AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

27
224-444
U.S.A.

Vol.41–No.167
8–26–76
PAGES
36013–36191

federal register

THURSDAY, AUGUST 26, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

highlights

PART I:

AIR INSTALLATIONS COMPATIBLE USE ZONES
DOD proposal on State and local government involvement; comments by 9–30–76 36030

ALMONDS, LIMES, POTATOES, GRAPES
USDA/AMS rules and proposals on container, rate, and quality requirements (4 documents); comments by 9–10 and 12–31–76; effective date 8–29–76 ..... 36013–36014, 36034–36035

ANIMAL DRUGS
HEW/FDA approves use of sterile prednisone suspension in horses and dogs for treating inflammatory conditions; effective 8–26–76 36063

AWARDS DETERMINATION
HEW/OE publishes approved list of students' need analysis system for certain programs for academic year 1977–78 36062

DEVELOPING INSTITUTIONS PROGRAM
HEW/OE notice of 11–1–76 as closing date for receipt of applications 36062

ENERGY POLICY AND CONSERVATION ACT OF 1975
ICC implementation proposal; comments by 10–12–76 .. 36041

FULBRIGHT-HAYS TRAINING GRANTS
HEW/OE notice of 11–5–76 as closing date for receipt of applications 36061

INDOCHINESE REFUGEES
HEW/SSA regulations regarding Federal financing of State supplementary payments; effective 8–26–76 36017

MINERAL LEASING
Interior/BLM amends commercial quantities and trespass regulations; effective 9–27–76 36022

PROFICIENCY CHECKS
DOT/FAA proposal permitting a pilot-in-command to omit maneuver under certain conditions; comments by 11–24–76 36036

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

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

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

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

REARVIEW MIRRORS
DOT/NHTSA amends requirements for motorcycles, school buses, and large multipurpose passenger vehicles and trucks; effective 2–26–77, and proposes standard to allow optional use; comments by 10–11–76 (2 documents) 36023, 36037

SAFETY
NTSB publishes notice of availability and receipt of recommendations and responses 36091

SAVINGS AND LOAN SYSTEM
FHLBB proposal on rural branching; comments by 9–27–76 36039

TEACHER CORPS
HEW/OE notice of 9–15–76 as closing date for X and XI Cycle Youth Advocacy Projects 36062

WINE AND DISTILLED SPIRITS
Treasury/AFT proposes label information requirements for bottles or cartons; comments by 9–27–76 36029

MEETINGS—
Commerce/DIBA: Advisory Committee on East West Trade, 8–16–76 36056
Assembly Packaging and Test Subcommittee, Semiconductor Manufacturing and Test Equipment Technical Advisory Committee, 9–16–76 36056
Wafer Processing Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee, 9–16–76 36057
Commission of Fine Arts, 9–15–76 36067
DOT/CG: Research Advisory Committee, 9–22 through 9–24–76 36064
National Boating Safety Advisory Council, 10–19–76 36063
Ship Structure Subcommittee, 9–22–76 36064
NHTSA: National Motor Vehicle Safety Advisory Council, 9–15 and 9–16–76 36065
EPA: Strategy Subcommittee of Administrator's Pesticide Policy Advisory Committee, 9–10–76 36069
FCC: Executive Committee, 9–16–76 36075
FEA: Worldwide Supply and Demand Task Group, LP–Gas Transportation and Storage Subcommittee, 9–16–76 36075
HEW/OE: Community Education Advisory Council, 9–17 and 9–18–76 36061
National Advisory Council on Equality of Educational Opportunity, 9–24 and 9–25–76 36063
Interior: National Petroleum Council; 9–14 through 9–17–76 36054
BLM: Albuquerque District Multiple Use Advisory Board, 9–28 and 9–29–76 36046
New Mexico Multiple Use Advisory Board, 9–22 and 9–23–76 36046
Mines: Advisory Committee on Coal Mine Safety Research Subcommittee, 9–15–76 36046
Justice/FBI: National Crime Information Center Advisory Policy Board, 10–19 and 10–20–76 36045
Security and Confidentiality Committee, 10–13 and 10–14–76 36045
LEAA: National Institute of Law Enforcement and Criminal Justice, 9–30–76 36045
SBA: Baltimore District Advisory Council, 10–15 and 10–16–76 36098
Denver District Advisory Council, 10–8–76 36098
SEC: Advisory Committee on Replacement Cost Implementation, 9–17–76 36095
National Advisory Market Board, 9–20 and 9–21–76 36094
State: Committee on Ocean Dumping, 9–15–76 36044

PART II:

SOCIAL SERVICES
HEW/SRS proposes amendments for programs for individuals and families under Title XX of the Social Security Act; comments by 10–11–76 36155

PART III:

DOMESTIC CRUDE OIL
FEA rule clarifying mandatory price regulations; effective 9–1–76 36171

PART IV:

PRIVACY ACT OF 1974
HEW requests comments by 9–27–76 on systems of records and proposed routine uses 36187

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Notices
Authority delegations:
Barbados, AID Affairs Officer for Caribbean Regional Programs 36044

AGRICULTURAL MARKETING SERVICE
Rules
Limes grown in Fla 36013
Oranges (Valencia) grown in Ariz. and Calif 36013
Potatoes (Irish) grown in Wash 36014
Proposed Rules
Almonds grown in Calif 36034
Grapes (Tokay) grown in Calif 36035
Notices
Grain standards:
Idaho 36055
Mississippi 36055

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Farmers Home Administration; Food and Nutrition Service; Forest Service.

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Proposed Rules
Wine and distilled spirits; labeling and advertising; required information on coverings or cartons 36029

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Ephrata-Moses Lake 36066
Flying Tiger Line Inc 36065

COAST GUARD
Rules
Anchorage grounds:
New York 36018
Notices
Meetings:
National Boating Safety Advisory Council 36063
Research Advisory Committee 36064
Ship Structure Subcommittee 36064

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; Maritime Administration; National Oceanic and Atmospheric Administration.
Notices
Organization and functions:
Assistant Secretary for Administration 36058
Financial Management Services 36058
National Bureau of Standards 36058
National Oceanic and Atmospheric Administration 36061

COMPTROLLER OF CURRENCY

Notices

Securities; over-the-counter trading suspension:
Mercantile National Bank 36044

DEFENSE DEPARTMENT

Proposed Rules

Air installations compatible use zones 36030

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings:
Advisory Committee on East-West Trade 36056
Assembly, packaging and test Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee 36056
Wafer Processing Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee 36057

EDUCATION OFFICE

Notices

Funding criteria for applications:
Developing Institutions Programs 36062
Fulbright-Hays Training Grants 36061
National Direct Student Loan, etc 36062
Teacher Corps 36062
Meetings:
Community Education Advisory Council 36061
Equality of Educational Opportunity, National Advisory Council 36063

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Procurement 36021

ENVIRONMENTAL PROTECTION AGENCY

Notices

Environmental statements; availability of agency comments 36070
Meetings:
Administrator's Pesticide Policy Advisory Committee 36069
Pesticide chemicals, etc.; petitions:
Chapman Chemical Co., et al 36068

FARMERS HOME ADMINISTRATION

Notices

Disaster areas:
New York 36055

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Armstrong Whitworth 36014
Enstrom 36015
Grumman-American Aviation Corp 36015
Hawker Siddeley Aviation, Ltd 36015
Control zones (2 documents) 36016
Transition areas 36016

Proposed Rules

Air carriers certification and operations:
Proficiency checks; maneuvering with simulated powerplant failure 36036
Transition areas 36036

FEDERAL BUREAU OF INVESTIGATION

Notices

Meetings:
National Crime Information Center and Policy Board 36045
Security and Confidentiality Committee 36045

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations; table of assignments:
Texas 36022
Television broadcast stations; table of assignments:
Wisconsin 36023

Notices

Meetings:
Radio Technical Commission for Marine Services 36075

FEDERAL ENERGY ADMINISTRATION

Rules

Petroleum price regulations, mandatory:
Crude oil, domestic; clarification 36171

Notices

Meetings:
LP-Gas Industry Advisory Committee, Worldwide Supply and Demand Task Group 36075

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Federal savings and loan system:
Rural locations of branch offices and mobile facilities 36039

FEDERAL MARITIME COMMISSION

Notices

Freight forwarder licenses:
Columbus Express and Shipping Co., Inc 36076
Agreements filed, etc.:
Puerto Rico Ports Authority and Puerto Rico Maritime Shipping Authority 36076

FEDERAL POWER COMMISSION

Proposed Rules

Electric utilities:
Securities issuance procedures; revisions; withdrawn 36040

Notices

Amounts subject to refund; interest rate 36084
Hearings, etc.:
Algonquin Gas Transmission Co 36076
Allaun, William E 36080
Appalachian Power Co 36077
Carolina Power and Light Co 36077
Cities Service Gas Co. (2 documents) 36078, 36088
Columbia Gas Transmission Corp 36079
Community Public Service Co 36079
Dille, Earl K 36079
East Tennessee Natural Gas Co 36079
Interstate Power Co 36088
Iowa, Cities of Lenox, et al 36087
Iowa Power and Light Co. (2 documents) 36080, 36089
Kansas Power and Light Co 36080
Michigan Wisconsin Pipe Line Co 36080
Midwestern Gas Transmission Co. (2 documents) 36081
Mobile Oil Corp 36081
Montana Power Co 36082
Nantahala Power and Light Co 36082
New England Power Co. (2 documents) 36082
Northern Michigan Exploration Co., et al 36082
Northern States Power Co 36083
Northwest Pipeline Corp 36089
Oil Resources Inc 36083
Panhandle Eastern Pipe Line Co. (3 documents) 36083, 36089, 36090
Pennsylvania Electric Co 36084
Public Service Company of Colorado 36084
Texas Eastern Transmission Corp 36085
Toledo Edison Co 36085
Trunkline Gas Co 36090
Union Electric Co. (2 documents) 36085, 36086
Utah Gas Service Co 36086
Utah Power and Light Co., et al 36086
Virginia Electric and Power Co 36090
Western Massachusetts Electric Co 36087

FINE ARTS COMMISSION

Notices

Meeting 36067

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Cibola National Wildlife Refuge, Ariz. and Calif., et al 36027

Notices

Endangered species permits; applications:
Clark, William S 36047
National Zoological Park 36051
Patuxent Wildlife Research Center 36052
Seattle Aquarium 36053
Ure, Lloyd R 36049

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Prednisone suspension, sterile 36018

Notices

Animal drugs:
Hexederm and derma hex shampoos; withdrawal of approval 36063
Human drugs:
Hydroxydione sodium succinate; correction 36063

FOOD AND NUTRITION SERVICE

Rules

School breakfast program; correction ---- 36013

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
- Emerald Creek Planning Unit ---- 36055
- Lakeview Planning Unit; correction ---- 36056
- Ozone Unit Plan ---- 36056

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; Social and Rehabilitation Service; Social Security Administration.

Notices

Privacy Act, 1974 ---- 36187

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau; Mines Bureau.

Notices

Meetings:
- National Petroleum Council ---- 36054

INTERNAL REVENUE SERVICE

Notices

Authority delegations:
- Deputy Commissioner, et al ---- 36044

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
- Plant hangers, beads ---- 36091

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:
- Hopper cars, substitution of ---- 36027

Proposed Rules

Practice rules:
- Energy policy and conservation ---- 36041

Notices

Finance application ---- 36136
Fourth section applications for relief ---- 36132
Hearing assignments (3 documents) ---- 36099, 36131
Motor carriers:
- Irregular route property carriers; gateway elimination ---- 36099
- Lease and interchange of vehicles (3 documents) ---- 36103
- Temporary authority applications ---- 36133
- Temporary authority termination ---- 36104
- Transfer proceedings (3 documents) ---- 36103, 36104, 36132

Operating rights applications, etc. 36104
Railroad freight rates and charges; various States:
- Colorado ---- 36131

JUSTICE DEPARTMENT

See Federal Bureau of Investigation; Law Enforcement Assistance Administration.

LAND MANAGEMENT BUREAU

Rules

Mineral leasing and trespass:
- Dating of leases and preference right, etc ---- 36022

Notices

Applications, etc.:
- New Mexico (3 documents) ---- 36045, 36046

Meetings:
- Albuquerque District Multiple Use Advisory Board ---- 36046
- New Mexico Multiple Use Advisory Board ---- 36046

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
- Advisory Committee of the National Institute of Law Enforcement and Criminal Justice ---- 36045

MARITIME ADMINISTRATION

Notices

Construction of two containerships, MA Design C5–S–73b ---- 36058

MINES BUREAU

Notices

Meetings:
- Advisory Committee on Coal Mine Safety Research ---- 36046

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
- Rearview mirrors ---- 36023
- School bus rollover protection ---- 36026

Proposed Rules

Motor vehicle safety standards:
- Rearview mirrors ---- 36037

Notices

Meetings:
- National Motor Vehicle Safety Advisory Council ---- 36065

Motor vehicle safety standards; exemption petitions, etc.:
- General Motors Corp ---- 36064
- Travel Equipment Corp ---- 36065

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Marine mammals:
- Endangered species parts and products; exemptions for pre-Act prohibitions ---- 36028

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and responses; availability and receipt 36091

NUCLEAR REGULATORY COMMISSION

Notices

Environmental statements; availability, etc.:
- Puerto Rico Water Resources Authority ---- 36093

Regulatory guides; issuance and availability ---- 36093

Applications, etc.
- Commonwealth Edison Co ---- 36092
- Commonwealth Edison Co. (Zion Station Units 1 and 2) 36094
- Duke Power Co ---- 36093

SECURITIES AND EXCHANGE COMMISSION

Notices

Meetings:
- Market Advisory Board, National ---- 36094
- Replacement Cost Implementation Advisory Committee ---- 36095

Self-regulatory organizations; proposed rule changes:
- American Stock Exchange, Inc 36094
- Chicago Board Options Exchange, Inc ---- 36095
- Midwest Securities Trust Co ---- 36095

Hearings, etc.:
- Diversified Industries, Inc ---- 36095
- Equity Funding Corp. of America and Orion Capital Corp 36095
- Nathan Hale Investment Corp 36096
- Southeast Acquisition Co ---- 36097
- Taxpayers Aid Society, Inc ---- 36098

SMALL BUSINESS ADMINISTRATION

Notices

Meetings:
- Baltimore District Advisory Council ---- 36098
- Denver District Advisory Council ---- 36098

SOCIAL AND REHABILITATION SERVICE

Proposed Rules

Social services programs:
- Individuals and families; eligibility determination, etc ---- 36155

SOCIAL SECURITY ADMINISTRATION

Rules

Aged, blind, and disabled; supplemental security income for:
- Indochinese refugee assistance; State fiscal liability limitations, etc ---- 36017

STATE DEPARTMENT

See also Agency for International Development.

