for new registration may also be given a conditional registration. This conditional new registration will be valid for the same period of time as is provided for the conditional reregistration—three years to run from the date of call-in of the currently registered products. The Agency will no longer issue a new registration conditioned on receipt of environmental chemistry data once the time for obtaining these data and submitting them to the Agency has passed.

The February 17, 1976 Federal Register Notice which assigned active ingre-

redients to reregistration categories was compiled without regard to the environmental chemistry data available in the Agency's files to support the reregistration of currently registered products. Therefore, if a pesticide product is composed of an active ingredient which is presently assigned to category I, the pesticide product may, nonetheless, be eligible for a conditional reregistration or a conditional new registration rather than a full reregistration or new registration. The Agency is presently reviewing the environmental chemistry data contained in its files to determine what data are available to support the new registration and reregistration of pesticide products.

C. Efficacy Data Requirements

Efficacy data is generally not required for reregistration. The Administrator will, however, pursuant to the authority of 40 CFR 162.8(d), require additional efficacy data as a condition for reregistration if the pesticide's use history indicates that it may not effectively perform its intended function. In the event efficacy data are required to support reregistration, the registrant may be issued a conditional reregistration and afforded a reasonable amount of time to conduct the required testing.

The efficacy data requirements for new registration are outlined in 40 CFR 162.8(b)(2). The data required to support a specific application must be determined on a case-by-case basis. Any applicant for new registration of a pesticide product which is not identical to a currently registered product, will have to submit appropriate efficacy data prior to any approval of the application for registration. Moreover, whenever the efficacy of a new product is related to health effects, as for example a public health application or use of a disinfectant to mitigate a disease organism, efficacy data will be required prior to approval of a conditional registration. However, if a pesticide is identical to a currently registered product, its efficacy is not related to health effects, and appropriate efficacy data are not available, the applicant may be issued a conditional registration, which would allow 18 months for the submission of acceptable efficacy data to the Agency.

Public Comment

The Administrative Procedure Act [5 U.S.C. 553(b)] provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, or rules of agency organization, procedure or practice." EPA has determined that this Notice falls within this exemption from the requirement to solicit public comment. Accordingly, the Agency is not soliciting public comment regarding matters published in this notice. However, interested persons may submit written comments regarding the policy set forth herein to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Three

copies of all comments should be submitted to facilitate the work of the EPA and others interested in inspecting such documents. All comments filed pursuant to this Notice will be available for public inspection in the Federal Register Section, Office of Pesticide Programs, from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Dated: May 19, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.76-15383 Filed 5-26-76; 8:45 am]

[FRL 550-2; PF37]

PESTICIDE PROGRAMS

Notice of Filing of Food Additive Petition

Chevron Chemical Co., 940 Hensley St., Richmond, CA 98404, has submitted a petition (FAP 6H5131) to the Environmental Protection Agency which proposes that 21 CFR 561.20 be amended by establishing a regulation permitting the use of the insecticide acephate *O,S*-dimethyl acetylphosphoramidothioate) on growing oranges, lemons and grapefruit with a tolerance limitation for the insecticide and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in the processed feed dried citrus pulp of 1 part per million.

Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569, Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St., SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5131." Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.76-15384 Filed 3-26-76; 8:45 a.m.]

[FRL 550-3; PP5G1620/T61]

EXTENSION OF A TEMPORARY EXEMPTION FROM THE REQUIREMENT OF A TOLERANCE

Nosema Locustae

On June 26, 1975, the Environmental Protection Agency (EPA) announced (40 FR 27072) that in response to a pesticide petition (PP5G1620) submitted by the United States Department of Agriculture

[OPP-50146, FRL 550-4]

E.I. DUPONT DE NEMOURS & CO.
Issuance of Experimental Use Permit

(USDA), Agricultural Research Service, Washington, DC 20250, a temporary exemption from the requirement of a tolerance was established for residues of the microbial insecticide *Nosema locustae* in or on the raw agricultural commodities rangeland grass and hay. This temporary exemption is scheduled to expire June 20, 1976.

USDA Agricultural Research Service has requested a one-year renewal of this temporary exemption from the requirement of a tolerance both to permit continued testing to obtain additional data and to permit the use of rangeland treated in accordance with two temporary permits which are being extended concurrently as experimental use permits under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that an extension of the temporary exemption from the requirement of a tolerance will protect the public health, and it is concluded, therefore, that the temporary exemption should be extended on condition that the pesticide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. USDA, Agricultural Research Service must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. USDA must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

3. Each production batch must be tested for safety to laboratory animals as demonstrated by standardized intraperitoneal injections and a standardized 20-day feeding study.

This temporary exemption from the requirement of a tolerance expires May 19, 1977. Residues remaining in or on rangeland grass and hay after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary exemption from the requirement of a tolerance. This temporary exemption may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

AUTHORITY: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: May 19, 1976.

JOHN B. RITCH, Jr.,
 Director, Registration Division.

[FR Doc.76-15385 Filed 5-26-76; 8:45 am]

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to E.I. DuPont de Nemours & Company, Wilmington, Delaware 19898. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 352-EUP-89) allows the use of 2,080 pounds of the insecticide oxamyl on apples, citrus, peanuts, and potatoes to evaluate control of various mites, aphids, thrips, nematodes, and the Colorado potato beetle. A total of 1,340 acres is involved; the program is authorized only in the States of Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Maine, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from April 29, 1976, to April 29, 1977. Temporary tolerances for residues of the active ingredient in or on apples, citrus, peanuts, and potatoes have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,
 Director,
 Registration Division.

[FR Doc.76-15546 Filed 5-26-76; 8:45 am]

[OPP-50149, FRL 550-7]

PENNWALT CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Pennwalt Corporation, Tacoma, Washington 98401. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with

respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 4581-EUP-17) allows the use of 14,107 pounds of the fungicide thiophanate methyl on apricots, cherries, nectarines, peaches, plums, apples, and strawberries to evaluate control of various fungi attacking these crops and commodities at both pre- and post-harvest intervals. A total of 8,233 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from April 29, 1976, to April 29, 1977. Temporary tolerances for residues of the active ingredient in or on apricots, cherries, nectarines, peaches, plums (fresh prunes), apples, and strawberries have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,
 Director,
 Registration Division.

[FR Doc.76-15543 Filed 5-26-76; 8:45 am]

[OPP-00027, FRL 551-1]

PESTICIDE PROGRAMS

Registration of M-44 Sodium Cyanide Capsules To Control Predators—Adoption of Modification To Order

On March 22, 1976, notice was given (41 FR 11871) that the Environmental Protection Agency (EPA) intended to modify Restriction No. 24 in the Order dated September 16, 1975 (40 FR 44726), regarding registration of M-44 sodium cyanide capsules for use in predator control. Restriction No. 24 sets forth requirements for antidote protection of M-44 applicators. The notice provided that the proposed modification of Restriction No. 24 would become final 30 days from the date of publication of the notice in the FEDERAL REGISTER unless a hearing was requested by persons who might be adversely affected by the modification.

No comments or requests for a formal hearing were received by the Agency.

Therefore, Restriction No. 24 in the Order of September 16, 1975, was amended, effective April 21, 1976, as follows:

"24. Each authorized or licensed applicator shall carry an antidote kit on his person when placing and/or inspecting M-44 devices. The kit shall contain at least six pearls of amyl nitrite and instructions on their use. Each authorized or licensed applicator shall also carry on his person instructions for obtaining medical assistance in the event of accidental exposure to sodium cyanide."

Dated: May 21, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.76-15541 Filed 5-26-76;8:45 am]

[OPP-50147, FRL-550-5]

ROHM & HAAS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Rohm & Haas Company, Philadelphia, Pennsylvania 18105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 707-EUP-85) allows the use of 200 pounds of the herbicide 2-chloro-1-(3-ethoxy-4-nitrophenoxy) - 4 - trifluoromethyl benzene on almonds, apricots, grapes, peaches, nectarines, and plums to evaluate control of annual grasses and broad-leaf weeds. A total of 174 acres is involved; the program is authorized only in the State of California. The experimental use permit is effective from April 29, 1976, to April 29, 1977. Temporary tolerances for residues of the active ingredient in or on almonds, apricots, peaches, and nectarines have been established; temporary tolerances for residues of the active ingredients in or on grapes and plums (fresh prunes) intended for the fresh fruit market have also been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-15545 Filed 5-26-76;8:45 am]

[OPP-50148, FRL 550-6]

TEXAS A & M UNIVERSITY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Texas A & M University, College Station, Texas 77843. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 35899-EUP-2) allows the use of 200 pounds of the fungicide benomyl on elms, oaks, and sycamores to evaluate control of persimmon wilt fungus. A total of 2,000 trees will be treated; the program is authorized only in the State of Texas. The experimental use permit is effective from April 29, 1976, to April 29, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-15544 Filed 5-26-76;8:45 am]

[OPP-50162, FRL 550-8]

U.S. DEPARTMENT OF AGRICULTURE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Southeastern Fruit and Tree Nut Research Station of the U.S. Department of Agriculture, Byron, Georgia 31008. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11312-EUP-4) allows the use of 375 pounds of the pesticide aldicarb [2-methyl-2-(methyl-thio) propionaldehyde O-(methylcarbamoyl)oxime] for use on pecans to evaluate control of pecan aphids, spittlebugs, leafminers, and mites. Approximately 50 acres of pecan trees will be treated; the program is authorized only in the State of Georgia. The experimental use permit is ef-

fective from April 30, 1976, to April 30, 1977. A temporary tolerance for residues of the active ingredient in or on pecans has been established. The permit is issued with the limitations that grazing will not be allowed and cover crops grown in treated orchards will not be used as feed.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-15542 Filed 5-26-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-234]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

MAY 24, 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 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. Section 309(d) (1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

- SSA-3-76 WESTPORT TELEVISION, INC., Kansas City, Missouri. Westport Television, Inc., licensee of station KBMA-TV, hereby requests that the Commission issue to it temporary authority to commence as soon as possible and to terminate on October 15, 1976, to install and operate a domestic communications satellite receive-only earth station at this location. Lat. 39 04 21. Long. 94 35 44. Rec. freq: 3700-4200 MHz. Emission 36000F9. Using a 10 meter antenna.
- 334-DSE-R-76 SCIENTIFIC-ATLANTA, Inc., Doraville, Georgia. Renewal of license (1-DSE-(R)-75 for a Developmental Fixed station at this location. From: May 12, 1976. To: May 12, 1977.
- 335-DSE-P-76 UNITED VIDEO, INC., Toomey, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 30 05 07 Long. 93 31 40. Rec. freq: 3700-4200 GHz. Emission 34000F9. Using a 10 meter antenna.

336-DSE-P/L-76 RCA ALASKA COMMUNICATIONS, INC., Emmonak, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62 46 34 Long. 164 31 36. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

337-DSE-P/L-76 RCA ALASKA COMMUNICATIONS, INC., Holy Cross, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62 11 58 Long. 159 46 02. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

338-DSE-P/L-76 RCA ALASKA COMMUNICATIONS, INC., Sleetmute, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 61 42 12 Long. 157 10 05. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

339-DSE-P/L-76 RCA ALASKA COMMUNICATIONS, INC., Saint Marys, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62 03 01 Long. 163 09 57. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

[FR Doc. 76-15462 Filed 5-26-76; 8:45 am]

[Report No. I-235]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

MAY 24, 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. Section 309(d) (1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

18-DSS-LA-76 COMSAT GENERAL CORPORATION. For authority to launch the second COMSTAR satellite, called the D-2 (call sign KS27), bring that satellite on station at 119° West Longitude, and carry out pre-operational testing of that satellite.

[FR Doc. 76-15463 Filed 5-26-76; 8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution)

which had been issued by the Federal Maritime Commission, covering the vessels indicated below, pursuant to 46 CFR Part 542 and Section 311(p)(1) of the Federal Water Pollution Control Act.

Certificate No.	Owner/operator and vessels
01118	Hvalfangerselskapet "Polaris" A/S (The Whaling Co. "Polaris" Ltd.): <i>Polartank</i> .
01150	Chevron Transport Corp.: <i>Roy G. Lucks</i> .
01193	A/S Berpa: <i>Panamerica</i> .
01252	Aktieselskapet Havtor: <i>Havbor, Havkong</i> .
01269	S. Ugelstads Rederi A/S: <i>Samuel Ugelstad</i> .
01330	Shell Tankers (U.K.) Ltd.: <i>Hemisinus, Marticia, Zenatia, Zaphon</i> .
01533	Oy Henry Nielsen AB: <i>Passad III</i> .
01839	Keystone Tankship Corp.: <i>Key-tanker</i> .
01861	BP Tanker Co. Ltd.: <i>British Trust, British Kestrel, British Bombarrier</i> .
01905	Ben Line Steamers Ltd.: <i>Benroech</i> .
01931	Brigantine Transport Corp.: <i>Clementine</i> .
02258	Bruusgaard Klosteruds Skibs A/S, Drammen: <i>Hydra</i> .
02288	"Cosarma": <i>Brezza</i> .
02501	Standard Oil Co. of California: <i>Oregon Standard</i> .
02505	Bamburgh Shipping Co. Ltd.: <i>Bamburgh Castle</i> .
02551	Ellerman Lines Ltd.: <i>City of Delhi</i> .
02863	Naviera Aznar S.A.: <i>Monte Arucas</i> .
03090	Malaysia Overseas Lines Ltd., Liberia: <i>Oriental Hero</i> .
03139	Offshore Marine Ltd.: <i>Atlantic Shore</i> .
03300	Construction Aggregates Corp.: <i>Western Squaw</i> .
03455	Marukichi Kisen K.K.: <i>Marukichi Maru No. 3</i> .
03563	A/S Mosvold Maritime Co.: <i>Moshill</i> .
03625	Hygrade Operators Inc.: <i>Hygrade No. 34</i> .
03691	Spentonbush Transport Service, Inc.: <i>F. A. Verdon</i> .
03692	Marmac Corp.: <i>WGH-12</i> .
03734	Santa Fe Marine, Inc.: <i>Santa Fe Marine 1</i> .
03878	Ingram Barge Co.: <i>Drake 992, ETT 118</i> .
04004	Koninklijke Java-China-Paketaart Lijnen N.V.: <i>Straat Le Maire</i> .
04172	Eklaf Marine Corp.: <i>E 20</i> .
04398	Hapag-Lloyd Aktiengesellschaft: <i>Oriental Importer</i> .
04404	Lars Ref Johnansen: <i>Jodonna</i> .
04407	Domar Ocean Transportation, Ltd.: <i>Z-111, Z-101, Z-120, Z-122, Z-71, Z-112, Z-110, Domar 2502, Domar 2503, Domar 6501</i> .
04487	Sanwa Enyo Gyogyo Slesan Kunial: <i>Sanwa Maru No. 3</i> .
04555	Goyo Suisan K.K.: <i>Seiyo Maru, Goya Maru</i> .
04933	The Revilo Corp.: <i>Iowa 922</i> .
05053	Wakefield Fisheries: <i>Akutan</i> .
05156	Empresa Naviera Santa S.A.: <i>Santamar</i> .
05199	Prekookeanska Plovidba: <i>Ribnica</i> .
05537	Empresa Navegacion Mambisa: <i>Mazimo Gomez</i> .
05693	Korea Exchange Bank: <i>Anyung No. 3</i> .
05895	Black Navigation Co. Inc.: <i>OB-2</i> .
05992	Fujitake Gyogyo Kabushiki Kaisha: <i>Seisho Maru No. 12</i> .
06232	Aztec Trading Co., S.A.: <i>Patriota Maru</i> .

Certificate

No.	Owner/operator and vessels
06428	Tuna Societa Perla Pesca Oceanica S.p.A.: <i>Tuna Prima</i> .
06534	Union Steam Ship Co. (U.K.) Ltd.: <i>Rangatira</i> .
06542	Servicios Tecnicos Industriales S.A.: <i>La Chorrera</i> .
06563	Ragnar Johansen & Co. A/S: <i>Murjo</i> .
06617	Universal Container Lines Inc.: <i>Taeho</i> .
06636	Nicea Shipping Corp.: <i>Nicea</i> .
06806	Korea Marine Transport Co. Ltd.: <i>Pagodo</i> .
06825	Takebayashi Katsusaburo: <i>Ryoun Maru No. 2</i> .
06828	Mohri Hikotaro: <i>Shinnich Maru</i> .
06830	Osaka Gyogyo Kabushiki Kaisha: <i>Marunka Maru No. 62</i> .
06995	Novorossiisk Shipping Co.: <i>Moskovsky Festival, Grigory Achkanov, Gheorghe Gheorghiu Derzj, Gtuseppe Garibaldi, Budapest, Phenjan, Praha, Petr Alekseev, Epifan Kovtykh, Ljubino</i> .
	Novorossiisk Shipping Co.: <i>Gdynia, Grigory Vakulenchuk, Dmitry Zhloba, Marshal Btruzov, Rijeka, Nikolai Podvoisky, Wushawa, Soja, Palmiro Togliatti, Leonardo Da Vinci, Ljudinovo, Ljudotin, Lenkoranj, Havana, Fedor Poletaev, Guisepe Verdi, Mekhanik Ajanashev, Galileo Galliley, Pyatides Yatijette Oktjabrya</i> .
07019	Allied Shipping International Corp.: <i>Scorpio</i> .
07032	Heinsmith Bulk-Shipping Schmidt & Co. KG.: <i>Andromeda, Pegasus</i> .
07362	Primorsk Shipping Co.: <i>Vitjusk, Pevek</i> .
07957	Tatsumi Sumida: <i>Tatsumi Maru No. 25</i> .
07999	Sakamoto Yohei: <i>Chosei Maru No. 8</i> .
08019	Taimo Steamship Co. S/A: <i>Asia Taimo</i> .
08020	Maeda Kisen Kabushiki Kaisha: <i>Wayou Maru</i> .
08131	Empresa Navegacion Caribe: <i>Comandante Pinares</i> .
08259	Samelet M/S "Belgrano": <i>Belgrano</i> .
08321	Lapatho Shipping Co. S.A. Panama: <i>Stolt Pioneer</i> .
08365	Compania Pella Navegacion, S.A.: <i>Christina</i> .
08387	Sure Hope Towing Co., Inc.: <i>HTCO-29</i> .
08447	Takamiya Maru Gyogyo Kabushiki Kaisha: <i>Takamiya Maru No. 23</i> .
08450	Muto Mori: <i>Shotoku Maru No. 58</i> .
08601	Super Lines Inc. S.A.: <i>Super</i> .
08698	Toko Suisan Kabushiki Kaisha: <i>Toko Maru No. 2</i> .
08908	Dong Seung Industrial Co., Ltd.: <i>Dong Seung 203</i> .
09083	Balboa Navigation S.A.: <i>Sovereign Opal</i> .
09088	Dong Won Fisheries Co., Ltd.: <i>Dong Won No. 517, Dong Won No. 16, Dong Won 6, Dong Won 502, Dong Won 519</i> .
09096	Dong Won Industrial Co., Ltd.: <i>Dong Won No. 88, Dong Won 83</i> .
09115	Hoyo Suisan K.K.: <i>Hoyomaru No. 63</i> .
09146	Western Marine Construction Inc.: <i>ZB 13, ZB 9</i> .
09173	Dong Bang Ocean Fisheries Co., Ltd.: <i>Dongbang No. 73</i> .
09214	Wha Yang Industrial Co., Ltd.: <i>Wha Yang 101</i> .

Certificate No.	Owner/operator and vessels
09215---	Societe Generale Marocaine De Peches: <i>Aslm</i> .
09251---	Hakuou Maru Gyogyo Seisan Kumiai: <i>Hakuomaru No. 5</i> .
09364---	Ill Compania Naviera S.A. Panama: <i>Ermis</i> .
09408---	Partenreederei Ms Woermann Sanaga: <i>Woermann Sanaga</i> .
09436---	Daerim Fishery Co. Ltd.: <i>Daejin 6, Daejin 7</i> .
09567---	Dong Soo, Ltd.: <i>Dong Won No. 16, Dong Soo No. 111, Dong Soo No. 110</i> .
09694---	Jin Yung Fisheries Co., Ltd.: <i>Jin Yung No. 505</i> .
09702---	Korean Overseas Fishing Co., Ltd.: <i>Kum Bong No. 201, Kum Bong No. 202</i> .
09788---	Daejin Shipping Co., Ltd.: <i>Sun Yang No. 22</i> .
09903---	Dae Wang Fisheries Co., Ltd.: <i>Dae Wang No. 21</i> .
09924---	Jin Yang Fisheries Co., Ltd.: <i>Nam Yang No. 3</i> .
09964---	Jin Yung Fisheries Co., Ltd.: <i>Jin Yung No. 506</i> .
09970---	Izumi Gyogyo Kabushiki Kaisha: <i>Shinnan Maru No. 18</i> .

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15513 Filed 5-26-76;8:45 am]

[FMC-142(a) (Rev. 3/74)]

**SEA-LAND SERVICE, INC. AND
MARINE JAMAICA, LTD.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 16, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by: Frank Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., 10 Parsonage Road, P.O. Box 900, Edison, New Jersey 08817.

Agreement No. 10242, between the above-named parties, is a space charter arrangement whereby Marine Jamaica will convert its vessel *S/S Pyramid Viking*, at Sea-Land's expense, in order to render it capable of carrying a specified number of containers on deck. After completion of said conversion, Sea-Land will space charter such converted deck space for the transportation of its containers in the trade between Kingston, Jamaica and New Orleans, Louisiana, according to the terms, conditions and to the extent set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: May 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15512 Filed 5-26-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. CI76-427, et al.]

**ALLEN BEARD, ET AL. AND OTHER
APPLICANTS LISTED HEREIN**

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

MAY 18, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.²

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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.

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

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

² There is a Limited-Term Application for a certificate contained herein.

further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI76-427 B 3-24-76	Allen Beard et al., P.O. Box 20, Sissonville, W. Va. 25320.	Consolidated Gas Supply Corp., Route 47, Field, Wood County, W. Va.	Uneconomical	
CI76-433 (CS72-102) A 3-29-76	Gulf Oil Corp., (successor to Nafco Oil & Gas, Inc.), P.O. Box 2100, Houston, Tex. 77001.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	¹ 13.51313	14.65
CI76-435 (C164-200) F 3-29-76	Gulf Oil Corp., successor to Nafco Oil & Gas, Inc.	Colorado Interstate Gas Co., Kansas Hugoton Field, Kearny and Grant Counties, Kans.	² 15.51875	14.65
CI76-436 F 3-29-76	do.	Cities Service Gas Co., Hugoton Field, Kans.	³ 13.16926	14.65
CI76-438 B 4-1-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	Wells plugged and abandoned	
CI76-439 A 3-30-76 ⁴	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Cook B No. 1 Well, Beaver County, Okla.	⁴ 27.2213 ^{7a} 34.1577	14.65 14.65
CI76-440 A 3-29-76	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Natural Gas Pipeline Co. of America, Ship Shoal Block 343 Field, offshore Louisiana.	⁵ 53.041	15.025
CI76-441 A 3-29-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Gentzler Field, Stevens County, Kans.	⁶ 51.7178	14.65
CI76-443 B 3-30-76	H & L Operating Co., Box 7401, Amarillo, Tex. 79109.	Colorado Interstate Gas Co., #1 Elliott, sec. 21-5N-9ECM, Keyes Field, Cimarron County, Okla.	Well watered out	
CI76-444 A 4-1-76	Enserch Exploration, Inc., 1025 Connecticut Ave. NW, Suite 1206, Washington, D.C. 20036.	Cities Service Gas Co., sec. 27, T25N, R17W, Woodward County, Okla.	¹⁰ 11.55.6603	14.65
CI76-445 A 4-14-76	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	United Gas Pipe Line Co., Shongaloo Field, Webster Parish, La.	¹⁶ 60.551404	15.025
CI76-446 (C871-18) F 4-1-76	Amoco Production Co., (successor to W. E. Bakke), Security Life Building, Denver, Colo. 80202.	Cities Service Gas Co., Hugoton Field, Stanton County, Kans.	¹¹ 13.5 ¹² 23.5 ¹³ 29.5	14.65 14.73 14.73
CI76-447 B 4-5-76	Xetron Minerals, Inc., P.O. Box 13003, Houston, Tex. 77019.	Tennessee Gas Pipeline Co., Susie Rugeley No. 1, North Tidehaven Field, Matagorda County, Tex.	Uneconomical	
CI76-448 A 4-2-76	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Northern Natural Gas Co., block 480, West Cameron Area, offshore Louisiana.	¹⁴ 55.29	15.025
CI76-450 A 4-5-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., various fields, Eddy County, N. Mex.	¹⁷ 91.9308	14.73
CI76-451 A 4-8-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Northern Natural Gas Co., Page Ranch (Canyon) Field, Schleicher County, Tex.	¹⁸ 67.0031	14.65
CI76-452 A 4-5-76	Odessa Natural Corp., (operator), P.O. Box 3908, Odessa, Tex. 79760.	El Paso Natural Gas Co., Chacon-Dakota Pool, Rio Arriba and Sandoval Counties, N. Mex.	²⁰ 52.0	14.73
CI76-453 A 4-5-76	Odessa Natural Corp., nonoperator.	Colorado Interstate Gas Co., Higgins Unit Area, Sweetwater County, Wyo.	²¹ 52.0	14.65
CI76-454 A 4-6-76	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Meister B No. 1 Well, Stevens County, Kans.	51.7176	14.65
CI76-455 A 4-5-76	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., Red Hills Field, Lea County, N. Mex.	²² ^{22a} 76.5951	14.65
CI76-462 A 4-12-76 ²³	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 28 Field, West Cameron Area, Offshore Cameron Parish, La.	²⁴ 56.7339	15.025

¹ Subject to downward British thermal unit adjustment and includes 0.01313¢ tax reimbursement.

² Subject to downward British thermal unit adjustment and includes 0.01875¢ tax reimbursement.

³ Not used.

⁴ Not used.

⁵ Includes 0.34537¢ downward British thermal unit adjustment and 0.01463¢ tax reimbursement.

⁶ Effective Mar. 1, 1976.

⁷ Effective July 1, 1976.

^{7a} Applicant proposes to continue the sale of gas heretofore authorized in docket No. CI60-443 to be made by applicant pursuant to its FPC gas rate schedule No. 22.

⁸ Includes 0.51¢ gathering allowance and is subject to upward and downward British thermal unit adjustment.

⁹ Subject to upward and downward British thermal unit adjustment.

¹⁰ Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.

¹¹ Includes state taxes of 3.9427¢/1,000 Btu and is subject to upward and downward British thermal unit adjustment from 1,000 Btu/ft³ at 60° F and 14.73 lb/ft².

¹² Subject to upward and downward British thermal unit adjustment.

¹³ From Dec. 15, 1973 to Mar. 31, 1976.

Filing code: A—Initial service.

B—Abandonment.

C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Succession.

F—Partial succession.

- ¹¹ From Apr. 1, 1976 to June 30, 1976.
¹² On and after July 1, 1976.
¹³ Subject to upward and downward British thermal unit adjustment.
¹⁴ Includes 4.3777¢ upward British thermal unit adjustment.
¹⁵ Applicant is willing to accept a permanent certificate at an initial rate of 52.0¢/1,000 ft³ at 14.73/lb/in², plus production taxes, subject to upward and downward British thermal unit adjustment from 1,000 Btu/ft³ in conformance with opinion No. 609, as amended.
¹⁶ Subject to upward and downward British thermal unit adjustment. The contract rate is the national rate established by opinion No. 609-H and applicant is willing to accept a permanent certificate in conformance with this opinion.
¹⁷ Subject to upward British thermal unit adjustment.
¹⁸ Subject to upward or downward British thermal unit adjustment.
¹⁹ Subject to upward and downward British thermal unit adjustment.
²⁰ Applicant has expressed its willingness to accept the applicable nationwide area rate provided in opinion No. 609-H, as may be amended.
²¹ Initial service for limited term with pregranted abandonment.
²² Includes 3.1825¢ upward British thermal unit adjustment and 0.51¢ gathering allowance.

[FR Doc.76-15307 Filed 5-26-76; 8:45 am]

[Docket No. ER76-472]
CANAL ELECTRIC CO.
 Supplemental Filing

MAY 19, 1976.

Take notice that on May 10, 1976, Canal Electric Company tendered for filing additional information regarding the contract for sale of Canal Unit No. 2 power to Cambridge Electric Light Company and New Bedford Gas and Edison Light Company. The supplemental filing was made in response to the Commission Secretary's letter of April 28, 1976.

The additional information deals with the Company's calculation of its depreciation expense, its calculation of two different rates for investment expense, and its capitalization.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 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.76-15458 Filed 5-26-76; 8:45 am]

[Docket Nos. CP75-96, et al.]

EL PASO ALASKA COMPANY, ET AL.
 Joint Local Hearing

Order granting staff motion for joint hearing,¹ denying motions by the county of Santa Barbara of the State of California for local hearing and by the peo-

¹ "Joint hearing," as the term is herein used, pertains to a hearing involving several jurisdictional proceedings and should be distinguished from the "joint hearing" contemplated in Section 1.37(e) of our Regulations, wherein members of the Federal Power Commission and members of one or more state commissions may sit together in a proceeding pending before one such commission.

ple of California and the public utilities commission of the State of California for joint local hearing, and permitting interventions. Issued May 19, 1976.

By this order we dispose of several matters which are before us in the above-captioned, unconsolidated proceedings. First of all, the Commission staff on April 16, 1976, filed a motion in which it seeks to have the Chief Administrative Law Judge or his designee order a common hearing in these three proceedings for the limited purpose of providing parties in all three proceedings with the opportunity to cross-examine the witnesses responsible for the preparation of certain documents² which, pursuant to Staff request, Western LNG Terminal Company (Western LNG)³ submitted in each proceeding on April 6, 1976. Staff recites that its motion is made for the sake of administrative convenience and expedience and in no way reflects any desire on the part of Staff to consolidate the Western Terminal proposals in these separate proceedings for purposes of disposition. It is Staff's intention that the subject documents and sponsors thereof be examined before a single Administrative Law Judge and that the resulting transcript be incorporated by ref-

² The direct testimony and exhibits of Messrs. K. C. Kinney, E. Fuller, S. T. Kopecek, and W. H. England.

³ Western Terminal proposed in Docket No. CP75-83 to provide LNG terminal service for all three above-titled proceedings. In the original application Western Terminal requested approval of the three terminal sites in California, conditioned upon approval of proposals for specific facilities, applications for which would be filed later. Western Terminal thereafter filed in Docket No. CP75-83-1 to construct facilities at Point Conception to receive LNG volumes from the project proposed in El Paso Alaska Company, et al., Docket Nos. CP75-96, et al.; in Docket No. CP75-83-2 to construct facilities at Los Angeles Harbor to receive LNG volumes from the project proposed in Pacific Alaska LNG Company, Docket No. CP75-140; and in Docket No. CP75-83-3 to construct facilities at Oxnard to receive LNG volumes from the project proposed in Pacific Indonesia LNG Company, et al., Docket Nos. CP74-160, et al. By notice of March 19, 1975, the proposal in Docket No. CP75-83-1 was consolidated in the El Paso Alaska proceeding. By order of April 29, 1976, the proposal in Docket No. CP75-83-2 was consolidated in the Pacific Alaska LNG proceeding. By notice of April 18, 1975, the proposal in Docket No. CP75-83-3 was consolidated in the Pacific Indonesia LNG proceeding.

erence or otherwise be made a part of the record in each proceeding, to be available to the respective Presiding Judge in reaching his decision on the merits. Staff advises that May 24, 1976, has been determined to be a date acceptable to most parties. There being no objection to Staff's motion, either in substance or as to the proposed date, and said motion appearing to facilitate the handling of each proceeding without inhibiting due process, the motion will be granted. Consistent with the request of the El Paso Alaska Company (El Paso Alaska) in Docket No. CP75-96, et al.,⁴ and subject to the approval of the Chief Administrative Law Judge, we direct that Administrative Law Judge Nahum Litt preside at the May 24, 1976, hearing session.