Notices

Meetings:
- Shipping Coordinating Committee ---- 36044

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton, wool, and man-made textiles:
- Korea, Republic of ---- 36067

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau; Comptroller of the Currency; Internal Revenue Service.

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

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

RESERVATIONS: JANET SOREY, 523–5282

list of cfr parts affected in this issue

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

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

7 CFR

220 36013
908 36013
911 36013
946 36014

PROPOSED RULES:

926 36035
981 36034

10 CFR

212 36172

12 CFR

PROPOSED RULES:

556 36039

14 CFR

39 (4 documents) 36014, 36015
71 (3 documents) 36016

PROPOSED RULES:

71 36036
121 36036

18 CFR

PROPOSED RULES:

34 36040

20 CFR

416 36017

21 CFR

522 36018

27 CFR

PROPOSED RULES:

4 36029
5 36029

32 CFR

PROPOSED RULES:

256 36030

33 CFR

109 36018
110 36018

41 CFR

9–3 36021

43 CFR

3520 36022
9230 36022

45 CFR

PROPOSED RULES:

228 36156

47 CFR

73 (2 documents) 36022, 36023

49 CFR

571 (2 documents) 36023–36026
1033 36027

PROPOSED RULES:

571 36037
1106 36041

50 CFR

32 36027
222 36028

CUMULATIVE LIST OF PARTS AFFECTED DURING AUGUST

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

1 CFR

PROPOSED RULES:

18 ... 32861

3 CFR

PROCLAMATIONS:

3279 (See EO 11930) ... 32399

EXECUTIVE ORDERS:

October 14, 1911 (Revoked in part by PLO 5598) ... 34035
October 19, 1911 (Revoked in part by PLO 5598) ... 34035
April 16, 1912 (Revoked in part by PLO 5598) ... 34035
October 27, 1914 (Revoked in part by PLO 5598) ... 34035
6276 (Revoked in part by PLO 5596) ... 33267
11652 (See EO 11932) ... 32691
11790 (See EO 11930) ... 32399
11814 (See EO 11930) ... 32399
11912 (See EO 11930) ... 32399
11930 ... 32399
11931 ... 32689
11932 ... 32691

DIRECTIVES:

May 17, 1972 (Amended by Directive of July 30, 1976) ... 32693
July 30, 1976 ... 32693

MEMORANDUMS:

July 19, 1976 ... 32403

4 CFR

1 ... 35155

5 CFR

213 ... 32892, 33545, 34246, 34731, 35155-
591 ... 32892

7 CFR

35 ... 32877
52 ... 32222, 34751
103 ... 34005
105 ... 34005
106 ... 34005
108 ... 34006
111 ... 34006
220 ... 32405, 34757, 36013
225 ... 35685
230 ... 35686
235 ... 32405
271 ... 34760
331 ... 32229, 32409
354 ... 35693
409 ... 34973
722 ... 32878
728 ... 35694
775 ... 35694
790 ... 34247
791 ... 34247
905 ... 34248
908 ... 32229, 32695, 34006, 35053, 35520, 36013
909 ... 35843
910 ... 32827, 34248, 35156, 35521
911 ... 36013
915 ... 34973
916 ... 32410
917 ... 32410-32411, 34762
919 ... 35695

7 CFR—Continued

926 ... 34007
944 ... 34762
946 ... 36014
947 ... 32230, 32695
967 ... 35520
982 ... 34974
989 ... 32412
1012 ... 32417
1099 ... 32575
1421 ... 32879, 35695-35702
1124 ... 32418, 35843
1427 ... 35521
1430 ... 32881
1472 ... 34248
1701 ... 33546
1806 ... 34571
1821 ... 32575
1822 ... 34577, 34578
1831 ... 32575, 32697
1861 ... 32576
1871 ... 32576
1872 ... 32577, 32578
1890c ... 32578
1901 ... 34583
1955 ... 32697

PROPOSED RULES:

16 ... 34777, 34977, 35072
47 ... 32231
51 ... 32896
909 ... 32234
910 ... 33922, 35187
911 ... 34049
919 ... 32234
926 ... 34647, 36035
927 ... 34050
930 ... 32606
931 ... 32757
932 ... 35722
946 ... 32758
953 ... 34766
981 ... 34647, 36034
991 ... 34648
993 ... 33275
1004 ... 34282
1006 ... 35187
1007 ... 33275
1011 ... 33275, 34444
1012 ... 35187
1013 ... 35187
1030 ... 33275
1032 ... 33275
1033 ... 34444, 35194
1046 ... 33275
1049 ... 33275
1050 ... 33275
1062 ... 33275
1063 ... 33275
1064 ... 33275
1065 ... 33275
1068 ... 33275
1070 ... 33275
1071 ... 33275
1073 ... 33275
1076 ... 33275
1078 ... 33275
1079 ... 33275
1090 ... 33275, 34444
1094 ... 33275
1096 ... 33275
1097 ... 33275
1098 ... 33275

7 CFR—Continued

PROPOSED RULES—Continued

1099 ... 33275
1101 ... 33275, 34444
1102 ... 33275
1104 ... 33275
1106 ... 33275
1108 ... 33275
1120 ... 33275
1124 ... 34286
1126 ... 33275
1131 ... 33275
1132 ... 33275
1138 ... 33275
1207 ... 32606
1260 ... 34772
1430 ... 32899
1701 ... 22419
1801 ... 33561
1813 ... 33922
1823 ... 34767
1861 ... 33561
1867 ... 35532
1980 ... 33561

8 CFR

100 ... 32419, 34937
103 ... 34937
316a ... 34938

9 CFR

73 ... 32882, 34731
76 ... 32882, 35156, 35675
83 ... 32432
113 ... 32882
201 ... 34007

PROPOSED RULES:

327 ... 34293

10 CFR

35 ... 34635
211 ... 33881
212 ... 34008, 36172
700 ... 34731
735 ... 34731

PROPOSED RULES:

9 ... 35073
70 ... 35537
205 ... 34783, 34981
210 ... 34784
211 ... 34784
212 ... 33282, 34080, 34784
705 ... 34778

11 CFR

Ch. I ... 35932

12 CFR

217 ... 32578
220 ... 34938
221 ... 35477
303 ... 35156
335 ... 35477
545 ... 35820
561 ... 32419, 35821
563 ... 32419, 35821
611 ... 33546
615 ... 33547
618 ... 33547

12 CFR—Continued

PROPOSED RULES:

16 ... 32864
225 ... 33306
226 ... 35536
556 ... 36039
569 ... 35827
584 ... 33566

13 CFR

102 ... 35675
105 ... 33547
120 ... 33245
122 ... 33549
123 ... 35675
316 ... 35670

PROPOSED RULES:

120 ... 33567

14 CFR

13 ... 32205
36 ... 35053
37 ... 35070
39 ... 32206, 32207, 32733, 32734, 33245, 33246, 34008, 34009, 34583–34585, 35059, 36014, 36015
47 ... 34009
49 ... 34009
71 ... 32734, 32735, 33246, 33247, 34010, 34011, 34586, 34587, 35059, 35478, 36016
73 ... 34011, 34587
95 ... 34011
97 ... 32735, 34016, 35478
121 ... 35070
137 ... 35059
253 ... 34249
300 ... 34587
300 ... 34587
310 ... 32579
372 ... 35157
372a ... 35158
373 ... 35160
378 ... 35160
378a ... 35160
1207 ... 35479

PROPOSED RULES:

39 ... 32238, 32239, 34076, 34649
45 ... 34076
71 ... 32240, 32758–32759, 33280, 34077, 34650, 35072, 35073, 35535, 36036
73 ... 34077, 34650
75 ... 34077
93 ... 35073
121 ... 36036
Ch. II ... 34979
300 ... 34650

15 CFR

0 ... 34938
905 ... 34017

16 CFR

13 ... 32420, 34019, 34249, 34742, 34939–34941, 35843
15 ... 34594
433 ... 34594

PROPOSED RULES:

423 ... 35863
437 ... 35725
456 ... 33925
700 ... 34654

16 CFR—Continued

PROPOSED RULES—Continued

704 ... 32911
1145 ... 33636
1150 ... 33636
1500 ... 33639

17 CFR

150 ... 35060
200 ... 32736
210 ... 32737, 35479
211 ... 35163
240 ... 35167
249 ... 35167

PROPOSED RULES:

239 ... 32540
240 ... 32856, 33004, 35073
270 ... 32760

18 CFR

2 ... 32883, 33364
154 ... 33364
157 ... 32212, 32883,

PROPOSED RULES:

1 ... 34324
2 ... 32910
34 ... 36040
35 ... 32911
154 ... 32911
260 ... 33642, 33780

19 CFR

1 ... 35061
142 ... 33248
153 ... 32421, 32893, 34597, 34974
159 ... 32230, 34250
158 ... 33248

PROPOSED RULES:

1 ... 34049, 34261
18 ... 34271
101 ... 34261
123 ... 34271
144 ... 34271
201 ... 34081

20 CFR

404 ... 32885
410 ... 33549
416 ... 36017
602 ... 35169

PROPOSED RULES:

404 ... 34060, 35861, 35862
405 ... 35197
416 ... 35862
701 ... 34294
702 ... 34294
725 ... 34972

21 CFR

2 ... 32738, 32886
5 ... 33248, 34597
11 ... 33249
27 ... 32886
121 ... 32580, 34598, 34742, 34942, 35170
193 ... 32888
310 ... 32580, 35171
436 ... 34742
460 ... 35061
510 ... 32213, 34743, 35844
520 ... 32889
522 ... 32583, 32889, 33882, 36018
555 ... 32583, 33882
558 ... 34943

21 CFR—Continued

620 ... 35480
640 ... 35062
701 ... 32583

PROPOSED RULES:

1 ... 34051
2 ... 35855
4 ... 35282
6 ... 35282
128f ... 35532
500 ... 32434, 34052
510 ... 34884
526 ... 34884
540 ... 34884
556 ... 34884
558 ... 34884
801 ... 35282
812 ... 35282
1301 ... 32756

22 CFR

102 ... 34743
503 ... 35480
606 ... 33550

PROPOSED RULES:

130 ... 33446

23 CFR

230 ... 34239
420 ... 33440
630 ... 33253

PROPOSED RULES:

658 ... 32240
661 ... 33280
1204 ... 33280

24 CFR

10 ... 33909
203 ... 32216
207 ... 32216
220 ... 32216
260 ... 34608, 35706
300 ... 34611
886 ... 32686
891 ... 35660
1914 ... 32216, 32738, 33551, 34943, 35706, 35707
1915 ... 33911, 35708
1916 ... 32584–32587, 32739, 33253–33255, 33552–33556 33919–33921, 35844–35847
1917 ... 33255–33260, 34022–34025, 34944–34948, 35062–35066, 35480–35489, 35712–35714
1920 ... 33260–33262, 34611–34618, 35171–35174, 35847
1930 ... 34618
1931 ... 34618
2205 ... 32359

PROPOSED RULES:

201 ... 32564
205 ... 34977
570 ... 34301
710 ... 35978
720 ... 35978
868 ... 32370
1710 ... 34648
1917 ... 34063–34075, 34305–34322
2205 ... 32237

25 CFR

41 ... 33556
43h ... 32421
221 ... 34743

25 CFR—Continued

PROPOSED RULES:

41 ... 32756
221 ... 32757

26 CFR

1 ... 33262, 34025, 34619, 35490
20 ... 34627, 35490
25 ... 34628, 35490
31 ... 35174
53 ... 35514
141 ... 32889, 32890
301 ... 34025, 35174, 35490

PROPOSED RULES:

1 ... 33285, 35855
31 ... 32231
54 ... 32895

27 CFR

PROPOSED RULES:

4 ... 36029
5 ... 35531, 36029

28 CFR

0 ... 35183
16 ... 32423
20 ... 34949

29 CFR

699 ... 34744
1601 ... 34745
1602 ... 33557
1910 ... 35185
1952 ... 32424, 34251, 34252
2520 ... 32522
2602 ... 32740
2606 ... 32741

PROPOSED RULES:

97 ... 35723, 35724
1601 ... 33924
1910 ... 32911, 32912, 35200
1952 ... 32912, 34298
2200 ... 34657

30 CFR

55 ... 33263
56 ... 33263
57 ... 33263

PROPOSED RULES:

211 ... 35716

31 CFR

PROPOSED RULES:

210 ... 32605, 35855

32 CFR

581 ... 34253
722 ... 34745
725 ... 32742
832 ... 34951
889 ... 34952
968 ... 34962
1008 ... 34962

PROPOSED RULES:

256 ... 36030
505 ... 34764
642 ... 32346
657 ... 34924
832 ... 34976
1286 ... 32231

33 CFR

109 ... 36018
110 ... 36018
117 ... 32217, 34034, 35521, 35522
127 ... 32742, 35066
207 ... 34034

PROPOSED RULES:

110 ... 34649
117 ... 32238, 35536
161 ... 32758

34 CFR

PROPOSED RULES:

Ch. I ... 34324

35 CFR

PROPOSED RULES:

133 ... 33307

36 CFR

7 ... 33263
50 ... 34748

38 CFR

4 ... 34256
21 ... 32217
36 ... 32218

PROPOSED RULES:

1 ... 32247

39 CFR

10 ... 35682–35685
111 ... 35682–35685
3002 ... 32742

PROPOSED RULES:

775 ... 35725
3003 ... 34792

40 CFR

51 ... 35676
52 ... 32743, 32890, 34259, 34749, 35184, 35676
60 ... 33264, 34628, 35184
61 ... 33264, 34629
86 ... 35626
87 ... 34722
180 ... 32426, 33265, 34629, 35677
402 ... 33265
416 ... 32578
420 ... 32218
434 ... 34440

PROPOSED RULES:

52 ... 32241, 34422, 34782, 35725
180 ... 32899
220 ... 34078
229 ... 34078
416 ... 32613
420 ... 32242
434 ... 34441

41 CFR

1–7 ... 33265
1–12 ... 33265
1–16 ... 33265
7–7 ... 35067
8–1 ... 32219
8–3 ... 32219
9–3 ... 36021
28–1 ... 32426

41 CFR—Continued

29–60 ... 35186
101–20 ... 34629
101–26 ... 34630
101–32 ... 34634

PROPOSED RULES:

3–3 ... 32607
60–1 ... 34298
101–2 ... 34080
101–26 ... 34080
105–61 ... 32245
128–18 ... 34636

42 CFR

51e ... 35140
101 ... 33436
110 ... 33557
122 ... 34749

43 CFR

419 ... 32427
2650 ... 33267
3302 ... 32891
3520 ... 36022
9230 ... 36022

PUBLIC LAND ORDERS:

5592 ... 32589
5593 ... 34962
5595 ... 33267
5596 ... 33267
5597 ... 33267
5598 ... 34035
5599 ... 34749
5600 ... 35067
5601 ... 35067

PROPOSED RULES:

232 ... 34299
302 ... 34298
2800 ... 34977

45 CFR

11 ... 35654
115 ... 34962
117 ... 35678
121a ... 35678
121d ... 33558
130 ... 35678
141 ... 35678
166 ... 35678
173 ... 35678
177 ... 33268
190 ... 33868
233 ... 35678, 35847
249 ... 35847
801 ... 33559
1069 ... 33268

PROPOSED RULES:

73b ... 32235
103 ... 35722
146 ... 34052
190 ... 33962
228 ... 36156

46 CFR

91 ... 32744
252 ... 32589
536 ... 32590

PROPOSED RULES:

93 ... 32237
180 ... 35072
531 ... 32899

47 CFR

0 33272
1 ..... 33885, 33895, 34259
2 ..... 32680, 33885
15 32590
19 32891
21 ..... 33269, 33885, 33895
73 ..... 32219, 32220, 32891, 33270, 33559, 33560, 35068, 35849, 36022, 36023
74 ..... 32429, 32593, 35068
76 ..... 32429, 34963, 35068
78 32429
83 32220
89 ..... 32680, 33902, 35522
91 ..... 32680, 33889, 33903, 35068, 35522
93 ..... 32682, 33907, 35522
95 32682

PROPOSED RULES:

0 33563
2 32434
13 32434
15 34323
63 33280
64 33563
73 ..... 32434, 33280, 33281, 33566, 34078, 34079, 34323, 34787–34789, 34980, 35533, 35534
76 ..... 32381, 34930
81 ..... 32434, 33281, 34790
83 ..... 32434, 33281, 34790
87 32242
89 35863

47 CFR—Continued

PROPOSED RULES—Continued

91 35863
93 35863
95 35863

49 CFR

1 35849
81 32593
192 34598
195 34035
390 34968
571 ..... 32221, 35522, 36023–36026
575 34607
581 35068
613 33443
1033 ..... 32221, 32429, 32430, 34607, 35068, 35678, 36027
1038 32594
1109 32744
1124 34260
1127 32546
1201 32595
1202 32596
1203 32596
1204 32597
1205 32597
1206 32598
1207 32599
1208 32601
1209 32601
1210 32602
1307 ..... 34260, 35679
1310 35679

49 CFR—Continued

PROPOSED RULES:

266 33354
571 ..... 33280, 36037
801 34082
1067 33307
1106 36041
1109 32434
1125 35730
1201 33016
1241 33016
1243 33016

50 CFR

20 34041
26 35679
28 32602
32 ..... 32430, 32431, 32602, 32603, 32747–32755, 33272–33274, 33909, 34046–34037, 34750, 34751, 34968–34969, 35069, 35679–35682, 35849, 36027
33 ..... 32222, 32431, 32603, 32755
217 34969
222 ..... 34969, 35682, 36028
240 34047
285 32603

PROPOSED RULES:

17 ..... 32896, 33922, 35855
20 34273
26 32433
32 34049
222 33922

FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*	*Pages*	*Date*
32205–32398	Aug. 2	32239–34570	13
32399–32574	3	34571–34730	16
32575–32688	4	34731–34935	17
32689–32875	5	34937–35051	18
32877–33244	6	35053–35153	19
33245–33543	9	35155–35475	20
33545–33880	10	35477–35674	23
33881–34003	11	35675–35842	24
34005–34238	12	35843–36012	25
		36013–36191	26

reminders

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

Rules Going Into Effect Today

DOT/CG—Adequate manning of vessels; revocation of temporary regulations. 30648; 7–26–76

FAA—Standard instrument approach procedures; recent changes and additions..... 29098; 7–15–76

Standard instrument approach procedures..... 31525; 7–29–76

Standard Instrument Approach Procedures; Santa Maria, Ca., Pocatello, Id., Billings, Mt., Pierre, SD, Watertown, SD..... 28511; 7–12–76

Standard Instrument Approach Procedures; Santa Maria, Ca., Billings, Mt., Pierre, SD, Watertown, SD. 28511; 7–12–76

Standard Instrument Approach Procedures; Fresno, Ca., Watertown, SD. 28511; 7–12–76

Standard Instrument Approach Procedures; Denver, Co.... 28511; 7–12–76

Standard Instrument Approach Procedures; Los Angeles, Ca., Santa Maria, Ca., Billings, Mt., Pierre SD, Watertown, SD..... 28511; 7–12–76

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.

H.R. 7896..... Pub. Law 94–390
To amend sections 2734a(a) and 2734b (a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes
(Aug. 19, 1976; 90 Stat. 1191)

H.R. 10374..... Pub. Law 94–391
To amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board
(Aug. 19, 1976; 90 Stat. 1192)

H.R. 13359..... Pub. Law 94–392
To authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes
(Aug. 19, 1976; 90 Stat. 1193)

S. 2642..... Pub. Law 94–393
To provide for the establishment of the Ninety Six National Historic Site in the State of South Carolina, and for other purposes
(Aug. 19, 1976; 90 Stat. 1196)

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 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 25]

PART 220—SCHOOL BREAKFAST PROGRAM

Child Nutrition Programs

Correction

In FR Doc. 76-24227 appearing on page 34757 in the issue for Tuesday, August 17, 1976, make the following corrections:

1. On page 34758, in the first column, in the Authority appearing beneath the table of contents, "Stat. 866" should have read "Stat. 886".

2. On page 34758, in the third column, under § 220.2 (u), in the 20th line, "nonprofit child care institution," should have read "nonprofit private child care institution,".

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

[Valencia Orange Reg. 542]

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

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Aug. 27–Sept. 2, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh marget demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.842 Valencia Orange Regulation 542.

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

(2) The need for this regulation to limit the respective quantities of Valencia 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 Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia 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 Valencia oranges continues slow. Prices f.o.b. for the week ending August 19 were $3.42 a carton on 614 cars as compared with $3.45 per carton on 593 cars during the prior week. Track and rolling supplies at 286 cars were down 29 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 Valencia 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 when 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 Valencia 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 during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this 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 Valencia 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 completed on or before the effective date hereof. Such committee meeting was held on August 24, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 27, 1976, through September 2, 1976, are hereby fixed as follows:

(i) District 1: 292,000 cartons;

(ii) District 2: 358,000 cartons;

(iii) District 3: Unlimited.

(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: August 25, 1976.

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

[FR Doc.76-25295 Filed 8-25-76;11:13 am]

[Lime Reg. 27, Amdt. 5]

PART 911—LIMES GROWN IN FLORIDA

Container Regulation

This amendment to the current container regulation continues suspension of the use of 10-pound containers for the handling of fresh Florida limes during the period August 29 through October 30, 1976. Such suspension was scheduled to end August 28. The amendment continues to authorize the use of six containers with minimum content requirements of 20 pounds and 38 pounds net weight of limes.

On August 12, 1976, notice of rulemaking was published in the FEDERAL REGISTER (41 FR 34049) regarding a proposed amendment of the current container regulation (7 CFR 911.329; 38 FR

12323, 15726; 41 FR 15685, 19299, 30343) in effect pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The proposal was submitted by the Florida Lime Administrative Committee (established pursuant to said amended marketing agreement and order). This is a marketing order program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No exception to said notice was filed.

The amendment reflects the Department's appraisal of present and prospective marketing conditions for limes. Production estimates indicate that supplies of limes will continue heavy through October 30. The committee reports that trade reaction has been favorable during the period of suspension of the 10-pound containers. Limiting shipments to the larger 20- and 38-pound containers results in lower container costs and handling and marketing charges for a given volume of limes. Indications are that the lower packing and marketing charges enable lower f.o.b. prices. Such prices should encourage increased sales during the period of heaviest lime supplies. Hence, the action would contribute to orderly marketing of limes and be in the public interest.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the committee, and other available information, it is hereby found that the amendment hereinafter set forth is in accordance with the provisions of said amended marketing agreement and order; and such amendment will tend to effectuate the declared policy of the act with respect to effectuating orderly marketing in the public interest.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that: (1) Shipments of the current crop of limes began on April 1, 1976, and heavy shipments of limes are now in progress, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) The recommendations upon which this regulation is based were developed by the committee at an open meeting on July 20, 1976, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) A notice of proposed amendment of the container regulation for Florida limes was published in the FEDERAL REGISTER (41 FR 34049); and (4) The amended container regulation herein specified is the same as the proposed regulation.

Order. The provisions of paragraph (a) (2) of § 911.329 (Lime Regulation 27; 38 FR 12323, 15726; 41 FR 15685, 19299, 30343) are hereby amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period August 29, 1976, through October 30, 1976, no handler shall handle any variety of limes, grown in the production area, in containers having inside dimensions of 12 x 9⅝ x 3¾ inches and 12 x 9⅝ x 5 inches: *Provided,* That during such period and thereafter no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

* * * * *

Dated: August 23, 1976, to become effective August 29, 1976.

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

[FR Doc.76-25067 Filed 8-25-76;8:45 am]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

This document authorizes the State of Washington Potato Committee to spend not more than $16,200 for its operations during the fiscal period ending June 30, 1977, and to collect one-tenth cent per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 113 and Order No. 946, both as amended, regulating the handling of Irish potatoes grown in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the August 5 FEDERAL REGISTER (41 FR 32758) regarding the proposals. It afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 20, 1976. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is hereby found and determined that the following budget and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

§ 946.229 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1977, by the State of Washington Potato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $16,200.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-tenth cent (0.001) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period, except potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 946.42(a).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

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

Dated: August 23, 1976.

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

[FR Doc.76-25068 Filed 8-25-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16030; Amdt. 39-2701]

PART 39—AIRWORTHINESS DIRECTIVES

Armstrong Whitworth Argosy Model AW-650 Series 101 Airplanes

There have been reports of cracks in the main undercarriage sliding cylinder on Armstrong Whitworth Model AW-650 Series 101 airplanes that could result in the failure of the main landing gear. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires an inspection with magnetic particle fluid of the main undercarriage sliding cylinder and its replacement, if cracks are discovered, on Armstrong Whitworth Model AW-650 Series 101 airplanes.

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.

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

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 folowing new airworthiness directive:

ARMSTRONG WHITWORTH. Applies to all Model AW-650 Series 101 airplanes certificated in all categories.

Compliance is required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

To detect cracks in the undercut at the bottom of the main undercarriage sliding cylinder and prevent possible failure of the main landing gear, accomplish the following:

(a) Inspect the undercut at the bottom of the main undercarriage sliding cylinder with magnetic particle fluid in accordance with Accomplishment Instructions 2A (1) through 2A (6) of Dowty Rotol Service Bulletin No. 32-49D, dated August 15, 1975, or an FAA-approved equivalent.

(b) If a crack in the sliding cylinder is detected during the inspection required by paragraph (a) of this AD, replace the main undercarriage sliding cylinder before further flight with a serviceable part of the same part number or an FAA-approved equivalent.

This amendment becomes effective, on September 9, 1976.

Issued in Washington, D.C. on August 18, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.76-24715 Filed 8-25-76;8:45 am]

[Docket No. 76-GL-15; Amdt. 39-2700]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Models F-28, F-28A and 280

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive was adopted on August 6, 1976, and made effective immediately as to all known United States operators of Enstrom helicopters Models F-28, F-28A and 280, except for those helicopters which have certain main rotor shaft gear box serial numbers as listed in the AD. The directive requires Enstrom helicopter owners to report any evidence of tool marks or surface irregularities on the main rotor shaft in the area of the radius beneath the rotor hub shoulder and make inspections for cracks at closer intervals. This directive supersedes Amendment 39-2472 (40 FR 59197), AD 75-26-19.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known United States operators of Enstrom helicopters Models F-28, F-28A and 280, except for those helicopters which have main rotor shaft gear box serial numbers listed in the AD, by individual airmail letters dated August 6, 1976. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ENSTROM. Applies to Models F-28, F-28A, and 280 helicopters certificated in all categories, except for those helicopters which have the following main rotor shaft gear box serial numbers.

032FS	10-002-72PS
041PS	19-024-74PS
067PS	34-029-75PS
070PS	39-002-13PS
091	44-011-76PS
07-012-74PS	44-019-76PS
08-001-72S	53-003-73PS

To detect tool marks, surface irregularities, and cracks which may develop into failure of the Main Rotor Shaft (Enstrom Part Number 28-13104) accomplish the following:

A. Before further flight visually inspect the main rotor shaft in the area of the radius beneath the rotor hub shoulder, using an eight power or greater magnifying glass and report to the Enstrom Helicopter Corporation, Menominee County Airport, P.O. Box 277, Menominee, Michigan, Phone 906-863-9971, any evidence of circumferentially disposed tool marks or surface irregularities.

B. Before further flight, unless previously accomplished within the last 20 hours time in service or one month, and every 20 hours or one month thereafter, whichever occurs first, inspect the main rotor shaft for cracks in the area of the radius beneath the rotor hub shoulder using a 3-step dye-penetrant method. The inspections are to be performed by maintenance personnel familiar with the dye-penetrant inspection method.

C. Within 10 hours time in service or 15 days, whichever occurs first after each dye-penetrant inspection, visually check the main rotor shaft for cracks in the area of the radius beneath the rotor hub shoulder using an eight power or greater magnifying glass.

D. Before further flight remove from service any main rotor shaft found to contain cracks or other evidence of damage and replace with an airworthy shaft of the same part number or later FAA approved part number.

E. Immediately check in accordance with Paragraph B above any helicopter which develops unusual once-per-rotor-revolution vibration. Such vibrations serve as warning of imminent failure.

F. The above inspections may be discontinued after completion of main rotor shaft modifications in accordance with Enstrom Service Directive Bulletin Number 0036.

This supersedes Amendment 39-2472 (40 FR 59197), AD 75-26-19.

This amendment is effective September 1, 1976 and was effective immediately for all recipients of the airmail letters dated August 6, 1976 which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to The Enstrom Helicopter Corporation, Menominee County Airport, P.O. Box 277, Menominee, Michigan 49858. These documents may also be examined at the FAA Great Lakes Region, Engineering and Manufacturing Branch, AGL-210, 2300 East Devon Avenue, Des Plaines, Illinois. A historical file on this AD which includes the incorporated material in full is also maintained at that office.

The incorporation by reference provisions in this document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

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

Issued in Des Plaines, Illinois on August 18, 1976.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc.76-24886 Filed 8-25-76;8:45 am]

[Docket No. 76-GL-14; Amdt. 39-2699]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Aviation Corp.; Model AA1, AA1A, AA1B, AA5, AA-5A, and AA-5B Series Airplanes

There have been failures of the bondline integrity on control surfaces on Grumman American airplanes that could result in control surface skin delamination. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require bondline inspection and repair, if necessary, and installation of rivets on control surfaces on Grumman American Model AA1, AA1A, AA1B, AA5, AA-5A and AA-5B airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to

Model	*Serial Number*
AA1, AA1A	0001 and up
AA1B	0001 thru 0641
AA5	0001 and up
AA-5A	0001 thru 0173, 0176 thru 0196
AA-5B	0001 thru 0309, 0311 thru 0324

airplanes certificated in all categories.

Compliance required within the next 25 flight hours' time in service after the effective date of this AD, unless already accomplished.

To detect delaminations in bonded skins and prevent any possible further delaminations, accomplish the following: Inspect and perform rework as prescribed by the instructions of Grumman American Aviation Corporation Service Bulletin No. 155, dated July 30, 1976, or an equivalent inspection and modification approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

(Secs. 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)).)

This amendment becomes effective August 30, 1976.

Issued in Des Plaines, Illinois, on August 16, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-24814 Filed 8-25-76;8:45 am]

[Docket No. 15616; Amdt. 39-2705]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. Model DH/BH-125 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring

necessary modifications of the airbrake servodynes and operating circuit on certain Hawker Siddeley Aviation, Ltd. Model DH/BH-125 airplanes was published in the FEDERAL REGISTER at 41 FR 17400.

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

This amendment is made under the authority of sections 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)).

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:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH/BH-125 airplanes Series 400A, S/N NA-711 through NA-758 and all Model DH/BH-125 airplanes Series 1A, 1A-522, 1A/S-522, 3A, 3AR, 3ARA, certificated in all categories.

Compliance is required within the next 200 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible unwanted deployment of airbrakes in flight, accomplish the following:

(a) For all aircraft except those altered to include airbrake servodynes P/N AIR 46520/0 and 46521/0 in accordance with the Part D Supplement of Hawker Siddeley Aviation Ltd., Modification 252174, Service Bulletin SB 27-86-(2174), dated March 29, 1972, modify the airbrake servodynes, P/N AIR 45398 and 45399, in accordance with Part A of the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd., Service Bulletin 27-86-(2174), Revision 4, dated March 29, 1972, or an FAA-approved equivalent.

(b) For all aircraft, modify the airbrake operating circuit (R/H and L/H) in accordance with Part C of the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd., Service Bulletin 27-86-(2174), Revision 4, dated March 29, 1972, or an FAA-approved equivalent.

This amendment becomes effective September 27, 1976.

Issued in Washington, D.C. on August 19, 1976.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.76-24882 Filed 8-25-76;8:45 am]

[Airspace Docket 76-NW-11]

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

Alteration of Control Zone

On April 22, 1976, a Notice of Proposed Rulemaking was published in the Federal Register (41 FR 16827), stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Salem, Oregon, Control Zone.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without changes.

Effective date: This amendment shall be effective 0901 G.m.t. on November 4, 1976.

(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 Seattle, Washington, on August 12, 1976.

J. H. TANNER,
Acting Director,
Northwest Region.

§ 71.171 [Amended]

In § 71.171 (41 FR 423) the description of the Salem, Oregon, Control Zone is amended to read as follows:

SALEM, OREGON

Within a 5 mile radius of McNary Field, Salem, Oregon. Latitude 44°54'35" N., Longitude 123°00'05" W., and within 2 miles each side of the Salem ILS localizer E course, extending from the 5 mile radius zone to the LOM; within 4 miles each side of the Salem ILS localizer W course, extending from the 5 mile radius zone to 15 miles west of the airport.

(Section 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)).)

[FR Doc.76-24883 Filed 8-25-76;8:45 am]

[Airspace Docket No. 76-SO-76]

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 Columbus, Miss., control zone.

The Columbus control zone is described in § 71.171 (41 FR 355). It is necessary to amend the description by reducing the effective hours of operation from 24 hours per day to 0600 to 1800 hours, local time, Monday thru Thursday; 0600 to 2000 hours, local time, Friday; 0900 to 1600 hours, local time, Saturday; 1000 to 1600 hours, local time, Sunday; and closed on Federal holidays. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

§ 71.171 [Amended]

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth. In § 71.171 (41 FR 355), the Columbus, Miss., control zone is amended by adding:

This control zone is effective from 0600 to 1800 hours, local time, Monday thru Thursday; 0600 to 2000 hours, local time, Friday; 0900 to 1600 hours, local time, Saturday; 1000 to 1600 hours, local time, Sunday; and closed on Federal Holidays.

(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 August 16, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-24884 Filed 8-25-76;8:45 am]

[Airspace Docket No. 76-WE-15]

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

Lompoc, Calif.; Designation of Transition Area

On July 1, 1976 a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (41 FR 27085) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Lompoc Airport, Lompoc, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. The only objection was submitted by the Department of the Air Force. Their objection was based on the fact that the proposed transition area would overlie Restricted Areas R-2516, R-2534A and R-2534B, and aircraft executing an instrument letdown to the Lompoc airport could penetrate restricted airspace while circling to land or executing a missed approach while remaining within the confines of the transition area.

The new transition area will be designated so as to exclude that airspace within Restricted Area R-2516, since R-2516 is not a joint use Restricted Area and is therefore not open for public use. Restricted Areas R-2534A and R-2534B are both joint use and are available for transit on a coordinated basis.

Additionally, the approach procedure to Lompoc will be annotated in the remarks section to show the procedure will only be available during the hours the Vandenberg AFB RAPCON is in operation.

In consideration of the foregoing, the proposed amendment is hereby adopted subject to the following:

After Gaviota VORTAC add the sentence, "The airspace within R-2516 is excluded."

(Sec. 307(2) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Effective date: This amendment shall be effective 0901 G.m.t., November 4, 1976.

Issued in Los Angeles, California, on August 16, 1976.

LYNN L. HINK,
Acting Director, Western Region.

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

§ 71.181 [Amended]

In § 17.181 (41 FR 440) the following transition area is added:

LOMPOC, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lompoc Airport (latitude 34°39'58'' N., longitude 120°27'56'' W.) and within 5 miles each side of the Gaviota VORTAC 293° radial, extending from the 5-mile radius area to 16 miles west of the Gaviota VORTAC. That airspace within R-2516 is excluded.'

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (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 Los Angeles, California, on June 18, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76-24813 Filed 8-25-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart T—State Supplementation Provisions; Agreements; Payments

EFFECTS OF FEDERAL FINANCING OF STATE SUPPLEMENTARY PAYMENTS TO INDOCHINESE REFUGEES—FEDERAL ADMINISTRATION OF STATE SUPPLEMENTATION FINAL REGULATIONS

The amnedments to regulations set forth below set out the effects of implementation of certain portions of the Indochina Migration and Refugee Assistance Act of 1975 (Pub. L. 94-23), as amended by Pub. L. 94-313, as they relate to Federal administration of State supplementation for beneficiaries under the supplemental security income program (title XVI of the Social Security Act). The Indochina Migration and Refugee Assistance Act authorizes Federal funds for a range of purposes. Under this Act, States will be provided 100 percent reimbursement for financial assistance to these refugees in accordance with the current policy of the Social and Rehabilitation Service; this policy is expected to be in effect through September 30, 1977, when the authorizing legislation expires, but is conditioned on availability of funds until that date. The Social and Rehabilitation Service, in general, will deal directly with the States in effectuating reimbursement for payments to refugees pursuant to such law. However, to provide for situations where State supplementation is administered by the Social Security Administration under the terms of a Federal/State agreement pursuant to § 416.2005 of Subpart T, Regulations No. 16, the Social and Rehabilitation Service and the Social Security Administration have entered into an interagency agreement to implement the Federal financing (by the Social and Rehabilitation Service) of the federally-administered supplement for fiscal year 1976, and it is anticipated that this agreement will be extended through September 30, 1977. The amendments to the regulations make it clear that Federal funding of State supplements pursuant to Pub. L. 94-23 does not affect the supplementation character of such payments (i.e., they are excluded from countable income under the supplemental security income program and do not affect the State's obligation to include all supplemental security income recipients under its supplementation agreement). The amendments further provide, however, that a State shall not be liable to the Secretary for federally-administered supplementation payment amounts which are reimbursable by the Social and Rehabilitation Service directly to the Social Security Administration under the terms of the interagency agreement described above and pursuant to Pub. L. 94-23, as amended. Further, such amounts shall not be considered State supplementary payments for purposes of the State fiscal relief provisions of § 416.2080.

Thus, these amounts which are reimbursed by the Social and Rehabilitation Service rather than the State will not be counted towards determining when the State has spent an amount equal to its base calendar year 1972 expenditures and neither debits nor credits will be generated by the payments. They will have no bearing in any way upon the computation of State fiscal relief.

The notice of proposed rulemaking is being waived in spite of the Secretary's new policy against so doing because these amendments have no effect upon the amount of supplementation which individuals will receive; but in recognition of the fact that the State supplementation of SSI for eligible Indochinese refugees is considered a Federal responsibility, under SRS policy implementing Pub. L. 94-23, as amended, they merely make provision for the Federal Government to assume what could otherwise be the State's cost of supplementing these cases. Therefore, the Secretary finds that it is appropriate to make these regulations effective August 26, 1976, and that notice of proposed rulemaking, as well as publication at least 45 days prior to the effective date, is unnecessary.

Although the notice of proposed rulemaking is being dispensed with, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to these amendments 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 S.W., Washington, D.C. 20201, on or before October 12, 1976.

(Secs. 1102, 1616, Social Security Act, as amended; 49 Stat. 647 as amended; 86 Stat. 1474; (42 U.S.C. 1302, 1382e); sec. 401 of Pub. L. 92-603, Pub. L. 94-23, and Pub. L. 94-24.)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: June 7, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: August 13, 1976.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.2001 is amended by revising the language in paragraph (a) preceding paragraph (a)(1) to read as follows:

§ 416.2001 State supplementary payments; general.