A second motion, unrelated to the first, was filed with the Commission on April 27, 1976, by the People of the State of California and the Public Utilities Commission of the State of California (hereinafter collectively referred to as California). California's motion is directed to the same terminal and regasification facilities to which the above-mentioned Western Terminal documents were directed, but its thrust is much broader than that of Staff's motion. California proposes, first, that, inasmuch as these facilities are all to be situated in California and will thus directly affect the economy, environment, and safety of that State and its residents, the Commission should provide for joint local hearings to be held in California as to these facilities. California further requests that these hearings be held in abeyance pending issuance of Draft Environmental Impact Statements (DEIS) in the Pacific Indonesia LNG and Pacific Alaska LNG proceedings (the Final Environmental Impact Statement (FEIS) having already been issued and introduced into evidence in the El Paso Alaska proceeding). California envisions that, upon issuance of the last DEIS, hearings would be convened in which (1) the sponsoring witnesses of both Staff's EIS's and Western Terminal's study would be offered for cross-examination, (2) representations of state and local agencies would be given the right to present direct evidence and be subject to cross-examination, and (3) the public would be afforded the opportunity to air views regarding the various environmental impact statements. In the event the Commission is unwilling to delay the El Paso Alaska proceeding in order to comply with its request, California alternatively moves the Commission to phase that proceeding in such a way as to permit decision on the LNG regasification siting issue therein to be deferred until such time as it can be heard in tandem with the siting issues in Pacific Indonesia and Pacific Alaska under the conditions which California here advocates.

⁴ See p. 20,418 of the transcript in the El Paso Alaska proceedings; also pp. 2-3 of the response which El Paso Alaska filed on May 5, 1976.

Responses to California's motion have been received from El Paso Alaska, from Pacific Indonesia, Western Terminal, Pacific Alaska, and Southern California Gas Company (hereinafter Pac Indonesia, et al.), and from the Commission Staff. None of these respondents opposes joint local hearings per se. However, because of the procedural delays inherent in California's proposal to await issuance of the DEIS in the Pacific Indonesia LNG and Pacific Alaska LNG proceedings, these parties unanimously urge that California's primary motion be denied. Further, El Paso Alaska and Staff oppose any effort to sever and phase the LNG terminal and regasification siting issues in the El Paso Alaska proceeding as undermining the ability of El Paso Alaska to fully present, and the ability of the Presiding Judge to fairly assess, the overall attractiveness of the El Paso Alaska route vis-a-vis that of the Alaskan Arctic proposal there at issue.

A third motion (albeit first in time) was filed on January 5, 1976, by the County of Santa Barbara of the State of California (County of Santa Barbara) in conjunction with that body's petition to intervene in the proceedings in El Paso Alaska Company, Docket Nos. CP75-96, et al. The County of Santa Barbara also requests a local hearing, but limits the scope of its proposed hearing to the impact of the LNG facilities which Western Terminal contemplates constructing and operating at Los Angeles Harbor.

It is the general policy of this Commission to hold hearings on applications filed under the provisions of the Natural Gas Act in Washington, D.C., although we have on occasion agreed to schedule limited local hearings where substantial local interest has been demonstrated and good cause shown.⁶ As evidenced from the attachments to California's motion⁷ and the request for local hearings filed by the County of Santa Barbara, we do not doubt the presence of substantial local interest⁸ here. And, insofar as good cause⁹ is concerned, it is true that safety and the environment are primary among the factors which bear upon our decision to authorize or not to authorize local

hearings in a particular proceeding.⁷ Where the siting of an LNG facility is in issue, we have recognized that safety and environmental concerns are of central importance, and we have accordingly shown ourselves willing to provide for local hearings where circumstances so warrant.⁸ We observe, however, that a party requesting local hearings has not fully satisfied its burden by demonstrating merely that a proposed project may materially affect the safety and environment of a particular locality; the movant must also show a likelihood that it, or the constituents which it serves, will not be adequately represented in the proceedings which it seeks to have transferred, should its motion be denied. Neither California nor the County of Santa Barbara has made such a showing here. The People of California and the California Public Utilities Commission petitioned to intervene in Docket Nos. CP75-96, et al. on November 12, 1974, which petition was granted by our order of January 23, 1975. Along with every other participant to the proceedings in those dockets, California has been afforded ample opportunity to offer evidence and cross-examine witnesses on the siting issue, including the sponsors of the FEIS which Staff introduced into evidence on April 14, 1976 in Docket Nos. CP75-96, et al. We have been shown nothing to indicate that California is without sufficient resources to prepare and present its case on behalf of the citizens and local agencies within the State of California or that it has failed to meet its responsibilities in this respect. No person has come forward to identify relevant information on this issue which is not already part of the record or which, through California or on an individual basis, could not be tendered therefor.

We are similarly unpersuaded that a full and fair treatment of the LNG siting issue in the El Paso Alaska proceedings requires that it be heard together with the siting issues in Pacific Indonesia and Pacific Alaska. It is statutorily incumbent upon Staff in each EIS to test the environmental consequences of various alternatives to a proposed project at a specified site.⁹ In the aforementioned FEIS in the El Paso Alaska proceedings, there is contained such an analysis embracing each of the three sites respectively proposed by Western Terminal in the El Paso Alaska, Pacific Indonesia, and Pacific Alaska proceedings. The record to be developed in connection with this analysis and the Western Terminal Study should enable the Presiding Judge to render an informed and intelligent decision on the LNG siting issue, taking into account the interests of both El Paso

Alaska, et al. and citizenry of the State of California.

For the reasons set forth above, we find that the motions for local hearings by the County of Santa Barbara and for joint local hearings by California should be denied. California's alternative motion, in which it seeks to have the LNG siting issue in El Paso Alaska severed therefrom and disposition thereof deferred, will also be denied. We will not engage in speculation as to the impact which such action may have on the ability of the applicants in Docket Nos. CP75-96 to present, or of the Presiding Judge to assess, their respective cases. Neither are we convinced of the legality of such action,¹⁰ nor are we prepared, in view of the unprecedented importance of this case, to unnecessarily risk prejudicing the outcome thereof.

As a final matter, we note that Governor Thomas L. Judge, Lt. Governor Bill Christiansen, and The Montana Department of Natural Resources and Conservation filed a joint petition to intervene in Docket Nos. CP75-96, et al. on May 10, 1976. Finding this petition, as well as the January 5, 1976, petition of the County of Santa Barbara, noted supra, to be in compliance with the requisites of Section 1.8 of our Regulations, we shall permit the intervention of these parties, subject to the conditions set forth below.

The Commission finds

(1) Good cause has not been shown to grant the January 5, 1976, motion of the County of Santa Barbara of the State of California for local hearing in Docket Nos. CP75-96, et al.

(2) Good cause has been shown to grant the April 16, 1976, motion of the Commission Staff for joint hearing in Docket Nos. CP75-96, et al., Docket Nos. CP74-160, et al., and Docket Nos. CP75-140, et al.

(3) Good cause has not been shown to grant the April 27, 1976, motion of the People of California and the Public Utilities Commission of the State of California for joint local hearing in Docket Nos. CP 75-96, etc al., Docket Nos. CP74-160, et al., and Docket Nos. CP75-140, et al.

(4) It is desirable and in the public interest that the petitioners referred to in the body of this order be permitted to intervene.

The Commission orders

(A) The above-referenced motions of the County of Santa Barbara of the State of California and the People of California and the Public Utilities Commission of the State of California are denied.

(B) The above-referenced motion of Commission Staff is granted, and, pursuant thereto, a hearing shall be held on May 24, 1976, at 10:00 a.m. before Administrative Law Judge Nahum Litt in a hearing room of the Federal Power Commission, 825 N. Capitol St., Washington,

⁶ Eascogas LNG, Incorporated, et al., Docket Nos. CP73-47, et al. (order issued March 21, 1975).

⁷ Included are a resolution dated March 31, 1976, by the California Energy Resources Conservation and Development Commission authorizing its General Counsel to request the Staff Counsel of the California Public Utilities Commission to ask this Commission for local hearings (Appendix A), a letter dated March 29, 1976, from the Mayor of the City of Los Angeles supporting this resolution (Appendix B), a telegram dated April 1, 1976, by the Board of Supervisors of the City of Los Angeles also supporting this resolution (Appendix C), a resolution dated April 13, 1976, by the Board of Supervisors of Ventura County in support of the aforementioned resolution (Appendix D), and, finally, a letter dated April 19, 1976, from the General Counsel of the California Energy Commission requesting that the California Public Utilities Commission implement the resolution (Appendix E).

⁷ El Paso Natural Gas Company, Docket Nos. RP72-6, et al. (Order issued April 23, 1975 at mimeo p. 5).

⁸ Eascogas LNG, supra; Distrigas Corporation, et al. Docket Nos. CP73-132, et al. (order issued March 21, 1975).

⁹ See Section 102(2)(c)(iii) of the National Environmental Policy Act, 42 USC § 4332(2)(c)(iii).

¹⁰ See *Scenic Hudson Preservation Conference v. F.P.C.*, 354 F.2d 608 (2nd Cir.), cert. denied 384 U.S. 941 (1965).

D.C. 20426 for the purpose hereinabove described. Nothing in this order shall prevent Judge Litt, in his discretion, from prescribing procedures which may be necessary to suit the convenience of the parties involved and conclude the hearing session(s) as expeditiously as possible, consistent with due process.

(C) The above-referenced petitioners are permitted to intervene in the proceedings at Docket Nos. CP75-96, et al., subject to the Rules and Regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave 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 these proceedings; and *Provided, further*, That such intervenors shall accept the evidentiary record as it has been established in the proceedings to date.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15461 Filed 5-27-76;8:45 am]

[Docket Nos. CI75-119 and RI75-5]

JENKINS, WILLIAM A. (OPERATOR),
ET AL.

**Petition for Amendment to Order Granting
Special Relief**

MAY 19, 1976.

Take notice that on May 3, 1976, William A. Jenkins (Operator), et al. (Petitioner), Suite 808, Expressway Terrace Building, 2601 Northwest Expressway, Oklahoma City, Oklahoma, 73112, filed a petition in Docket Nos. CI75-119 and RI75-5 for Amendment to Order Granting Special Relief pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure. Petitioner requests that the Commission issue an order, amending its Order Adopting Initial Decision, (issued December 4, 1975) to provide for a rate of return of 20%. Petitioner states that this will result in a rate of 30.98¢ per Mcf for Petitioner's sales to Champlin Petroleum Company (Champlin), and 41.65¢ per Mcf for Champlin's sales to Cities Service Gas Company. Petitioner states in support thereof that precedents have been set in Independent Oil & Gas Association of West Virginia (IOGA), Docket No. RI75-21 (March 21, 1976) and in Opinion No. 742 (issued August 28, 1975) wherein the Commission found a 20% rate of return to be just and reasonable for small producers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 4, 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). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15459 Filed 5-28-76;8:45 am]

[Docket No. ES76-45]

NORTHWESTERN PUBLIC SERVICE CO.

MAY 19, 1976.

Take notice that on May 13, 1976, Northwestern Public Service Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing it to issue not to exceed 250,000 shares of Common Stock, par value \$7 per share. Included in such application is a request for exemption from the competitive bidding requirements of Section 34.1a(a), (b) and (c) of the Commission's Regulations under the Federal Power Act for the transaction to enable a public offering of the Common Stock through a selected group of underwriters pursuant to a negotiated underwriting agreement.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of North Dakota, South Dakota, and Nebraska, with its principal business office being in Huron, South Dakota. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

Applicant proposes to sell shares of its authorized but heretofore unissued Common Stock sufficient to provide, as a maximum, proceeds to Applicant of approximately \$4,300,000, but in no event shall the number of such shares to be sold exceed 250,000. It is proposed that the sales price and underwriting fees and commissions for the Common Stock will be determined by negotiation with the underwriters.

The net proceeds from the financing will be used (in whole or in part, depending upon the timing of the availability of the funds and the requirements therefore) to provide a portion of the funds required for Applicant's 1976 construction program and to refund outstanding short-term bank loan indebtedness.

Applicant's 1976 construction expenditures are estimated to be \$15,250,000, of which approximately \$8,500,000 is for the Neal Electric Generating Project, \$1,000,000 is for the Coyote Electric Generating Project, \$202,000 is for other

electric production projects, \$1,189,000 is for major transmission lines, \$1,412,000 is for major electric substations, \$1,912,000 is for miscellaneous routine extensions and additions to gas distribution systems, and \$225,000 is for miscellaneous, general and transportation facilities. The Neal Electric Generating Project, which involves the construction of a jointly-owned 576,000 KW electric generating plant and related transmission facilities near Sioux City, Iowa, is scheduled for completion in 1979. Applicant shares in the cost of the Neal Electric Generating Plant in proportion to its 8.68% ownership interest. The Coyote Electric Generating Project, which involves the construction of a jointly-owned 415,000 KW electric generating plant and related transmission facilities near Beulah, North Dakota, is scheduled for completion in 1981. Applicant shares in the cost of the Coyote Electric Generating Plant in proportion to its 10% ownership interest.

As of March 31, 1976, Applicant had \$17,000,000 of short-term bank loans outstanding which were incurred to finance a portion of Applicant's 1975 construction program. Applicant's expenditures for its 1975 construction program totaled approximately \$18,303,000 of which approximately \$12,982,000 was for electric generating facilities (principally the Big Stone Electric Plant Project), \$314,000 for electric transmission lines, \$1,403,000 for major electric substations, \$3,200,000 for routine extensions and additions to electric distribution systems, \$526,000 for miscellaneous extensions and additions to gas distribution systems and \$404,000 for miscellaneous, general and transportation facilities.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before June 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15460 Filed 5-26-76;8:45 am]

[Docket No. CP73-147]

**MICHIGAN WISCONSIN PIPE LINE CO.,
TRUNKLINE GAS CO. AND PANHANDLE
EASTERN PIPE LINE CO.**

Petition To Amend

MAY 20, 1976.

Take notice that on May 12, 1976, Michigan Wisconsin Pipe Line Company

(Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, Truckline Gas Company (Truckline), P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-147 a petition to amend further the order, as amended, issuing a certificate of public convenience and necessity to Petitioners in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioners request that term of the authorized delivery of natural gas by Michigan Wisconsin to Truckline and the transportation of natural gas by Trunkline and Panhandle for the account of Michigan Wisconsin be extended and that Trunkline and Panhandle be permitted to increase the charge for such transportation, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

In the instant docket Michigan Wisconsin is authorized to deliver gas to Trunkline, and Panhandle and Trunkline are authorized to transport and deliver gas for Michigan Wisconsin's account to its market area. Petitioners request authorization in the instant petition to amend for Panhandle and Trunkline to transport gas for the account Michigan Wisconsin for an additional 18 months, through October 31, 1977, and to charge Michigan Wisconsin 31.0 cents per Mcf in lieu of 21.5 cents per Mcf for the transportation service. Michigan Wisconsin proposes to deliver gas to Trunkline through October 31, 1977.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 10, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15427 Filed 5-26-76;8:45 am]

[Dockets Nos. RP73-94, G-19618, CP63-270, CP65-123, CP63-247, CP65-93, CP75-53]

**VALLEY GAS TRANSMISSION INC. AND
TENNESSEE GAS PIPELINE COMPANY,
A DIVISION OF TENNECO, INC.**

Compliance Filing

MAY 20, 1976.

Take notice that on May 5, 1976, Valley Gas Transmission, Inc. (Valley) tendered for filing First Revised Sheet Nos. 107,

143, 144, 145 and 159 to its FPC Gas Tariff, Original Volume No. 1, pursuant to Ordering Paragraph (J) of the Commission's "Order Approving Settlement" issued on December 2, 1975 in these dockets. Valley requests an effective date of December 2, 1975 for the revised tariff sheets.

Copies of the filing are on file with the Commission and are available for public inspection. Any person desiring to file comments should file such comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 1, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15428 Filed 5-26-76;8:45 am]

[Docket No. CP75-110]

**WASHINGTON NATURAL GAS CO.,
AS PROJECT OPERATOR**

Petition To Amend

MAY 20, 1976.

Take notice that on May 11, 1976, Washington Natural Gas Company, as Project Operator (Petitioner), 815 Mercer Street, Seattle, Washington 98111, filed in Docket No. CP75-110 a petition to amend the order 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 seeks authorization to operate the Jackson Prairie Storage Project in Lewis County, Washington, in such a manner so as to increase deliveries of seasonal working gas, to extend the withdrawal season, and to inject gas during the withdrawal season, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The petition to amend states that continued evaluation of the storage project has indicated that, consistent with orderly development and expansion, the seasonal withdrawal capabilities should be increased on October 1, 1976, from the present level of 9.3 million Mcf to 10.1 million Mcf of gas. Accordingly, Petitioner proposes to increase the cushion gas inventory from not less than 14 million Mcf to not less than 15.2 million Mcf of gas and to increase the total gas storage inventory, both cushion and working gas, from not less than 23.3 million Mcf to not less than 25.3 million Mcf of gas. It is stated that injections are presently planned to be made into the storage project to attain these levels by October 1, 1976. It is said that working gas would be provided by Northwest Pipeline Corporation (Northwest) and cushion gas would be provided one-third each by each of the project participants, Petitioner, Northwest, and The Washington Water Power Company. Petitioner states that no construction of facilities is required to attain the proposed level of storage service.

The petition to amend states further that the continued evaluation has also indicated the desirability of extending the withdrawal season from the period,

October 16 through April 15, to the period, October 1 through April 30.

Petitioner states that the injection of gas during the withdrawal season would permit maximum utilization of Northwest's available gas supply during periods of low demand (weekends and holidays). It is said that gas injected during the withdrawal season would not be used to increase the seasonal withdrawal quantity proposed in the instant petition; but, to the extent such volumes would be injected, they would be used in computing the daily deliverability provided in the storage agreement among the project participants and would reduce the injection requirements during the next succeeding summer injection cycle.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15426 Filed 5-26-76;8:45 am]

**NATIONAL POWER SURVEY EXECUTIVE
ADVISORY COMMITTEE AND COORDINATING
COMMITTEE**

Renewal

The Chairman of the Federal Power Commission has determined that renewal of the terms of the Executive Advisory Committee and the Coordinating Committee of the National Power Survey to a date not later than June 30, 1976, is necessary in the public interest in connection with the performance of duties imposed on the Commission by law.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, 38 FR 1083, as amended by Commission General Order No. 464-A, issued August 2, 1974, and authorities referred to therein, 39 FR 28929. See also Office of Management and Budget, Advisory Committee Management, Circular A-63 Revised, March 27, 1974, 30 FR 12389, as amended July 19, 1974.

The Executive Advisory Committee was established by Commission order, dated August 11, 1972, 37 FR 24213, and the Coordinating Committee by order, dated November 2, 1972, 37 FR 23868. These orders refer to the Commission order issued June 29, 1972, 37 FR 13380, which announced initiation of the National Power Survey, authorized formation of advisory committees, and estab-

lished procedures therefor. By order issued December 19, 1972, 37 FR 28661, the Commission amended its earlier orders to conform with the requirements of the subsequently enacted Federal Advisory Committee Act, 86 Stat. 770.

The continued existence of these two committees is desirable during preparation of the Commission report. Specifically, the Executive Advisory Committee will be solicited for its views and comments regarding the staff report, while the Coordinating Committee is the remaining link between the Commission staff and technical advisory committees whose work, in some cases, may form the basis for Commission action; these technical advisory committees have expired.

The Commission continues or reestablishes these committees in accordance with the terms of this order, and the following Commission orders:

Order Authorizing the Establishment of National Power Survey Advisory Committees and Prescribing Procedures, issued June 29, 1972, 37 FR 13380.

Order Establishing National Power Survey Executive Advisory Committee and Designating Initial Membership and Chairmanship, issued August 11, 1972, 37 FR 24213.

Order Establishing National Power Survey Coordinating Committee and Designating Initial Membership and Chairmanship, issued November 2, 1972, 37 FR 23868.

Order Amending National Power Survey Orders issued December 19, 1972, 37 FR 28661.

General Order No. 464-A, issued August 2, 1974, 39 FR 28929.

Order Renewing National Power Survey Executive Advisory Committees, issued August 7, 1974, 39 FR 29233.

Order Renewing National Power Survey Coordinating Committee, issued January 13, 1975, 39 FR 3250.

By Notice of Determination and Certification with Respect to Renewal of National Power Survey Advisory Committees, dated July 30, 1974, 39 FR 27608, the Chairman of this Commission has determined and certified that the renewal of the aforesaid advisory committees of the National Power Survey for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law. The Office of Management and Budget, Advisory Committee Management, has ascertained that the renewal of the aforesaid advisory committees of the National Power Survey is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat 770, 773-4.

1. *Purposes.* The purposes of the Executive Advisory Committee of the National Power Survey, as renewed herein, are as set forth in the Commission's order of August 11, 1972, Paragraph 1, *Purpose*, and that Paragraph is hereby incorporated by reference herein. The purposes of the Coordinating Committee of the National Power Survey, as renewed herein, are as set forth in the Commission's

order of November 2, 1972, Paragraph 1, *Purpose*, and that Paragraph is hereby incorporated by reference herein.

It is anticipated that the continuance of these National Power Survey Advisory Committees for the period ending June 30, 1976, will facilitate the conclusion of the Commission's work on the current phase of the continuing National Power Survey.

2. *Membership.* The Chairman, Secretary and other members of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, are designated in the appendix hereto. The Chairman, coordinating representatives, secretaries and other members of the Coordinating Committee established herein, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. *Selection of Future Committee Members.* All future Executive Advisory Committee members, and persons designated to act as Committee Chairmen shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary. All future Coordinating Committee members and persons designated to act as Committee chairmen, coordinating representatives, and secretaries shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the Commission's order issued June 29, 1972, as amended by Commission order issued December 19, 1972, and by Order Further Amending National Power Survey Orders, August 7, 1974, are hereby incorporated by reference herein:

3. *Conduct of Meeting*

4. *Minutes and Records*

5. *Secretary of the Committee*

6. *Location and Time of Meetings*

7. *Advice and Recommendations Offered by the Committee*

5. The National Power Survey Executive Advisory Committee and the Coordinating Committee renewed by this order shall terminate not later than June 30, 1976.

6. The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order along with the Order Further Amending National Power Survey orders, issued concurrently herewith, as constituting charters of the National Power Survey Advisory Committees renewed by this order.

7. This order shall take effect immediately upon the issuance thereof and the Secretary of the Commission shall cause

prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-15038 Filed 5-26-76; 8:45 am]

FEDERAL RESERVE SYSTEM

C.I.T. FINANCIAL CORP.

Proposed Acquisition of Guardian Commercial Corp.

C.I.T. Financial Corporation, has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843 (c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to acquire substantially all the assets relating to the consumer finance business of 27 wholly-owned subsidiaries of Guardian Commercial Corporation, Roslyn Heights, New York. The subsidiary offices of Guardian Commercial Corporation, the assets of which are to be acquired, are located in the states of Pennsylvania, New Jersey, Delaware and Connecticut. Notices of the application were published in newspapers of general circulation in the communities in the above-mentioned States in which the offices of subsidiaries of Guardian Commercial Corporation are located.

Applicant states that the subsidiaries to be acquired engage in the activities of the making of consumer loans (including second mortgage real estate loans), the purchase of retail installment contracts from dealers and the sale of credit life and credit accident and health insurance in connection with extensions of credit and casualty insurance on collateral securing extensions of credit. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and re-

ceived by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 22, 1976.

The Board of Governors of the Federal Reserve System, May 21, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary
of the Board.

[FR Doc.76-15407 Filed 5-26-76; 8:45 am]

FIRST UNION CORP.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g) (3)) ("the Act"), by First Union Corporation, Charlotte, North Carolina (formerly Cameron Financial Corporation), for a determination that First Union Corporation is not nor will be capable of controlling Andersen Armored Car, Inc. ("Andersen"), Andersen, South Carolina notwithstanding the indebtedness incurred by Andersen to First Union Corporation's subsidiary bank, First Union National Bank of North Carolina ("Bank") in connection with Andersen's purchase during February, 1976, from First Union Corporation of all of the shares of First Union Corporation's subsidiary, Courier Express Corporation, Charlotte, North Carolina. First Union Corporation has also requested a determination that it is not in fact capable of controlling Armored Protective Service, Inc. ("Armored"), High Point, North Carolina, notwithstanding the indebtedness incurred by Armored to Bank in connection with Armored's purchase during January, 1976, from Courier Express Corporation of a certain North Carolina intrastate operating authority.

Section 2(g) (3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g) (3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the request should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 18, 1976. If a request for oral hearing is filed, each request should contain a statement of the nature of the re-

questing person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the request.

Board of Governors of the Federal Reserve System, May 20, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary
of the Board.

[FR Doc.76-15408 Filed 5-26-76; 8:45 am]

SOUTHWEST FLORIDA BANKS, INC.

Order Approving Acquisition of Bank

Southwest Florida Banks, Inc., Fort Myers, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a) (3) of the Act (12 U.S.C. § 1842(a) (3)) to acquire 80 per cent or more of the voting shares of First National Bank and Trust Company of Naples, Naples, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, the seventeenth largest banking organization in Florida, controls eight banks with aggregate deposits of approximately \$284 million, representing 1.2 per cent of the total deposits in commercial banks in the State.¹ Applicant's acquisition of Bank would increase Applicant's share of total State deposits by 0.3 per cent and would not result in a significant increase in the concentration of banking resources in the State. Upon consummation of the subject proposal, Applicant would become the 16th largest banking organization in Florida.

Bank holds deposits of approximately \$68.5 million, representing 29.1 per cent of the total deposits in commercial banks operating in the Naples banking market, and ranks as the second largest of eight banks in the market.² Applicant does not

¹ All banking data are as of June 30, 1975, and represent holding company formations and acquisitions approved by the Board through April 30, 1976.

² The Naples banking market, the relevant geographic market for purposes of analyzing the competitive effects of this proposal, is approximated by all of Collier County, Florida, excluding therefrom the town of Immokalee.

have a subsidiary bank in the relevant market, although an office of one of Applicant's subsidiary banks is located in an adjacent banking market. It appears that no meaningful competition presently exists between any of Applicant's subsidiary banks and Bank, nor do the facts of record indicate that such competition is likely to develop in the foreseeable future. Moreover, it appears unlikely that Applicant would expand *de novo* into the Naples banking market since the population per banking office ratio of the market is well below the respective State average. In addition, Applicant has committed to terminate four interlocking directorships between Bank and Vanderbilt Bank, Naples, Florida, within 30 days of Bank's acquisition. This should have a salutary effect on competition in the market. On the basis of the entire record, the Board concludes that consummation of the subject proposal would not have any significant adverse effects on existing or potential competition in any relevant area and that the competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiaries and Bank are considered to be generally satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval. Bank's affiliation with Applicant should enable Bank to offer expanded and improved services by drawing on Applicant's expertise and resources. These considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. Accordingly, it is the Board's judgment that consummation of the proposal to acquire Bank would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,³ effective May 19, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary
of the Board.

[FR Doc.76-15410 Filed 5-26-76; 8:45 am]

WALTER E. HELLER INTERNATIONAL CORP.

Proposed Acquisition of PepsiCo Leasing Corporation

Walter E. Heller International Corporation, Chicago, Illinois, has applied,

³ Voting for this action: Chairman Burns and Governors Gardner, Wallach, Coldwell and Partee. Absent and not voting: Governor Jackson.

pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to acquire voting shares of PepsiCo Leasing Corporation, Lexington, Massachusetts. Notice of the application was published on February 11, 1976, in the following newspapers circulated in their respective counties: *Paterson News*, Passaic County, New Jersey; *Fort Lauderdale News* and *Sun Sentinel*, Fort Lauderdale, Florida; *Oakland Tribune*, Alameda County, California; *The Philadelphia Inquirer*, Philadelphia County, Pennsylvania; *Boston Globe*, Suffolk County, Massachusetts; *The Sun*, Baltimore, Maryland; *The Cincinnati Post*, Hamilton County, Ohio; *Los Angeles Times*, Los Angeles County, California; *The Houston Chronicle*, Harris County, Texas; *Chicago Tribune*, Cook County, Illinois; *Dallas Times Herald*, Dallas County, Texas.

Applicant states that the proposed subsidiary would engage in the activities of commercial financing, personal property and equipment leasing, and data processing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 18, 1976.

Board of Governors of the Federal Reserve System, May 19, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary
of the Board.

[FR Doc. 76-15409 Filed 5-26-76; 8:45 am]

WOODBINE AGENCY, INC.

Order Approving Formation of Bank Holding Company

Woodbine Agency, Inc., Woodbine, Kansas ("Applicant"), has applied for prior approval under section 3(a) (1) of

the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)) and section 225.3 (a) of Regulation Y (12 CFR 225.3(a)) to become a bank holding company through the acquisition of 50.8 percent or more of the voting shares of The Citizens State Bank, Woodbine, Kansas ("Bank"). Concurrently, Applicant has applied pursuant to section 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)) and section 225.4(b) (2) of Regulation Y for permission to continue to engage in general insurance agency activities in a community with a population not exceeding 5,000 persons. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a) (9) (iii) (a)).

Notice of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (41 F.R. 12358 (1976)). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act and the considerations specified in section 4(c) (8) of the Act.

Applicant was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank, Applicant would control the 611th largest bank in Kansas holding .01 per cent of total deposits of commercial banks in the State. Bank, with deposits of \$868 thousand,¹ is the smallest of five banks in the Herington banking market² and controls 3.02 per cent of the total deposits therein.

Several of Applicant's principals are involved in two other one-bank holding companies. The subsidiary bank of one is located over 250 miles from Bank. Thus, the proposed transaction appears unlikely to eliminate any existing or potential competition between this bank and Bank. The other holding company's subsidiary bank is The First National Bank of Herington, Herington, Kansas ("Herington Bank"), which holds deposits of \$8.75 million. Herington Bank is located 11 miles from Bank and is the largest bank in the Herington market, controlling 30.5 per cent of market deposits. On the basis of the facts of record, it appears that consummation of the proposal would not materially alter the competitive relationship between Bank and Herington Bank. Moreover, since the subject proposal is essentially a reorganization of Bank's present ownership from individuals to a corporation owned by the same individuals with no immediate change in Bank's operations, and in view of the relative size of Bank, it appears that consummation of the proposal would not eliminate any significant existing or potential competition or increase the concentration of banking resources in

any relevant area. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Bank, are considered to be satisfactory. Applicant proposes to service the debt incurred incident to this transaction over a ten-year period. In light of past earnings of Bank and the anticipated growth in Bank's earnings and insurance commissions, the projected earnings appear to provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements and to maintain adequate capital for Bank. Therefore, considerations relating to banking factors are consistent with approval of the application.

Although consummation of the proposal would have no immediate effect on the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that the proposal to form a bank holding company would be in the public interest and that the application should be approved.

Applicant also proposes to engage in the sale of general insurance in a community of less than 5,000 population. It will conduct its business from the premises of Bank in Woodbine and will continue to provide a convenient source of insurance to Bank's customers, a factor which the Board regards as being in the public interest. Furthermore, there is no evidence in the record indicating that consummation of this proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

It has been determined, therefore, that the public interest factors set forth in section 4(c) (8) of the Act are favorable, and the application to continue to engage in the sale of general insurance in Woodbine, Kansas, should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction involving acquisition of shares of Bank shall not be made before the thirtieth calendar day following the effective date of this Order, or later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4 (c) of Regulation Y and to the authority of the Board of Governors to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the regulations and orders issued thereunder or to prevent evasion thereof.

¹ All banking data are as of June 30, 1975.

² The relevant market is approximated by southeast Dickinson and western Morris Counties, Kansas.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective May 19, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary
of the Board.

[FR Doc. 76-15411 Filed 5-26-76; 8:45 am]

GENERAL ACCOUNTING OFFICE
REGULATORY REPORTS REVIEW
Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 21, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the FMC and CAB submissions are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 14, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL MARITIME COMMISSION

FMC requests clearance of a voluntary "Letter Requesting Weights and Measurements of Automobiles," from 20 automobile manufacturers. The letter requests the net weight and cubic dimensions for each model manufactured, with and without bumpers, for the current year. The data received is used to compile the publication "FMC Guide on Shipping Automobiles, Automobile Manufacturers' Measurements," which is used by ocean carriers to ascertain transportation charges prior to moving automobile cargo. FMC estimates it will take 5 minutes annually for each automobile manufacturer to assemble the data requested in the letter since the manufacturers already compile the data for their own use.

FMC requests a first-time GAO clearance for Tariff Circular No. 3 (46 CFR 531): "Filing of Freight and Passenger Rates, Fares, and Charges in the Domestic Offshore Trade, Publication and Posting," which every common carrier by water engaged in the transportation of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Ter-

ritory, District or possession of the United States and any other State, Territory, District or possession of the United States, or between places in the same Territory, District or possession is required to file with FMC under the provisions of Sections 4, 7 and 18(a) of the Shipping Act, 1916, and Sections 1 and 2 of the Intercoastal Shipping Act, 1933. The tariffs/schedules submitted to FMC by the issuing carrier must establish just and reasonable rates, fares, charges, classifications, regulations and practices. A separate tariff containing general rules and regulations affecting freight rates or passenger fares may also be published by a carrier or duly authorized agent [531.5 (g) (2)]. Respondents are approximately 236 water borne common carriers in U.S. domestic offshore trade who file an estimated 23 initial tariff pages and 33 revised tariff pages per year with an FMC estimated burden of 125 hours per respondent.

FMC requests a first-time GAO clearance of General Order 27, sections 542.5(a) (3), 542.6(d) and Forms 224, 11 and 346. The rules, pursuant to P.L. 92-500, provide the means by which owners or operators of vessels over 300 gross tons using any port or place in the U.S. or the navigable waters of the U.S. must establish and maintain evidence of financial responsibility of \$100 per gross ton or \$14 million, whichever is the lesser, to meet the liability to the U.S. to which the vessel could be subjected for the discharge of oil into or upon the waters of the U.S. Financial responsibility may be established by any one or a combination of the following methods: insurance, surety bond, guaranty or self-insurance. Vessel owners or operators must carry on board their vessels a Certificate of Financial Responsibility (Oil Pollution), which certifies that the necessary level of financial responsibility has been established. To obtain a certificate, Form 224, Application for Certificate of Financial Responsibility (Oil Pollution) must be submitted to the Commission, along with acceptable evidence of financial responsibility. Upon receipt, examination, and approval of the application form, evidence of financial responsibility, and application fee, a certificate is issued to the applicant for the vessel(s) listed on the application form. Approximately 1,150 vessel owners and operators using U.S. waters file Form 224 annually with respondent burden estimated at approximately one-half hour per response.

Form 11 is a followup letter used to request necessary data missing from an incomplete Form 224 application or an incomplete written request for the addition of vessels in order to process the application. Approximately 200 respondents file this information annually. Burden is estimated as one-quarter hour per response.

Section 542.5(a) (3) requires applicants wishing to qualify with the Commission as self-insurers and guarantors to file an annual current balance sheet and an annual current statement of income and surplus, certificated by ap-

propriate certified public accountants, within 120 days after the close of the applicant's fiscal year, and to inform the Commission within 30 days if the amounts of working capital and/or net worth fall below the amounts specified in the order. Respondents are 80 vessel owners and operators using U.S. waters. Burden is estimated as one hour annually per response.

Section 542.6(d) of General Order 27, requires individuals issue master certificates to submit to the Secretary of the Commission, every six months, beginning with the month in which the master certificate is issued, reports indicating the name or other identifying information and gross tonnage for every vessel covered by the master certificate during the reporting period. Respondents are 22 vessel owners and operators using U.S. waters who file a report every six months. Burden is estimated at one hour per response.

Form 346 is used to request verification from an applicant (after insurance is received from an underwriter) as to whether the applicant does in fact wish to obtain a certificate of financial responsibility for a specified vessel. Approximately 300 vessel owners and operators using U.S. waters file Form 346 annually. FMC estimates burden to be one-quarter hour for each response.

CIVIL AERONAUTICS BOARD

CAB requests clearance of the new reporting requirements for Schedule P-13 "Passenger Revenue and Traffic Data by Type of Fare—48 States" of CAB Form 41 of Part 241—Uniform System of Accounts and Reports for Certificated Air Carriers. The objective of this reporting requirement is to provide discount fare information needed to monitor the 48-State fare level in light of the fare level policy adopted in Phase 5 of the Domestic Passenger Fare Investigation and to monitor the results of particular discount fares. Respondents are Certificated Domestic Trunk Air Carriers. Schedule P-13 is to be filed monthly and burden is estimated by CAB to be 24 hours for each response.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc. 76-15520 Filed 5-26-76; 8:45 am]

**INTERNATIONAL TRADE
COMMISSION**

[AA1921-Inq.-4]

**MULTIMETAL LITHOGRAPHIC PLATES
FROM MEXICO**

**Commission Determines "No Reasonable
Indication of Injury"**

MAY 21, 1976.

On April 22, 1976, the United States International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(c) (1) of the Antidumping Act of 1921, as amended, an antidumping investigation was being initiated with respect to multimetal lithographic

plates from Mexico, and that, pursuant to section 201(c)(2) of the act, information developed during the summary investigation led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such lithographic plates into the United States from Mexico. Accordingly, the Commission on April 27, 1976, instituted inquiry AA1921-Inq.-4 under section 201(c)(2) of the act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on May 6, 1976. Public notice both of the institution of the inquiry and of the hearing was duly given by posting copies of the notice at the Secretary's Office in the Commission in Washington, D.C., and at the Commission's Office in New York City, and by publishing the original notice in the FEDERAL REGISTER on April 29, 1976 (41 F.R. 17977).

The Treasury instituted its investigation after receiving a properly filed complaint on March 24, 1976, from Printing Developments, Inc., Racine, Wisconsin. The Treasury's notice of its antidumping proceeding was published in the FEDERAL REGISTER of April 27, 1976 (41 F.R. 17581).

On the basis of its inquiry with respect to imports of multimetal lithographic plates from Mexico—the subject of the antidumping investigation initiated by the Treasury—the Commission (Commissioners Leonard, Minchew, Moore, Bedell, Parker, and Ablondi) determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

STATEMENT OF REASONS

The United States International Trade Commission on April 27, 1976, instituted inquiry AA1921-Inq.-4 under section 201(c)(2) of the Antidumping Act, 1921, as amended. The purpose of this 30-day inquiry was to determine whether "there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation" into the United States of multimetal lithographic plates from Mexico, which are the subject of a pending Department of the Treasury (Treasury) investigation under section 201(a) of the Antidumping Act, 1921, as amended.

DETERMINATION

On the basis of the evidence developed during the course of this 30-day inquiry, the Commission unanimously determines that there is no reasonable indication

that an industry in the United States is being or is likely to be injured, or is prevented from being established,¹ by reason of the importation of multimetal lithographic plates into the United States from Mexico.

DISCUSSION

The Commission is not to determine in this inquiry whether an industry in the United States is in fact experiencing injury or likelihood thereof such as would be the situation during the course of an investigation under section 201(a). Nor is the Commission to speculate as to whether evidence will be adduced at a later time which would demonstrate such injury. Rather, in this inquiry, pursuant to section 201(c)(2), if the Commission, on the basis of the evidence before it, finds no reasonable indication of injury or likelihood thereof, then an affirmative determination to that effect must follow. Furthermore, if the Commission finds no reasonable indication that any injury or likelihood thereof is by reason of the possible sales at less than fair value (LTFV) of the merchandise which is the subject of the Treasury's investigation, an affirmative determination must also follow. In either case of an affirmative finding, the proceedings before Treasury are terminated.

In this inquiry, the evidence clearly demonstrates that whatever the indications of injury or likelihood thereof may be at this time, there is no reasonable indication that an industry in the United States is experiencing any injury or likelihood thereof by reason of any possible LTFV sales of multimetal lithographic plates from Mexico.

In order to determine whether there is no reasonable indication of injury or likelihood thereof, we have determined that the U.S. industry most generally competitive with the Mexican imports which are the subject of the Treasury investigation, and hence most likely to be adversely affected by such imports, consists of the domestic producers of sensitized and nonsensitized multimetal plates and, at least to some degree, deep-etched and long-run photopolymer-type plates.² The complainant in this inquiry accounted for more than three-fourths of the sales of total multimetal plates by

¹ The question of no reasonable indication of the prevention of establishment of an industry was not an issue in this inquiry.

² Commissioner Leonard does not join in the description of the U.S. industry set out in the text, considering it unnecessary to specifically define any such industry. Whether the U.S. industry (or industries) considered by the Commission in this inquiry is large (for example, consisting of the domestic facilities devoted to production of all lithographic plates) or small (for example, consisting of the domestic facilities devoted to the production of only nonsensitized multimetal lithographic plates) or somewhere in between these extremes, the determination in this inquiry is unchanged, since the evidence before the Commission demonstrates that the imported product under consideration is not a cause of injury or likelihood thereof to any such domestic industry.

domestic producers in 1975. The remaining producers of such merchandise did not join the complainant in this proceeding.

On the basis of information furnished to and gathered by the Commission during this inquiry, the ratio of import sales to total consumption of the plates considered competitive with the Mexican imports possibly sold at LTFV is approximately 3 percent. However, minimal imports possibly sold at LTFV is approximately 3 percent. However, minimal import penetration in itself is not sufficient to conclude that there is no reasonable indication of injury or likelihood thereof. Other indicators of injury and the causal relationship of such injury to the alleged LTFV imports must be examined.

The only information regarding the complainant's profits was furnished by the complainant to the Treasury and the Commission. During the period January 1973 through June 1975, the complainant's profits in its Plate and Chemical Division, the facility which primarily accounts for the production of lithographic plates, reflect a reasonable return on sales. Indeed, sales by the domestic producers in the U.S. market increased substantially from January-March 1975 to January-March 1976.

Other indicators of injury were suggested by the complainant e.g., unemployment, lost sales, and underselling. However, the complainant did not provide the Commission with the evidence it requested which would support the complainant's contention that these indicators represent some evidence of injury. Moreover, the Commission could not find sufficient information, as a result of its investigation during this inquiry, to support the complainant's claims before the Commission with respect to these indicators.

With regard to the employment situation in the domestic industry, the evidence before the Commission does not lead to the conclusion that any unemployment was reasonably related to the possible less-than-fair-value imports from Mexico. Further, the record clearly indicates that the initial price of multimetal lithographic plates most comparable to the Mexican imports is not the major factor in the decision as to whether to purchase a Mexican or a domestic lithographic plate. Also, purchasers accounting for the bulk of the purchases of the imports under consideration which complainant claims displaced domestic sales were contacted by the Commission staff. Such purchasers indicated that their preference for Mexican lithographic plates was based upon quality rather than price considerations.

On the basis of information received by the Commission from Treasury, all or part of the Mexican imports which are the subject of this inquiry have possibly been sold at LTFV, and the possible LTFV margins of dumping were significant. However, the evidence before the Commission reveals that the imported plates from Mexico have not undersold

the domestic plates that can be considered comparable in the U.S. marketplace.

There is also no reasonable indication that the domestic industry is likely to be injured by the subject Mexican imports. As previously noted, sales by the domestic producers in the U.S. market increased substantially from January-March 1975 to January-March 1976. Further, information before the Commission indicates that the Mexican industry producing the imported product under consideration is operating at full capacity. Moreover, imports of multi-metal lithographic plates from Mexico are presently decreasing rather than increasing.

By order of the Commission.

Issued: May 25, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-15469 Filed 5-26-76; 8:45 am]

LEGAL SERVICES CORPORATION COMMITTEE ON APPROPRIATIONS & AUDIT COMMITTEE ON PROVISION OF LEGAL SERVICES BOARD OF DIRECTORS

Time Change of Meetings

The Committee on Appropriations and Audit and the Committee on Provision of Legal Services of the Legal Services Corporation Board of Directors will meet at 9:30 a.m. on Thursday, June 3, 1976 in the Cloyd Heck Marvin Center, George Washington University, 800—21st Street, N.W., Washington, D.C.

The Committee on Appropriations and Audit will meet in room 426 to discuss budget and related matters.

The Committee on Provision of Legal Services will meet in room 406 to discuss the study of provision of legal services.

Both meetings are open to the public. The meeting of the Board of Directors, originally scheduled for 9:00 a.m., June 3, 1976, will begin at 12 noon in room 426.

THOMAS EHRLICH,
President.

[FR Doc.76-15452 Filed 5-26-76; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-48]

LICENSING MANAGEMENT CORP.

Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 C.F.R. 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Licensing Management Corporation, New York, New York, an exclusive patent license in Canada, France, Great Britain, Italy, Japan, Sweden and West Germany for the NASA owned invention covered by the foreign counterparts of U.S. Patent Application Serial No. 583,485 for "Sus-

tained Arc Ignition System", filed by NASA on June 3, 1975. Copies of the above U.S. Patent Application can be purchased from the National Technical Information Service, Springfield, Virginia 22150, at a cost of \$3.50 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautic and Space Administration, Washington, D.C. 20546.

Dated: May 21, 1976.

GERALD J. MOSSINGHOFF,
Acting General Counsel.

[FR Doc.76-15406 Filed 5-26-76; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-31-1]

AMERSHAM/SEARLE CORP.

Filing of Petition for Rule Making

Notice is hereby given that the Amersham/Searle Corporation, 2636 S. Clearbrook Drive, Arlington Heights, Illinois, by letter dated April 23, 1976, has filed with the Nuclear Regulatory Commission, a petition for rule making.

The petitioner requests the Commission to amend its regulation "General Licenses for Byproduct Material," 10 CFR 31 by adding the following paragraph (a) (6) to § 31.11, General License for use of byproduct material for certain in vitro clinical or laboratory testing:

(a) (6) Selenium-75 in units not exceeding 10 microcuries each, for use in in vitro clinical laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings, or animals.

The petition states that the basis for the request is an Amersham/Searle product used for the assay of cortisol in human serum or heparinized plasma which provides valuable information to the clinician in the diagnosis of a number of diseases and abnormal conditions involving the adrenal gland.

The petitioner states further that the use of beta-emitting radioisotopes such as carbon-14 or tritium as labels for the cortisol requires liquid scintillation counting methods not widely available in hospitals and clinics, and that certain selenium labeled chemical compounds have an advantage over the corresponding iodine-125 labeled materials in that it is not necessary to modify the original material chemically before it can be labeled.

The petitioner also expresses the view that the use of selenium-75 as a label for the cortisol allows the use of conventional gamma counting equipment, provides a more stable label, and the addition of selenium-75 to the general license of section 31.11 would not appear to increase the radiation exposure hazard to clinical personnel.

A copy of the petition for rule making is available for public inspection in the

Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by July 26, 1976.

Dated at Washington, D.C. this 21st day of May 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-15474 Filed 5-26-76; 8:45 am]

ARKANSAS POWER AND LIGHT CO.

[Docket No. 50-388]

Availability of NRC Draft Environmental Statement for Arkansas Nuclear One-Unit 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement, prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of Arkansas Nuclear One-Unit 2 located in Pope County, Arkansas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Arkansas Polytechnic College Library, Russellville, Arkansas. The Draft Environmental Statement is also being made available at the Arkansas Department of Planning, 400 Train Station Square, Little Rock, Arkansas, and the West Central Arkansas Planning and Development District, Municipal Building, Hot Springs, Arkansas. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

The applicant's Environmental Report, as supplemented, submitted by Arkansas Power and Light Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on April 23, 1974 (39 FR 14371).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the applicant's Environmental Report, as supplemented, and on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the applicant's Environmental Report and the Draft Environmental Statement

(local agencies may obtain these documents upon request). Comments are due by July 12, 1976. Comments by Federal, State and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Arkansas Polytechnic College Library in Russellville, Arkansas. Upon consideration of these comments, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

Dated at Rockville, Maryland, this 20th day of May 1976.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects
Branch 2, Division of Site
Safety and Environmental
Analysis.

[FR Doc.76-15475 Filed 5-26-76;8:45 am]

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-53 issued to Baltimore Gas and Electric Company which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Plant, Unit 1, located in Calvert County, Maryland. The amendment is effective 30 days following the date of issuance.

The amendment revises the location of temperature sensors from the condenser outlet pipes to the discharge tunnels and will provide a more representative measurement of true average discharge temperature.

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. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

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 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) the application for amendment dated December 8, 1975, and (2) Amendment No. 14 to License No. DPR-53. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland. A copy of item 2 may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 20th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects
Branch 1, Division of Site
Safety and Environmental
Analysis.

[FR Doc.76-15473 Filed 5-26-76;8:45 am]

[Docket No. 50-324]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-62 for operation of Unit 2 of the Brunswick Steam Electric Plant, located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment allows an eight month delay in the installation of cooling towers from May 1, 1978 to a date corresponding to three years of plant operation estimated to be January 1, 1979.

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 on 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal to amend Facility Operating License DPR-62 and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Brunswick Steam Electric Plant published in January 1974, and that a negative declaration to this effect is appropriate.

For further details with respect to this action see (1) the application for the

amendment dated August 13, 1975 and March 30, 1976; and (2) Amendment No. 15 to License No. DPR-62; and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina.

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 Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 18th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects
Branch 1, Division of Site
Safety and Environmental
Analysis.

[FR Doc.76-15471 Filed 5-26-76;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 16 and 15 to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendment modifies the Technical Specification regarding the requirements for certain surveillance test frequencies. The modifications clarify the wording of the specified test frequencies but do not change the original intent of the specifications.

The application for the amendments 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. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 19, 1974, (2) Amendments Nos. 16 and 15 to Licenses Nos. DPR-31 and DPR-41 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 N.W., Washington, D.C. and at the Environmental & 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 17th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc.76-15476 Filed 5-26-76; 8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Drafts for Public Comments

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will include five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. Following this, an IAEA Technical Review Committee reviews the preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States.

IAEA Safety Guide, SG-D1, "Safety Functions and Component Classification for BWR, PWR and PTR," is being developed and the NRC staff is soliciting comments on the present draft of this guide from the U.S. public.

Comments were previously solicited (40 FR 55395, November 28, 1975) on an earlier draft of this guide that was prepared by an IAEA Working Group. The earlier draft was reviewed and modified at meetings of the IAEA Technical Review Com-

mittee on Design on January 12-16, 1976 and March 29-April 2, 1976.

As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Senior Advisory Group at a meeting in Vienna, Austria on August 30-September 3, 1976. Comments received by July 16, 1976 will be useful to this review. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland, this 14th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-15477 Filed 5-26-76; 8:45 am]

[Docket No. 50-363A]

JERSEY CENTRAL POWER & LIGHT CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

JERSEY CENTRAL POWER & LIGHT COMPANY
(Forked River Nuclear Generating
Station, Unit No. 1)

This action is in reference to the "Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" published in the FEDERAL REGISTER on October 9, 1971.

The members of the Board are:

Daniel M. Head Esq., Chairman, Atomic
Safety and Licensing Board Panel, U.S.
Nuclear Regulatory Commission, Wash-
ington, D.C. 20555.

Hugh K. Clark, Esq., Member, P.O. Box
127A, Kennedyville, Maryland 21845.
Sheldon J. Wolfe, Esq., Member, Atomic
Safety and Licensing Board Panel, U.S.
Nuclear Regulatory Commission, Wash-
ington, D.C. 20555.

Dated at Bethesda, Maryland this 21st
day of May 1976.

ATOMIC SAFETY AND LICENS-
ING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-15478 Filed 5-26-76; 8:45 am]

[Docket No. 50-238]

MARITIME ADMINISTRATION

Issuance of Amendment to Amended Facility License

Notice is hereby given that the U.S.
Nuclear Regulatory Commission (the

Commission) has issued Amendment No. 8 to Amended Facility License No. NS-1 issued to the Maritime Administration (the licensee) for the pressurized water nuclear reactor facility located aboard the NUCLEAR SHIP SAVANNAH. The amendment is effective as of its date of issuance.

The amendment authorizes the licensee to possess, but not operate the facility, and incorporates revised Technical Specifications which provide for the maintenance of the retired facility.

The amendment authorizes the license 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. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

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 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) the application for amendment dated March 17, 1976, as supplemented April 13, and 21, 1976, (2) Amendment No. 8 to License No. NS-1, 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.

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
19th day of May, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of
Operating Reactors.

[FR Doc.76-15479 Filed 5-26-76; 8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S.
Nuclear Regulatory Commission (the
Commission) has issued Amendment
No. 15 to Facility Operating License No.
DPR-50 issued to Metropolitan Edison
Company, Jersey Central Power and
Light Company and Pennsylvania Elec-
tric Company, which revised Technical
Specifications for operation of the Three
Mile Island Nuclear Station, Unit 1, lo-
cated in Dauphin County, Pennsylvania.

The amendment is effective as of its date of issuance.

The amendment provides for (1) the removal of surveillance capsules during Cycle 2, (2) the rescheduling of the surveillance program to conform with 10 CFR Part 50, Appendix H, and (3) the clarification of other requirements.

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. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 1 CFR 51.5(d) (4) an environmental 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) the application for amendment dated March 23, 1976, (2) Amendment No. 15 to License No. DPR-50, 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 Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

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 14th day of May 1976.

For the Nuclear Regulatory Commission,

VERNON L. ROONEY,
Acting Chief, Operating Reactors
Branch No. 4, Division of
Operating Reactors.

[FR Doc.76-15480 Filed 5-26-76; 8:45 am]

[Docket No. 50285]

OMAHA PUBLIC POWER DISTRICT

Notice of 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-40 issued to Omaha Public Power District (the licensee), for operation of the Fort Calhoun Station Unit No. 1, located in Washington County, Nebraska.

In accordance with the licensee's submittal dated April 19, 1976, the amendment would relate to the expansion of the spent fuel storage pool. The licensee proposes to install 305 additional storage

locations in the present spent fuel pool, increasing its capacity from 178 fuel assemblies to 483 fuel assemblies.

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 June 28, 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 Hope Babcock, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N 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 April 19, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln

Street, Blair, Nebraska 68008. 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 18th day of May 1976.

For the Nuclear Regulatory Commission,

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.

[FR Doc.76-15472 Filed 5-26-76; 8:45 am]

REGULATORY GUIDE Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.20, Revision 2, "Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Initial Startup Testing," presents a method acceptable to the NRC staff for implementing requirements for assessing the design and performance of the internals of light-water-cooled reactors during pre-operational and initial startup testing. This guide was revised as the result of comments from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 17th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,

Office of Standards Development.

[FR Doc.76-15482 Filed 5-26-76;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station, located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment (1) changes operating limits in the Technical Specifications based upon an acceptable evaluation model that conforms to the requirements of 10 CFR 50.46; (2) terminates restrictions imposed on the facility by the Commission's December 27, 1974 Order for Modification of License; (3) changes surveillance requirements for the structural integrity of the reactor building; and (4) updates the corporate organization chart in the Technical Specifications.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37110). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Rancho Seco Nuclear Generating Station, issued in March 1973 and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the applications for amendment dated July 8, 1975, as supplemented March 12, May 8, August 1, October 15, November 17, and November

25, 1975; May 23, 1975; and March 10, 1976, Amendment No. 4 to License No. DPR-54, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California.

A copy of items (2), (3) and (4) 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 19th day of May, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of
Operating Reactors.

[FR Doc.76-15481 Filed 5-26-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON WESTINGHOUSE WATER REACTORS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Westinghouse Water Reactors will hold a meeting on June 16, 1976 in Room 1046, 1717 H St., N.W., Washington, DC 20555. The purpose of this meeting is to discuss the Westinghouse Reference Safety Analysis Report-3S (RESAR-3S) pertaining to the Westinghouse Nuclear Steam Supply System.

The agenda for the subject meeting shall be as follows:

Wednesday, June 16, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above evaluation.

9:15 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Westinghouse Electric Corporation, and their consultants, and will hold discussions with these groups pertinent to its review.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative session, it may be necessary for the Sub-

committee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 9, 1976 to Mr. Richard Savio, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 15, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1920, Attn: Mr. Richard Savio) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Richard Savio, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 23, 1976 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555, after September 16, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: May 25, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Office.

[FR Doc.76-15639 Filed 5-26-76; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on June 17, 1976 in Room 1046, 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to discuss changes to the Combustion Engineering, Inc. evaluation model such as the geometry correction method for extrapolating FLECHT reflood heat transfer coefficients to 16 x 16 fuel bundle geometry, to discuss planned improvements to emergency core cooling systems, and to discuss the status of development of a "best estimate" evaluation model.

The agenda for the subject meeting shall be as follows:

Thursday, June 17, 1976, 8:30 a.m. until the conclusion of business. The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by the NRC Staff and by representatives of Combustion Engineering, Inc.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative session, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed session to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleting open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 10, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identify-

ing the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 16, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 24, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after September 17, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: May 25, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.76-15640 Filed 5-26-76; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on June 15, 1976 in Room 1046, 1717 H Street, NW, Washington, DC 20555. The purpose of this meeting is to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria.

The agenda for the subject meeting shall be as follows:

Tuesday, June 15, 1976, 8:30 a.m. until the conclusion of business. The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by the NRC Staff and by representatives of the Westinghouse Electric Corporation.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative session, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 8, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 14, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be avail-

able for inspection on or after June 22, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after September 15, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: May 25, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 76-15641 Filed 5-26-76; 8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Issuance of Amendment to Provisional Operating License and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Provisional Operating License No. DPR-22 issued to Northern States Power Company which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota. The amendment is effective as of July 1, 1976, for Interim Technical Specifications. The section regarding Environmental Radiation Monitoring Program is effective as of its date of issuance except the Air Particulate Monitoring Program which will become effective 120 days after the date of issuance.

The amendment permits the Northern States Power Company (the licensee) to operate the Monticello Nuclear Generating Plant with new Limiting Conditions for Operation related to liquid and gaseous radwaste releases from the plant that have been stipulated by all parties in the ongoing Atomic Safety and Licensing Board hearing. The amendment also permits the licensee to modify its radiation environmental monitoring program in accordance with the Commission's requirements.

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. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Monticello Nuclear

Generating Plant published in November 1972, and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the applications for amendments dated October 15, 1975, and March 1, 1976, (2) Amendment No. 21 to License No. DPR-22, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 20th day of May 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects
Branch 3, Division of Site
Safety and Environmental
Analysis.

[FR Doc.76-15642 Filed 5-26-76;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Issuance of Amendment 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-36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment makes changes in the Maine Yankee Technical Specifications related to the surveillance requirements for safety related instrumentation and control systems.

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. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

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 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) the application for amendment dated November 13, 1975, (2) Amendment No. 20 to License No. DPR-36, 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, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

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 19th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc.76-15643 Filed 5-26-76;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Notice of Issuance of Amendment to Facility Operating License and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to establish operating limits for TMI-1 as reloaded for cycle 2 operation based upon an acceptable Emergency Core Cooling System evaluation model conforming to the requirements of 10 CFR 50.46, and terminates the operating restrictions imposed by the Commission's December 27, 1974 Order for Modification of License.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notices of Proposed Issuance of Amendment to Facility Operating License in connection with this action were published in the FEDERAL REGISTER on September 30, 1975 (40 FR 44896) and March 8, 1976 (41 FR 9938). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the re-

vised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Three Mile Island Nuclear Station, Unit No. 1, issued in December 1972, and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the applications for amendment dated August 8, 1975, as supported by filings dated July 9 and 15, 1975, and October 23, 1975; and January 13, 1976, as amended February 11, 1976, and April 2, 1976, and supported by filings dated January 23, 1976, April 5 and 8, 1976, (2) Amendment No. 17 to License No. DPR-50, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2), (3), and (4) 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 18th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc.76-15644 Filed 5-26-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.) the ACRS Environmental Subcommittee will hold a meeting on June 11, 1976 in Room 1046, 1717 H St., N.W., Washington, D.C. 20555. This meeting will be closed to the public.

The Subcommittee will meet in closed session with its consultants, members of the NRC Staff and NRC Staff consultants to review working papers pertaining to proposed Plutonium Dose Calculation Methodology. In connection with this matter, the Subcommittee 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 June 4, 1976 to Mr. R. Muller, ACRS, NRC, Washington, D.C. 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 a review and discussion of NRC internal working papers which are exempt from disclosure under 5 U.S.C. 552(b)(5). I have further determined that this session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, could fall within exemption 5 U.S.C. 552(b)(5). 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 Subcommittee and Agency operation.

Dated: May 25, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 76-15698 Filed 5-26-76; 9:34 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON INDUSTRIAL SECURITY AND SAFEGUARDS FOR SPECIAL NUCLEAR MATERIAL

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 232 b.) the ACRS Subcommittee on Industrial Security and Safeguards for Special Nuclear Material will hold a meeting on June 17, 1976 at the O'Hare American Inn, 2175 E. Touhy Ave., Des Plaines, IL 60018. This meeting will be closed to the public.

The Subcommittee will meet in closed session with its consultants, members of the NRC Staff and NRC Staff consultants to discuss current design provisions that could reduce the possibility and consequences of sabotage and to exchange preliminary views on possible alternative designs. In connection with this matter, the Subcommittee 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 June 10, 1976, to Mr. John C. McKinley, 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 the Subcommittee and Agency operation.

Dated: May 25, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 76-15699 Filed 5-26-76; 9:45 am]

[License No. XSNM-805, Docket No. 70-2071;
License No. XSNM-845, Docket No. 70-2131]

EDLOW INTERNATIONAL CO.

Agent for the Government of India on Application To Export Special Nuclear Material

On March 2, 1976, three organizations (Sierra Club, Natural Resources Defense Council, Inc., and the Union of Concerned Scientists) (Petitioners) filed a petition with the Nuclear Regulatory Commission (Commission) seeking to intervene in these licensing proceedings for the export of low-enriched uranium fuel for use in the Tarapur Atomic Power Station near Bombay, India. After an exchange of written pleadings between Petitioners, the Department of State and the Commission Staff, the Commission held a preliminary hearing on the procedural issues posed by the Petitioners on March 17th.

After a thorough review of the oral and written record in this matter the Commission issued its Opinion on the preliminary issues on May 7, 1976. Among other things, the Opinion denied the Petitioners standing to intervene in this proceeding as a matter of right under Section 189 of the Atomic Energy Act of 1954. However, the Commission decided, as a matter of discretion, to hold a legislative type hearing on the issues raised in connection with these license applications. An appropriate Notice of Hearing which specified that the hearing would commence on June 2, 1976 and set forth time periods for filing of comments and questions was published in the FEDERAL REGISTER on May 17, 1976 (41 FR 20232).

On the same day that the Commission's notice of hearing was served on the participants, the Petitioners filed a motion seeking deferral of the date on which proposed testimony for the hearing was due until July 8, 1976, a period of forty-five (45) days, with the hearing to follow. The response of the Department of State to Petitioners' motion included further information from the Indian Government concerning fuel supply conditions at the Tarapur Atomic Power Station, to the effect that the quantities of material reflected in the present application XSNM-805 would not

be sufficient to sustain the requirements of the nuclear fabrication process supporting the Tarapur reactor during the period of delay Petitioners proposed. The Department of State and Petitioners agreed that, in order to permit an extension of time adequate for preparation for hearings, the license application filed for XSNM-805 would be amended to include some of the material covered by the application for XSNM-845, and Petitioners would raise no further objection to the granting of License No. XSNM-805 as amended. The agreement between the participants included the provision that "[n]either petitioners nor the State Department waive any legal arguments with respect to License No. XSNM-845." Both the NRC staff and the Edlow International Company, as agent for the Government of India, have agreed to the conditions set forth in the response of the Department of Justice (representing the Department of State).

In light of the foregoing, the Commission believes that an extension of time would be appropriate in these proceedings. In the meantime, it expects to proceed expeditiously to a decision on amended license application No. XSNM-805, as its May 7 Opinion indicated might occur. Therefore, the Notice of Hearing is hereby amended so as to include the following:

1. The time for receipt of written comments by participants and for written comments and/or suggested questions by other persons is extended to July 8, 1976. These comments shall include the text of any factual or other statements intended to be presented at the oral hearing.

2. Rebuttal materials and/or suggested questions to be asked of proposed witnesses by the present participants should be received by July 16, 1976.

3. The oral hearing in this matter will be rescheduled to begin at 10:00 a.m., July 20, 1976 in Room 1115, 1717 H Street, N.W., Washington, D.C.

4. Individuals other than the present participants and the Government of India who desire to be participants in the oral hearing should file with the Commission a statement as to their interest in appearing at the oral hearing, including an indication of any unique or particular contribution they would be able to make thereto. This statement may be filed on or before June 17. The Commission will promptly decide whether to admit such new participants to the oral portion of the proceeding and will notify each individual of its decision.