(a) *State supplementary payments; defined.* State supplementary payments which shall be excluded from income pursuant to § 416.1151, are any payments made by a State or one of its political subdivisions (including any such payments for which reimbursement is available from the Social and Rehabilitation Service pursuant to Pub. L. 94-23 (89 Stat. 87), as amended by Pub. L. 94-313, to a recipient of supplemental security income benefits (or to an individual who would be eligible for such benefits except for income), if the payments are made:

* * * * *

2. Section 416.2080 is amended by adding thereto a new paragraph (g) to read as follows:

§ 416.2080 Limitation of fiscal liability of States.

* * * * *

(g) *Refugee assistance.* The State shall not be liable under this subpart to the Secretary for the amount of any State supplementary payment for which reimbursement is available from the Social and Rehabilitation Service pursuant to the Indochina Migration and Refugee Assistance Act of 1975 (Pub. L. 94-23), as amended. Further, such amount shall not be considered or included as a State supplementary payment for any purpose under this section, e.g., it shall not be included for determining when a State has exceeded the total amount described in paragraph (a) of this section, it does not give rise to debits or credits under paragraph (e) of this section, etc.

3. Section 416.2090 is amended by adding thereto a new paragraph (d) to read as follows:

§ 416.2090 State funds advanced for supplementary payments.

* * * * *

(d) *Advance payment and adjustment not applicable.* The provisions of paragraphs (a) and (b) of this section shall not apply with respect to any State supplementary payment for which reimbursement is available from the Social and Rehabilitation Service pursuant to the Indochina Migration and Refugee Assistance Act of 1975 (Pub. L. 94-23; 89 Stat. 87), as amended, since such amounts are not considered to be State supplementary payments for purposes of § 416.2080.

[FR Doc.76-25048 Filed 8-25-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Sterile Prednisone Suspension

The Food and Drug Administration approves new animal drug application (92-233) filed by Syntex Laboratories, Inc., 3401 Hillview Dr., Palo Alto, CA 94304, proposing safe and effective intramuscular use of sterile prednisone suspension in horses and dogs for the treatment of inflammatory conditions involving joints and accessory structures. The approval is effective August 26, 1976.

The Commissioner of Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended by adding new § 522.1890 to read as follows:

§ 522.1890 Sterile prednisone suspension.

(a) *Specifications.* Each milliliter of sterile aqueous suspension contains 10 or 40 milligrams of prednisone.

(b) *Sponsor.* See No. 000033 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in horses and dogs for the treatment of inflammatory conditions involving joints and accessory structures.

(2) It is administered by intramuscular injection as follows:

(i) Horses—100 to 500 milligrams, repeating if necessary. If no response is observed after 3 to 4 days of therapy, reevaluate diagnosis.

(ii) Canine—0.25 to 1.0 milligram per pound of body weight for 3 to 5 days or until a response is noted. Treatment may be continued with an orally administered maintenance dose.

(3) Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(4) Not for use in horses intended for food.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Effective date: This regulation shall be effective on August 26, 1976.

Dated: August 19, 1976.

PHILIP D. CAZIER,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.76-24990 Filed 8-25-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-194]

PART 109—GENERAL

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds—Port of New York

On March 1, 1976, there was published in the FEDERAL REGISTER (41 FR 8794), a notice of proposed rulemaking to amend the anchorage regulations for New York Harbor by increasing the area of some New York anchorages, establishing safety requirements, and opening for general use certain previously restricted anchorages. The notice also contained a proposal to add the Ports and Waterways Safety Act of 1972 (PWSA) as the authority for regulating the anchorages established under the Anchorage Grounds Act in New York Harbor.

Interested persons were given the opportunity to comment on this proposal. All comments received before April 15, 1976 were considered by the Coast Guard before the promulgation of the final rule. Certain sections of the notice of proposed rulemaking are changed as a result of the comments received. There are also some minor organizational changes from the notice of proposed rulemaking in the final rule.

Several commenters stated that the increase in the maximum penalty for violation of the anchorage regulations is excessive. These regulations are issued under the Ports and Waterways Safety Act of 1972 (PWSA). Under PWSA, whoever commits a nonwillful violation of a regulation issued under it, in this instance the New York Anchorage Regulations, could be assessed a penalty of up to $10,000. As noted in the preamble to the notice of proposed rulemaking the casualties and near casualties in the New York Anchorages are a serious enough problem for the Coast Guard to use the PWSA as authority for regulating the New York anchorages. The anchorage regulations will not be the only method of handling operating problems. The Coast Guard will continue to cooperate with industry on vessel operations in New York Harbor; however, it is necessary for the Coast Guard as an enforcement agency to have the authority to assess penalties when unsafe vessel operations occur.

One commenter noted the elimination of the channel through Anchorage No. 21. He had not objection to the deletion of the channel, but pointed out that discussions are being conducted to establish a carfloat service that would require a channel through Anchorage No. 21. The Coast Guard would be able to reestablish the channel when it would be needed for the carfloat service.

Another commenter stated that occasionally a vessel at anchor near the edge of a channel would, during the tidal cycle, and with an offshore wind, swing into the channel for as much as an hour. This is an unsafe condition, and will not be allowed. The New York anchorage regulations are intended to make the Port as safe as possible. To allow a vessel at anchor to swing into the channel particularly during periods of reduced visibility would create an especially hazardous situation.

This commenter also recommended that an anchorage officer be right on scene to solve anchoring problems, pointing out that the Coast Guard had an anchorage officer during World War II. The Captain of the Port of New York maintains an anchorage plot in the Operations Duty Office, which is manned 24 hours a day. Since vessels must notify the Captain of the Port before anchoring, the anchorage plot in the Ship Movement Office should provide information for the Captain of the Port to deal with problems of anchorage overcrowding without the need for an anchorage officer on scene.

Another commenter recommended that vessels with a draft of 12 feet or less be allowed to use Anchorage No. 21-B when Anchorage No. 21-A cannot be used. This comment is not being adopted by the Coast Guard; however, the Captain of the Port under § 110.155(1)(13) can grant permission to vessels to anchor in other anchorages. After study on the use of Anchorage No. 21-B the Coast Guard is amending the draft restriction to allow vessels with a draft of over 10 feet instead of 12 feet.

Another comment recommended that Anchorage No. 23–A and 23–B be combined into one anchorage. Anchorage No. 23 was divided into two anchorages and made length restrictive to require vessels of similar length to be anchored in the same area. This increases the likelihood of anchored vessels swinging "in step" on the changes of the tide, and thus increases the number of vessels that can safely use these anchorages. The division of Anchorage No. 23 has been in effect for some time and the divided anchorages have been able to accommodate additional vessels, therefore the division of Anchorage No. 23–A and 23–B is retained.

Another commenter questioned why the requirement to anchor only within 5 hours of ebb tide applied only to tank vessels with drafts of 40 feet or over. This requirement is being changed to apply to all vessels with drafts of 40 feet or over to make the requirement consistent for all deep draft vessels.

Two commenters opposed requiring deep draft vessels to anchor on the ebb tide only in the Stapleton anchorages. One of these commenters noted that the number of vessels in the anchorage and whether the vessel is assisted by a tug are conditions that might mitigate the anchoring restriction. The Coast Guard is partially adopting this comment. The requirement of when a deep draft vessel may anchor is being retained; however, upon request, the Captain of the Port, after considering the conditions of the anchorage, might permit a vessel to anchor at a time otherwise prohibited by this regulation.

One comment opposed the section requiring vessels over 800 feet in length or 40 feet in draft to report 48 hours in advance of arrival at New York. The commenter pointed out the vessels reporting under the Automated Merchant Vessel Report (AMVER) system already report their intended arrival 48 hours in advance. While this is true, the report does not contain the vessel's draft or whether the vessel intends to anchor which is critical is controlling the proper distribution of vessels in the anchorages.

In consideration of the foregoing Part 109 and Part 110 of Title 33 of the Code of Federal Regulations are amended as follows:

Effective date: This amendment is effective on October 1, 1976.

Signed August 19, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

In consideration of the foregoing Part 109 and Part 110 of Title 33 of the Code of Federal Regulations are amended as follows:

1. By amending the authority citation for Part 109 by adding; unless otherwise noted.

2. By amending Part 109 by adding a new § 109.07 to read as follows:

§ 109.07 Anchorages under Ports and Waterways Safety Act of 1972.

The provisions of section 101 (3) and (4) of the Ports and Waterways Safety Act of 1972 as delegated to the Commandant of the U.S. Coast Guard in 49 CFR 1.46(n)(4) authorize the Commandant to specify times of movement within ports and harbors, restrict vessel operations in hazardous areas and under hazardous conditions, and direct the anchoring of vessels. The sections listed in § 110.1a of this Subchapter are regulated under Title I of the Ports and Waterways Safety Act of 1972.

(Pub. L. 92–340, Title I, 86 Stat. 424 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)).

3. By amending the general authority citation for Part 110 by adding: Unless otherwise noted.

4. By amending Part 110 by adding a new § 110.1a to read as follows:

§ 110.1a Anchorages under Ports and Waterways Safety Act of 1972.

(a) The anchorages listed in this section are regulated under Title I, Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.):

(1) Section 110.155 *Port of New York.*

(b) Whoever violates any regulation under Title I Ports and Waterways Safety Act of 1972—

(1) Is liable to a civil penalty of not more than $10,000;

(2) If the violation is willfull is fined not less than $5,000 or more than $50,000 or imprisoned for not more than 5 years or both.

(Pub. L. 92–340, Title I, 86 Stat. 424 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)).

5. By revising § 110.155(c)(1)(i), (c)(2)(i), (c)(3)(i), (c)(4)(i), and (c)(5) to read as follows:

§ 110.155 Port of New York.

* * * * *

(c) *Hudson River.* * * *

(1) * * *

(i) When the use of Anchorage No. 16 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(2) * * *

(i) When the use of Anchorage No. 17 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(3) * * *

(i) When the use of Anchorage No. 18–A is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(4) * * *

(i) When the use of Anchorage 18–B is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(5) *Anchorage No. 19.* An area located east of the Weehawken-Edgewater Channel beginning at a point on the Manhattan shoreline at latitude 40°46′47.8″ N., longitude 73°59′22.3″ W.; thence to latitude 40°46′59.8″ N., longitude 73°59′52.8″ W.; thence to latitude 40°47′42.5″ N., longitude 73°59′13″ W.; thence to latitude 40°48′27″ N., longitude 73°58′45.5″ W.; thence to latitude 40°49′28″ N., longitude 73°58′06.2″ W.; thence to latitude 40°50′15.5″ N., longitude 73°57′18″ W.; thence to latitude 40°51′02.3″ N., longitude 73°56′59″ W.; thence to a point on the Manhattan shoreline at latitude 40°51′00.8″ N., longitude 73°56′51″ W.; thence following the shoreline to the point of beginning.

(i) No vessel may anchor in Anchorage No. 19 without permission from the Captain of the Port.

(ii) Each vessel shall report its position within Anchorage No. 19 to the Captain of the Port immediately after anchoring.

(iii) No vessel may conduct lightering operations in Anchorage No. 19 without permission from the Captain of the Port.

(iv) When the use of Anchorage No. 19 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(v) No vessel over 800 feet, in length overall, or 40 feet in draft may anchor in Anchorage No. 19 unless it notifies the Captain of the Port at least 48 hours before it arrives in New York Harbor.

§ 110.155 [Amended]

6. By revising § 110.155(d)(2)(i) by deleting the footnote following subparagraph (d)(2)(i).

7. By revising § 110.155(d)(5), (d)(6), and (d)(7) to read as follows:

* * * * *

(d) *Upper Bay.*

* * *

(5) *Anchorage No. 21. (Bay Ridge Anchorage).* An area located at the junction of Bay Ridge and Anchorage Channels, beginning at a point of latitude 40°38′03″ N., longitude 74°02′49.5″ W.; thence to latitude 40°38′03″ N., longitude 74°03′02″ W.; thence to latitude 40°38′57″ N., longitude 74°03′10″ W.; thence to latitude 40°40′22.5″ N., longitude 74°02′14.5″ W.; thence to latitude 40″40′19.5″ N., longitude 74°01′28″ W.; thence to latitude 40°39′49″ N., longitude 74°01′23″ W.; thence to latitude 40°38′42″ N., longitude 74°02′32.5″ W.; thence to the point of beginning. Anchorage No. 21 is divided into Anchorage No. 21–A, Anchorage No. 21–B, and Anchorage No. 21–C.

(5–A) *Anchorage No. 21–A.* That portion on Anchorage No. 21, north of a line of latitude 40°39′09″ N., and east of a line connecting a point at latitude 40°39′09″ N., longitude 74°02′22″ W., and latitude 40°40′20″ N., longitude 74°01′35″ W. Any vessel anchored in or intending to anchor in Anchorage 21–A shall comply with the following requirements.

(i) No vessel may anchor unless it notifies the Captain of the Port when it anchors of the vessel's name, length, and draft and its position in the anchorage.

(ii) Each vessel anchored shall notify the Captain of the Port when it weighs anchor.

(iii) No vessel may conduct lightering operations unless it notifies the Captain of the Port before it begins its lightering operations.

(iv) Each vessel lightering shall notify the Captain of the Port when it ends its lightering.

(v) No vessel may anchor unless it maintains a bridge watch, guards and answers channel 16 FM, and maintains an accurate position plot.

(vi) If any vessel is so close to another that a collision is probable, each vessel shall communicate with the other vessel and the Captain of the Port on channel 16 FM, and shall act to eliminate the close proximity situation.

(vii) No vessel may anchor unless it maintains the capability to get under way within 30 minutes, without permission from the Captain of the Port.

(viii) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal control) without permission from the Captain of the Port.

(ix) Each vessel in a "dead ship" status while lightering shall engage a tug alongside during tide changes. The tug alongside may assume the channel 16 FM radio guard for the vessel after it notifies the Captain of the Port.