The Commission intends to act expeditiously in its review and consideration of the amended license application XSNM-805. Neither the decision on the request for extension of time reflected in this amended Notice of Hearing, nor any decision on amended license XSNM-805 will bind the Commission's judgment or the issues to be considered in the forthcoming hearing and decision.

Dated at Washington, D.C. this 25th day of May, 1975.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary
of the Commission.

[FR Doc.76-15700 Filed 5-26-76;9:34 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-453]

AIRCRAFT ACCIDENT—ST. THOMAS, VIRGIN ISLANDS

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:00 a.m., (local time) on July 13, 1976, in the Convention Hall of the Frenchman's Reef-Holiday Inn, St. Thomas, Virgin Islands.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving an American Airlines, Inc., Boeing 727, N1963, which occurred April 27, 1976, on the Harry S Truman Airport, St. Thomas, Virgin Islands.

JAMES W. KUEHL,
Senior Hearing Officer.

MAY 19, 1976.

[FR Doc.76-15508 Filed 5-26-76; 8:45 am]

[N-AR 76-22]

SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Safety Recommendations. Results of investigation in the past few years of five major highway accidents involving tractor-semitrailers prompted the National Transportation Safety Board to issue, May 19, recommendation No. H-76-16 to the Federal Highway Administration. In each accident under consideration, the semitrailer had become separated from its tractor during rollover because either the fifth-wheel assembly or its attachment to the tractor frame failed. Accordingly, the Safety Board has recommended that FHA develop information regarding both the initiation of rollover and the severity of tractor-semitrailer rollover accidents. If this information supports the Board's belief that combinations should remain attached so that they can resist overturn and so that the consequences of a rollover will be less severe, FHA is asked to revise 49 CFR 393.70(b) to reflect the requirement that all fifth wheels and their attachments to tractor frames which are manufactured after January 1, 1978, be upgraded to insure that they can resist tractor-semitrailer separation during rollover.

Three Class I (urgent followup) recommendations were issued by the Safety Board on May 20 to the Arizona Public Service Company. The recommendations,

Nos. P-76-17 through P-76-19, followed Board investigation of the explosion and burning of a house in Phoenix, Arizona, last February 8. Investigation disclosed that natural gas at 39-psig pressure had leaked from the compression-coupled connection of a 2-inch plastic pipe located 10 feet from the house in an alley. The 2-inch pipe appeared to have been inserted insufficiently through the gasket and into the coupling. Gas which leaked from this joint was trapped from above by heavily compacted soil; it consequently seeped into the house, where it was ignited by an unknown source, according to the Board. After reviewing the Arizona Public Service Company's leak experience and written procedures, the Safety Board has recommended that the company (1) determine the number of similar plastic pipe coupling installations in their facilities, excavate and inspect a statistically representative sample of these to determine whether they have been installed correctly, take remedial action on any deficient installations found during the sampling and based upon results of the sampling institute necessary corrective action; (2) develop comprehensive construction standards for the installation of compression couplings for each type of pipe for which each type of fitting will be used; and (3) train employees who will install compression couplings under the standards developed and monitor their performance by inspecting their work.

Letters in Response to Safety Board Recommendations. Addressees of previous recommendations in the marine, highway, pipeline, and railroad transport modes last week supplied the following replies: From the U.S. Department of Transportation—

Coast Guard—Letter of May 7 updates response to recommendation M-75-8 issued as a result of the entanglement of the submersible *Johnson Sea Link* with submerged wreckage off Key West, Florida, on or about June 17, 1973. The recommendation asked that the Coast Guard and the U.S. Navy collaborate in a research and development program to develop the capability for civilian submersible rescue operations within the Coast Guard. Coast Guard's reply indicates that a study of worldwide submersible resources has been jointly funded by the Navy and Coast Guard and should be published this year. Also, the Navy, Coast Guard, and National Oceanic and Atmospheric Administration will sponsor a submersible safety seminar in 1977. No further joint projects are currently planned, but close liaison with the Navy will be maintained. (Reference report No. USCG/NTS B-MAR-75-2, March 12, 1975.)

Federal Highway Administration—Letter of May 14 acknowledges receipt of recommendations H-76-11 through H-76-15 (41 FR 20747, May 20, 1976) and promises a substantive reply within 90 days on the merits of the recommendations and the action to be taken thereon.

Materials Transportation Bureau, Office of Pipeline Safety (OPSO)—Letter

of May 10 concerns recommendations P-75-7 through P-75-11 which resulted from the June 4, 1974, pipeline failure in the Transcontinental Gas Pipe Line Corporation (TRANSCO) system near Bealeton, Virginia. (See 40 FR 36638, August 21, 1975.) Concerning recommendation P-75-7, OPSO, after discussions held with the American Gas Association and various operators, states, " * * * it is apparent that crossover lines including their valves are installed in looped natural gas transmission systems principally for economic purposes, such as increased looped line capacity or increased system efficiency." OPSO believes that it would be inappropriate to develop additional regulations concerning crossover lines and valves. However, OPSO is presently evaluating a recent contract study report on rapid shutdown of failed pipeline systems, the study relating to the advantages and disadvantages of the use of automatic valves.

In commenting on P-75-8, OPSO states that it has reviewed the requirements of Part 192 relative to providing warnings of pipeline failures and cites 18 sections of that regulation relating directly or indirectly to the ability of a pipeline system to be controlled. OPSO believes that the existing requirements for pressure controls and relief devices for compressor stations and valves, the required operating and maintenance plans, and the periodic maintenance procedures of such devices and plans are presently adequate to provide warnings of pipeline failures. In OPSO's opinion, additional requirements relative to failure alarms would not improve safety sufficiently to compensate for the expense or loss in operating economics and flexibility of system operation. No further action is planned by OPSO. In answer to recommendations P-75-9 through 11, the letter details the joint activities of OPSO and TRANSCO subsequent to the Bealeton accident to accomplish effectively the action recommended by the Safety Board. OPSO notes that TRANSCO personnel have been instructed, in the event of a line failure, immediately to shut down the immediate upstream compressor station to assist in proper identification of the failed line. OPSO states that open crossovers improve system efficiency, but make line break sensing and operation of automatic valve closing devices more difficult. TRANSCO, in an effort to minimize this problem, has closed crossovers wherever possible without serious loss in system efficiency. At this time, TRANSCO has 80 percent of its crossovers closed, according to OPSO. Further, TRANSCO has equipped or has scheduled to equip all main line block valves and normally open crossover valves with automatic shutdown devices, and is in the process of modifying the control of crossover valves.

With specific reference to recommendations P-75-10 and 11, OPSO notes that TRANSCO has ascertained that the existing pipeline failure alarm system at compressor stations will function properly, and OPSO agrees with TRANSCO

that a redesign of their failure alarm system is not necessary. TRANSCO is installing dial-type pressure gauges which will be easily visible to operation personnel for simultaneous display of pressure conditions for each line entering or leaving a compressor station. Also, according to OPSO, TRANSCO plans to install a rate-of-pressure drop alarm on the suction and discharge headers at each compressor station as a backup for the existing alarm system.

Urban Mass Transportation Corporation—Letter of May 6 concerns recommendation H-75-39 issued following the Safety Board's special investigation of the UMTA prototype bus fire near Phoenix, Arizona, May 13, 1975. (See 41 FR 4366, January 29, 1976.) The Board recommended that UMTA burn one or more of the prototype buses to establish the rate at which nonlife-supporting environments develop in the bus passenger compartment. UMTA, concluding that little or no benefit would be gained by carrying out a burn test program, states, "What is needed is not further confirmation that current usage does not promote adequate fire safety but rather a beginning toward improved design practice." In response to the need for improved test and qualification specifications for materials used in mass transit systems, UMTA is preparing flammability, toxicity, and smoke-producing guideline specifications for these materials. According to UMTA, "Once these are completed we plan to make the conformance to the specifications one of the conditions for approval of the funding of vehicle procurements under the capital assistance program."

From the National Railroad Passenger Corporation (Amtrak)—

Letter of May 6 is in response to recommendations R-72-27 and R-74-4 and 5, issued after the Safety Board investigated accidents involving, respectively, Amtrak trains near Collinsville, Oklahoma, April 5, 1971 (NTSB-RHR-72-1) and at Melvern, Kansas, July 5, 1974 (NTSB-RAR-75-1). Re recommendation R-72-27, the Amtrak letter lists 11 measures undertaken to correct injury-causing features in its passenger cars. Corrective features applied to many of Amtrak's older cars include: Carpeted floors, wainscote panels, ceilings and end bulkheads; windows having one pane of polycarbonate, not only to protect passengers from objects striking windows, but to help keep passengers from falling through windows of overturned cars; and emergency lights which come on when trainline electric power is interrupted. Amtrak states that completely rebuilt cars will include all 11 corrective features to the extent feasible, although no rebuilding is currently being done. Concerning recommendation R-75-4, Amtrak states that all of the Metroliners, the 492 new Amfleet cars, and the 235 new bilevel cars have window sash designed for easy removal from the out-

side by merely "unzipping" the rubber glazing filler strip. A copy of Amtrak's instruction for emergency removal of window units is attached to the May 6 letter. In response to recommendation R-75-5, which required inclusion of the latest practical crashworthiness features when equipment is renovated or purchased, Amtrak states that its explanation relative to recommendation R-72-27 should be accepted as applicable with one addition—the Metroliners and all of Amtrak's new cars are designed without window shades. Window shades have been removed from a few renovated cars as well, according to Amtrak.

The two recommendation letters are available to the general public; single copies may be obtained without charge, as may single copies of accident reports referenced in recommendation responses. Copies of the letters in response to recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1907)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 24, 1976.

[FR Doc.76-15509 Filed 5-26-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 21, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

- Importers' Questionnaire—Acrylic Sheet, single-time, domestic importers, Laverne V. Collins, 395-5867.
- Purchasers' Questionnaire—Acrylic Sheet, single-time, domestic purchasers, Laverne V. Collins, 395-5867.
- Producers' Questionnaire—Acrylic Sheet, single-time, domestic manufacturers, Laverne V. Collins, 395-5867.

DEPARTMENT OF DEFENSE

Departmental and Other, A&E Firms Identification of Former Department of Defense Employees, single-time, top 25 A&E contractors with Department of Defense, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
SSI Impact Research Questionnaire—First Follow-Up SSA-8968, single-time, low income aged in Portland, Oregon, O. Louis Kincannon, 395-3211.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-15579 Filed 5-26-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearing of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 20, 1976 (44 U.S.C. 3509). The purpose of Publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Report on Program Utilization Section 8 Housing Assistance Payments Program New Construction and Substantial Rehabilitation, HUD-52684, monthly, project owners assisted under section 8, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

Report on Program Utilization, Section 8 Housing Assistance Payments Program, Existing Housing, HUD-52683, monthly, public housing agencies, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

REVISIONS

GENERAL SERVICES ADMINISTRATION

National Historical Sources Grant Program Financial Report, GSA2066, semi-annually, universities, historical societies, other non-profit organizations, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Application for Participation—National School Lunch, School Breakfast and Special Milk Programs, FNS66, on occasion, schools and school food authority, Burgess F. Guinn, 395-5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Grant Application for Advanced Institutional Development Program, OE 1049-1, annually, colleges, Lowry, R. L., 395-3772.

National Center for Education Statistics, Survey of Recent College Graduates, OE 2385, OE 2385-1, single-time, recent college graduates, Kathy Wallman, 395-6140.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration: Application for Individual Manufacturing Quota for a Basic Class of Controlled Substances, DEA 189, on occasion, manufacturers of controlled substances, Caywood, D. P., 395-3443.

Application for Procurement Quota for Controlled Substances, DEA 250, on occasion, manufacturers of controlled substances, Caywood, D. P., 395-3443.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Higher Education Panel, on occasion, institutions of higher education, Kathy Wallman, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education: Financial Status Report and Performance Report for Sec. 503 and 505, Title V-A, ESEA, OE 4439-1, annually, the 56 State education agencies, Lowry, R. L., 395-3772.

Terms of Agreement—Guaranteed Student Loan Program OE-413, other (see SF-83), institutions of higher education, Lowry, R. L., 395-3772.

Financial Status Report and Performance Report, Title V-C, Elementary and Secondary Education Act, 4533-2, annually, SEA's and LEA's, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Survey of Mortgage Lending Activity, HUD 136, monthly, 11 mortgage lending groups, Community and Veterans' Affairs Division, Sunderhauf, M. B., 395-3532.

Administration (Office of Assistant Secretary), Premium Reconciliation Premiums Billed to Mortgage, HUD 239, on occasion, mortgagees, Community and Veterans' Affairs Division, Sunderhauf, M. B., 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-15578 Filed 5-26-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 19, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Student Health Study Questionnaire, single-time, students and parents, Laverne V. Collins, Richard Eisinger, 395-5867.

DEPARTMENT OF COMMERCE

Bureau of Census: Survey of Work History and Job Search Activities of Persons not in the Labor Force, CPSI, 652, 6, single-time, 110,000 interviewed households in July and August, Strasser, A., 395-5867.

Residential Electric Utility Report and Letter, P-2, annually, public utility companies, George Hall, 395-6140.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service Sunflower Seed Inquiry, semi-annually, sunflower buyers and contractors, Hulett, D. T., 395-4730.

Food and Nutrition Service, Monthly Report of the Child Care Food Program and Summer Food Service Program for Children, FNS-44, monthly, State agencies, Human Resources Division, Lowry, R. L., 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, Flash Reporting of Selected Program Data, SRSNCSS124, monthly, State welfare/medical agencies, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Settlement Statement, HUD-1, on occasion, persons conducting real estate settlements, Community and Veterans Affairs Division, 395-3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Import Request (Meat, Poultry and Meat or Poultry Products), MP-410, on occasion, importers/brokers, Marsha Traynham, 395-4529.

Animal and Plant Health Inspection Service, Application for Approval of Label, Formulation or Device (Meat and Poultry Products), MP-480, on occasion, meat and poultry establishments, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-15577 Filed 5-26-76;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

Determination of Quarterly Rate of Excise Tax

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1976, shall be at the rate of twelve cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1976, 12.0 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 88.0 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: May 20, 1976.

By Authority of the Board.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.76-15453 Filed 5-26-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12457; File No. SR-DSE-76-3]

DETROIT STOCK EXCHANGE

Net Capital Rule

In the matter of proposed rule change by Detroit Stock Exchange.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 29, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Amendment of the rules of the Detroit Stock Exchange to conform net capital rules of the Exchange to those of S.E.C. Rule 15c3-1 (uniform net capital rule).

STATEMENT OF BASIS AND PURPOSE

The proposed amendment of the net capital rule was approved by the Governing Committee to conform the Rules of the Detroit Stock Exchange to those of the Uniform Net Capital Requirements under S.E.C. Rule 15c3-1 which became fully effective on January 1, 1976.

S.E.C. Rule 15c3-1, as amended, which became fully effective on January 1, 1976, adopted a uniform net capital rule by the securities industry and discontinued the previous exemption in the Commission net capital rule for members of designated national securities exchanges.

Comments on the proposed amendments were not solicited from members, participants or others and no unsolicited comments were received.

The proposed amendments would impose no burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or as to which the above-mentioned self-regulatory agency consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 19, 1976.

[FR Doc.76-15387 Filed 5-26-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

MAY 20, 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 May 21, 1976 through May 30, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15388 Filed 5-26-76;8:45 am]

[Release No. 34-12458; File No. SR-MSE-76-6]

MIDWEST STOCK EXCHANGE, INC.
Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 28, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Article XX of the Midwest Stock Exchange Rules would be revised as follows:

NET CAPITAL

Rule 3. (a) (1) A member organization using the facilities of the Midwest Clearing Corporation or Midwest Securities Trust Company (other than a registered specialist whose other securities activity is as a floor broker) or doing business with the public and a member or member organization acting as a registered floor trader, as a floor broker (except if its sole other securities activity is as a registered specialist) or introducing customer accounts to another broker or dealer shall at all times—

(i) Maintain net capital not less than that prescribed by SEC Rule 15c3-1 (17 CFR 240.15c3-1) and

(ii) Maintain subordinated cash borrowings and secured demand notes equal to or greater than 50% of its total subordinated borrowings to the extent that these subordinated borrowings are part of the debt equity total.

(2) A member organization shall promptly notify the Exchange if it ceases to be in compliance with the requirements of clause (1) of this paragraph (a) or if it becomes obligated to file monthly reports under paragraph (c) of this Rule. A member or member organization shall also promptly notify the Exchange of any material unsecured or partly secured loan, drawing in excess of share of profits, or other obligation owed to the member organization by (i) any person, including a subordinated lender, having a capital interest in the member organization, (ii) any partner, officer, director or employee of the member organization, or

(iii) any corporation, firm or entity in which any partner, officer, director or employee of the member organization holds office or has a material financial interest. Such notification may show such obligations owed to the member organization by category without personal identification, except that personal identification shall be made in respect to any person having such obligations equal to five percent or more of the member organization's debt equity total.

(b) *Specialist Capital Requirement.* (1) A member organization registered as a specialist who has no other securities activity other than as a floor broker must be able to assume a position of 1,000 shares in each common stock in which he is registered, 500 shares in each convertible preferred stock in which he is registered and 200 shares in each non-convertible preferred stock in which he is registered.

(2) Each member organization subject to this paragraph must be able to establish that it can meet with its own net liquid assets a minimum capital requirement which is the greater of \$100,000 or 25% of the position requirements as set forth in this paragraph. Withdrawals from the greater of these amounts may only be made with the permission of the Exchange. Such specialists must maintain net liquid assets no less than the greater of \$75,000 or 18.75% of the position requirements set forth in this paragraph. In the event that a specialist falls below the initial capital requirements but is above the maintenance capital requirement set forth herein, it shall furnish the Exchange such daily financial information as it shall be individually notified by the Department of Member Firms.

(3) The term "net liquid assets" is defined as the excess of cash, readily marketable securities and amounts due from clearing organizations utilizing a continuous net settlement system, over all liabilities other than satisfactory subordination agreements.

Readily marketable securities shall include securities in the trading, investment and specialist accounts of the member organization, capital accounts of partners and accounts of partners which are covered by agreements approved by the Exchange providing for the inclusion of equities therein as partnership property and borrowings covered by subordinated loan agreements approved by the Exchange, all of which must be marked to market whenever a financial statement is prepared. Securities contributed under a secured demand note will be valued at the lower of market value or the face amount of the secured demand note.

MONTHLY FINANCIAL STATEMENTS

(c) (1) Monthly financial statements consisting of FOCUS Part II or Part IIA Report shall be filed with the Exchange for a minimum period of three months unless otherwise specified in writing, by a member organization which:

(i) Fails to maintain net capital of at least 120% of the Exchange minimum requirements, or

(ii) Fails to maintain net capital equal to or greater than 8½% of its aggregate indebtedness, or 6% of its aggregate debits if it computes its net capital requirements under the alternative form, or

(iii) Fails to maintain equity equal to or greater than 36% of its debt equity total, or

(iv) Carries in the proprietary or other accounts of the member organization equity securities having a market value in excess of twice its debt equity total, or

(v) For a month had losses greater than 15% of the amount by which its net capital at the beginning of such month exceeds the Exchange minimum requirements, or for a consecutive three month period had losses exceeding 30% of the amount by which its net capital at the beginning of such period exceeds the Exchange minimum requirement, or

(vi) Has subordinated securities loans approved by the Exchange prior to September 1, 1975 in excess of 37½% of its debt-equity total, or

(vii) Has satisfactory subordination agreements maturing within the next six months which, if not renewed, would result in one of the above conditions, or

(viii) The Exchange otherwise determines that the member organization may be approaching financial or operational difficulty.

(2) In addition to the regular annual field examination that all member organizations receive, the Exchange will conduct such extraordinary field examinations of member organizations filing monthly reports pursuant to this paragraph as it shall determine to be necessary or appropriate for the protection of investors, other member(s) and member organizations and the Exchange.

(3) The term "debt equity total" shall have the same meaning ascribed to it in paragraph (d) of SEC Rule 15c3-1.

(4) The term "equity" shall have the same meaning ascribed to it in paragraph (d) of 17 CFR 240.15c3-1.

RESPONSIBILITY OF COMPUTATIONS OF NET CAPITAL REQUIREMENTS

(d) It shall be the responsibility of members and partners and officers of member organizations to effect consistent compliance by their respective organizations with the net capital requirements of the Exchange. The frequency of computations of net capital may be determined by the member organization, but failure to make adequate computations at reasonable intervals of time or under unusual conditions shall be subject to Exchange review and action. In no event shall a computation be prepared less frequently than once a month. All computations shall be retained for a period of not less than three years.

RESTRICTIONS ON OPERATIONS

(e) Whenever it shall appear to the President that a member organization obligated to file reports under paragraph (c) of this Rule is unable within a reasonable period, to maintain sufficient net capital to a point where it is no

longer obligated to file such reports, or that a member organization is carrying inventories which are excessive in relation to its capital, failing to maintain necessary operational personnel and facilities, or engaging in any other activity which casts doubt upon such member organization's continued compliance with the net capital requirements of the Exchange, the President may impose such conditions and restrictions upon the operations, business and expansion of such member organization and may require the submission of, and adherence to, such plan or program for the correction of such situation as he determined to be necessary or appropriate for the protection of investors, other members and member organizations and the Exchange. Each action taken under this Rule shall be reported promptly to the Chairman of the Board and the Chairman of the Executive Committee.

The following Rules 6 and 8 will be deleted entirely:

NET CAPITAL

Rule 6. "Net Capital" shall mean the excess over total liabilities of all assets of the member or member organization which can be readily converted into cash after:

(1) Reflecting the difference between the current market value and book value of all securities, long or short, in accounts which are to be considered as capital;

(2) Deducting from the market value of all securities, long or short, in accounts which are considered as capital, including each net long or short position resulting from existing contractual commitments;

(a) 0% on securities of the U.S. Government which mature within one year,

(b) 1½% on securities of the U.S. Government which mature from one to three years,

(c) 2½% on securities of the U.S. Government which mature after three years and on securities of states and political subdivisions thereof and of the government or political subdivision of the country of which the member is a citizen (if not the U.S.),

(d) 0% to 5% on non prime commercial paper,

(e) 10% on institutional bonds,

(f) 12½% on corporate bonds of the first four ratings of any nationally known statistical service,

(g) 30% of all other securities.

The foregoing and following percentages may be altered in the case of specific issues if, in the judgment of the Exchange, such adjustment may more properly reflect the liquidity of such issues. In the absence of other information satisfactory to the Exchange, the following percentages will apply:

(i) 50% of all securities which are not regularly quoted in daily financial newspapers and/or in which not less than three or more than six brokers or dealers other than respondent regularly make a market,

(ii) 100% of all securities which are not regularly quoted in daily financial newspapers and in which less than three brokers or dealers other than respondent regularly make a market or of which the sale is in any way restricted,

(h) 30% of all long and all short spot (cash) or future commodity contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any spot commodity position),

(i) 100% of the amount by which the daily limit fluctuation of all future commodity contracts carried for a customer exceeds 10% of the member organization's net worth,

(j) 100% of any advance against a warehouse receipt except in respect of an advance for a period not exceeding 90 days against a commodity tendered on an exchange for delivery on a contract in respect of certified stock or deliverable grades against a warehouse receipt issued by a warehouse licensed by a commodity exchange.

(k) 100% of the difference between the original or clearing house margin and the existing margin in the account when original or clearing house margin shall be depleted by 50% on all future commodity accounts in each customer's account,

(l) 1½% of the market values of the greater of either the total long or total short future contract in each commodity carried for all customers,

(m) The foregoing percentages of the market value of securities in customers' accounts in deficit;

(3) Deducting 10% of the contract value of each item in the securities failed to deliver account which is outstanding 40 to 49 calendar days, 20% of the contract value of each item in the securities failed to deliver account which is outstanding 50 to 59 calendar days and 30% of the contract value of each item in the securities failed to deliver account which is outstanding 60 or more calendar days, and

(4) Deducting the full amount of any self-insurance and also deducting the full amount of each loss, as it occurs, falling within the range of self-insurance.

In determining assets "which can readily be converted into cash", the following assets (among others) will be excluded as illiquid assets:

Real estate, furniture and fixtures and leasehold improvements (less any indebtedness secured thereby), prepaid expenses and deferred charges; exchange memberships; organization expense; goodwill; deficits in customers' unsecured and partly secured securities accounts; all unsecured receivables; deficits in partners' accounts; deficits in customers' commodity accounts; cash and stock dividends receivable; underwriting commissions and profits receivable; all unsecured trading and commodity commissions receivable; good faith deposits; cash surrender value of life insurance (unless specifically approved by the Exchange); deposits with clearing organi-

zations other than those clearing organizations which use a continuous net settlement system for the clearance and settlement of securities transactions; investments in real estate mortgages; short stock record differences (not reduced by long differences) and any other amounts not readily convertible into cash.

In determining "Net Capital" a loss, at market, in any individual contractual commitment shall be deducted and a profit shall not be included.

The term "accounts which are to be considered as capital" shall mean capital accounts of partners, investment and trading accounts, participations in joint accounts, accounts of partners which contain only fully paid-for securities and which are covered by written agreements, approved by the Exchange providing that equities therein be considered as partnership property, any borrowings subordinated to the claims of general creditors pursuant to a subordination agreement executed on a standard Exchange subordination agreement form (with such amendments as the Exchange may approve in writing) which has been filed with and is satisfactory to the Exchange, and other proprietary accounts.

The term "Contractual Commitments" shall include underwriting, when-issued, when-distributed and delayed delivery contracts, endorsements of puts and calls, commitments in foreign currencies and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures.

In determining the net capital of a member or member organization registered as a specialist or odd-lot dealer on a registered national securities exchange, the percentile reserve for market decline computations on short positions in security issues as to which the member, member firm or member corporation is a registered specialist or odd-lot dealer shall be applied only to the excess of the market value of short positions over the market value of long positions in such issues.

AGGREGATE INDEBTEDNESS

Rule 8. "Aggregate indebtedness" shall mean total money liabilities, plus the market value of securities borrowed (other than for delivery against customer sales) for which no equivalent value is paid or credited, plus money borrowed on discounted drafts or drafts deposited for immediate credit which are uncleared as of the date of the determination, plus unrecorded liability reserved in connection with any lawsuits pending accommodation endorsements, guarantees or any other contingency, after excluding:

(1) Money borrowings adequately collateralized by securities or spot commodities in accounts which are to be considered as capital or by fixed assets owned by the member or member organization,

(2) Money payable against securities loaned which are owned in accounts which are to be considered as capital,

(3) Money payable against securities failed to receive for accounts which are to be considered as capital and which securities have not been sold,

(4) Equities in customers' commodity accounts segregated under the Commodity Exchange Act,

(5) Customer free credit balances segregated in an account covered by a segregation agreement approved by the Exchange,

(6) Liabilities on existing contractual commitments,

(7) Credit balances in accounts of partners which are covered by written agreements, approved by the Exchange, providing that equities therein be considered as partnership property.

(8) Any liabilities subordinated to the claims of general creditors pursuant to a subordination agreement executed on a standard Exchange subordination agreement form (with such amendments as the Exchange may approve in writing) which has been filed with and is satisfactory to the Exchange, and

(9) Money payable against securities failed to receive which arise from the execution of orders for another member or member organization in connection with an agreement filed with and approved by the Exchange under Rule 1 of Article XXVIII, provided, however, that said liabilities may be excluded from or included in aggregate indebtedness if, in the Exchange's opinion, such action is warranted by the circumstances. The terms "accounts which are to be considered as capital" and "contractual commitments" shall have the same meaning as defined in Rule 6 of Article XX.

STATEMENT OF BASIS AND PURPOSE

Paragraph (a) of the amended Rule incorporates the Uniform Net Capital Rule by reference. The only addition is to limit, as a part of net capital, subordinated securities loans (other than secured demand notes) to no more than 50% of total permitted subordinated loans. This is a carry-over from the Exchange's current Rule. Securities loans are not permitted under the Uniform Net Capital Rule, but such existing loans in effect on September 1, 1975 are grandfathered in until the earlier of their normal expiration date, or September 1, 1980.

Paragraph (b) establishes a new and different net capital requirement for specialists who are currently exempt from the Uniform Net Capital Rule. The SEC is considering adopting its own requirements for specialists so this part of the Rule may be subject to further change at a future date. This specialist net capital Rule is patterned after specialist net capital requirements of the New York Stock Exchange, but is generally reduced to 20% of the New York Stock Exchange requirement. We consider this to be a more appropriate standard for specialists in that it relates to position requirements and responsibilities undertaken by a specialist when it assumes a book rather than the

complicated haircut and aggregate indebtedness standards which currently prevail. We believe that this approach will encourage specialists to more fully participate in the market, particularly in times of stress, as no haircuts would apply to their positions. On the other hand, however, this Rule would apply a more affirmative financial responsibility standard to specialists applying for new books.

Paragraph (c) of the amended Rule establishes the early warning guidelines to be used by the Exchange. In most cases these early warning guidelines are somewhat relaxed from the current early warning guidelines used by the Exchange to conform them to those generally followed by the SEC in its Rule 17a-11. The new guidelines also recognize the alternative net capital requirements under the uniform rule. The new early warning guidelines establish a net loss criteria for a 3-month period in addition to the current 1-month criteria, bring into play the maturity of subordinated loans during the coming six months where they could possibly create a financial difficulty for the member organization, and spell out a previously unwritten policy that the Exchange may apply other criteria which come to its attention which may cause financial or operational difficulty.

The deletions of Rules 6 and 8 are proposed to conform the Article to the Uniform Net Capital Rule by revising definitions of "debt equity total" and "equity."

The proposed rule change protects public investors and the public interest while preventing fraudulent and manipulative practices.

The comments received by the Midwest Stock Exchange, Incorporated from member firms via telephone did not challenge the substance of the Uniform Net Capital Rule. The comments were very specific inquiries as to the treatment of certain items.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written sub-

missions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

MAY 19, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15388 Filed 5-26-76;8:45 am]

[Release No. 34-12460; File No. SR-MSE-76-7]

MIDWEST STOCK EXCHANGE, INC.
Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 28, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Article 1, Rule 14 of the Midwest Stock Exchange Rules, would be renumbered Article 1, Rule 14(a).

NEW RULE

Article 1, Rule 14(b): Amounts held on deposit with a bank or trust company in escrow pursuant to Paragraph (b)(2) of 17 CFR 240.15c3-1 shall be applied by the Exchange to the purposes and in the order of priority set forth in Paragraph (a) of this Rule. A copy of the escrow agreement and any changes thereto must be filed with the Exchange.

Article 1, Rule 16 would be amended as follows: Rule 16: If the amount of any sum payable out of the proceeds of a membership or the escrow account provided for in Rule 14(b) of this Article cannot, for any reason, be immediately ascertained and determined, the President may reserve and retain such amount as he may deem appropriate, pending determination of the amount so payable.

STATEMENT OF BASIS AND PURPOSE

The Uniform Net Capital Rule currently provides that floor brokers may comply solely if their seats are worth \$25,000 and the Exchange has rules requiring that the proceeds from the sale of the seat be subject to the prior claims of the Exchange and its Clearing Corporation, and those arising from the closing out of contracts entered into on the floor of the Exchange. The Midwest Stock Exchange has the appropriate rules, but the value of the Midwest seat has not been \$25,000 for some time. The SEC sub-

sequently proposed a rule change which lowers the dollar amount to \$15,000 from \$25,000 and permits the difference between \$15,000 and the value of the Exchange seat to be put in an escrow account held by an independent agent, if the rules of the Exchange have the same requirements regarding the escrow account that they have on the proceeds from the sale of the membership itself.

In order to provide the opportunity for floor brokers on the Midwest Stock Exchange to avail themselves of this provision of the Uniform Net Capital Rule, these changes have been proposed.

The proposed rule change promotes just and equitable principles of trade and removes impediments to the mechanisms of a free and open market.

Approval has been expressed orally by all specialists of the Midwest Stock Exchange affected by the proposed rule. No other comments have been solicited or received.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the dates of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 19, 1976.

[FR Doc.76-15389 Filed 5-26-76;8:45 am]

[Release No. 34-12439; SR-PSE-76-5]

PACIFIC STOCK EXCHANGE

Proposed Rule Change; Extension of Time

Notice is hereby given that the Securities and Exchange Commission extends,

for a period of 90 days from the date of publication, Commission action on the proposed amendment to Rule VII of the Pacific Stock Exchange, Inc. The proposed rule change, which was filed pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 ("the Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] and Rule 19b-4 [17 CFR § 240.19b-4] thereunder, was published in the FEDERAL REGISTER on April 19, 1976.