(x) No vessel over 800 feet in length overall or 40 feet in draft may anchor unless it notifies the Captain of the Port at least 48 hours before it arrives in New York Harbor.

(5–B) *Anchorage No. 21–B.* That portion of Anchorage No. 21 north of a line drawn from latitude 40°39'14.3'' N., longtitude 74°02'59'' W. to latitude 40°38'43.9'' N., longitude 74°02'30.5'' W. and exclusive of the above designated Anchorage No. 21–A area.

(i) No vessel with a draft 3.048m (10 feet) or less may anchor in Anchorage No. 21–B.

(ii) Any vessel anchored in or intending to anchor in Anchorage 21–B must comply with the regulations for Anchorage No. 21–A (§ 110.155(d) (5–A) (i)–(x)).

(5–C) *Anchorage No. 21–C.* That portion of Anchorage No. 21 south of a line drawn from latitude 40°39'14.3'' N., longitude 74°02'59'' W. to latitude 40°38'43.9'' N., longitude 74°02'30.5'' W.

(i) No vessel with a draft of 10.058m (33 feet) or less may anchor in Anchorage No. 21–C.

(ii) Any vessel anchored in or intending to anchor in Anchorage 21–C must comply with the regulations for Anchorage No. 21–A (§ 110.155(d) (5–A) (i)–(x)).

(6) *Anchorage No. 23 (Stapleton Anchorage).* An area located west of the Anchorage Channel beginning at a point of latitude 40°38'36.5'' N., longitude 74°04'13.3'' W.; thence to latitude 40°38'37'' N., longitude 74°03'49'' W.; thence to latitude 40°38'22'' N., longitude 74°03'36'' W.; thence to latitude 40°37'26.8'' N., longitude 74°03'18'' W.; thence to latitude 40°37'23.2'' N., longitude 74°03'59'' W.; thence to latitude 40°37'30.7'' N., longitude 74°04'04.5'' W.; thence to the point of beginning. Anchorage No. 23 is divided into Anchorage No. 23–A and Anchorage No. 23–B.

(6–A) *Anchorage No. 23–A.* That portion of Anchorage No. 23, north of a line bearing 090° T from the northernmost corner of Pier 12, Staten Island at latitude 40°37'49.5'' N., longitude 74°04'-10.4'' W.

(i) No vessel may anchor in Anchorage No. 23–A for a period longer than 48 hours without permission from the Captain of the Port.

(ii) No vessel with a length overall of more than 670 feet may anchor in Anchorage No. 23–A unless otherwise authorized by the Captain of the Port.

(iii) No vessel with a draft of 40 feet or over may anchor in Anchorage No. 23–A without permission from the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narrows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage 23–A shall comply with the regulations for Anchorage No. 21–A (§ 110.155(d) (5–A) (i)–(x)).

(6–B) *Anchorage No. 23–B.* That portion of Anchorage No. 23, south of a line bearing 090° T from the northernmost corner of Pier 12, Staten Island at latitude 40°37'49.5'' N., longitude 74°04'-10.4'' W.

(i) No vessel may anchor in Anchorage No. 23–B for a period longer than 48 hours without permission from the Captain of the Port.

(ii) No vessel with a length overall of 670 feet or less may anchor in Anchorage No. 23–B, unless otherwise authorized by the Captain of the port.

(iii) No vessel with a draft of 40 feet or over may anchor in Anchorage No. 23–B without permission from the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage 23–B shall comply with the regulations for Anchorage No. 21–A (§ 110.155(d) (5–A) (i)–(x)).

(7) *Anchorage No. 24 (Stapleton Anchorage South).* An area located west of the Anchorage Channel beginning at a point of latitude 40°37'23.2'' N., longitude 74°03'59'' W.; thence to latitude 40°37'26.8'' N., longitude 74°03'18'' W.; thence to latitude 40°36'25'' N., longitude 74°02'58'' W. thence to a point on the Staten Island shoreline at latitude 40°36'20'' N., longitude 70°03'14'' W.; thence to the point of beginning.

(i) No vessel may anchor in Anchorage No. 24 for a period longer than 48 hours without permission from the Captain of the Port.

(ii) No vessel with a length overall of less than 800 feet (243.840 meters) or with a draft of less than 40 feet (12.192 meters) may anchor in Anchorage No. 24.

(iii) No vessel with a draft of 40 feet or over may anchor in Anchorage No. 24 without permission from the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narrows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage No. 24 shall comply with the regulations for Anchorage No. 21–A (§ 110.155(d) (5–A) (i)–(x)).

8. By revising § 110.155(e) to read as follows:

§ 110.155 Port of New York.

* * * * *

(e) *Anchorage No. 25 Gravesend Bay).* An area located east of Ambrose Channel beginning at a point on the Coney Island shoreline at latitude 40°-34'36'' N., longitude 74°00'47'' W.; thence to latitude 40°34'53'' N., longitude 74°01'56.5'' W.; thence to latitude 40°-35'24'' N., longitude 74°02'05'' W.; thence to latitude 40°35'58'' N., longitude 74°02'18.5'' W.; thence to a point on the Brooklyn shoreline at latitude 40°36'12.9'' N., longitude 74°01'24.2'' W.; thence following the shoreline to latitude 40°36'06.8'' N., longitude 74°00'54.5'' W.; thence to latitude 40°34'53.8'' N., longitude 74°00'23.5'' W.; thence following the shoreline to the point of beginning.

(i) When the use of Anchorage No. 25 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(ii) Any vessel anchored in or intending to anchor in Anchorage No. 25 must comply with the regulations for Anchorage No. 21–A (§ 110.155(d) (5–A) (i)–(x)).

9. By revising § 110.155(1) by adding a new paragraph (13) to read as follows:

§ 110.155 Port of New York.

* * * * *

(1) * * *

(13) Any vessel prohibited by these rules from anchoring in a specific anchorage because of the vessel's length or draft may anchor in the anchorage with permission from the Captain of the Port.

10. By adding the following note and authority citation of the end of § 110.155:

§ 110.155 Port of New York.

* * * * *

NOTE: The anchorage in this section are regulated under Title I, Ports and Waterways Safety Act of 1972 as stated in § 110.1a(a) of this Part. The penalties for violating regulations under this Act are stated in § 110.1a(b) of this Part.

(Pub. L. 92–340, Title I, 86 Stat. 424 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n))

[FR Doc.76–25037 Filed 8–25–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA–PR Temporary Reg. No. 22]

PART 9–3—PROCUREMENT BY NEGOTIATION

Cost-Plus-Award-Fee Contracts

AUGUST 20, 1976.

1. *Purpose.* This regulation establishes ERDA cost-plus-award-fee contracting policy.

2. *Effective date.* This regulation is effective on August 26, 1976.

3. *Expiration date.* This regulation will remain in effect until it is canceled or until its provisions are incorporated into the ERDA–PR.

4. *Explanation of changes.* In Subpart 9–3.4, *Types of Contracts*, § 9–3.405–50, *Cost-plus-award-fee (CPAF) contract*, is added as follows:

Subpart 9–3.4 Types of Contracts

§ 9–3.405–50 Cost - plus - award - fee (CPAF) contract.

(a) *Description.* The CPAF contract is a cost-reimbursement type contract with special fee provisions. It provides a means of applying incentives in contracts which are not susceptible to finite measurements of performance essential to structured incentive contracts. The fee established in a CPAF contract consists of two parts: (1) A fixed amount (base fee) which does not vary with performance and which could be zero, and (2) an award amount (award fee), in addition to the fixed amount, sufficient to encourage attainment of excellent contract performance in stated areas such as quality, timeliness, ingenuity, and cost effectiveness. Award fee may be earned by the contractor in whole or in part. The amount of award fee to be paid is determined after a subjective evaluation by the Government of the contractor's performance, judged against performance criteria established by the Government and furnished in writing to the contractor. The number and kinds of performance goals and performance evaluation criteria used will differ widely from one contract to another. Therefore, when determining performance goals, criteria and rating plans, the contracting activity should select the plan which will motivate the contractor in a positive way to improve performance in specific areas. Evaluation reports will be prepared by the Government and results should be furnished to the contractor for comment on the evaluation findings. Additionally, the contractor may be asked to provide an assessment of its performance in relation to each performance evaluation criterion. The decision that all or part of the award fee has been earned is a unilateral determination made by a fee determination official not subject to the Disputes clause of the contract.

(b) *Application.* The cost-plus-award-fee contract is suitable for use when:

(1) A cost-reimbursement type contract is found necessary;

(2) The work to be performed is such that specific quantitative or objective measurement is not feasible;

(3) The achievement of procurement objectives will be enhanced by the use of a contract that effectively motivates the contractor toward exceptional performance, and permits ERDA the flexibility to evaluate both actual performance levels and the conditions under which such levels were achieved; and

(4) Any additional administrative effort and cost required to monitor and evaluate performance, as well as added fees available for award, are justified by the benefits expected.

(c) *Consideration of concept.* (1) The opportunity to earn increased fees, the clear statement of goals, objectives, and performance evaluation criteria and the improved communication between and among ERDA personnel and the contractor, are designed to encourage the contractor to perform the required work effectively, to control costs, and to improve the timeliness and quality of performance. Base fees generally are negotiated commensurate with minimum acceptable performance, taking into consideration the various profit evaluation factors under § 9–3.808–2. The base fee should be set at a minimum in order to provide a large award fee pool, thereby providing the contractor maximum incentive to improve performance. The award fee potential should be large enough to reward the contractor at any level of performance above minimum acceptable. In this regard, the award of additional fee for performance exceeding minimum acceptable performance in evaluated areas should be contingent upon the maintenance of at least minimum acceptable levels in all other areas of contract performance.

(2) Although award fee determinations are unilateral ones based upon judgmental evaluations, quantifying devices such as adjective ratings, point systems, or percentages of achievements may be used. Where used, these devices are for the sole purpose of quantifying the facts considered, and the amount of award fee earned shall not be merely the result of the application of summing, averaging, or a mathematical formula.

(3) For operating, onsite service, architect-engineer and construction contracts which are subject to the maximum allowable CPFF fees set forth in the Interim ERDA Procurement Handbook, "Establishing and Negotiating Fee and Profit," dated March 1976, the base fee should normally not exceed 50 percent of the maximum allowable CPFF fee. The base fee plus the award fee should normally not exceed the maximum allowable CPFF fee by more than 50 percent.

(4) For contracts performed in commercial facilities, where the Weighted Guidelines (WGL) of § 9–3.808–50 can be used to establish a reasonable fee for acceptable performance level, the base fee should normally not exceed 50 percent of the fee developed using the WGL. The base fee plus the award fee should normally not exceed the WGL developed fee by more than 50 percent.

(5) Prior approval of the Director of Procurement is required for total fees exceeding: The guidelines in paragraphs (3) and (4) of this paragraph; 15 percent of estimated costs, exclusive of fees, in contracts for experimental, developmental, or research work; or 10 percent of estimated costs, exclusive of fees, in other contracts.

(d) *Payment of fees.* Base fees may be paid periodically as provided for in the contract. Award fees will be paid only after the amount of the award fee earned has been established. Payments of award fees earned will be made promptly after the award decision has been made in each evaluation period.

(e) *Limitations.* (1) The cost-plus-award-fee contract shall not be used (i) in procurements in which all factors to be considered in the award fee arrangement (e.g., cost, delivery, performance) can be measured objectively in terms of predetermined incentive targets, or (ii) where the contract amount, term of performance, or the benefits expected from use of the award fee arrangement are insufficient to warrant any additional administrative effort or cost that may be required.

(2) Cost-reimbursement type contracts having award fee arrangements limited to technical performance considerations are prohibited because they may increase cost disproportionately to any benefits gained. Instead, the award fee arrangement shall include both technical performance and business management considerations tailored to the needs of the particular situation. The only exception is a situation where cost estimating reliability and other factors are such that the negotiation of a separate, predetermined incentive sharing arrangement applicable to cost performance is determined both feasible and advantageous. The resulting contract would then be identified as a Cost-Plus-Incentive-Fee/Award-Fee combination type. The goals and evaluation criteria should be results-oriented. The award fee should be concentrated on the end product of the contract, that is, output, be it hardware, research, development, demonstration or services, together with business management considerations. However, input criteria such as equal employment opportunity, small business programs, functional management areas, such as safety, security, etc., cannot be disregarded and may be appropriate criteria upon which to base some part of the award fee. Specific goals or objectives should be established in relation to each performance evaluation criteria against which to measure contractor performance.

(f) *Evaluation.* (1) The contract should provide for evaluation at stated intervals during contract performance, so that the contractor will know how its performance is rated and what areas need to be improved. Partial payment of award fee earned will correspond to the evaluation periods. This will make effec-

tive the incentive which the award fee was designed create by inducing the contractor to improve poor performance or to continue excellent performance.

(2) The contractor shall be furnished the performance evaluation criteria to be used to arrive at the award fee before award of the contract. The goals and objectives should be clearly set forth.

(3) As a part of contract negotiation, the Government should obtain agreement and incorporate into the contract a provision that the Government unilaterally can change the performance evaluation criteria, goals and objectives, weights and rating plan after reasonable advance notice to the contractor. The specific number of days constituting reasonable notice should be agreed to in advance by the parties.

(g) *Organization and administration.*

(1) Individuals will be designated as performance monitors. They will be responsible for evaluating, in assigned areas, the contractor's performance against the established criteria.

(2) A board will be established to evaluate the contractor's performance (based on monitors' reports, contractor's input and other information) and to recommend the amount of the award fee to the fee determination official.

(3) The fee determination official will be an individual who is organizationally above the persons who are directly involved in performance evaluation.

(4) The contractor should be given an opportunity to present matters to the board or the fee determination official on its own behalf.

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93-438).)

Effective date: August 26, 1976.

M. J. TASHJIAN,
Director of Procurement.

[FR Doc.76-25059 Filed 8-25-76;8:45 am]

Title 43—Public Lands: Interior

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

[Circular No. 2402]

PART 3520—PREFERENCE RIGHT AND COMPETITIVE LEASES

PART 9230—TRESPASS

Mineral Leasing Regulations

On page 23206 of the FEDERAL REGISTER of Wednesday, June 9, 1976, a notice was published proposing to amend two sections of 43 CFR 3520 and one section of 43 CFR 9230 to clearly state that leasable minerals cannot be mined in commercial quantities prior to the issuance of a lease for that purpose. Comments were requested for a thirty-day period, ending July 10, 1976. Since no comments, suggestions, or objections were received, the rulemaking is adopted as proposed.

Under the authority of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181-287) and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), Title 43, Subtitle B, Chapter II is amended as set forth below, effective September 27, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

AUGUST 19, 1976.

1. Section 3520.2-2(a) is revised to read as follows:

§ 3520.2-2 Dating of Leases.

(a) Leases will be dated the first day of the month following the date signed by the lessor, except that upon receipt of a prior written request, a lease may be dated the first day of the month in which it is signed.

* * * * *

2. Section 3521.4-1 is revised to read as follows:

§ 3521.4-1 Preference right lease.

Mining operations carried on prior to the effective date of a lease shall constitute an act of trespass.

3. Section 9239.5-3(b) is amended to read as follows:

§ 9239.5-3 Coal.

* * * * *

(b) *Coal mined when there is no lease in effect.* Any mining of coal which is not pursuant to a coal lease in effect at the time of the mining shall constitute a trespass, and the coal so mined must be paid for on a trespass basis.

[FR Doc.76-25029 Filed 8-25-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20785; RM-2597]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Bryan, Texas).

1. The Commission herein considers its notice of proposed rulemaking, 41 FR 17784, in the above-captioned proceeding issued in response to a petition filed by Scott and Davis Enterprises (S&D).[1] The petition proposed the assignment of Channel 285A to Bryan, Texas, as a second FM assignment to the community. S&D is the only commenting party.

2. Bryan, Texas (pop. 33,719), seat of Brazos County (pop. 57,978),[2] is located adjacent to College Station, Texas, approximately 257 kilometers (160 miles) southeast of Dallas and 145 kilometers (90 miles) northwest of Houston. Bryan presently receives local aural service from AM Station KTAM and FM Station KORA-FM (Channel 252A), Bryan. Service is also provided from nearby College Station by daytime-only AM Station WTAW and FM Station WTAW-FM (Channel 221A).

3. S&D sets forth in its supporting comments a level of commercial and economic activity in the Bryan area sufficient to support the assignment of a second FM channel to the community. It points out that, during the period 1960-1970, the population of Bryan increased 22.4 percent and that of College Station 55.1 percent. S&D adds that Bryan-College Station will experience a 40 percent population increase during 1970-1980, and a 232.7 percent increase during 1970-2020. S&D states it will promptly apply for a construction permit to operate on Channel 285A at Bryan if the proposed assignment is granted, and will provide the only "Good Music" format in the Bryan-College Station area, operating with maximum permissible facilities.

4. Preclusion would occur only on cochannel 285A in a very small area which is sparsely populated. The impact of the potential preclusion is insignificant. In order to meet the minimum distance separation requirements of our rules, a site 4.8 kilometers (3 miles) north of the community would be required.[3]

5. We have given careful consideration to the proposal in this proceeding and believe Channel 285A should be assigned to Bryan, Texas. Considering the size of Bryan (which qualifies for one or two assignments), its currrent and anticipated growth, the fact that preclusion would be limited to Channel 285A in a very small area which is sparsely populated and the assignment would result in efficient use of radio spectrum, we are of the view that the assignment of Channel 285A to Bryan, Texas would serve the public interest.

6. Authority for the action taken herein is contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

§ 73.202 [Amended]

7. In view of the foregoing, *It is ordered*, That effective September 30, 1976, § 73.202(b) of the Commission's Rules, the Table of FM Assignments, is amended to read as follows:

City:	*Channel No.*
Bryan, Tex	252A, 285A

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

[1] We are informed by letter dated October 6, 1975, signed by Stuart F. Pierson, counsel for Scott and Davis Enterprises, that all ownership interest in Scott and Davis Enterprises are now owned by Bob Bell.

[2] All population figures are taken from the 1970 U.S. Census.

[3] On April 9, 1976, the Commission granted the application (BMPH-14767) of Radio Lufkin, Ltd., licensee of KLUF-FM, to modify its existing construction permit so as to specify a transmitter site location 10.5 kilometers (6.5 miles) northwest of Lufkin. We also granted the earlier request of Radio Lufkin to dismiss a prior application (BMPH-14617) to locate the transmitter site for KLUF-FM southwest of Lufkin (a site which would have barred the proposed assignment to Bryan).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: August 17, 1976.

Released: August 19, 1976.

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

[FR Doc.76-25055 Filed 8-25-76;8:45 am]

[Docket No. 20803; RM-2629]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments; Correction

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Park Falls, Wisconsin).

In the *Report and Order* in the above-entitled proceeding, Mimeo No. 41951, which was released on August 4, 1976, the amendment to the Television Table of Assignments, § 73.606(b) of the Commission's Rules, appearing in paragraph 6 of the *Report and Order* should be amended to read as follows:

§ 73.606 [Amended]

City:	*Channel No.*
Park Falls, Wis	*36+

Released: August 20, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25054 Filed 8-25-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-20; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Rearview Mirrors

This notice amends Standard No. 111, Rearview Mirrors, to establish separate requirements for school buses, to increase the amount of reflective surface required for mirrors on multipurpose passenger vehicles and trucks with a GVWR of 25,000 pounds or more, and to extend the coverage of the standard to motorcycles.

By final rule published by the National Highway Traffic Safety Administration (NHTSA) on August 12, 1975 (40 FR 33825), Standard No. 111 (49 CFR 571.111) was amended to allow installation of truck-type mirror systems on multipurpose passenger vehicles and to extend the coverage of the standard to trucks and buses. As amended, the standard specified identical requirements for all types of buses. No distinction was made between commercial buses and school buses. No requirements were set out for motorcycles, as had been proposed in an earlier notice. Further, the standard imposed the same requirements for all multipurpose passenger vehicles, trucks, and buses with a GVWR of more than 10,000 pounds.

At the time of these changes, the NHTSA had completed further research and considered comments submitted by participants in that rulemaking, and determined that the promulgation of separate rearview mirror requirements for motorcycles, school buses, and multipurpose passenger vehicles and trucks with a GVWR of 25,000 pounds or more would ensure the provision of minimum mirror performance levels essential to motor vehicle safety. Therefore, a notice proposing these changes was also published on August 12, 1975 (40 FR 33828), and forms the basis of the present amendments.

Interested persons were afforded an opportunity to submit comments on the proposal by September 26, 1975, and due consideration has been given to the 24 comments received. The National Motor Vehicle Safety Advisory Council did not take a position on the proposed amendments. (Active dockets concerning rearview mirrors are Docket No. 74-20 and Docket No. 71-3a.)

Commenters generally agreed with the NHTSA proposal to establish rearview mirror requirements for motorcycles. However, the Grote Manufacturing Company opposed the optional use of convex mirrors, contending that their use on motorcycles would be hazardous due to the distortion of distance characteristics of convex mirrors and the unfamiliarity of young drivers with them. The NHTSA has decided that both plane and convex motorcycle mirrors should be permitted, since available data does not support the contention that convex mirrors would be hazardous. The SAE Recommended Practice J268(a), "Rear View Mirrors—Motorcycles," specifies criteria for both plane and convex mirrors, and convex mirrors are presently in common usage on motorcycles.

There were also recommendations for both larger and smaller minimum reflective area requirements for motorcycle mirrors, and one recommendation for field-of-view performance requirements instead of a reflective area requirement. The amendment specifies 12.5 in^2 of reflective surface for a plane motorcycle mirror or 10 in^2 of reflective surface for a convex mirror. The NHTSA concludes that these required reflective surface areas will ensure a safe level of rearview visibility on motorcycles. The NHTSA finds the larger reflective area is needed on the plane mirror to offset its smaller field-of-view compared to that of a convex mirror. It is contemplated that field-of-view performance requirements will be developed in future rulemaking.

The State of California commented that the SAE Recommended Practice J964a, specified in paragraph S11 of the standard, does not include a procedure for measuring the reflectance of convex mirrors, and suggested that a different procedure be specified. This suggestion is not well taken since, contrary to California's comment, the Recommended Practice does include a procedure for measuring convex mirror reflectance.

This amendment excepts school buses from the general bus requirements specified in paragraphs S6 and S7 of the standard, as amended by this notice, and establishes a new paragraph, S9, which requires school buses to be equipped with outside mirrors of unit magnification with not less than 50 in^2 of reflective surface and, except for forward control vehicles, with a convex cross-view mirror that has a minimum of 40 in^2 of reflective surface and an average radius of curvature not less than 12 inches and not greater than 25 inches.

The Grote Manufacturing Company contended that a 50 in^2 plane mirror on the right side of a school bus is inadequate, but the NHTSA believes that the 50 in^2 mirror in common use offers sufficient reflective area. Likewise, the NHTSA cannot agree with the views of the States of California and Illinois that a 40 in^2 cross-view mirror is insufficient. Manufacturers can meet this requirement with the 7½ inch-diameter convex mirror which is commonly installed on school buses and which has been found to be adequate.

California also opposed the proposal that forward control school buses be excluded from the cross-view mirror requirements, stating that cross-view mirrors might be necessary on some forward control configurations. The NHTSA will consider this aspect of California's comment in future rulemaking in which the agency plans to develop field-of-view performance tests.

The State of Illinois, noting that the proposed amendments specified requirements for cross-view mirrors on school buses, recommended that the title of Standard No. 111, Rearview Mirrors, be shortened to "Mirrors." The NHTSA believes that such a change is unnecessary and might create confusion since the industry has come to associate the existing title with the standard number. Therefore, there is no change in the title of Standard No. 111 even though this amendment adds a provision for cross-view mirrors.

Several commenters, including Blue Bird Body Company, the State of Illinois, and the Grote Manufacturing Company, disagreed with the preamble discussion concerning preemption that appeared in the notice proposing this amendment (40 FR 33828), in regard to Federal versus State requirements for rearview mirrors on school buses. There appears to be some confusion concerning the provision of the National Traffic and Motor Vehicle Safety Act of 1966, Pub. L. 89-563 (15 U.S.C. 1392(d)) that allows states and political subdivisions to impose higher standards of performance than is required by Federal standards in the case of vehicles procured for their own use. Blue Bird Body Company commented that the interpretation in the preamble to the proposal "would allow local governments and other parties to specify potentially conflicting requirements with all NHTSA standards." This is incorrect. Section 103(d) of the National Traffic and Motor Vehicle Safety Act provides that no State or political subdivision of a State shall have author-

ity to establish a motor vehicle safety standard governing the same aspect of performance of a motor vehicle or of motor vehicle equipment as a Federal standard, unless it is identical to the Federal standard. The only exception, also provided in section 103(d) of the Act, is that a State may establish a safety requirement applicable to motor vehicles or motor vehicle equipment procured for its own use if such requirement imposes a higher standard of performance than the Federal standard. This means that a State may impose requirements additional to those specified in an applicable Federal standard only if the vehicles are procured specifically for use by the State or its political subdivision. Therefore, a State may not require vehicles manufactured or sold for use by private parties to meet any standards not identical with Federal standards, even if the State standard would require a higher level of performance. Use of the phrase "higher standard of performance" means that the State standard must not conflict with the Federal standard but may contain additional requirements.

The phrase does not mean that a State standard will be subjectively analyzed as a whole to determine its comparable worth in safety terms in relation to a Federal standard. Such an interpretation would create impracticable results. Finally, as stated in the preamble of the notice proposing these amendments, the National Traffic and Motor Vehicle Safety Act of 1966 does not prohibit a nongovernmental purchaser of a vehicle from contracting with a manufacturer or dealer for additional safety features beyond those required by Federal motor vehicle safety standards.

The majority of comments favored the proposal that multipurpose passenger vehicles and trucks with a GVWR of more than 10,000 and less than 25,000 pounds, and buses, other than school buses, with a GVWR of more than 10,000 pounds continue to be equipped with outside mirrors of unit magnification on both sides of the vehicle, each with not less than 50 in^2 of reflective surface.

The Teamsters Union recommended that the proposed 75-square-inch reflective area requirement for trucks and multipurpose vehicles with a GVWR of 25,000 pounds or more be increased to a 96-square-inch requirement. The NHTSA has carefully considered the views of the Teamsters, but must conclude, based on available studies, that the proposed 75-square-inch mirror is adequate for safety purposes. Further, a larger reflective area requirement would prohibit the new truck mirrors that are designed to be mounted below the driver's line of sight. Use of these mirrors is encouraged by the agency since they do not obstruct the forward view of the driver, as do the larger "West Coast" mirrors.

The obstruction of the forward view due to the mounting location of some of the larger mirrors can create a potential safety hazard, as pointed out by several commenters. However, rather than incorporating mounting location as a requirement of the standard at this time, the NHTSA believes the problem can better be solved through viewing performance requirements to be promulgated in the future.