Section 19(b)(2) of the Act provides that the Commission shall take action with respect to a proposed rule change filed by a self-regulatory organization within 35 days of its publication. However, the section permits the Commission to designate a longer period, up to 90 days after publication, if it finds such extension to be appropriate and publishes its reasons for so finding.

On April 20, 1976 the Commission announced a program for allocation of regulatory responsibilities, including the adoption of Rule 17d-1 [17 CFR § 240.17d-1] and proposal of Rule 17d-2. As proposed, Rule 17d-2 would call upon self-regulatory organizations to recommend, in the form of plans to be filed with the Commission, allocation of regulatory responsibility among themselves with respect to members which they have in common. The Commission will be soliciting comments on the implementation of this program until June 15, 1976.

Since the proposed amendment to PSE Rule VII was published on April 19, 1976 under Section 19(b)(2) of the Act, absent an extension of time, Commission action on this proposal would be required by May 24, 1976. However, in order for the Commission to consider the interaction of the interaction of the allocation program as it will be put into effect subsequent to June 15, 1976 and the proposed PSE rule, the Commission has determined that there is good cause to find, and does find, that Commission action on the proposed amendment to PSE's Rule VII should be deferred pursuant to Section 19(b)(2) of the Act, for 90 days from the date of publication of the proposed amendment.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 12, 1976.

[FR Doc.76-15390 Filed 5-26-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-5104]

TOWER VENTURES, INC.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Tower Ventures Inc. (Tower), Sears Tower, BSC 38-50, Chicago, Illinois 60684, a federal licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 C.F.R. 107.1004 (1976) for approval of a conflict of interest transaction.

In connection with an offering totaling \$1,200,000 of securities made by the Highland Community Bank (Bank), a minority bank located in Chicago, Illinois, Tower proposes to provide financing of \$100,000 in the form of a \$50,000 Capital Note and \$50,000 of cumulative Preferred Stock. The proceeds of the financing will be used to increase the banks capital funds.

The proposed financing comes within the provisions of 13 C.F.R. 107.1004 (1976) for the reason that Mr. Ray J. Graham, President and a director of Tower, is also a director of the Bank.

Notice is hereby given that any interested person may, not later than fifteen days from the date of publication of this notice, submit to SBA written comments on the proposed transaction. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by Tower in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 20, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.76-15467 Filed 5-26-76;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance
Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOY- MENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. Meetings of the Advisory Committee were held on February 27, April 28, and May 27, 1976.

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the fourth meeting of the above committee has been scheduled for 9:30 A.M. on June 11, 1976, in Room S-3215 A & B, New U.S. Department of Labor Building, 200 Constitution Avenue, Washington, D.C. 20510.

The Agenda for the June 11 meeting calls for general discussion of the items listed below, and for the establishment of procedures for their further study:

1. Discussion of options for revision of enforcement procedures under Executive Order 11246, as amended.

2. Discussion of options regarding use of graduated sanctions under Executive Order 11246, as amended.

3. Revised Order No. 4 (41 CFR Part 60-2), on written affirmative action programs, and the Format for Development of an Affirmative Action Program by Institutions of Higher Education, published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37064).

4. Discussion of proposals for increasing the supply of minorities and women for faculty employment.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Opportunity Programs, New U.S. Department of Labor Building, Room C-3322, Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of May 1976.

LEONARD J. BIERMANN,
Executive Secretary.

NOTE: The publication of Department of Labor documents usually occurs in the Friday issue of the FEDERAL REGISTER. For the convenience of the readers and the Agency this document is being published today, Thursday, May 27, 1976, and will be reprinted per schedule Friday, May 28, 1976.

[FR Doc.76-15539 Filed 5-25-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Volume No. 32]

REPUBLICATIONS OF GRANTS OF OPER- ATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

MAY 21, 1976.

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission on or before June 28, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR §1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting

authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 133919 (Sub-No. 2) (Republication) filed October 21, 1975, and published in the FEDERAL REGISTER issue of November 19, 1975, and republished this issue. Applicant: JOHN ROSSETTI, 683 Pine St., Burlington, Vt. 05401. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11383. An Order of the Commission, Review Board Number 2, dated April 23, 1976 and served May 6, 1976, finds that the present and future public convenience and necessity require operations by petitioner, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *cheese, cheese products, and curd*, from Alburg, Milton, Richmond, Cabot, Hinesburg and Swanton, Vt., to Carle Place, N.Y., under a continuing contract or contracts with Lucille Farm Products, Inc., located at Yonkers, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate petitioner's additional grant of authority at Carle Place, N.Y., as the destination point, in lieu of New York, N.Y.

No. MC 141317 (Republication) filed September 2, 1976, and published in the FEDERAL REGISTER issue of October 2, 1975, and republished as amended this issue. Applicant: R. J. L. CORPORATION, Shelburn, Ind. 47879. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing*, (a) from Montpelier, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee and Wisconsin; and (b) from the plantsites of Certain-Teed/Daymond Company, located at Lawrenceville, Ill., Lake Mills, Iowa, and Geneva, N.Y., to Montpelier, Ind.; and (2) *plastic coupling T's, reducers, caps, adapters and elbows*, used in the distribution and installation of corrugated plastic drainage tubing, from points in the States named in (1) (a) above to Montpelier, Ind., under a continuing contract, or contracts, with Certain-Teed/Daymond Company, of Ann Arbor, Mich.

Note.—The purpose of this republication is to indicate the authorization of: (1) Iowa as a destination State in (1) (a) above; (2) Lake Mills, Iowa as an origin point in (1) (b) above; and (3) Iowa as an origin State in (2) above.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Notice

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the *FEDERAL REGISTER* of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 491 (Sub-No. 3) (Correction) filed April 2, 1976, published in the *FEDERAL REGISTER* issue of May 13, 1976, republished as corrected this issue. Applicant: MARSH EXPRESS, INC., P.O. Box 447, Glassboro, N.J. 08028. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and commodities requiring the use of special equipment), (1) between Philadelphia, Pa., and Newfield, N.J., serving all intermediate points: (a) From Philadelphia, over U.S. Highway 76 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 45, thence over New Jersey Highway 45 to junction New Jersey Highway 77, thence over New Jersey Highway 77 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to Newfield, and return over the same route:

NOTE.—The purpose of this partial republication is to (1) correct the territorial description in (1) (a); and (2) to indicate the conversion or irregular route operations to that of regular route operations.

No. MC 1263 (Sub-No. 21), filed April 30, 1976. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Iowa, Illinois, Indiana, Kansas, Missouri, Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 2202 (Sub-No. 508), filed April 29, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission,

livestock, Classes A and B explosives, and those requiring special equipment), serving the plantsite of Dana Corporation at or near Churubusco, Ind., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Fort Wayne, Ind. or Washington, D.C.

No. MC 2202 (Sub-No. 509), filed April 29, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment), serving Bunkie, Colfax, Mansura and Marksville, La., as off-route points in connection with applicant's presently authorized regular-route operations to and from Alexandria, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Alexandria, La. or Washington, D.C.

No. MC 11294 (Sub-No. 11) (Correction) filed March 15, 1976, published in the FEDERAL REGISTER issue of April 22, 1976, republished as corrected this issue. Applicant: INDUSTRIAL CITY LINES, INC., 5310 St. Joseph Avenue, St. Joseph, Mo. 64505. Applicant's representative: Tom B. Kretsinger, Suite 910, Brookfield Building, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cans*, from Omaha, Nebr., to Topeka, Kans., and St. Joseph, Mo.; (2) *damaged and rejected shipments*, on return in (1) above; and (3) *cans*, from St. Joseph, Mo., to Topeka, Kans., restricted in (1), (2) and (3) above to transportation on power roller-bed equipment, under a continuing contract or contracts with Continental Can Company.

NOTE.—The purpose of this republication is to reflect the name of the contracting shipper. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 22195 (Sub-No. 166), filed April 26, 1976. Applicant: DAN DUGAN TRANSPORT COMPANY, P.O. Box 496, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and feed supplements*, from Cargill, Inc. Soybean Plant located at Sioux City, Iowa, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa or Sioux Falls, S. Dak.

No. MC 35835 (Sub-No. 31), filed April 28, 1976. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue S.E., Independence, Iowa 50644. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn*, in bulk, from Chicago and Pekin, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 152), filed April 27, 1976. Applicant: GILBERT CARRIER CORP., One Glibert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Miami, Fla., to Hartsville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Newark, N.J.

No. MC 59135 (Sub-No. 33), filed April 29, 1976. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as, RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representative: Leonard A. Zaskiewicz, 1730 M Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment), serving Sodus, N.Y., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Syracuse, N.Y. or Washington, D.C.

No. MC 69116 (Sub-No. 184), filed April 28, 1976. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile body parts*, between Jackson, Ohio, and Mahwah, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71478 (Sub-No. 36), filed April 26, 1976. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard Avenue, Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, caps, enclosures for glass and plastic containers and boxes*, knocked down, from

the plantsite and storage facilities of Brockway Glass Company, Inc., at or near Muskogee, Okla., to Dallas and Fort Worth, Tex., and their respective commercial zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Oklahoma City, Okla. or Dallas, Tex.

No. MC 72069 (Sub-No. 8), filed April 30, 1976. Applicant: BLUE HEN LINES, INC., Box 565, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry (except in tank or hopper type vehicles), from Norfolk and Chesapeake, Va., to Cambridge, Berlin, and Pocomoke City, Md., and points in New Castle and Kent Counties, Del.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 73165 (Sub-No. 386), filed April 26, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Overhead cranes and material handling equipment*, from Terrell, Tex., to points in the United States (except Alaska and Hawaii), and (2) *parts, materials, accessories and supplies* used in the manufacture of commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to Terrell, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 76032 (Sub-No. 316), filed April 22, 1976. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Toledo, Ohio, as a point of joinder in connection with carrier's existing regular route operations.

NOTE.—Applicant states that the purpose of this application is to permit it to utilize Toledo, Ohio, as a joinder point in connection with its existing regular-route operations, to, from and through Toledo. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Chicago, Ill.

No. MC 83539 (Sub-No. 429), filed April 21, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as ap-

licant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead and lead alloys*, from Glover, Mo., and Omaha, Nebr., to points in the United States (except Alaska and Hawaii); (2) *materials and supplies* (except in bulk), used in the manufacture and distribution of lead and lead alloys, from points in the United States (except Alaska and Hawaii), to Glover, Mo., and Omaha, Nebr.; and (3) *non-ferrous metals*, from Omaha, Nebr., and Tacoma, Wash., to Amarillo, Tex., restricted in (1), (2) and (3) above, to the transportation of shipments originating at or destined to the facilities of ASARCO Incorporated, located at or near Glover (Iron County), Mo., Omaha, Nebr., and Amarillo, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 95540 (Sub-No. 948), filed April 29, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33801. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from Rocky Mount, N.C., to Mason City, Iowa and Independence, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Raleigh or Charlotte, N.C.

No. MC 100449 (Sub-No. 64), filed April 23, 1976. Applicant: MALLINGER TRUCK LINE, INC., Route 4, Fort Dodge, Iowa. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to points in Arizona, California, Montana, Nevada, Oregon, Utah and Washington, restricted to shipments originating at the plant-site and storage facilities of Flavorland Industries, Inc., at Fargo and West Fargo, N. Dak., and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.; Omaha, Nebr.; or Kansas City, Mo.

No. MC 102616 (Sub-No. 918), filed April 30, 1976. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rolling processing fluids and lubricating oils*, in bulk, in tank vehicles, from the plantsite of the Ironsides Com-

pany located at Columbus, Ohio, to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, West Virginia, and Wisconsin; (2) *wire drawing compounds*, in bulk, in tank vehicles, from Columbus, Ohio, to Phoenix, Ariz.; and (3) *ingredients and raw materials* used in the manufacture of rolling processing fluids, wire drawing compounds, and lubricating oils, in bulk, in tank vehicles, from Smackover, Ark.; Savannah, Ga.; Jeffersonville, Ind.; Ashland, Ky.; Elkridge, Md.; Austin, Minn.; St. Louis, Mo.; Weehawken, N.J.; Buffalo, N.Y.; Bradford, Marcus Hook, Petrolia, Franklin, Philadelphia and Bainbridge, Pa.; Houston, Tex.; Norfolk, Va.; Madison, Wis.; and Lake Charles, La., to the plantsites of the Ironsides Company located at Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 103993 (Sub-No. 867), filed April 26, 1976. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company located at or near Laurinburg, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Atlanta, Ga.

No. MC 105501 (Sub-No. 17), filed April 30, 1976. Applicant: TERMINAL WAREHOUSE COMPANY, INC., 1851 Radisson Road, N.E., Blaine, Minn. 55434. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, Saint Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Minneapolis, St. Paul and Hugo, Minn., on the one hand, and, on the other, points in North Dakota and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 141191, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 105566 (Sub-No. 120), filed April 27, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 62701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic compounds and materials, and chemical compounds*

(except in bulk, in tank or hopper vehicles), from Parkersburg and Washington, W. Va., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 121), filed April 29, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 62701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, crude rubber, liquid latex, rubber preservatives, and rubber accelerators*, in straight or mixed shipments, from the facilities of B. F. Goodrich Chemical Company located at Akron, Ohio, Avon Lake, Ohio, and Louisville, Ky., to points in Arizona, California, and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 105733 (Sub-No. 57), filed April 27, 1976. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. 07065. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, in tank vehicles (except gasoline, kerosene, lubricating oil, heating oil, jet fuels, road oils, tar, asphalt and cement), (1) from points in Rhode Island, to points in Connecticut, Maine, Massachusetts, New Hampshire and Vermont; and (2) from Fall River, Mass., to points in Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 221), filed April 15, 1976. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2270 Peyton Rd., N.W., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, machinery and supplies*, used in the manufacturing, processing and distribution of iron and steel articles, from points in the United States (except Alaska and Hawaii), to the plantsite and facilities of American Cast Iron Pipe Company, at Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 107002 (Sub-No. 487), filed April 28, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: (1) *Corn cane and beet products, and blends thereof*, in bulk, from Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Chicago, Ill.

No. MC 107295 (Sub-No. 813), filed April 30, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at, or destined to, the plantsite, warehouses, consolidation or distribution facilities of Boise Cascade Corporation its subsidiaries, and affiliates.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Washington, D.C.

No. MC 107496 (Sub-No. 1030), filed April 29, 1976. Applicant: RUAN TRANSPORT CORPORATION, a Corporation, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal mucosa*, in bulk, in tank vehicles, (1) from points in the United States (except Alaska and Hawaii), to Franklin, Ohio; and (2) from points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota, to the plantsite of Abbott Laboratories located at North Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 108053 (Sub-No. 130), filed April 27, 1976. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 W. 23rd St., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Wallula, Wash., to points in California, Colorado and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 109584 (Sub-No. 167), filed April 29, 1976. Applicant: ARIZONA-PACIFIC TANK LINES, 3980 Quebec Street, Denver, Colo. 80207. Applicant's representa-

tive: Don Bryce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water base graphite*, in bulk, in tank vehicles, from Buckeye, Ariz., to Cucamonga, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 110525 (Sub-No. 1155), filed April 26, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from Corsicana, Tex., to points in the United States (except Connecticut, Delaware, Hawaii, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Vermont and Alaska).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 110563 (Sub-No. 166) (Amendment) filed January 12, 1976 published in the FEDERAL REGISTER issue of February 20, 1976, republished as amended this issue. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Bldg., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene film packaging products* in packages or/and carton, (except commodities in bulk in tank vehicles), from the plantsites and warehouse facilities of Eva-Lee, Inc., and U.S. Plastics Corp., located at or near Lynn, Mass., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to traffic originating at the named origin points.

NOTE.—The purpose of this republication is to restrictively amend the requested authority. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 111170 (Sub-No. 229), filed April 21, 1976. Applicant: WHELLING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bromine),

in bulk, in tank vehicles, from points in Columbia County, Ark., to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111302 (Sub-No. 88), filed April 28, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37949. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet, cane and corn products*, in bulk, in tank vehicles, from the plant and warehouse facilities of American Maize Products Company, located at or near Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111401 (Sub-No. 463), filed March 26, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Enid, Okla., to points in Ohio and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Oklahoma City, Okla.

No. MC 111545 (Sub-No. 223), filed May 5, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., a Corporation, 1425 Franklin Road, S.E., P.O. Box 6426, Station A, Marietta, Ga. 30067. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled utility graders*, not exceeding 10,000 pounds, and *self-propelled paving machines, trailers, and parts thereof*, from Gwinnett County, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 111729 (Sub-No. 651), filed April 26, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toiletries, chemicals, medicines, cosmetics and compressed gas*, between points in Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, Ore., restricted to the transportation of

shipments having an immediate prior or subsequent movement by air, rail or motor vehicle and further restricted against the transportation of shipments weighing in excess of 150 pounds in the aggregate.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Seattle, Wash.

No. MC 113646 (Sub-No. 14), filed April 26, 1976. Applicant: JEFFERSON TRUCKING COMPANY, a Corporation, Box 17, National City, Mich. 48748. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, crude, crushed, ground or pulverized, in bulk, from the plant site of National Gypsum Company, at or near Shoals (Martin County), Ind., to points in Illinois, Kentucky, Ohio, and Tennessee; points in Des Moines, Lee, Louisa, Muscatine, and Scott Counties, Iowa; points in Lenawee, Macomb, Monroe, Oakland, Washtenaw, and Wayne Counties, Mich.; points in Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, St. Louis City, Jefferson, St. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, and Pemiscott Counties, Mo.; and points in Warren, Forrest, Clarion, Armstrong, Westmoreland, Fayette, Erie, Crawford, Venango, Mercer, Butler, Lawrence, Allegheny, Beaver, Washington and Greene Counties, Pa., under contract with National Gypsum Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.; Buffalo, N.Y.; or Chicago, Ill.

No. MC 113651 (Sub-No. 196), filed April 26, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Des Moines, Iowa, to points in Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113760 (Sub-No. 11), filed April 30, 1976. Applicant: PETCO INC. INTERSTATE, P.O. Box 447, Commerce City, Colo. 80022. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Sinclair, Wyo., to points in Routt, Moffatt and Rio Blanco Counties, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113908 (Sub-No. 376), filed April 28, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, distilled spirits, neutral spirits, alcohol and alcoholic liquors*, in bulk, from points in California, to Woodruff, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill. or Washington, D.C.

No. MC 114015 (Sub-No. 18), filed April 26, 1976. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O. Box 666, Chase City, Va. 23924. Applicant's representative: Morton E. Kiel, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, paint and paint products, building materials, gypsum and gypsum products, Lime* (except liquid in bulk) and *such materials and supplies* as are used in the manufacture, installation and distribution of the aforementioned commodities (except liquid commodities in bulk), between Norfolk, Va., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, under a continuing contract or contracts with United States Gypsum Company of Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 114533 (Sub-No. 340), filed April 28, 1976. Applicant: BANKERS DISPATCH CORPORATION, a Corporation, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Paul Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture film and materials and supplies used in connection with commercial and television motion pictures) and *business records*, between Louisville, Ky., on the one hand, and, on the other, points in Allen, Cass, Fayette, Hancock, Howard, Jay, Marion, Montgomery and Tippecanoe Counties, Ind.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Indianapolis, Ind.

No. MC 114533 (Sub-No. 341), filed May 2, 1976. Applicant: BANKERS DIS-

PATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, Classes A and B explosives, commodities which because of size and weight require special equipment and commercial papers, documents and written instruments as are used in the business of banks and banking institutions), between points in Iowa, Kansas, Missouri and Nebraska, restricted against the transportation of packages weighing more than 50 pounds with each package or article considered as separate and distinct shipment, and further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location in any one day.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Omaha, Nebr.

No. 114569 (Sub-No. 139), filed April 26, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or frozen), from the plant site and storage facilities of the Great Atlantic & Pacific Tea Co., located at or near Plymouth, Wis., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 114604 (Sub-No. 41), filed April 27, 1976. Applicant: CAUPELL TRANSPORT, INC., P.O. Drawer I, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs and pet foods*, from Gulfport, Miss., to points in Alabama, Georgia, Tennessee, Kentucky and Florida.

NOTE.—Applicant intends to tack at Atlanta, Ga., to provide service to points in North Carolina and South Carolina. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 115331 (Sub-No. 409), filed May 4, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Clay and clay products* (except in bulk), from Mounds, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 115353 (Sub-No. 23), filed April 27, 1976. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, building board, insulation board, fibreboard, and pulp board*, from the plantsite and storage facilities of the United States Gypsum Company, located at Lisbon Falls, Maine, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, South Carolina, Tennessee and Wisconsin; and (2) *Return shipments of the commodities specified in (1) above, and materials, supplies and equipment used in the manufacture, installation, and distribution of the commodities specified in (1) above* (except in bulk), from the destination States named in (1) above, to the origin points named in (1) above, under a continuing contract, or contracts, with United States Gypsum Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115904 (Sub-No. 52), filed May 3, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from Fremont, Calif., to points in Oregon and Washington, restricted to the transportation of traffic originating at the facilities of The Flintkote Company, located at Fremont, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Los Angeles, Calif.

No. MC 116077 (Sub-No. 371), filed April 22, 1976. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, P.O. Box 1945, 500 West Sixteenth Street, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, from Corpus Christi, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or New Orleans, La.

No. MC 116300 (Sub-No. 25), filed April 29, 1976. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's represen-

tative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, treated piling, treated timber, and treated lumber*, from Fernwood, Miss., to points in Kansas, Michigan, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or New Orleans, La.

No. MC 116763 (Sub-No. 342), filed April 28, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned prepared and preserved foodstuffs*, from Sodus, N.Y., to points in Florida, Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 117503 (Sub-No. 9) (Correction), filed March 26, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as corrected this issue. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, class A explosives, household goods as defined by the Commission, and those of unusual value), between the Seattle-Tacoma International Airport near Seattle, Wash.; Portland International Airport near Portland, Ore.; Sacramento Metropolitan Airport near Sacramento, Calif.; San Francisco International Airport near Los Angeles, Calif., and the facilities of direct and indirect air carriers located within twenty-five (25) miles of the airports mentioned above, restricted to the transportation of traffic having a prior or subsequent movement by air, to movements in trailers equipped with rollerized floors; and further restricted against service between the Seattle-Tacoma International Airport, on the one hand, and, on the other, the Portland International Airport, and against service between the San Francisco International Airport, on the one hand, and, on the other, the Los Angeles International Airport.

NOTE.—The purpose of this republication is to (1) correct the exception portion, which was published "Classes A and B explosives * * *" so as to read: "Class A explosives * * *" and (2) correct the restriction so as to read: " * * * restricted to the transportation of traffic having a prior or subsequent movement by air." If a hearing is deemed necessary, the applicant requests it be held at either Sacramento, Calif. or San Francisco, Calif.

No. MC 117565 (Sub-No. 93), filed April 27, 1976. Applicant: MOTOR SERVICE COMPANY INC., Route 3, P.O. Box 448, Coshocton, Ohio 43812. Applicant's representative: Louis Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel shot and grit*; and (2) *machines and parts of machines* used for the application of the commodities named in (1) above, from Butler, Pa., to points in the United States, (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC-135701 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Columbus, Ohio.

No. MC 118039 (Sub-No. 28), filed April 30, 1976. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street, S.W., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite of Pearl Brewing Company located at San Antonio, Tex., to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 118142 (Sub-No. 125), filed April 23, 1976. Applicant: M. BRUENGER & CO. INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier's Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of H. H. Keim Company, Ltd., at Nampa, Idaho, to Denver, Colo.; Chicago, Ill.; Wichita, Kans.; St. Paul, Minn.; Gulfport, Miss.; Carrolton, Mo.; Omaha, Nebr.; and Kenosha, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita or Kansas City, Kans.

No. MC 118159 (Sub-No. 172), filed April 15, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; materials, equipment, and supplies* used in the manufacture and distribution thereof (except commodities in bulk and except commodities which because of size or weight require the use of special equipment), between the plantsite, warehouse, and storage facilities of Mead Corporation located in the north-

eastern part of Jackson County, Ala., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Oklahoma, Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests a consolidated hearing with five similar applications.

No. MC 118535 (Sub-No. 81), filed April 21, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potash, potash products and potash by-products*, from points in Lea and Eddy Counties, N. Mex., to points in Indiana, Kentucky, Michigan, North Carolina and Ohio; and (2) *Potash, potash products and potash by-products* (except in bulk), from points in Lea and Eddy Counties, N. Mex., to points in Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118535 (Sub-No. 82), filed April 21, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, animal feed ingredients, animal health products, and chemicals* when shipped in mixed loads with animal feed or animal feed ingredients, from Minneapolis, Minn., to points in Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118535 (Sub-No. 83), filed April 28, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from the plantsite and facilities of Morton Salt Company at or near Hutchinson, Kans., to the plantsite and facilities of E. I. Dupont De Nemours and Company at or near Woodstock, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118989 (Sub-No. 136), filed April 9, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends* (except refuse containers), from the warehouse facili-

ties of Owens-Illinois, Inc. located at or near Toledo, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119493 (Sub-No. 142), filed April 22, 1976. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Walter E. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, from the plantsite and storage facilities of Lincoln Grain, Inc., Cereal Processing Division, located at or near Atchison, Kans., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Topeka, Kans. or Kansas City, Mo.

No. MC 119555 (Sub-No. 11), filed April 26, 1976. Applicant: OIL AND INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic ammonia compounds*, in bulk, in tank vehicles, from the plantsites of Armak Co., at or near Morris and McCook, Ill., to ports of entry on the International Boundary line between the United States and Canada, located at or near Port Huron and Marine City, Mich., restricted to shipments destined to Longford Mills, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at any city in Montana.

No. MC 119634 (Sub-No. 18), filed April 26, 1976. Applicant: DICK IRVIN, INC., 218 12th Avenue North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from ports of entry on the International Boundary line between the United States and Canada, at or near Sweet Grass, Mont., and Wild Horse, Alberta, Canada, to points in the United States (except Alaska and Hawaii) restricted to traffic originating from Can-carb, Ltd., Medicine Hat, Alberta, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, or Billings, Mont.

No. MC 119789 (Sub-No. 288), filed April 26, 1976. Applicant: CARAVAN

REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foods*, other than frozen, from the plantsite of RJR Foods, Inc., located at or near Cambridge, Md., to points in Arizona, California, Colorado, Oklahoma, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 123314 (Sub-No. 21), filed April 22, 1976. Applicant: JOHN F. WALTER, INC., P.O. Box 175, Newville, Pa. 17241. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Toledo, Fremont and Bowling Green, Ohio, to points in Maryland, New Jersey, and Pennsylvania, restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 124083 (Sub-No. 53), filed April 28, 1976. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and dry commodities* in bulk, between the Southwind Maritime Centre at or near Mount Vernon (Posey County), Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 124117 (Sub-No. 19), filed April 26, 1976. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Roland M. Lowell, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap batteries, scrap parts thereof, scrap lead and recycled lead*, (1) between Bristol, Tennessee-Virginia; Evansville, Ind.; Chattanooga, Tenn. and Paducah, Ky., and their Commercial Zones; and (2) between Bristol, Tennessee-Virginia; Evansville, Ind.; Chattanooga, Tenn., and Paducah, Ky., and their Commercial Zones, on the one hand, and, on the other, points in Birmingham, and Troy, Ala.; Atlanta, Ga.; Lexington and Louisville, Ky.; Baton

Rouge, La.; Detroit, Mich.; Baltimore, Md., Camden and Trenton, N.J.; Cincinnati, Ohio; Harrisburg, Philadelphia, Pittsburgh and Reading, Pa.; Asheville and Charlotte, N.C.; Greenville, and Spartanburg, S.C.; College Grove, Knoxville, Memphis, Nashville and Dallas, Tex.; Charleston, W. Va., Richmond and Roanoke Va., and their Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Washington, D.C.

No. MC 125285 (Sub-No. 9), filed April 27, 1976. Applicant: SKYLINE EXPRESS INC., 1703 Highway Two, Duluth, Minn. 55810. Applicant's representative: L. J. Carrington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags or containers, from the Duluth, Minn.-Superior, Wis. Commercial Zone, to points in Minnesota, North Dakota, South Dakota, the Upper Peninsula of Michigan, and Wisconsin; (2) *cement*, in bulk from the Duluth, Minn.-Superior, Wis. Commercial Zone, to points in the Upper Peninsula of Michigan and Wisconsin; and (3) *lime and mineral filler*, in bags or containers, from the Duluth, Minn.-Superior, Wis. Commercial Zone, to points in North Dakota, South Dakota and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Madison, Wis.

No. MC 125751 (Sub-No. 4), filed April 26, 1976. Applicant: H. & W. CARRIERS, INC., P.O. Box 73, Camargo, Ill. 61919. Applicant's representative: Robert T. Lawley, 300 Reich Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pipe, fabricated steel pipe, valves, elbows, joints, machinery, reducers, flanges, steel pipe configurations, and re-enforcing rods*; and (2) *tools, machines, parts, supplies and equipment* used to install or erect the commodities named in (1) above at natural gas pumping stations, chemical plants, petroleum pumping stations, and natural gas compressor stations, between the plantsite and storage facilities of J. L. Allen Co., located at or near Ficklin, Ill., on the one hand, and, on the other points in Indiana, Iowa, Kansas, Kentucky, Missouri, Minnesota, Michigan, North Carolina, Ohio, Pennsylvania and Wisconsin, under a continuing contract, or contracts, with J. L. Allen Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 126539 (Sub-No. 23), filed April 26, 1976. Applicant: KATUIN BROS. INC., 102 Terminal Street, P.O. Box 1127, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and*

articles distributed by meat packing-houses as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson & Co., Inc., located at Cedar Rapids, Iowa to points in Illinois located within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Des Moines, Iowa.

No. MC 127019 (Sub-No. 10), filed April 26, 1976. Applicant: LARUE LAMB, doing business as LARUE LAMB TRUCKING, P.O. Box 374, Myton, Utah 84052. Applicant's representative: Stuart L. Poelman, 700 Continental Bank Bldg., Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gilsonite* (natural asphaltum) in bulk, from points in Duchesne and Uintah Counties, Utah, to points in Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests it be held at Salt Lake City, Utah.

No. MC 127002 (Sub-No. 2), filed March 25, 1976. Applicant: SECO TRUCKING CO., 219 North Jackson, Mason City, Iowa 50401. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, between Belleville, Ill., and Cherokee County, Kans.

NOTE.—Applicant holds contract carrier authority in MC 105678 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC 128356 (Sub-No. 11), filed April 20, 1976. Applicant: DOWNINGTON TRAILER CARRIERS, INC., 640 W. Boot Road, West Chester, Pa. 19380. Applicant's representative: Bryon R. Lavan, 400-117 S. 17th Street, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New and used trailers semi-trailer, and trailer chassis, and containers* (except house trailers and those to be drawn by passenger automobiles), in truckaway service in initial and secondary movements; and (2) *parts* for the commodities named in (1) above, in initial and secondary movements, between the plantsite of The Budd Company, Trailer Division, located at Ridgeway, Va., on the one hand, and, on the other, points in the United State (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 128555 (Sub-No. 11), filed April 27, 1976. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East,

Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed and manufactured by the R. T. French Company (except in bulk), from the plantsite and/or warehouse facilities of the R. T. French Company at Springfield, Mo., to points in Alabama, Florida, and Georgia.

NOTE.—Applicant holds common carrier authority in MC 136123, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or Rochester, N.Y.

No. MC 128720 (Sub-No. 5), filed April 26, 1976. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, P.O. Box 7280, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Nashville and Knoxville, Tenn.: From Nashville over Interstate Highway 40 to Knoxville and return over the same route, serving all intermediate points in Putnam County as off-route points; (2) Between Nashville and Chattanooga, Tenn.: (a) From Nashville over Interstate Highway 24 to Chattanooga and return over the same route serving no intermediate points; (b) From Nashville over Interstate Highway 24 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to its junction with U.S. Highway 41, thence south-east over U.S. Highway 41 to its junction with Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., and return over the same routes, serving no intermediate points; and (3) Between Holland, Ky., and Chattanooga, Tenn.: From Holland, Ky., over Kentucky Highway 99 to the Kentucky-Tennessee State Line, thence over Tennessee Highway 10 to its junction with Tennessee Highway 25, thence over Tennessee Highway 25 to its junction with Tennessee Highway 53, thence over Tennessee Highway 53 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Cookeville, Tenn., thence over Tennessee Highway 42 to Sparta, thence over Tennessee Highway 111 to its junction with Tennessee Highway 8, thence over Tennessee Highway 8, to its junction with U.S. Highway 127, thence over U.S. Highway 127 to Chattanooga, Tenn., and return over the same route, serving all points in Macon and Putnam Counties as off-route points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 133146 (Sub-No. 17), filed April 26, 1976. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., Suite 1-M, 3300 Northeast

Expressway, N.E. Atlanta, Ga. 30341. Applicant's representative: J. Michael May, Suite 400, 1447 Peachtree St., N.E., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (except in bulk, in tank vehicles), from Atlanta, Ga., to points in the United States in and east of Arkansas, Iowa, Kansas, Louisiana, Oklahoma, Nebraska and Wisconsin under contract with Monarch Wine Company of Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 133494 (Sub-No. 10), filed March 29, 1976. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, Tex. 76201. Applicant's representative: William D. Lynch, 1003 West 6th Street, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed supplements* in bags and containers in bulk, from Crawford and Sebastian Counties, Ark., to points in Alabama, Colorado, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, New Mexico, Oklahoma, Tennessee and Texas; and (2) *animal and poultry feed, feed supplements, and feed ingredients*, dry, in bulk in hopper trailers, between points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Little Rock, Ark.

No. MC 133959 (Sub-No. 3), filed April 30, 1976. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH, a partnership, doing business as ALBAUGH TRUCK LINE, 2005 East Grand Avenue, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and used by wholesale and retail department stores and store fixtures and display cases, between the distribution facilities of Ardan Wholesale, Inc., at Des Moines, Iowa, on the one hand, and, on the other, the department store location of Ardan Wholesale, Inc., at points in California, Illinois, Kansas, Nebraska, Nevada and Texas, under contract with Ardan Wholesale, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 134035 (Sub-No. 16), filed April 28, 1976. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, 5611 East Imperial Highway, South Gate, Calif. 90280. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fasteners, nuts, bolts, plastic and metal*, from

Compton, Calif., to Dallas, Tex. and Atlanta, Ga., restricted to traffic originating at the plantsite and warehouse facilities of VSI, Incorporated, Compton, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134060 (Sub-No. 15), filed April 30, 1976. Applicant: DAVINDER FREIGHTWAYS LTD., 435 Trunk Road, Duncan Financial Centre, Duncan, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Seattle and Tacoma, Wash., to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash., restricted to traffic moving to Vancouver Island, British Columbia, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 134068 (Sub-No. 29), filed April 29, 1976. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representatives: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and pet foods*, from San Diego, Calif., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Los Angeles or San Diego, Calif.

No. MC 134323 (Sub-No. 83), filed April 29, 1976. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gallyn L. Larsen, 521 South 14th, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners and air conditioners, humidifiers and dehumidifiers* (except commodities which because of size or weight require the use of special equipment), from the facilities of Fedders Corporation, at or near Edison, N.J., to points in Idaho, Montana and Wyoming, under contract with Fedders Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Washington, D.C.

No. MC 134388 (Sub-No. 12), filed April 28, 1976. Applicant: HOME RUN, INC., Three North Cynamore Street, Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies, and fixtures*, used in the erection or assembly of buildings (except commodities in bulk), between Jefferson, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract, or contracts, with Ryan Homes, Inc., at Pittsburgh, Pa., and against the transportation of (a) buildings, in sections, when mounted on wheeled undercarriages, and (b) cement.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134453 (Sub-No. 10), filed April 28, 1976. Applicant: STERNLITE TRANSPORTATION COMPANY, a Corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 61010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Equipment*, heat exchanging, drying, transferring or evaporating and parts thereof (except in bulk), from Winsted, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture of commodities named in (1) above (except in bulk), from points in the United States (except Alaska and Hawaii), to Winsted, Minn., under a continuing contract or contracts in (1) and (2) above with Sterner Industries, Inc. at Winsted, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134453 (Sub-No. 11), filed April 28, 1976. Applicant: STERNLITE TRANSPORTATION COMPANY, a Corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Street or outdoor lighting fixture and parts* for street or outdoor lighting fixtures, from Houston, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* (except in bulk) used in the manufacture of the commodities in (1) above, from points in Alabama, California, Connecticut, Indiana, Illinois, Louisiana, Massachusetts, Minnesota, New Jersey, Ohio, Oklahoma, Pennsylvania, and West Virginia, to Houston, Tex., under a continuing contract or contracts in (1) and (2) above with Sterner Lighting, Inc. at Houston, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134453 (Sub-No. 12), filed April 28, 1976. Applicant: STERNLITE TRANSPORTATION COMPANY, a Corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack,

P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Street or outdoor lighting fixture and parts* for street or outdoor lighting fixtures, from College Point, N.Y., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture of the commodities in (1) above (except in bulk), from points in California, Connecticut, Delaware, Florida, Illinois, Indiana, New Jersey, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Rhode Island, Texas, and Wisconsin, to College Point, N.Y., under a continuing contract or contracts in (1) and (2) above with Sterner Lighting, Inc. at College Point, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134501 (Sub-No. 15), filed April 26, 1976. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sanford, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, New Jersey, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee (except Shelby County), Virginia, Vermont, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Atlanta, Ga.

No. MC 135684 (Sub-No. 22), filed April 27, 1976. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Federal Bar Building West, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic film and sheeting*, (a) from the facilities of Consolidated Thermoplastics Company located at or near Harrington, Del., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and (b) between the facilities of Consolidated Thermoplastics Company located at or near Harrington, Del., and Chippewa Falls, Wis. (2) *materials, supplies, and equipment* used in the manufacture, sale, or distribution of the commodities named in (1) above, from points in the above-named destination states, to Harrington, Del., restricted to

traffic originating at the facilities of Consolidated Thermoplastics at Harrison, Del. and Chippewa Falls, Wis. and destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135797 (Sub-No. 52), filed April 29, 1976. Applicant: J. B. HUNT TRANSPORT, INC., U.S. Highway 71, P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Ralph B. Harlan, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from Gideon, Mo., and Savannah, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 136595 (Sub-No. 5), filed May 5, 1976. Applicant: EASTSIDE ENTERPRISES, INC., doing business as EASTSIDE MOBILE HOME TRANSPORTING, INC., 1440 South "A" Street, Springfield, Ore. 97477. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and sectionalized buildings*, between points in Oregon on the one hand, and, on the other, points in California, Idaho, Montana, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 136635 (Sub-No. 6), filed April 5, 1976. Applicant: COPELAND TRANSPORTATION CO., INC., 4159 North Broadway, Wichita, Kans. 67204. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* as are dealt in by dealers of truck equipment, from Montgomery and Fort Payne, Ala.; Garden City and Liberal, Kans.; Louisville, Ga.; Chicago, Lyons, Melrose Park, Peoria, Quincy, Streator and Urbana, Ill.; Cedar Falls, Cedar Rapids, Grundy Center, Jefferson and Woodbine, Iowa; Louisville, Owensboro, and Paris, Ky.; Minden and New Orleans, La.; Dearborn and Muskegon, Mich.; Fairmont, Lake Crystal and Minneapolis, Minn.; Meridian, Miss.; St. Louis and Springfield, Mo.; Botkins, Cleveland, Galion and Marion, Ohio; Broken Arrow, Durant and Oklahoma City, Okla.; Reading, Pa.; Brady, Clebourne, Dallas and Houston, Tex., and Milwaukee and West Bend, Wis., to Denver and Grand Junction, Colo.; and Scottsbluff, Nebr., under a continuing contract, or contracts, with

O. J. Watson Company, Inc., of Colorado; (2) *commodities* as are dealt in by dealers of truck equipment, from Montgomery and Fort Payne, Ala.; Denver, Colo., Louisville, Ga.; Chicago, Lyons, Melrose Park, Peoria, Quincy, Streator and Urbana, Ill.; Cedar Falls, Cedar Rapids, Grundy Center, Jefferson and Woodbine, Iowa; Louisville, Owensboro and Paris, Ky.; Minden and New Orleans, La.; Dearborn and Muskegon, Mich.; Fairmont, Lake Crystal and Minneapolis, Minn.; Meridian, Miss.; St. Louis and Springfield, Mo.; Botkins, Cleveland, Galion and Marion, Ohio; Broken Arrow, Durant and Oklahoma City, Okla.; Reading, Pa., Brady, Clebourne, Dallas and Houston, Tex., and Milwaukee and West Bend, Wis., to Hays, Kans., under a continuing contract, or contracts, with Hays Truck Equipment, Inc.

(3) *Commodities* as are dealt in by dealers of truck equipment, from Louisville, Ga.; Louisville and Owensboro, Ky.; Minden and New Orleans, La.; Dearborn, Mich.; Minneapolis, Minn.; Botkins, Ohio; and Reading, Pa., to Beloit, Colby, Dodge City, Great Bend, Kansas City, Parsons, Topeka and Wichita, Kans. and Springfield, Colo., under a continuing contract, or contracts, with O. J. Watson Co., Inc., located in Wichita, Kans.; Scherer Truck Equipment, Inc., located in Kansas City, Kans.; Capitol Body and Equipment Company, Inc., located in Kansas City, Kans.; and O. J. Watson Solid Waste Division, Inc., located in Wichita, Kans.; (4) *commodities* as are dealt in by dealers of truck equipment, between Beloit, Colby, Dodge City, Great Bend, Hays, Kansas City, Parsons, Topeka and Wichita, Kans., on the one hand, and, on the other, Denver, Grand Junction and Springfield, Colo. and Scottsbluff, Nebr., under a continuing contract, or contracts, with O. J. Watson Co., Inc., located in Wichita, Kans.; Scherer Truck Equipment, Inc.; Capitol Body and Equipment Company, Inc.; O. J. Watson Solid Waste Division, Inc.; O. J. Watson Company, Inc., of Colorado, located in Denver, Colo., and Hays Truck Equipment, Inc.; (5) *commodities* as are dealt in by dealers of truck equipment, from Brady, Tex., to Hays, Kansas City, Topeka and Wichita, Kans., and Denver, Colo., under a continuing contract, or contracts, with O. J. Watson Co., Inc.; Scherer Truck Equipment, Inc.; Capitol Body and Equipment Company, Inc.; and O. J. Watson Solid Waste Division, Inc.

(6) *Commodities* as are dealt in by dealers of truck equipment, from Jerseyville, Ill. and Lenox, Iowa, to points in Kansas; points in Colorado on and east of Interstate Highway 25; points in Missouri west of U.S. Highway 63 and points in Alfalfa, Beaver, Cimarron, Craig, Delaware, Ellis, Garfield, Grant, Harper, Kay, Major, Mayes, Noble, Nowata, Osage, Ottawa, Pawnee, Rogers, Texas, Tulsa, Washington, Woods and Woodward Counties, Okla., under a continuing contract, or contracts, with O. J. Watson Co., Inc.; Scherer Truck Equipment, Inc.; Capitol Body and Equipment, Inc.; O. J. Watson Company, Inc. of Colorado and Hays Truck Equipment, Inc.; and (7) *fertilizer blenders*, from

Jerseyville, Ill., to points in Kansas, points in Colorado on and east of Interstate Highway 25; points in Missouri west of U.S. Highway 63 and points in Alfalfa, Beaver, Cimarron, Craig, Delaware, Ellis, Garfield, Grant, Harper, Kay, Major, Mayes, Noble, Nowata, Osage, Ottawa, Pawnee, Rogers, Texas, Tulsa, Washington, Woods and Woodbine Counties, Okla., under a continuing contract, or contracts, with O. J. Watson Co., Inc.; Scherer Truck Equipment, Inc.; Capitol Body and Equipment, Inc.; O. J. Watson Company, Inc. of Colorado and Hays Truck Equipment, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 136766 (Sub-No. 2), (Correction), filed March 22, 1976, published in the FEDERAL REGISTER issue of April 22, 1976, republished as corrected this issue. Applicant: CARL DITTFIELD, 33 Drake Street, Hughestown, Pa. 18640. Applicant's representative: Joseph F. Hoary, 121 South Maine Street, Taylor, Pa. 18640. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (a) *Shredded polyurethane and shredded paper, paper and paper articles*, from West Pittston, Pa., to Chicago, Ill., Toledo and Cleveland, Ohio, points in New Jersey and New York; (b) *spiral paper board tubes*, from Little Falls, N.J., to West Pittston, Pa.; and (c) *cellophane*, from Brooklyn, N.Y., and Linden, N.J., to West Pittston, Pa., under continuing contract, or contracts with Warren Products.

NOTE.—The purpose of this republication is to correct the origin point in (c) above so as to read: "Brooklyn, N.Y." in lieu of Brooklyn, N.J. If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 138018 (Sub-No. 29), filed April 23, 1976. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and facilities utilized by Glover Packing Co., at or near Amarillo, Tex., to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Nevada, North Dakota, Ohio, Oklahoma, South Dakota and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 124377 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 139089 (Sub-No. 5), filed April 27, 1976. Applicant: FREEMPORT TRANSPORT, INCORPORATED, P.O. Box 1276, Freeport Center, Clearfield, Utah 84016. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Iron, steel and aluminum articles and products, fiberglass grating and decking, and steel buildings* knocked down, in sections, from Wheeling, W. Va.; Pittsburg, Pa.; Canton, Ohio; St. Louis, Mo.; Litchfield and Chicago, Ill.; Houston, Conroe and Dallas, Tex.; Cottendale, Ala.; Seattle and Woodinville, Wash.; Pueblo, Colo.; San Carlos, Gardena and Burlingame, Calif.; and Ogden, Utah, to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with R. W. Taylor Steel Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Washington, D.C.

No. MC 139193 (Sub-No. 36), filed April 26, 1976. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), between the plantsites and facilities utilized by John Morrell & Co., at East St. Louis, Ill., and Cincinnati, Ohio, under contract with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 139313 (Sub-No. 3), filed April 26, 1976. Applicant: P. KRIMBEL, doing business as KRIMBEL TRUCKING CO., 3554 McReynolds Avenue, Modesto, Calif. 95355. Applicant's representative: Charles Ennis (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from Modesto, San Jose, and Lodi, Calif., and points in Los Angeles and Orange Counties, Calif., to Aberdeen, Olympia, Bellevue, Seattle, and Everett, Wash., under contract with K & L Distributors, Inc., at Bellevue, Wash., and E & J Gallo Winery, at Modesto, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Seattle, Wash.

No. MC 139495 (Sub-No. 146), filed April 27, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: *Bean bag chairs*, from Irving, Tex., to points in Arkansas, Arizona, Colorado, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, Utah, Washington, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139863 (Sub-No. 5), filed April 22, 1976. Applicant: WESTERN SALES TRANSPORTATION, INC., 1801 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Empty plastic containers and lids*, from Omaha, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Oklahoma, Texas and Wisconsin, under a continuing contract, or contracts, with Airlite Plastics Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 139923 (Sub-No. 12), filed April 26, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Packerland Packing Co., Inc., at or near Pampa and Amarillo, Tex., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the above named facilities.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 140067 (Sub-No. 2), filed November 28, 1975. Applicant: ROY VICTOR MCDOWELL AND ROY DWAYNE MCDOWELL, a Partnership, doing business as MCDOWELL HOUSE AND TANK MOVERS, 6005 Oxbow, Amarillo, Tex. 79106. Applicant's representative: Roy Dwayne McDowell, Route 1, Box 139, Canyon, Tex. 79015. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Houses, boxcars, buildings* (excluding oilfield buildings), between points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, lying within that geographical area bounded as follows: Beginning at the Texas-New

Mexico State Boundary line at its intersection with U.S. Highway 285, thence north along U.S. Highway 285 to junction U.S. Highway 85, thence north and east along U.S. Highway 85 to junction U.S. Highway 160 at Trinidad, Colo., thence east and north along U.S. Highway 160 to junction Kansas Highway 27 at Johnson, Kans., thence north along Kansas Highway 27 to junction Kansas Highway 96 at Tribune, Kans., thence east along Kansas Highway 96 to junction U.S. Highway 281 at Great Bend, Kans., thence south along U.S. Highway 281 to junction U.S. Highway 183 at Seiling, Okla., thence south along U.S. Highway 183 to junction U.S. Highway 62 at Snyder, Okla., thence west along U.S. Highway 62 to junction U.S. Highway 285.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Amarillo or Fort Worth, Tex.

No. MC 140227 (Sub-No. 3), filed April 27, 1976. Applicant: DALE ETTSVOLD, 1287 11th Avenue, Granite Falls, Minn. 56241. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 56241. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Madison, Fairmont, Granite Falls, Ortonville, Slayton, Sleepy Eye and Victoria, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140266 (Sub-No. 4), filed April 26, 1976. Applicant: BAKER TRUCK LINES, INC., 2906 29th St. N., P.O. Box 535, Lewiston, Idaho, 83501. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, wood residuals and related materials*, between points in Asotin, Whitman, and Spokane Counties, Wash., on the one hand, and, on the other, points in Idaho, under a continuing contract, or contracts, with Potlatch Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Spokane, Wash.

No. MC 140363 (Sub-No. 2), filed April 8, 1976. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Ford Pierson Luscay (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Purvis, Miss., to New Orleans, Burnside, Davant, and Chalmette, La.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Pittsburgh, Pa.

No. MC 141468 (Sub-No. 2), filed April 22, 1976. Applicant: JAMES UZMACK AND WILLIAM MAUTHE, a Partnership,

doing business as DGB TRUCKING, R.D. No. 1, Strattanville, Pa. 16258. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Clarion County, Pa., to Dundee, Mich. and Dunkirk, N.Y., under a continuing contract or contracts with Colt Resources, Inc., H & G Coal & Clay Company and Chernicky Coal Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 141724 (Sub-No. 2), filed April 1, 1976. Applicant: METZ BEVERAGE COMPANY, INC., 300 North Custer Street, Sheridan, Wyo. 82801. Applicant's representative: Richard M. Davis, Jr., P.O. Box 728, 101 West Brundage St., Sheridan, Wyo. 82801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Rancho, Wyo., to Denver, Colo., under contract with Rancho Packing Company/Wyoming Beef Packers, at Rancho, Wyo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.; Billings, Mont.; or Denver, Colo.

No. MC 141762 (Sub-No. 1), filed April 26, 1976. Applicant: MASSEY'S VACUUM TRUCK SERVICE, INC., 1907 Western Avenue, Farmington, N. Mex. 87401. Applicant's representative: Robert G. Cardin, 218 West Apache, Farmington, N. Mex. 87401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud*, in containers, *lost circulation materials, and chemicals*, the transportation of which does not require specialized equipment, between warehouse and wellhead located at Farmington, N. Mex., on the one hand, and, on the other, points in Apache and Navajo Counties, Ariz., that part of Utah on and east of U.S. Highway 89 and on and south of U.S. Highway 50, and that part of Colorado on and south of U.S. Highway 50, restricted against the transportation of chemicals in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Farmington, Albuquerque, or Santa Fe, N. Mex.

No. MC 141784 (Sub-No. 2), filed April 12, 1976. Applicant: MOORE'S TRUCKING, INC., Box 227, Exmore, Va. 23350. Applicant's representative: W. M. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer material and agriculture chemicals*, from points in Accomack and Northampton Counties, Va., to points in Kent and Sus-

sex Counties, Del., points in Caroline, Queen Annes, Somerset, Wicomico and Worcester Counties, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Exmore, Va. or Washington, D.C.

No. MC 141788 (Sub-No. 2), filed April 23, 1976. Applicant: JERRY HILL, Route 1, Box 213, Morrilton, Ark. 72110. Applicant's representative: Jerry Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, sawdust and wood shavings*, from points in Garland County, Ark., to points in McCurtain and Choctaw Counties, Okla.; Bowie County, Tex., and Bossier, Webster, Clairborne, Union and Morehouse Parishes, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141804 (Sub-No. 6), filed April 23, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular acoustical panels, metal, glass, and fabric combined*, other than permanent wall panels or partitions and wall panels, from the plantsite of Directional Products, Inc., at or near Santa Ana, Calif., to the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Los Angeles, Calif.

No. MC 141812 (Sub-No. 2), filed April 28, 1976. Applicant: PRICE G. TURNER, 10312 Miller Road, R.D. No. 2, Utica, N.Y. 13502. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, N.Y. 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Elk County, Pa., to points in New York on or east of U.S. Highway 15.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Syracuse or Utica, N.Y.

No. MC 141907 (Sub-No. 1), filed April 9, 1976. Applicant: RAHIER TRUCKING, INC., P.O. Box 3148, 1822 South First Street, Yakima, Wash. 98901. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Los Angeles, Calif., to points in King and Kakima Counties, Wash., under a continuing contract or contracts with Associated Grocers Inc.

NOTE.—Applicant holds common carrier authority in MC 123556 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Yakima, Wash.

No. MC 141931 (Sub-No. 2), filed April 23, 1976. Applicant: ELMER MANUAL BATES AND EARNEST HENRY BATES, doing business as BATES BROS. TRUCKING COMPANY, 415 McClendon Road, Hot Springs, Ark. 71901. Applicant's representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, sawdust, wood shavings and other wood residuals*, from points in Garland County, Ark. to points in McCurtain and Choctaw Counties, Okla.; Bowie County, Tex. and Bossier Webster, Clairborne, Union and Morehouse Parishes, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141952 (Sub-No. 1), filed April 29, 1976. Applicant: WALTER A. JUNGE, INC., 3818 84th St. S.W., P.O. Box 91531, Tacoma, Wash. 98444. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, (except in bulk), from points in California, to Bremerton and Seattle, Wash.

NOTE.—Applicant holds contract carrier authority in MC 115570 and subs thereunder, therefore dual operations may be involved. Applicant is seeking conversion from contract to common carrier authority. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141969 (Sub-No. 1), filed March 31, 1976. Applicant: NOBLE TRANSPORT, INC., 1555 Tremont Place, P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Suite 140, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or less, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic moving on trailers to or from the facilities of Frito Lay, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Denver, Colo.

No. MC 141987 (Sub-No. 1), filed April 20, 1976. Applicant: THE LOGAN TRUCKING COMPANY, a Corporation, RFD 2, Belle Center, Ohio 43310. Applicant's representative: Jerry B. Sellman, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates, hot mix and such materials and supplies*, as are to be used in road building, in dump vehicles, from the facilities of The Shelly Company, L. P. Cavett

Company, United Asphalt, and Richards & Son, Inc., located in Adams, Ashtabula, Athens, Belmont, Brown, Butler, Carroll, Clermont, Columbiana, Darke, Defiance, Fulton, Gallia, Hamilton, Harrison, Jefferson, Lawrence, Lucas, Mahoning, Meigs, Mercer, Monroe, Paulding, Preble, Scioto, Trumbull, Van Wert, Washington, and Williams Counties, Ohio, to points in Adams, Allen, Dearborn, Dekalb, Franklin, Jay, Randolph, Steuben, Union, and Wayne Counties, Ind.; Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, Ky.; Hillsdale, Lenawee, and Monroe Counties, Mich.; Beaver, Crawford, Erie, Lawrence and Mercer Counties, Pa.; and Brook, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Putnam, Tyler, Wayne, Wetzel, and Wood Counties, W.Va., under a continuing contract or contracts with The Shelly Company and Subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 141995 filed April 19, 1976. Applicant: INTERNATIONAL EX-AIR TRANSPORT, INC., P.O. Box 333, Laredo, Tex. 78041. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the San Antonio International Airport, San Antonio, Tex., on the one hand, and, on the other, Laredo, Tex., and the ports of entry on the International Boundary line between the United States and the Republic of Mexico, at or near Laredo, Tex., restricted to shipments having a prior or subsequent movement by air carrier.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Laredo, or Dallas, Tex.

No. MC 141998, filed April 26, 1976. Applicant: NORMAN C. DRENNEN, doing business as DRENNEN TRUCKING, Box 31, Braddyville, Iowa 51631. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, rock, hot mix and crushed limestone*, between points in Adams, Fremont, Mills, Montgomery, Page, Taylor and Union Counties, Iowa, points in Cass and Sarpy Counties, Nebr., and points in Atchison, Holt and Nodaway Counties, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 142004, filed April 5, 1976. Applicant: JAMES M. BATES, doing business as BATES TRUCKING, P.O. Box 323, Tolono, Ill. 61880. Applicant's representative: Robert W. Dodd, 201 W. Springfield, Suite 206, Champaign, Ill. 61820. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between points in Boone,

Fountain, Hendricks, Marion, Montgomery, Parke, Putnam, Tippecanoe, Vermillion, Vigo, and Warren Counties, Ind., and points in Champaign, Edgar, and Vermilion Counties, Ill., under a continuing contract, or contracts, with Wickes Lumber Company, located in Hillsboro, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 142012, filed April 20, 1976. Applicant: OSBORNE WEST, LIMITED, 1187 El Embarcadero, Long Beach, Calif. 90802. Applicant's representative: J. H. Gulseth, 125 University Avenue, Berkeley, Calif. 94710. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except Classes A and B explosives) in ocean containers, and (2) *empty containers*, between ports of entry located in California, Oregon and Washington, on the one hand, and, on the other, points in the United States, restricted to the transportation of traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 142017, filed April 27, 1976. Applicant: GUARDIAN VAN & STORAGE, INC., 918 N. Rengstorff Avenue, Mountain View, Calif. 94043. Applicant's representative: Thomas B. Aldrich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and general commodities* (except commodities in bulk, Classes A and B explosive, commodities, the transportation of which the size and weight require the use of special equipment, and commodities of unusual value), between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Solano Counties, Calif., restricted to the transportation of shipments having a prior or subsequent movement in containers beyond the points authorized.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 142019, filed April 27, 1976. Applicant: FORREST FREEZE TRUCKING, INC., 1498 East Merced Avenue, Merced, Calif. 95340. Applicant's representative: Jerry Solomon Berger, 433 North Camden Drive, 6th floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*; (2) *materials, equipment and supplies* used in the harvesting, cultivating and distribution of agricultural commodities; and (3) *commodities* otherwise exempt under Section 203(b) (6) of the Act when moving in the same vehicle with (1) and (2) above, between points in Fresno, Madera, Merced, Kings, Stanislaus, and Tulare Counties, Calif., on the one hand, and, on the other, ocean ports and dock facilities

located in California, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 142020, filed April 22, 1976. Applicant: M. S. CONTRACT CARRIER, INC., 6009 Summer Ridge Drive, Memphis, Tenn. 38138. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, yarn cones, cloth, underwear and shipping containers*, between the plantsites and warehouse of Union Underwear Company, Inc., located at or near Batesville, Miss., St. Martinville, La., and Fayette, Ala., under a continuing contract or contracts with Union Underwear Company, Inc.

NOTE.—Common and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, or Nashville, Tenn.

PASSENGER APPLICATION

No. MC 1515 (Sub-No. 211) (Correction), filed March 12, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as corrected this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers (A) Regular routes: Between Buffalo, N.Y., and the boundary of the United States and Canada, serving the intermediate point of Niagara Falls, N.Y.; From Buffalo, N.Y., over Interstate Highway 190 to the boundary of the United States and Canada and return over the same route, in conjunction with item A applicant proposes to abandon its present authority between Buffalo and Niagara Falls, N.Y., via New York Highway 384 and 324 as contained in Certificate of Public Convenience and Necessity Docket No. MC 1401 Sub 143 (re-numbered MC 1515 Sub 8 not yet re-issued); *passengers and their baggage*, in one-way and round-trip charter operations. (B) Irregular routes: From Niagara Falls, N.Y., to points in the United States (including Alaska, but excluding Hawaii), and return.

NOTE.—The purpose of this republication is to include the abandonment notice which was previously omitted. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

BROKER APPLICATIONS

No. MC 12798 (Sub-No. 1), filed April 22, 1976. Applicant: XYZ CORPORATION, 1760 14th Avenue, Boulder, Colo. 80302. Applicant's representative: D. B. James (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Denver, Boulder, Fort Collins, Greeley, Longmont, and Loveland, Colo.,

to sell or offer to sell the transportation of *Passengers individually or in groups, and their baggage*, in roundtrip tours, by motor, rail, water or air beginning and ending at Denver, Boulder, Fort Collins, Greeley, Longmont, and Loveland, Colo., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boulder, Denver, or Fort Collins, Colo.

No. MC 130380, filed April 15, 1976. Applicant: TRAVELWAYS OF WISCONSIN, INC., 516 Galloway St., Eau Claire, Wis. 54701. Applicant's representative: Jack M. Bearson (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Eau Claire, Wis., to sell or offer to sell the transportation of *Passengers and their baggage*, in sightseeing and pleasure tours, beginning and ending in Eau Claire, Chippewa, Dunn, Barron, Rusk, and Trempealeau Counties, Wis., and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Eau Claire, Wis.

FREIGHT FORWARDER APPLICATIONS

No. FE-422 (Sub-No. 2), filed April 20, 1976. Applicant: CONTINENTAL FORWARDERS, INC., 350 Broadway, New York, N.Y. 10013. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in transportation of (A) *Used household goods and unaccompanied baggage*; and (B) *used automobiles*, between points in the United States including Alaska and Hawaii, restricted in (B) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present scope of authority. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. FE-463 (Sub-No. 1), filed April 22, 1976. Applicant: INTERINTRA FORWARDING, INC., 7192 Kalaniana'ole Highway, Suite 230, Honolulu, Hawaii 96825. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *Used automobiles*, between points in the United States (including Hawaii and Alaska), restricted in (b) above to the transportation of import-export traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present authority, and to remove the export-import restriction as to used household goods and unaccompanied baggage. If a hearing is deemed

necessary, the applicant requests it be held at Honolulu, Hawaii.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12813 (DE-PEN LINE, INC.—PURCHASE (PORTION))—L J P TRUCK LINES, INC., published in the April 29, 1976, issue of the FEDERAL REGISTER on page 18000. Application filed May 10, 1976, for temporary authority under Section 210a(b).

No. MC-F-12837. Authority sought for purchase by WOODLINE, INC., P.O. Box 1047, Russellville, Arkansas 72801, of the operating rights and property of CARTER TRUCK LINE, INC., P.O. Box 3739, Fort Smith, Arkansas 72901, and for acquisition by MARSHALL N. WOOD, also of Russellville, Arkansas 72801, of control of such rights through the purchase. Applicants' attorneys: R. Connor Wiggins, Jr., 909-100 North Main Bldg., Memphis, TN. 38103 and Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Operating rights and property sought to be transferred: Under a certificate of registration in MC 120407 (Sub-No. 1, 2 and 4) covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Arkansas. Vendee is authorized to operate as a *common carrier* in Arkansas. Application has been filed for temporary authority under section 210a(b).

Finance Docket No. 27971 (Correction) (McHUGH BROTHERS HEAVY HAULING, INC.) published in the May 6, 1976, issue of the FEDERAL REGISTER. Prior notice should read as follows: *Bucks County Industrial Development Corporation* instead of *Bucks County Construction Company*.

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must

be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 61614 (Sub-No. 1), filed April 19, 1976. Applicant: TROWBRIDGE STORAGE COMPANY, 1513 Alum Creek Drive, Columbus, Ohio 43209. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) Between points in Illinois on the one hand, and, on the other, points in Pennsylvania (except those in Erie County); (2) between Erie County, Pa., on the one hand, and, on the other, points in Illinois on and south of U.S. Highway 30; (3) between points in Illinois on the one hand, and, on the other, points in West Virginia; (4) between points in Illinois on and south of U.S. Highway 40 on the one hand, and, on the other, points in Michigan on and east of U.S. Highway 23; (5) between points in Michigan on and east of a line beginning at the Ohio-Michigan State line thence north over U.S. Highway 23 to junction Interstate Highway 75, thence north over Interstate Highway 75 to Sault Sainte Marie, Mich., on the one hand, and, on the other, points in Kentucky on and east of Interstate Highway 75; (6) between points in Michigan on, north, and west of a line beginning at the Indiana-Michigan State line, thence over Interstate Highway 94 to junction U.S. Highway 27, thence north over U.S. Highway 27 to junction Michigan Highway 21, thence east over Michigan Highway 21 to Port Huron, Mich., on the one hand, and, on the other, points in West Virginia (except those in Brooke and Hancock Counties); (7) between points in Michigan south and east of a line beginning at the Indiana-Michigan State line, thence over Interstate Highway 94 to junction U.S. Highway 27, thence north over U.S. Highway 27 to junction Michigan Highway 21, thence over Michigan Highway 21 to Port Huron, Michigan, on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 50; (8) between points in Michigan on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence over U.S. Highway 219 to junction U.S. Highway 22, thence east over U.S. Highway 22 to junction U.S. Highway 220, thence east over U.S. Highway 220 to junction Interstate Highway

I-80, thence east over Interstate Highway I-80 to junction U.S. Highway 11, thence north over U.S. Highway 11 to the Pennsylvania-New York State line; (9) between points in Pennsylvania on and east of U.S. Highway 15 on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line, thence south over Kentucky Highway 11 to junction U.S. Highway 25-E, thence south over U.S. Highway 25-E to the Kentucky-Virginia State line.

(10) Between points in Pennsylvania (except those in Erie, Crawford, and Mercer Counties) on the one hand, and, on the other, points in Indiana (except those in De Kalb, Noble, and Lagrange Counties); (11) between points in West Virginia on and north of U.S. Highway 50 on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Ohio-Indiana State line, thence west over Indiana Highway 44 to junction Indiana Highway 37, thence south over Indiana Highway 37 to junction Indiana Highway 45, thence south over Indiana Highway 45 to junction Indiana Highway 54, thence west over Indiana Highway 54 to the Indiana-Illinois State line; (12) between points in Hancock and Brooke, Ohio, and Marshall Counties, W. Va., on the one hand, and, on the other, points in Indiana; (13) between points in Delaware, Fairfield, Licking, Madison, Pickaway, and Union Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

NOTE.—This application is directly related to a transfer proceeding under section 212 (b) of the act and docketed in MC-FC-76532 wherein Trowbridge Storage Company seeks to acquire Certificate MC 74745 from the Atlas Moving & Storage Company, and seeks to eliminate the gateway of Columbus, Ohio, resulting from joinder of the Atlas authority with presently held authority of Trowbridge in MC 61614. Atlas and Trowbridge are commonly controlled and may perform all of the services proposed in interchange operations between themselves. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141973, filed April 16, 1976. Applicant: HARNUM TRANSPORT, INC., 867 Woburn St., Wilmington, Mass. 01887. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* requiring special equipment or handling for the transportation thereof, between points in Massachusetts on and west of Massachusetts Highway 12, on the one hand, and, on the other, Pawtucket and Providence, R.I., and points in Connecticut. The purpose of this filing is to seek tacking of transferor's authority and concurrent elimination of the gateway at Springfield, Mass. The request is derived from the first commodity request in certificate No. MC 6801 (Sub-No. 8), issued March 9, 1971. (2) *Machinery, factory equipment and supplies, heavy commodities* requiring rigging, and office furniture

when incidental to the transportation of machinery and factory equipment and supplies, which are *machines and machinery, telephone equipment, electrical equipment, radio equipment, air conditioning equipment, patterns, auto bodies, auto equipment, signs, cooling units, transformers, generators, valves, work benches, reels of wire, blackboards, sound equipment and articles* necessary to the use or installation of such commodities, which are *commodities* requiring special equipment or special handling, between Boston, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

The purpose of this filing is to seek tacking of transferor's authority and concurrent elimination of the gateways at Springfield, Mass., and those points in Massachusetts on and west of Massachusetts Highway 12. The request is derived from the first commodity request in No. MC 6801 (Sub-No. 6), and both grants of authority in No. MC 6801 (Sub-No. 8). (3) *Commodities* requiring special equipment or handling for the transportation thereof, which are *machines and machinery, telephone equipment, electrical equipment, radio equipment, air conditioning equipment, patterns, auto bodies, auto equipment, signs, cooling units, transformers, generators, valves, work benches, reels of wire, blackboards, sound equipment and articles* necessary to the use or installation of such commodities, between Pawtucket and Providence, R.I., and points in Connecticut, on the one hand, and, on the other, points in Connecticut, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia. The purpose of this filing is to seek tacking of transferor's authority and concurrent elimination of the gateways at Springfield, Mass., and points within 15 miles of Springfield. The request is derived from the authority in No. MC 6801 (Sub-No. 8).

NOTE.—This is a matter directly related to a pending transfer proceeding in No. MC-FC-76531. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(a)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 921 (Deviation No. 6), DEAN TRUCK LINE, INC., P.O. Drawer 631, Corinth, Miss. 38834, filed May 14, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Montgomery, Ala., over Interstate Highway 65 to Nashville, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Montgomery, Ala., over U.S. Highway 80 to Demopolis, Ala., thence over U.S. Highway 43 to Tuscaloosa, Ala., thence over U.S. Highway 82 to junction Alternate U.S. Highway 45 near Mayhew, Miss., thence over Alternate U.S. Highway 45 and U.S. Highway 45 to Henderson, Tenn., thence over Tennessee Highway 100 to Nashville, Tenn., and return over the same route.

No. MC 109324 (Deviation No. 1), GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601, filed May 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 54 and Missouri Highway 32 over U.S. Highway 54 to junction Missouri Highway 13 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 54 and Missouri Highway 32 over Missouri Highway 32 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 54, and return over the same route.

No. MC 111231 (Deviation No. 50), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed March 22, 1976. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *General commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 167 to junction Interstate Highway 20 near Ruston, La., thence over Interstate Highway 20 (using portions of U.S. Highway 80 where Interstate Highway 20 is incomplete) to junction Interstate Highway 20 Bypass and U.S. Highway 80, near Vicksburg, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 70 to Memphis, Tenn., thence over U.S. Highway 61 to junction U.S. Highway 80 and Interstate Highway 20 Bypass, and return over the same route.

No. MC 111231 (Deviation No. 51), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed May 11, 1976. Carrier's representative: James Blair, 111 Holcomb St., Springdale, Ark. 72764. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 65 to junction U.S. Highway 278 near Cullman, Ala., thence over U.S. Highway 278 to junction U.S. Highway 78 near Hamilton, Ala., thence over U.S. Highway 78 to junction Mississippi Highway 6 near Tupelo, Miss., thence over Mississippi Highway 6 to junction Interstate Highway 55 near Batesville, Miss., thence over Interstate Highway 55 to junction U.S. Highway 82 near Winona, Miss., thence over U.S. Highway 82 to junction U.S. Highway 49E near Greenwood, Miss., thence over U.S. Highway 49E to junction U.S. Highway 49 near Yazoo City, Miss., thence over U.S. Highway 49 to Jackson, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to junction U.S. Highway 80 and Interstate Highway 20 Bypass near Vicksburg, Miss., thence over U.S. Highway 80/Interstate Highway 20 Bypass to junction U.S. Highway 20 and Interstate Highway 20, thence over U.S. Highway 20 and Interstate Highway 20 to junction U.S. Highway 49 at Jackson, Miss., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 13028 (Deviation No. 20), BONANZA BUS LINES, INC., 27 Sabin St., P.O. Box 1116, Annex Station, Providence, R.I. 02901, filed May 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows:

From junction U.S. Highway 7 and U.S. Highway 44 in Canaan, Conn., over U.S. Highway 44 to Amenia, N.Y., thence over New York Highway 22 to junction Interstate Highway 84, near Brewster, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Canaan, Conn., over U.S. Highway 7 to Danbury, Conn., thence over unnumbered highway to junction U.S. Highway 6, thence over U.S. Highway 6 to Brewster, N.Y., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 56423, filed April 21, 1976. Applicant: INLAND FREIGHT LINES, a Corporation, 186 N. Atchison Street, Orange, Calif. 92666. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Ste. 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate as freight service as follows: Transportation of General commodities, (A) between all points and places in the Los Angeles Basin Territory as described in Note A. (B) Between all points and places in the San Diego Territory as described in Note B. (C) Between the Los Angeles Basin Territory and the San Diego Territory, serving all intermediate points and places on and within 10 miles laterally of Interstate Highways 5 and 15 (U.S. Highway 395). (Except that pursuant to the authority herein granted carrier shall not transport any shipments of: (1) Used household goods, personal effects, and office, store, and institution furniture, fixtures, and equipment not packed in salesmen's hand sample cases, suitcases, overnight, or boston-bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

(2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight

automobiles, automobile chassis, trucks, truck chassis, truck trailer trucks and trailers combined, busses and bus chassis. (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Logs. (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.)

NOTE A.—Los Angeles Basin Territory. Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive, northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet, southerly, westerly, and northerly along said corporate boundary to the Atchinson, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

NOTE B.—San Diego Territory. The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside or State Highway 67; thence southerly on County Road S17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning; intrastate, interstate, and foreign commerce authority sought.

HEARING Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 56462, filed May 4, 1976. Applicant: DREISBACH EXPORT PACKING CO., INC., doing business as DREISBACH DRAYAGE CO., P.O. Box 7510, Oakland, Calif. 94601. Applicant's representative: Eldon M. Johnson, The Hartford Building, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points and places in the San Francisco Territory (as more particularly described in Note 1 hereto), and points within twenty-five (25) miles thereof. (Except that, pursuant to the authority herein requested, no shipments of the following shall be transported: (A) Used household goods, personal effects, and office, store, and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails kits, tubs, drums bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fiberboard, or straw matting). (B) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (C) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (D) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles. (E) Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks and trailers. (F) Commodities when transported in motor vehicles equipped for mechanical mixing

in transit. (G) Logs. (H) Articles of extraordinary value; and (I) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.)

The San Francisco Territory: Includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said county line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); north-easterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Highway 13).

Northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said

waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 3279 (Sub-No. 3), filed April 20, 1976. Applicant: BROWN FREIGHT LINE, INC., 122 Tredeco Drive, Nashville, Tenn. 37211. Applicant's representative: A. O. Buck, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Nashville, Tenn., and Memphis, Tenn.: From Nashville over Interstate Highway 40, and return over the same route, serving no intermediate points; and (2) between Lewisburg, Tenn., and Memphis, Tenn.: From Lewisburg over U.S. Highway Alternate 31 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Memphis, and return over the same route, serving no intermediate points. Said authority described above to be used in conjunction with all applicant's existing authority. Service at Memphis, Tenn., and its commercial zone is restricted against the handling of traffic originating at, destined to, or interchanged at Nashville and Lewisburg, Tenn., and their commercial zones. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for July 22, 1976, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. 37219, at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1-102, Cordell Hull Building, Nashville, Tenn. 37219.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15372 Filed 5-26-76;8:45 am]

[Notice No. 57]

ASSIGNMENT OF HEARINGS

May 24, 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 cancella-

tion 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 71459 (Sub 52), O.N.C. Freight Systems now assigned July 12, 1976 (2 weeks) at Santa Fe, New Mexico and will be held at the Santa Fe Hilton Inn, 100 Sandoval Street on July 12 through July 16, 1976 and at the Quality Inn, 2915 Interstate 40 East on July 19 through 23rd at Amarillo, Texas.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15523 Filed 5-26-76;8:45 am]

[Twenty-First Revised Exemption No. 10]

ATCHISON, TOPEKA AND SANTA FE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company Reporting Marks: ATSF
Atlanta and Saint Andrews Bay Railway Company Reporting Marks: ASAB
Bangor and Aroostook Railroad Company Reporting Marks: BAR
Bessemer and Lake Erie Railroad Company Reporting Marks: BLE
Chicago, Rock Island and Pacific Railroad Company Reporting Marks: RI-ROCK
Chicago, West Pullman & Southern Railroad Company Reporting Marks: CWP
The Denver and Rio Grande Western Railroad Company Reporting Marks: DRGW
*Detroit and Mackinac Railway Company Reporting Marks: D&M-DM
*Elgin, Joliet and Eastern Railway Company Reporting Marks: EJE
Illinois Terminal Railroad Company Reporting Marks: ITC
Louisville, New Albany & Corydon Railroad Company Reporting Marks: LNAC
Missouri-Kansas-Texas Railroad Company Reporting Marks: MKT

*Addition.

Missouri Pacific Railroad Company Reporting Marks: CEI-MI-MP-TP
Southern Railway Company Reporting Marks: CG-NS-SA-SOU
St. Louis-San Francisco Railway Company Reporting Marks: SLSF

Effective 12:01 a.m., June 1, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 14, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15528 Filed 5-26-76;8:45 am]

[Revised Exemption No. 125]

BALTIMORE AND OHIO RAILROAD CO. Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. narrow-door plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, and having door openings less than 9-ft. wide, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

*The Baltimore and Ohio Railroad Company Reporting Marks: BO
*The Chesapeake and Ohio Railway Company Reporting Marks: CO
*Chicago and North Western Transportation Company Reporting Marks: CGW-CMO-CNW-FDDM-MSTL
Chicago, Milwaukee, St. Paul and Pacific Railroad Company Reporting Marks: MLW
*Soo Line Railroad Company Reporting Marks: SOO
*Western Maryland Railway Company Reporting Marks: WM

Effective May 15, 1976.

Expires June 15, 1976.

Issued at Washington, D.C., May 13, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15529 Filed 5-26-76;8:45 am]

*Additions.

[Docket No. AB-7 (Sub. No. 24), etc.]

**CHICAGO, MILWAUKEE, ST. PAUL, AND
PACIFIC RAILROAD CO., ET AL.**

Abandonment Applications; Findings

MAY 25, 1976.

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers on or before June 28, 1976 unless the instructions set forth in the notices are followed.

[Docket No. AB-7 (Sub-No. 24)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN REPUBLIC AND CHAMPION IN MARQUETTE COUNTY, MICHIGAN

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 15, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company permitting abandonment of its line of railroad beginning at Milepost 338.41 near Republic and extending in a northerly direction to Milepost 346.40 at Champion, a total distance of approximately 9.08 miles, consisting of 7.99 miles of main track and other track of 1.09 miles, exclusive of the station at Republic which is to remain, all in Marquette County, Michigan. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter

into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-18 (Sub-No. 9)]

CHESAPEAKE AND OHIO RAILWAY COMPANY ABANDONMENT GLEN JEAN BRANCH AT PAX, IN FAYETTE COUNTY, WEST VIRGINIA

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 16, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Chesapeake and Ohio Railway Company permitting abandonment of a portion of its Glen Jean Branch, extending from Valuation Station 237+65 near Pax, West Virginia, to Valuation Station 318+89 at end of line at Pax, West Virginia, a distance of approximately 1.54 miles, located in Fayette County, West Virginia. A certificate of abandonment will be issued to the Chesapeake and Ohio Railway Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to

enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-33 (Sub-No. 10)]

UNION PACIFIC RAILROAD COMPANY ABANDONMENT—OF ITS GREELEY BRANCH—NEAR GILL IN WELD COUNTY, COLORADO

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 15, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Union Pacific Railroad Company of a portion of its Greeley Branch extending from railroad Milepost 10.86 near Gill, Colorado, in a northeasterly direction to the end of the line at railroad Milepost 14.17, a distance of approximately 3.31 miles in Weld County, Colorado. A certificate of abandonment will be issued to the Union Pacific Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad. If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into

a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-52 (Sub-No. 6)]

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY ABANDONMENT BETWEEN HEBRON AND KOEHLER IN COLFAX COUNTY, NEW MEXICO

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 19, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by The Atchison, Topeka and Santa Fe Railway Company permitting abandonment of its line of railroad extending from Mile Post 0.00 near Hebron to Mile Post 11.26 at Koehler Junction and from Mile Post 0.00 at Koehler Junction to Mile Post 3.21 near Koehler, a distance of approximately 14.42 miles, in Colfax County, New Mexico. A certificate of abandonment will be issued to The Atchison, Topeka and Santa Fe Railway Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is neces-

sary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-102 (Sub-No. 2)]

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY ABANDONMENT BETWEEN GEORGETOWN AND AUSTIN, IN WILLIAMSON AND TRAVIS COUNTIES, TEXAS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 15, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Missouri-Kansas-Texas Railroad Company permitting abandonment of its line of railroad and operation extending from railroad Mile Post U-923.71 at Georgetown, Texas, in a southerly direction, to railroad Mile Post U-951.5 at Austin, Texas, a distance of 27.8 miles, in Williamson and Travis Counties, Texas. A certificate of abandonment will be issued to the Missouri-Kansas-Texas Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary

to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15536 Filed 5-26-76; 8:45 am]

[Section 5a Application No. 54; (Amendment No. 5)]

**HEAVY & SPECIALIZED CARRIERS
TARIFF BUREAU
Agreement**

MAY 18, 1976.

The Commission is in receipt of an application of the above-entitled proceeding for approval of amendments to the agreement therein approved.

Accepted for filing; May 12, 1976, by: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Ave. NW., Washington, D.C. 20005, Attorney-in-Fact.

The Amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 16, 1976. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15533 Filed 5-26-76; 8:45 am]

[Section 5a Application No. 51, (Amendment No. 1)]

**INDIANA MOTOR RATE AND TARIFF
BUREAU, INC.
Agreement**

MAY 18, 1976.

The Commission is in receipt of a supplemental application, dated October 24,

1975 and filed, as amended, May 10, 1976, in the above-entitled proceeding, for approval of amendments to the agreement therein approved, in lieu of prior application filed September 6, 1973, as amended October 7, 1974.

By: Louis I. Webster, General Manager, Indiana Motor Rate and Tariff Bureau, Inc., I.M.T.A. Building, 2165 South High School Road, Indianapolis, Indiana 46241.

The amendments involve: Revised organization and procedures between and among motor common carrier members, also among Household Goods Carriers, engaged in transportation in interstate, foreign and intrastate commerce, from to, or between points in Indiana and named contiguous points, as well as changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 16, 1976. As provided by the general rules of practice of the Commission, persons other than applicants fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15534 Filed 5-26-76;8:45 am]

[Exemption No. 110-A]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 110 issued March 8, 1976, and good cause appearing therefor:

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 110 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 12:01 a.m., May 21, 1976.

Issued at Washington, D.C., May 14, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15527 Filed 5-26-76;8:45 am]

[AB 3 (Sub-No. 11)]

MISSOURI PACIFIC RAILROAD CO.

Abandonment of Lines

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, that applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Calcasieu Parish, La., on or before June 7, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, that notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 14th day of May, 1976.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated May 14, 1976, it has been determined that the proposed abandonment by the Missouri Pacific Railroad Company of a line of railroad between Twelfth Street and Pithon Street, in Lake Charles, La., a distance of 1.03 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of traffic at the levels of recent years would result in only minimal increases in energy consumption, air pollution, and highway traffic. As there are no indications of developmental activities which relate to the rail line, the abandonment is not expected to adversely affect community development. A city ordinance will require restoration of the road surface at grade crossings to the same state as the adjacent roadway.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 22, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15530 Filed 5-26-76;8:45 am]

[Notice No. 256]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before June 28, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76514, filed May 18, 1976. Transferee: David Patrick Johnson, Corinne R. Johnson, and William Johnson, a partnership, d.b.a. Johnson Trucking Company, Box 516, Pinedale, Wyoming 82941. Transferor: David Patrick Johnson & Corinne R. Johnson, a partnership d.b.a. Johnson Trucking Company, Box 516, Pinedale, Wyoming 82941. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 29736 Sub-Nos. 3, 7 and 8, issued January 10, 1955, October 28, 1959, and April 28, 1960, as follows: livestock, prepared animal or poultry feed, grain, seeds, fertilizer, lumber, building materials, stock salt and cement, from, to and between specified points in Wyoming, Idaho, Montana, Utah, and Colorado. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a (b).

No. MC-FC-76555, filed April 29, 1976. Transferee: Genova Express Lines, Inc., 484 Clayton Road, Williamstown, N.J. 08094. Transferor: Triangle Transportation, Inc., 273 Merion Avenue, Haddonfield, N.J. 08033. Applicant's represent-

ative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 66960, issued December 27, 1973, as follows: ink and ink materials, sweeping compounds, empty cans, burlap bags, Christmas Moss, imitation earth and sawdust, between Philadelphia, Pa., on the one hand, and, on the other New York, N.Y., and points in New Jersey. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 381 and sub thereunder. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76564, filed May 18, 1976. Transferee: Leona C. Stilwell and L. Christie Stilwell, doing business as J. C. Stilwell's Son, Morton Avenue and Railroad, Morton, Pa. 19070. Transferor: Clarence F. Stilwell, (Leona C. Stilwell, Administratrix), doing business as J. C. Stilwell's Son, Morton Avenue and Railroad, Morton, Pa. 19070. Applicant's representative: Arthur Levy, Attorney-at-Law, 710 Fidelity Building, Chester, Pa. 19016. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 44156 (Sub-No. 1), issued June 9, 1960, as follows: potted plants and flowers, from Morton, Pa., and points in Pennsylvania within 20 miles of Morton, except Prospect Park and Norwood, Pa., to points in that part of Delaware and New Jersey within 30 miles of the above-specified origin points; and household goods, as defined by the Commission, between Morton, Pa., and points in Pennsylvania within 20 miles of Morton, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Delaware, Maryland, Virginia, New Jersey, New York, Connecticut, and the District of Columbia. Transferee presently holds no authority from this Commission. Applicant has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76567, filed May 4, 1976. Transferee: Noel Aviles, 3120 North Ninth Street, Philadelphia, Pa. 19131. Transferor: El Sol De America Express, Inc., 1301 Oak Point Avenue, Bronx, New York 10474. Applicant's representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Marrison, New York 10528. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-136907 issued April 26, 1974, as follows: used household goods, between points in that part of the New York, N.Y. commercial zone, as defined, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act; and between Philadelphia, Pa., on the one hand, and, on the other, points in the area described above, restricted to the transportation of traffic having a prior or subsequent movement by water to or from the Commonwealth of Puerto Rico. Transferee presently holds no authority from this Commis-

sion. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15525 Filed 5-26-76;8:45 am]

[Notice No. 255]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 27, 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 Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 16, 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-76394. By order of May 21, 1976, the motor carrier approved the transfer to J. P. Noonan Transportation, Inc., West Bridgewater, Massachusetts, of certificates No. MC 127610 and MC 127610 (Sub-No. 2) issued January 25, 1966, and April 28, 1967, respectively, to Truck Leasing, Inc., Taunton, Massachusetts, authorizing the transportation of sand, abrasive or foundry, in bulk and abrasive and foundry sand, in bulk, from named points in the States of Rhode Island and Massachusetts, to points in the States of Maine, Vermont, New York, Connecticut, New Hampshire, Massachusetts, and Rhode Island. Dual operations authorized. Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, Massachusetts 02645, representative for applicants.

No. MC-FC-76400. By order of May 21, 1976, the Motor Carrier Board approved the transfer to James K. Glenn, Bert L. Bennett, Jr., and James K. Glenn, Jr., a partnership, doing business as Quality Oil Transport, Winston-Salem, N.C., of the operating rights in certificates No. MC 107276 and MC 107276 (Sub-No. 3) issued January 15, 1959 and July 6, 1962 respectively to Vera E. Bennett, James K. Glenn, J. K. Glenn, Inc., Corinna J. Bennett, Louise G. Glenn, Joe H. Glenn (Wachovia Bank and Trust Company, Trustee) and James K. Glenn (Wachovia Bank and Trust Company, Trustee), a partnership, doing business as Quality Oil Transport, Winston-Salem, N.C., authorizing the transportation of petroleum products, in bulk, from Friendship, N.C. to a described area of Virginia and

aviation fuels, in bulk, from Wilmington, N.C. to Roanoke, Va. Marshall Krage, Suite 805, 666 11th St., N.W., Washington, D.C. 20001, attorney for applicants.

No. MC-FC-76419. By order of May 21, 1976 the Motor Carrier Board approved the transfer to Cardinal Transport, Inc., Joliet, Ill., of the operating rights in Certificate No. MC 127505 (Sub-No. 59) and a portion of the operating rights in Certificate No. MC 127505 (Sub-No. 42) issued July 11, 1975 and July 19, 1972 respectively to Ralph H. Boelk, doing business as R. H. Boelk Truck Lines, Mendota, Ill., authorizing the transportation of aluminum and aluminum products from the facilities of Alumax Mill Products, Inc., located in Grundy County, Ill., to points in Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. Arnold Burke, 180 North La Salle St., Chicago, Ill., 60601 Attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15526 Filed 5-26-76;8:45 am]

[Notice No. 65]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 21, 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 I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5227 (Sub-No. 21TA) filed May 10, 1976. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings*, knocked down and in sections, *building sections and building panels*, and *metal prefabricated structural components*, from the facilities of American Buildings Company, at or near Atlantic, Iowa, to points in the States of Utah, Washington, California, and Nevada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. David Duskin, Traffic Manager, American Buildings Company, P.O. Box 476, Atlantic, Iowa 50022. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 56244 (Sub-No. 49TA) filed May 6, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. 2, P.O. Box 98, Route 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 N. Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Boxboard* from Halltown, W. Va., to Atlanta, Rome, and Vidalia, Ga., Greenville, S.C., and Dayton and Knoxville, Tenn. (2) *Waste paper, boxboard clippings, empty skids and pallets, and paper cones*, from Atlanta, Rome and Vidalia, Ga., Greenville, S.C., and Dayton and Knoxville, Tenn., to Halltown, W. Va. Restriction: Transportation authorized is restricted to shipments originated at and destined to the above origins and destinations for 180 days. Supporting shipper: Halltown Paperboard Company, Halltown, W. Va. 25432. Send protests to: Robert P. Amerine, Dist. Supv., Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 69397 (Sub-No. 20TA), filed May 17, 1976. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, U.S. Route 13, Pocomoke City, Maryland 21851. Applicant's representative: Wilmer B. Hill, Suite 805, 666 11th Street, N.W., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* from points in Somerset County, Md. to points in Maine, New Hampshire and Vermont, for 180 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423. Room B-317, W. C. Hersman, District Supervisor.

No. MC 76177 (Sub-No. 331TA), filed May 11, 1976. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala.

35233. Applicant's representative: Harold G. Hernly, 118 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition, and drugs* which are designated sensitive by the United States (except Alaska and Hawaii) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Clifford W. Shite, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 89684 (Sub-No. 93TA) filed May 6, 1976. Applicant: WYCOFF COMPANY, INCORPORATED, P.O. Box 366, 560 South 300 West St., Salt Lake City, Utah 84101. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cut flowers, plants and florist supplies* from Centerville, Utah, to Denver, Colo.; serving all intermediate points in Colorado; via: From Centerville, Utah, to Salt Lake City via U.S. Highway I-15; From Salt Lake City, Utah, to Denver, Colo., via 3 routes: (a) Via U.S. Highway I-15 from Salt Lake City, Utah, to junction with U.S. Highway 50 near Spanish Fork, Utah; thence via U.S. Highways 50-6 (and U.S. Highway I-70 where completed) to Denver, Colo., (b) via U.S. Highway I-80 from Salt Lake City, Utah, to junction with U.S. Highway 40 at Silver Creek Junction, and thence via U.S. Highway 40 to Denver, Colo. (c) Via U.S. Highway I-80 from Salt Lake City, Utah, to Laramie, Wyo., thence via U.S. Highway 287 to Denver, Colo., with an alternate route from Loveland, Colo., to Denver, Colo., from Loveland to U.S. Highway 87 via U.S. Highway 34 and thence via U.S. Highway 87 to Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pineae Greenhouses Inc., 675 No. Main, Centerville, Utah 84014 (Glenn S. Gold, Sec.-Treas.). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 94201 (Sub-No. 138TA), filed May 14, 1976. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrapping paper, printing paper, and pulpboard*, from the plantsite, warehouse and storage facilities of Union Camp Corporation, located at or near Franklin,

Va., to points in the District of Columbia, points on U.S. Highway 1 between Washington, D.C. and New York, points in New York, and New Jersey within a 35-mile radius of Columbus Circle, N.Y.; and points in Connecticut, Rhode Island, and Massachusetts, for 180 days. Supporting shippers: Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 105375 (Sub-No. 61TA), filed May 11, 1976. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastics*, in bulk, in pneumatic hopper tank vehicles, from Clinton, Iowa to Oklahoma City, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chemplex Company, 3100 Golf Rd., Rolling Meadows, Ill. 60008. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 107162 (Sub-No. 45TA), filed May 7, 1976. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route No. 1, Brimley, Miami 49715. Applicant's representative: John Duncan Varda, 121 S. Pinckney St., Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk from Port of Entry on the International Boundary Line between the United States and Canada at or near Sault Ste. Marie, Mich., to Escanaba, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Canada, Ltd., 43 Third Line, West, Sault Ste. Marie, Ontario, Canada. Send protests to: C. R. Fleming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Miami 48933.

No. MC 111729 (Sub-No. 653TA), filed May 13, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Hensch (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Small live animals: Fish, birds, rodents, reptiles, mammals*; in packages or articles not to exceed 125 pounds from one consignor to one consignee on any one day, and restricted to the transportation of shipments having a immediately prior movement by air, (a) from Chicago, Ill., to points in Illinois, Indiana, Michigan, and

Wisconsin, (b) from Omaha, Nebr., to points in Iowa and Nebraska, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roberts Fish Farms, Inc., 6911 S.W. 99 Avenue, Miami, Fla. 33165. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118202 (Sub-No. 54TA), filed May 7, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire and Chippewa Falls, Wis., to points in North Carolina, Pennsylvania, New York, Connecticut, and Massachusetts, restricted to shipments originating at the facilities of Packerland Packing Company at the above named origins, for 180 days. Supporting shipper: Packerland Packing Company, Inc., Route 6, Lime Kiln Road, Green Bay, Wis. 54305. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 5501.

No. MC 118263 (Sub-No. 58TA), filed May 6, 1976. Applicant: COLDWAY CARRIERS, INC., P.O. Box 388-State Highway # 131, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Suspended meat* from the plantsite of Elm Hill Meats, Inc., located at Lexington, Ky., to Grand Rapids, Detroit, Mich., Chicago, and Kankakee, Ill.; Atlanta and Savannah, Ga.; Philadelphia, Pa.; N. Baltimore, Bellefontaine, Piqua, and St. Mary's, Ohio; Boston, Mass.; Miami and Jacksonville, Fla.; Mt. Airy and Baltimore, Md.; Nashville and Memphis, Tenn.; Evansville, Ind.; and Eau Claire, New London, Milwaukee, Green Bay, and Butler, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elm Hill Meats, Inc., Lisle Road, Lexington, Ky. 40505. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 125506 (Sub-No. 24TA), filed May 11, 1976. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, New York 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops dealing primarily in wearing apparel and store fixtures and supplies not for resale, and inter-office communications and documents, between the distribution center of Lane Bryant, Inc., located at New York, N.Y., and its retail outlets located at New Haven and Hartford, Conn., and at Springfield, Mass. under a continuing contract or contracts with Lane Bryant, Inc., for 90 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lane Bryant, Inc., 465 Fifth Avenue, New York, N.Y. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128030 (Sub-No. 106TA), filed May 10, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Evansville, Ind. and Newport, Ky., to Alsip, Calumet City, Chicago, Geneva, LaGrange, Lockport, Markham, Wheeling, and Waukegan, Ill., for 180 days. Supporting shippers: G. Heilman Brewing Company, Inc. George Dahnke, Traffic Manager, 925 S. Third St., La Crosse, Wis., C & K Distributing Co., Gerald Campagna, President, 2340 S. Springfield, Chicago, Ill. 60623, Service Beer Sales, George Böhntin, President, 16425 Crawford, Markham, Ill. 60426, Sheridan Beverage Company, Samuel E. Terry, President, 4514 Berteau Ave., Chicago, Ill., Midtown Distributors, Reese Kennedy, President, 336 E. Burlington, La Grange, Ill., Skokie Valley Beverage Company, William P. Schirmany, President, 199 Shepard, Wheeling, Ill. 60090, Southwest Beer Distributors, Inc., Ken Karlson, Vice President, 4210, Shirley Lane, Alsip, Ill. 60658. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 133959 (Sub-No. 4TA), filed May 13, 1976. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH, doing business ALBAUGH TRUCK LINE, 2005 East Grand Avenue, Des Moines, Iowa 50317. Applicants' representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in or used by wholesale and retail department stores, store fixtures, and display cases, between the distribution facilities of Ardan Wholesale, Inc., at Des Moines, Iowa, on the one hand, and, on the other, the retail stores of Ardan Wholesale, Inc. at or near Rockford and Peoria, Ill.; Omaha and Lincoln, Nebr.; Wichita and Topeka Kans.; El Paso, Beaumont, Odessa, and Brownsville, Tex.; Reno and Las Vegas, Nev.; and Modeston, Calif.,

under contract with Ardan Wholesale, Inc., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ardan Wholesale, Inc., 2320 Euclid Avenue, Des Moines, Iowa 50310. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 134387 (Sub-No. 32TA), filed May 4, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and parts thereof*, from Maricopa County, Ariz., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Continental Can Company, Inc. 155 Bovet Road, San Mateo, Calif. 94402. Send protests to: Walter W. Strakosch, District Supervisor, Room 1321 Federal Building, 300 North Los Angeles, Calif. 90012.

No. MC 134821 (Sub-No. 5TA), filed May 13, 1976. Applicant: DONALD L. DROSTE doing business as DON DROSTE TRUCKING, 1004 West Carroll St., Portage, Wis. 53901. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Capsule slurry*, in bulk, from the plantsite of NCR-Appleton Papers Division located at or near Portage, Wis., to Roaring Springs, Pa., under continuing contract or contracts with NCR-Appleton Papers Division, Portage, Wis., for 180 days. Supporting shipper: NCR-Appleton Papers Division, 2500 West Wisconsin St., Appleton, Wis. 54911. Send protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 135381 (Sub-No. 3TA), filed May 11, 1976. Applicant: DRUM TRANSPORTATION COMPANY, R.D. #1, Montgomery, Pa. 17752. Applicant's representative: J. G. Dail, Jr., 1111 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles, posts, pilings, timbers, ties and cross arms, and laminated wooden beams*, between the storage facilities of Southern Wood Piedmont Company, located at or near Montgomery, Pa., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania, restricted to a transportation service to be performed under a continuing contract, or contracts, with Southern Wood Piedmont Company of Spartanburg, S.C. for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Wood Piedmont Company, P.O.

Box 5447, Spartanburg, S.C. 29301. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135732 (Sub-No. 20TA), filed May 7, 1976. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove Street, Elizabeth, N.J. 07207. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, tallow, shortening, vegetable oil shortening, margarine, and cooking oils*, in packages, from the facilities of Swift Edible Oil Co., located at or near Bradley, Ill., to points in New Jersey, Maryland, Pennsylvania, Massachusetts, and the District of Columbia, and the specified points of Manassas, Williamsburg, Richmond, and Newport News, Va.; Dover, Rehoboth Beach, and Wilmington, Del.; Levitt City, New Haven, New London, Hartford, Meriden, Colchester, and Stamford, Conn.; Burlington, Brattleboro, Rutland, and White River Jct., Vt.; Dover, Concord, and Manchester, N.H.; Fairfield, Lewiston, Portland, and Augusta, Maine, and Providence and Cranston, R.I., and the Commercial Zones of the respectively named cities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Edible Oil Company, Division of Swift and Company, 115 West Jackson, Chicago, Ill. 60604. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 135809 (Sub-No. 5TA), filed May 6, 1976. Applicant: B-H TRANSFER CO., P.O. Box 151, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium tripolyphosphate and tetrasodium pyrophosphate*, dry, in bulk, in pneumatic tank vehicles, from Sandersville, Ga., to points in Fulton, DeKalb, Glascock, Jefferson, Twiggs, Wash.; and Wilkerson Counties, Ga., and points in Aiken and York Counties, S.C. Restricted to shipments having an immediate prior movement by rail, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Olin Corporation, 120 Long Ridge Road, Stamford, Conn. 06904. Send protests to: Sara K. Davis, Transportation Assistant Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 136876 (Sub-No. 8TA), filed May 11, 1976. Applicant: PAULIE BRAZIER, doing business as PAULIE BRAZIER COMPANY, 203 Helton Drive, Lawrenceburg, Tenn. 38464. Applicant's representative: B. E. Bryant, 107 North Military Avenue, Lawrenceburg, Tenn. 38464. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Dry fertilizer*, in bulk and bags, from Clarksville, Tenn., to points in Kentucky south and west of a line beginning at junction U.S. Highway 25E and the Kentucky State Line east of Middlesboro, Ky., thence along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to Mt. Vernon, thence along U.S. Highway 150 through Danville to junction U.S. Highway 68 at or near Perryville, thence along U.S. Highway 68 to Lebanon, thence along Kentucky Highway 84 to Hodgenville, thence along Kentucky Highway 61 to Elizabethtown, thence along U.S. Highway 62 to Leitchfield, thence along Kentucky Highway 259 to junction U.S. Highway 60 at or near Harned, thence along U.S. Highway 60 to Cloverport, thence north along a line from Cloverport to the Ohio River, under a continuing contract with United States Steel Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Steel Corporation, USS Agricultural Division, 233 Peachtree Street, N.E., Atlanta, Ga. 30303. Send protests to: Mr. Joe J. Tate, District Supervisor, Bureau of Operations, ICC, Suite A, 422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 138144 (Sub-No. 9TA), filed May 11, 1976. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Robert W. Gleason (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are manufactured or distributed by manufacturers of (1) *buildings*, either complete, knocked down, or in sections; (2) *building sections and panels*; (3) *component parts, materials and supplies* for (1) and (2); (4) *parts accessories and equipment* used in the installation of (1) (2) & (3), from Milwaukee and West Milwaukee to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: INRYCO, Inc., 4101 W. Burnham St. Milwaukee, Wis. 53215 (Gerald J. Stehlik). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139495 (Sub-No. 149TA), filed May 13, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, Liberal, Kans. 67901. Applicant's representative: James E. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquor beverages* (except in bulk) and *advertising materials and supplies incidental thereto*, from San Antonio, Tex., to points in Kansas, Missouri, Iowa, and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pearl

Brewing Company, Inc. P.O. Box 1661, San Antonio, Tex. 78296. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 139658 (Sub-No. 10TA), filed May 14, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Rd. N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trucks from points in Bledsoe, Rhea, Hamilton, Sequatchie, and Roane Counties, Tenn. to points in Alabama and Georgia, for 180 days. Applicant has also filed underlying ETA seeking up to 90 day of operating an authority. Supporting shippers: Patterson and Sadler Coal Company Inc. P.O. Box 1366, Montgomery, Ala. 36102. Gothan Smith & Smith Realty Co. 151 Lamar St. Macon, Ga. 31204. Send protests to Sara K. Davis, Transportation Assistant Interstate Commerce Commission, 1253 W. Peachtree St. N.W. Room 546, Atlanta, Ga. 30309.

No. MC 139923 (Sub-No. 14TA), filed May 6, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, 105-S. 8th St., Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen baker goods* from the plantsites and storage facilities of or utilized by Tennessee Doughnut Corporation located at or near Nashville, Tenn., including the Commercial Zone of Nashville, Tenn., to Ft. Smith, Little Rock, Mammoth Spring, Texarkana, and Van Buren, Ark.; Chicago, East St. Louis, Peoria, and Springfield, Ill.; Anderson, Dale, Evansville, Ft. Wayne, Indianapolis, Seymour, South Bend, and Vincennes, Ind.; Baton Rouge, Monroe, New Orleans, and Shreveport, La.; Dexter, Joplin, Kansas City, Bridgeton, Poplar Bluff, Scott City, Sikeston, Springfield, and St. Louis, Mo.; Oklahoma City and Tulsa, Okla.; Beaumont, Dallas, Ft. Worth, and Houston, Tex.; Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Grand Rapids, Lansing, and Livonia, Mich.; and Denver, Colo. and the Commercial Zones of the respectively named cities, for 180 days. Supporting shipper: Tennessee Doughnut Corporation, 1201 Gallatin Road, Nashville, Tenn. 37206. Send protests to: Joe Green, District Supervisor, ICC, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 139958 (Sub-No. 2TA), filed May 7, 1976. Applicant: R. T. TRUCK SERVICE, INC., Route No. 1, Hardinsburg, Ky. 40143. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *General commodities* (except those of Unusual value Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) between Louisville, Ky. and Scottsburg, Ind., serving the intermediate points of Memphis, Underwood, and Vienna, via U.S. Highway 31 and I-65; (2) between Louisville, Ky. and Scottsburg, Ind., via Ind. 62 to its junction with Ind. 56; thence via Ind. 56 to Scottsburg, serving all intermediate points and the off-route point of Paynesville; (3) between Louisville, Ky. and the junction of Ind. 56 and Ind. 3, serving all intermediate points; from Louisville via Ind. 62 to its junction with Ind. 3, thence via Ind. 3 to its junction with Ind. 56, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 18 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: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 140033 (Sub-No. 12TA), filed May 6, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, from McKinney, Tex. to Albuquerque, N. Mex.; Colorado Springs, Colo.; and Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southland Corporation, Cabell Foods Division, 4017 Commerce Street, Dallas, Tex. Send protests to: Opal M. Jones, Trans. Asst. Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 141058 (Sub-No. 1TA), filed May 10, 1976. Applicant: ALAN HAMER doing business as, HAMER HAULAGE, 5006 Montrose Road, Niagara Falls, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N. Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rubble, slag, earth, turf, crushed, cut and uncut rock and stone*, in bulk, in dump vehicles, from ports of entry on the International Boundary line between the United States and Canada on the Niagara River to points in Erie and Niagara Counties, N.Y. Restricted to the transportation of traffic originating at the facilities of Steed & Evans Materials Division at Fonthill, Ontario, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Steed & Evans Materials Division, Box 46, Heidelberg, Ontario, Canada. Send protests to:

George M. Parker, District Supervisor Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street Buffalo, N.Y. 14202.

No. MC 141804 (Sub-No. 8TA), filed May 5, 1976. Applicant: Western EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass or plastic bottles and/or containers or articles* used in the closure thereof, in packages. From the plantsites of Carr-Lowrey Glass Co., Baltimore, Md.; Wheaton Glass Co., Millville, N.J.; Tech Industries, Inc., Woonsocket, R.I.; and the Sterling Division of Ethyl Corporation, Erie, Pa.; via irregular routes, to North Hollywood, Calif.; and Hayward, Calif., for 180 days. Supporting shipper: Container Service Company, 12323 Sherman Way, North Hollywood, Calif. 91605. Send protests to: Mr. Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422—U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142043 TA, filed May 10, 1976. Applicant: JOHN BRADSHAW, doing business as, BRADSHAW and SONS COMPANY, 3914 South Dalton Street, Los Angeles, Calif. 90062. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations* from Gardena, Calif., to Birmingham, Ala., under continuing with Pro-Line Corporation, for 180 days. Supporting shipper: Pro-Line Corporation 447 E. Rosecrans Boulevard, Gardena, Calif. 90247. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142044 TA, filed May 11, 1976. Applicant: JOSEPH JAMES STEWARD doing business as THIRTY DELIVERY SERVICE, 1409 Cass Street, Fort Wayne, Ind. 46808. Applicant's representative: Joseph James Steward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers* of over irregular routes, transporting: *Gen-Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment in expedited, full exclusive use only between points and places located in Adams, Allen, DeKalb, Huntington, Noble, and Whitley Counties, Ind. and Defiance, Paulding and Van Wert Counties, Ohio, on the one hand, and points and places in Illinois, Kentucky (north of U.S. Highway 62, beginning at and including Paducah, thence east to Lexington, thence to and

including Maysville), Mich., Southern Peninsula (south of U.S. Highway 10, beginning at and including Ludington, thence east to Bay City, thence south and east of state highway 25 to Port Huron, thence south and west of state highway 29 to and including Detroit, thence west of the east border of Michigan between Detroit, Mich., and Toledo, Ohio), and Ohio on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Bearings, Inc., 330 W. Jefferson St., Ft. Wayne, Ind., G. E. Service Shop, 3830 Northrup St., Ft. Wayne, Ind., Hydro Systems, 13th & Piper Dr., Ft. Wayne, Ind., BNB Distributors & Follow Assoc., 2570 Commercial Rd., Ft. Wayne, Ind., Dana Corporation-Spicer Axle Div., 2100 W. State Blvd., P.O. Box 750, Ft. Wayne, Ind. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 142046 TA, filed May 10, 1976. Applicant: TELMAR TRANSPORT LIMITED, 8267 Le Creusot, St. Leonard, Quebec, Canada HIP 2A2. Applicant's representative: John F. O'Donnell, P.O. Box 238, 60 Adams Street, Milton, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in ISO (International Standard Organization) 20' ocean containers (The term ISO Container used in this application means an intermodal container not equipped with running gear for use on the highway), between the port of entry on the International Boundary between the United States and Canada at or near Champlain, N.Y. and Highgate Springs, Vt., New Hampshire; Brattleboro, Vt.; Windham and Meriden, Conn. Restricted to traffic having a prior or subsequent movement by water through a Canadian Port, for 180 days. Supporting shippers: Interantional Silver Company, Meriden, Conn., Washington Mills Abrasive Co., North Grafton, Mass., M. S. Walker Inc., Boston, Mass. 02118, Masters and Merrill Inc., Everett, Mass. 02149, Pdyvinyl Chemical Industries (Div. Veatrice Foods), Wilmington, Mass., The Kendall Company, Boston, Mass. 02110, BASF Systems, Inc., Bedford, Mass. 01730, Boise Cascade (Specialty Paperboard Div.) W. R. Grace Company—Industrial Chemicals Group European Div., Cambridge, Mass. 02138, BTU Engineering, North Bellerica, Mass. 01862, Cast North American Limited, Montreal, Quebec, Canada H3Z 2R8. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 142047 TA, filed May 11, 1976. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jericho Turnpike, P.O. Box 314, Commack, N.Y. 11725. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients, and herbicides, insecticides, and pesticides* when moving in mixed shipments with fertilizers (restricted against the transportation of commodities in bulk), (1) between the plantsite and shipping facilities of Famco, Inc. in Medina, Ohio and the plantsite and shipping facilities of Andersons at Maumee, Ohio on the one hand, and, on the other, points in Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, and South Dakota; (2) between the plantsites and shipping facilities of Plant Products, Inc. at or near Blue Point, New York on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Kentucky, Maryland, Pennsylvania, Massachusetts, New Jersey, New York, Rhode Island, Virginia, Florida, West Virginia, Ohio, Indiana, and Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Famco Inc., 300 Lake Road, Medina, Ohio, Plant Products Corporation, Kennedy Avenue, Blue Point, N.Y. 11715. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15531 Filed 5-26-76;8:45 am]

[Notice No. 257]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 27, 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-76587. By application filed May 18, 1976, SAFEGUARD TRANSPORT, INCORPORATED, P.O. Box 312, Fishersville, VA., 22939, seeks temporary authority to lease the operating rights of LAMBERT & BANKS, INCORPORATED, P.O. Box 277, Stuarts Draft VA., 24477, under section 210a(b). The transfer to SAFEGUARD TRANSPORT, INCORPORATED, of the operating rights of LAMBERT & BANKS, INCORPORATED, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15535 Filed 5-26-76;8:45 am]

[Section 5a Application No. 81; (Amendment No. 2)]

NEW YORK MOVERS TARIFF BUREAU, INC.

Agreement

MAY 18, 1976.

The Commission is in receipt of an application of the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 12, 1976 by: Alvin Altman, Brodsky, Linett and Altman, 1776 Broadway, New York, N.Y. 10019.

The amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811, and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 16, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15532 Filed 5-26-76;8:45 am]

[Notice No. 128]

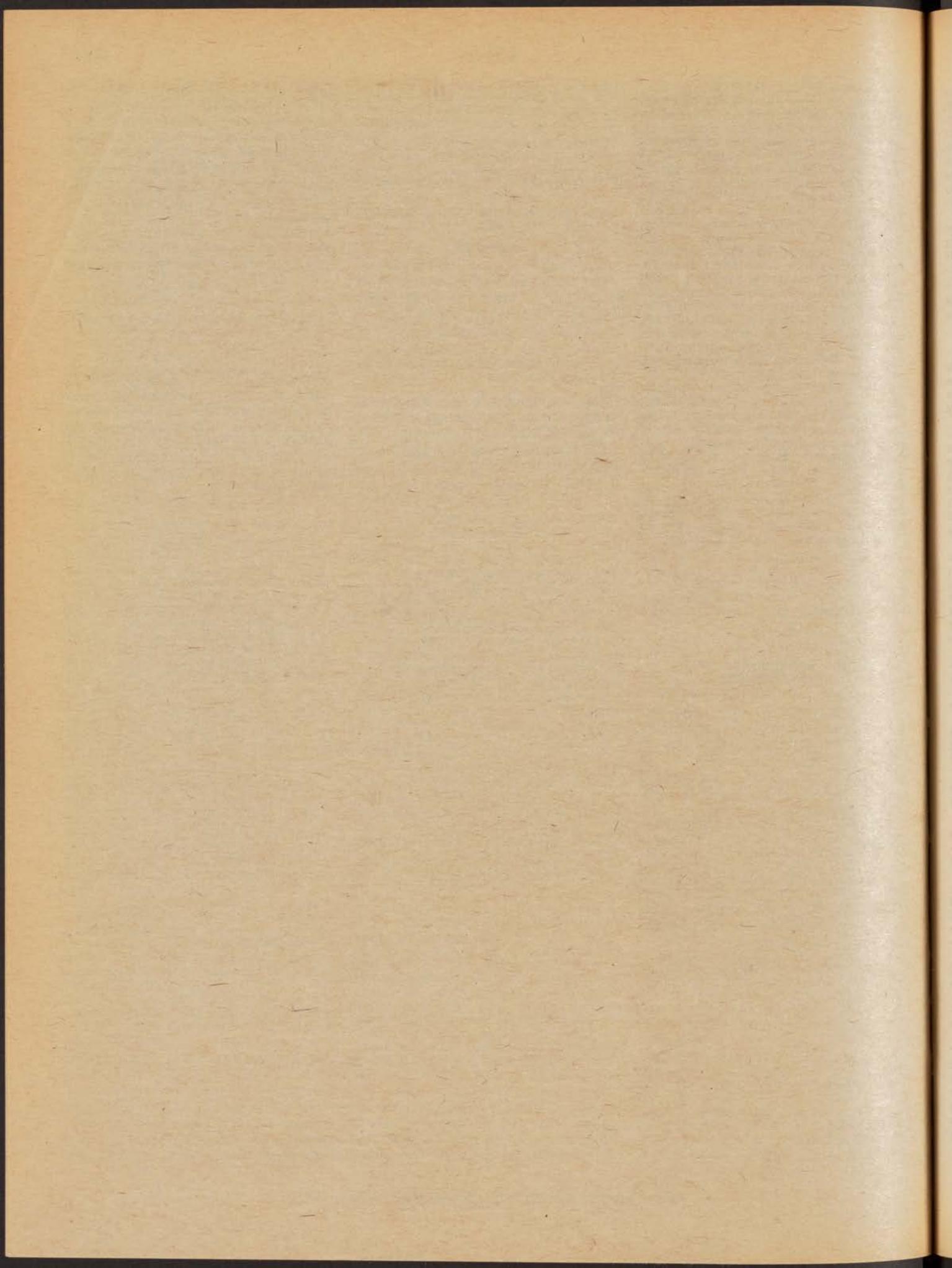
TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Behnken Truck Service, Inc MC-19045 Sub-49TA	MC-19045 Sub-51	May 19, 1976
Popelka Trucking Co., MC-26396 Sub-125TA	MC-26396 Sub-126	May 17, 1976
Shipley Transfer, Inc., MC-30887 Sub-222TA	MC-30887 Sub-225	Do.
Interstate Dress Carriers, Inc., MC-50307 Sub-74TA	MC-50307 Sub-76	Do.
National Trailer Convoy Inc., MC-106398 Sub-708TA	MC-106398 Sub-713	May 21, 1976
Poole Truck Line, Inc., MC-115162 Sub-299TA	MC-115162 Sub-298	Do.
Davis Transport Co., MC-116645 Sub-17TA	MC-116645 Sub-16	May 18, 1976
Davis Transport Co., MC-116645 Sub-18TA	MC-116645 Sub-16	Do.
Transit Homes, Inc., MC-94359 Sub-347TA	MC-94359 Sub-349	May 20, 1976
Ida-Cal Freight Lines, Inc., MC-118318 Sub-27TA	MC-118318 Sub-28	May 17, 1976
General Trucking Co., Inc., MC-118560 Sub-1TA	MC-118560 Sub-2	Apr. 5, 1976
Stahly Cartage Co., MC-119702 Sub-45TA	MC-119702 Sub-46	May 18, 1976
N.A.B. Trucking Co., Inc., MC-110726 Sub-49TA	MC-110726 Sub-50	Do.
Widing Transportation, Inc., MC-123681 Sub-27TA	MC-123681 Sub-30	May 19, 1976
Shelton Trucking Service, MC-124887 Sub-8TA	MC-124887 Sub-9	May 18, 1976
Ed Racette and Son, Inc., MC-127047 Sub-17TA	MC-127047 Sub-19	Do.
Ed Racette and Son, Inc., MC-127047 Sub-18TA	MC-127047 Sub-19	Do.
Tri-Line Expressways, Ltd., MC-129480 Sub-15TA	MC-129480 Sub-20	Apr. 5, 1976
Gordon Fast Freight, Inc., MC-133684 Sub-14TA	MC-133684 Sub-17	May 20, 1976
Midwest Transportation Co., MC-134063 Sub-8TA	MC-134063 Sub-7	May 18, 1976
D.b.a. Kustermann Truck Service, MC-134472 Sub-4TA	MC-134472 Sub-5	Do.
Charter Express, Inc., MC-134755 Sub-47TA	MC-134755 Sub-48	Do.
Highway Dump Haulers, Inc., MC-135107 Sub-4TA	MC-135107 Sub-6	May 17, 1976
Wispaq Transport, Inc., MC-135243 Sub-4TA	MC-135243 Sub-5	Apr. 5, 1976
Lisa Motor Lines, Inc., MC-135361 Sub-1TA	MC-135361 Sub-2	May 17, 1976
Waldorf Transportation Co., Inc., MC-136485 Sub-6TA	MC-136485 Sub-5	Apr. 2, 1976
The Universe Co., Inc., MC-136816 Sub-2TA	MC-136816 Sub-1	Apr. 5, 1976
Milton McCombs, Jr., MC-138552 Sub-1TA	MC-138552 Sub-2	May 21, 1976
Patterson Coastal Transport, Inc., MC-138382 Sub-1TA	MC-138382 Sub-2	Apr. 5, 1976
W. H. Houston, MC-140475 Sub-1TA	MC-140475 Sub-2	May 19, 1976
Valley Moving and Storage Co., MC-140810 Sub-1TA	MC-140810 Sub-2	Apr. 5, 1976
R. & R. Trucking Co., Inc., MC-141137 Sub-3TA	MC-141137 Sub-2	May 19, 1976

T. L. OSWALD,
Secretary.

[FR Doc.76-15524 Filed 5-26-76;8:45 am]



federal register

THURSDAY, MAY 27, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Office of Assistant
Secretary for Community
Planning and Development**



COMMUNITY DEVELOPMENT BLOCK GRANTS

Reallocated Funds; Interim Rule

Title 24—Housing and Urban Development
 CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Reallocated Funds; Interim Rule

On September 12, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (40 FR 42347) regulations for the administration of funds available for reallocation out of the appropriation for Fiscal Year 1975 for the community development block grant program under Title I of the Housing and Community Development Act of 1974. They were republished on February 27, 1976 (41 FR 8612), and appear as 24 CFR 570.409.

Section 570.107 of the regulations establishes the general policies and rules governing reallocation of block grant funds, and states that "each fiscal year, HUD will publish the policies to be employed in the reallocation of funds for that year."

The purpose of this revision to § 570.409 is to establish regulations for the reallocation of funds in Fiscal Years 1976 and 1977.

Section 570.409 presently provides for the reallocation of community development block grant funds allocated to metropolitan cities, urban counties, or other units of general local government for basic grants or hold-harmless grants in metropolitan areas or nonmetropolitan areas which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring processes. Paragraph (a) of § 570.409 is expanded to state other sources of funds which may become available for reallocation.

Paragraph (b) of § 570.409 is revised to eliminate specific dates by which funds will be reallocated, and to provide instead that funds will be reallocated within six months from the date they become available and sooner whenever possible.

Section 570.409 (c) is unchanged.

Former paragraphs (d), (e), and (f) are consolidated under a new paragraph (d) headed *Entitlement funds*. It sets forth the policy that entitlement funds that are available for reallocation will be used primarily to make grants for urgent needs as described in § 570.401 (b). The paragraph is substantially shortened to eliminate language that is duplicative of that in § 570.401 (b). Reallocated funds available in metropolitan areas will be used for urgent needs, first, in the same metropolitan area, and second, in other metropolitan areas in the same State. Reallocated funds available in nonmetropolitan areas will be used for urgent needs in the same State. Then, if all urgent needs in those respective areas in the same State are met, the funds will be used in the same State in accordance with the provisions for general purpose funds for metropolitan and nonmetropol-

itan areas under § 570.402. Finally, if those priorities are met, the funds may be reallocated to other States for urgent needs.

A new paragraph (e), entitled *General purpose funds for metropolitan and nonmetropolitan areas*, is added to § 570.409. It sets forth the policy that general purpose funds for metropolitan areas will be reallocated for the same purpose as other general purpose funds described in § 570.402 (b). If the amount to be reallocated is more than \$50,000, the funds will be left in the same SMSA, and will be made available on a competitive basis to metropolitan cities, urban counties, and units of general local government which are eligible applicants for general purpose funds for metropolitan areas. If the amount to be reallocated does not exceed \$50,000, the funds will be reallocated, first, to any metropolitan area in the same State, and second, to metropolitan areas in other States, and will be added to other general purpose funds available in such areas. The purpose for reallocating amounts not exceeding \$50,000 to other SMSAs for use in conjunction with other discretionary funds is that the benefits to be derived from such minimal amounts do not exceed the administrative costs to both HUD and localities associated with preparing, reviewing and processing both preapplications and applications for the additional funds.

This revision to the regulations is being published as an interim rule for two reasons. First, the changes represent minor revisions and elaboration of the reallocation policy utilized in Fiscal Year 1975. Second, there is a need to proceed promptly with reallocation of funds that are presently becoming available because of the failure of both entitlement and discretionary applicants to apply for available funds. It is to be noted that Section 106(e) of the Housing and Community Development Act of 1974 states that reallocations are to be carried out " * * * with a view of assuring maximum use of all available funds in the period for which such funds were appropriated." In light of this expressed statutory intent, the interest of the Department in making reallocated funds available to eligible applicants at the earliest possible date, and the minimal changes in policy from that employed in the previous fiscal year, this interim rule will be effective upon publication.

Interested persons are invited to participate in the making of the final rule by submitting written comments or views. Comments should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, Washington, D.C. 20410. All relevant material received on or before June 28, 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 these amendments, a Find-

ing 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, at the address above.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A-107.

These amendments are proposed under the authority of Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383), and sec. 7(d), Department of HUD Act (42 U.S.C., 3535(d)).

In consideration of the foregoing, 24 CFR 570.409 is revised to read as follows:

§ 570.409 Reallocated funds.

(a) *General*. This section governs the reallocation of funds as required by the provisions of § 570.107 which become available from any of the following sources:

(1) Any amounts allocated to metropolitan cities, urban counties, or other units of general local government for basic grants or hold-harmless grants in metropolitan areas or nonmetropolitan areas which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring process;

(2) Any other amounts allocated to metropolitan areas or nonmetropolitan areas which the Secretary determines, on the basis of applications and other evidence available, are not likely to be fully obligated by the Secretary during the fiscal year for which the allocation has been made;

(3) Any amounts available as a result of a Secretarial adjustment of an annual grant under § 570.911;

(4) Any amounts recovered under the provisions of § 570.913;

(5) Any amounts returned to HUD as a result of a termination of, withdrawal from, or failure to complete an approved Community Development Program; or

(6) Any amounts remaining after completion of all approved discretionary block grant activities.

The provisions of this section constitute the policies to be employed in the reallocation of funds in Fiscal Year 1976 and 1977.

(b) *Timing of reallocation*. Any amounts available for reallocation will be reallocated as soon as practicable and in all cases within six months from the date they become available for reallocation.

(c) *Eligible applicants*. States and units of general local government, as defined in § 570.3(v), are eligible to apply for reallocated funds. For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403 (b), (1), (2), and (3).

(d) *Entitlement funds*. Entitlement funds available for reallocation will be used primarily to make grants to eligible applicants with urgent needs, including those with entitlements as well as others with special needs arising from urban

renewal closeout activities. The term "urgent needs" as used in this section means those urgent needs described in § 570.401(b).

(1) *Priorities for reallocation of funds.*
(i) *Metropolitan areas.* Funds allocated to metropolitan areas will be reallocated in accordance with the following priorities:

(A) To the same metropolitan area for urgent needs grants;

(B) If reallocated funds are available after meeting the urgent needs in that metropolitan area, to other metropolitan areas in the same State for urgent needs grants;

(C) If reallocated funds are available after meeting the urgent needs in all metropolitan areas in that State, to the same metropolitan area or other metropolitan areas in the same State for use in accordance with the provisions of § 570.402(b)-(g) and the priorities for reallocation described in paragraph (e) (1) (i) of this section; and

(D) If reallocated funds are available after meeting the preceding priorities, to metropolitan areas in other States for urgent needs grants;

(ii) *Nonmetropolitan areas.* Funds allocated to nonmetropolitan areas will be reallocated in accordance with the following priorities:

(A) To the nonmetropolitan area in the same State for urgent needs grants;

(B) If reallocated funds are available after meeting the urgent needs in the nonmetropolitan area in that State, to

the nonmetropolitan area in the same State for use in accordance with the provisions of § 570.402; and

(C) If reallocated funds are available after meeting the preceding priorities, to nonmetropolitan areas in other States for urgent needs grants.

(iii) *Additional considerations.* In determining to which metropolitan area or areas funds shall be reallocated under paragraph (i) (B), and to which State or States funds shall be reallocated under paragraphs (i) (D), and (ii) (C), the Secretary shall give priority consideration to the metropolitan areas or States where the greatest unmet urgent needs exist.

(2) *Application requirements.* Applications for urgent needs grants shall meet the application requirements of § 570.401 (c). All other preapplications and applications shall meet the requirements of § 570.400 (b) (1) and § 570.402.

(e) *General purpose funds for metropolitan and nonmetropolitan areas.* General purpose funds for metropolitan and nonmetropolitan areas available for reallocation will be reallocated for use in accordance with the criteria for selection described in § 570.402(b).

(1) *Priorities for reallocation.*

(i) *Metropolitan areas.*

(A) If the amount to be reallocated is more than \$50,000, the Secretary will reallocate such funds, first, to the same metropolitan area, second, to any other metropolitan area in the same State, and third, to any metropolitan area in

other States, for the purpose of making grants to cities, urban counties, and those eligible applicants described in § 570.402 (a). The Secretary will invite preapplications from eligible applicants in order to provide an opportunity for such applicants to apply for funds reallocated under the preceding sentence.

(B) If the amount to be reallocated does not exceed \$50,000, the Secretary will reallocate such funds, first, to any metropolitan area in the same State, and second, to any metropolitan area in other States, for the purpose of making grants to those eligible applicants described in § 570.402(a).

(ii) *Nonmetropolitan areas.* The Secretary will reallocate funds, first, to the nonmetropolitan area in the same State, and second, to nonmetropolitan areas in other States.

(iii) *Additional Considerations.* In determining to which metropolitan areas or States such funds will be reallocated, the Secretary shall give primary consideration to the demand for such funds as represented by preapplications or applications filed with HUD.

(2) *Application requirements.* Preapplications and full applications shall meet the requirements of §§ 570.400 (b) (1) and 570.402.

Effective date: This amendment is effective on May 27, 1976.

DAVID O. MEEKER, JR.,
Assistant Secretary for CPD.

[FR Doc.76-15441 Filed 5-26-76; 8:45 am]

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(Revised as of April 1, 1976)

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_____	Title 24—Housing and Urban Development (Part 500—End)	022-003-93206-2	6.90	_____
_____	Title 26—Internal Revenue (Parts 2-29)	022-003-93216-0	4.05	_____
_____	Title 26—Internal Revenue (Parts 30-39)	022-003-93217-8	3.45	_____
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