The State of California suggested that minimum width requirements be specified for side-mounted mirrors, and that truck classification be based on a system other than GVWR. We see no need to specify width requirements. The California comments provided no evidence, and the agency has no indication, that manufacturers would circumvent the purposes of the standard by providing long and narrow side mirrors. No circumvention of this sort has occurred in the case of mirrors currently available on the market. The NHTSA recognizes that truck classification based on GVWR creates some artificiality in the applicability of requirements, but other methods of classification create similar problems. These problems can better be corrected in future rulemaking with the specification of field-of-view performance requirements.

Finally, several commenters recommended that combination plane and convex mirrors be required for large multipurpose passenger vehicles and trucks, in order to increase the field of view. The NHSTA agrees that the use of convex mirrors on larger vehicles would be of some benefit because of the increased field-of-view they would provide. Therefore, the agency publishes in this issue of the FEDERAL REGISTER a proposal to amend Standard No. 111 to specify the optional use of plane and convex mirror combinations on buses other than school buses, multipurpose passenger vehicles, and trucks that have a GVWR of 10,000 pounds or more.

This amendment also clarifies the deflection requirements for inside rearview mirror mountings on passenger cars. The amendment specifies that the mounting is required to "break away" when the test force is applied to the reflective surface of the mirror in any direction that forms an angle of up to 45° with the forward longitudinal direction. The amendment clarifies that the mounting is required to deflect, collapse, or "break away" when the force is applied to the reflective surface in a generally forward direction.

The provision of Standard No. 111 regarding mirror construction is amended to provide that the "average" reflectance value of the reflective film employed on any mirror required by the standard must be at least 35 percent. The purpose of this amendment is to make clear that the failure of any individual point or points on the reflective surface of a mirror to reflect 35 percent of a light source does not constitute a failure to comply with the standard if the average reflectance of the total points comprising the reflective surface is at least 35 percent.

The amendment incorporates into the mirror construction requirements the current test procedures for measurement of average reflectance value found in the Society of Automotive Engineers Recommended Practice J964a, August, 1974.

Standard No. 111 is further amended by this notice to add a definition of the term "mirror of unit magnification." This definition incorporates a previous NHTSA interpretation to the effect that precise "unit magnification" is not required by the standard if any deviations are not in excess of normal manufacturing tolerances. The definition provides that a prismatic day-night adjustment rearview mirror, one of whose positions provides unit magnification, is considered a unit magnification mirror.

The notice proposing these amendments (40 FR 33828) included a proposal that the term "driver's eye reference point" referred to in S5.1.1 and S5.2.1 of the standard as amended by this notice, be changed to "driver's eye reference points" in order to more accurately describe the locations to which the term refers. The notice further proposed that the standard be amended to permit location of the driver's eye reference point at "a nominal location appropriate for any 95th percentile male driver," as had been established in a previously published NHTSA interpretation (32 FR 5498). At the time of the proposal, Standard No. 111 only provided that the location of the driver's eye reference point "shall be that established in Motor Vehicle Safety Standard No. 104." The proposal provided that the location of the eye reference point could be derived through either formula.

In response to four petitions for reconsideration, by final rule issued February 19, 1976 (41 FR 7510), Standard No. 111 was amended to partially adopt the proposed changes regarding driver's eye reference point. The standard was amended to incorporate the previous NHTSA interpretation which allowed location of the driver's eye reference point "at a nominal location appropriate for any 95th percentile adult male driver." The petitioners had requested that this aspect of the proposal be adopted immediately.

Today's amendment completes the adoption of the proposed changes by modifying the term "driver's eye reference point" to read "driver's eye reference points." As amended, the last sentence of S5.1.1 and of S5.2.1 now reads: "The location of the driver's eye reference points shall be those established in Motor Vehicle Safety Standard No. 104 (§ 571.104) or a nominal location appropriate for any 95th percentile adult male driver." Even with these changes, however, there still appears to be much confusion concerning this aspect of the field-of-view performance requirements for passenger cars. General Motors has recommended that the reference to Standard No. 104 in paragraphs S5.1.1 and S5.2.1 be deleted, since that standard's designation of "eye reference points" is ambiguous. In light of the evident confusion, the NHTSA is proposing in this issue of the FEDERAL REGISTER to amend paragraphs S5.1.1 and S5.2.1 of Standard No. 111 to specify that location of driver's eye reference points shall be determined in accordance with the procedure found in SAE Recommended

Practice J1050, "Describing the Driver's Field of View," Section 7 (September, 1973). References to Standard No. 104 and to the "nominal location" method of determining the eye reference points would be deleted from the standard.

These amendments should have only a minimal economic and environmental impact, since manufacturers are currently equipping vehicles with the same type mirrors that are required by the amendments.

In consideration of the foregoing, the amendments of Motor Vehicle Safety Standard No. 111 (49 CFR 571.111) are adopted without change, as set forth below.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Effective date: February 26, 1977.

Issued on August 17, 1976.

JOHN W. SNOW,
Administrator.

Section 571.111 is added to read as follows:

§ 571.111 Standard No. 111; Rearview Mirrors.

S1. *Scope.* This standard specifies requirements for the performance and location of rearview mirrors.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths and injuries that occur when the driver of a motor vehicle does not have a clear and reasonably unobstructed view to the rear.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, school buses and motorcycles.

S4. *Definition.* "Unit magnification mirror" means a plane or flat mirror with a reflective surface through which the angular height and width of the image of an object is equal to the angular height and width of the object when viewed directly at the same distance except for flaws that do not exceed normal manufacturing tolerances. For the purposes of this regulation a prismatic day-night adjustment rearview mirror one of whose positions provides unit magnification is considered a unit magnification mirror.

S5. *Requirements for passenger cars.*

S5.1. *Inside rearview mirror.* Each passenger car shall have an inside rearview mirror of unit magnification.

S5.1.1. *Field of view.* Except as provided in S5.3, the mirror shall provide a field of view with an included horizontal angle measured from the projected eye point of at least 20 degrees, and sufficient vertical angle to provide a view of a level road surface extending to the horizon beginning at a point not greater than 200 feet to the rear of the vehicle when the vehicle is occupied by the driver and four passengers or the designed occupant capacity, if less, based on an average occupant weight of 150 pounds. The line of sight may be partially obscured by seated occupants or by head restraints. The location of the driver's eye reference points shall be those established in Motor Vehicle Safety Standard No. 104 (§ 571.104) or a nominal location appropriate for any 95th percentile male driver.

S5.1.2. *Mounting.* The mirror mounting shall provide a stable support for the mirror, and shall provide for mirror adjustment by tilting in both the horizontal and vertical directions. If the mirror is in the head impact area, the mounting shall deflect, collapse or break away without leaving sharp edges when the reflective surface of the mirror is subjected to a force of 90 pounds in any forward direction that is not more than 45° from the forward longitudinal direction.

S5.2 *Outside rearview mirror—driver's side.*

S5.2.1. *Field of view.* Each passenger car shall have an outside mirror of unit magnification. The mirror shall provide the driver a view of a level road surface extending to the horizon from a line, perpendicular to a longitudinal plane tangent to the driver's side of the vehicle at the widest point, extending 8 feet out from the tangent plane 35 feet behind the driver's eyes, with the seat in the rearmost position. The line of sight may be partially obscured by rear body or fender contours. The location of the driver's eye reference points shall be those established in Motor Vehicle Safety Standard No. 104 (§ 571.104) or a nominal location appropriate for any 95th percentile male driver.

S5.2.2. *Mounting.* The mirror mounting shall provide a stable support for the mirror, and neither the mirror nor the mounting shall protrude farther than the widest part of the vehicle body except to the extent necessary to produce a field of view meeting or exceeding the requirements of S5.2.1. The mirror shall not be obscured by the unwiped portion of the windshield, and shall be adjustable by tilting in both horizontal and vertical directions from the driver's seated position. The mirror and mounting shall be free of sharp points or edges that could contribute to pedestrian injury.

S5.3. *Outside rearview mirror passenger's side.* Each passenger car whose inside rearview mirror does not meet the field of view requirements of S5.1.1 shall have an outside rearview mirror of unit magnification installed on the passenger's side. The mirror mounting shall provide a stable support and be free of sharp points or edges that could contribute to pedestrian injury. The mirror need not be adjustable from the driver's seat but shall be capable of adjustment by tilting in both horizontal and vertical directions.

S6 *Requirements for multipurpose passenger vehicles, trucks, and buses, other than school buses, with GVWR of 10,000 pounds or less.*

S6.1. Each multipurpose passenger vehicle, truck and bus, other than a school bus, with a GVWR of 10,000 pounds or less shall have either—

(a) Mirrors that conform to the requirements of S5; or

(b) Outside mirrors of unit magnification, each with not less than 19.5 in^2 of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene.

S7. *Requirements for multipurpose passenger vehicles and trucks with a GVWR of more than 10,000 and less than 25,000 pounds and buses, other than school buses, with a GVWR of more than 10,000 pounds.*

S7.1. Each multipurpose passenger vehicle and truck with a GVWR of more than 10,000 pounds and less than 25,000 pounds and each bus, other than a school bus, with a GVWR of more than 10,000 pounds shall have outside mirrors of unit magnification, each with not less than 50 in^2 of reflective surface, installed with stable supports on both sides of the vehicle. The mirrors shall be located so as to provide the driver a view to the rear along both sides of the vehicle and shall be adjustable both in the horizontal and vertical directions to view the rearward scene.

S8. *Requirements for multipurpose passenger vehicles and trucks with a GVWR of 25,000 pounds or more.*

S8.1 Each multipurpose passenger vehicle and truck with a GVWR of 25,000 pounds or more shall have outside mirrors of unit magnification, each with not less than 75 in^2 of reflective surface, installed with stable supports on both sides of the vehicle. The mirrors shall be located so as to provide the driver a view to the rear along both sides of the vehicle and shall be adjustable both in the horizontal and vertical directions to view the rearward scene.

S9. *Requirements for school buses.*

S9.1. *Outside rearview mirrors.* Each school bus shall have outside mirrors of unit magnification, each with not less than 50 in^2 of reflective surface, installed with stable supports on both sides of the vehicle. The mirrors shall be located so as to provide the driver a view to the rear along both sides of the vehicle and shall be adjustable both in the horizontal and vertical directions to view the rearward scene.

S9.2. *Outside cross view mirror.* Each school bus, except those which are forward control vehicles, shall have a convex mirror with at least 40 in^2 of reflective surface with an average radius of curvature not less than 12 inches and not greater than 25 inches, installed with a stable support, and mounted so as to provide the driver a view of the front bumper and the area in front of the bus.

S10. *Requirements for motorcycles.*

S10.1. Each motorcycle shall have either a mirror of unit magnification with not les than 12.5 in^2 of reflective surface, or a convex mirror with not less than 10 in^2 of reflective surface and an average radius of curvature not less than 20 inches and not greater than 60 inches, installed with a stable support, and

mounted so that the horizontal center of the reflective surface is at least 11 inches outward of the longitudinal centerline of the motorcycle. The mirror shall be adjustable by tilting in both the horizontal and vertical directions.

S11. *Mirror construction.* The average reflectance value of the reflective film employed on any mirror required by this standard, determined in accordance with SAE Recommended Practice J964a, August 1974, shall be at least 35 percent. If a mirror is of the selective position prismatic type, the reflectance value in the night driving position shall be at least 4 percent.

[FR Doc.76-24907 Filed 8-25-76;8:45 am]

[Docket No. 73-03; Notice 07, et al.]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Effective Dates for School Bus Requirements

Docket No. 73-03; Notice 07; Docket No. 73-20; Notice 010; Docket No. 73-34; Notice 04; Docket No. 75-02; Notice 03; Docket No. 75-03; Notice 05; Docket No. 75-07; Notice 03; Docket No. 75-24; Notice 03.

This notice announces that the effective dates of the redefinition of "school bus" and of six Federal motor vehicle safety standards as they apply to school buses are changed to April 1, 1977, from the previously established effective dates. This notice also makes a minor amendment to Standard No. 220, School Bus Rollover Protection, and adds a figure to Standard No. 221, School Bus Body Joint Strength.

The Motor Vehicle and Schoolbus Safety Amendments of 1974 (the Act) mandated the issuance of Federal motor vehicle safety standards for several aspects of school bus performance, Pub. L. 93-492, section 202 (15 U.S.C. 1392(i)(1)(A)). These amendments included a definition of school bus that necessitated a revision of the existing definition used by the NHTSA in establishing safety requirements. The Act also specified that the new requirements "apply to each schoolbus and item of schoolbus equipment which is manufactured . . . on or after the expiration of the 9-month period which begins on the date of promulgation of such safety standards." (15 U.S.C. 1392(i)(1)(B).)

Pursuant to the Act, amendments were made to the following standards: Standard No. 301-75, Fuel System Integrity (49 CFR 571.301-75), effective July 15, 1976, for school buses not already covered by the standard, (40 FR 483521, October 15, 1975); Standard No. 105-75, Hydraulic Brake Systems (49 CFR 571.105-75), effective October 12, 1976 (41 FR 2391, January 16, 1976); and Standard No. 217, Bus Window Retention and Release (49 CFR 571.217), effective for school buses on October 26, 1976 (41 FR 3871, January 27, 1976).

In addition, the following new standards were added to Part 571 of Title 49 of the Code of Federal Regulations, effective October 26, 1976: Standard No. 220, School Bus Rollover Protection (41 FR 3874, January 27, 1976); Standard No. 221, School Bus Body Joint Strength (41 FR 3872, January 26, 1976); and Standard No. 222, School Bus Passenger Seating and Crash Protection (41 FR 4016, January 28, 1976). Also, the existing definition of "school bus" was amended, effective October 27, 1976, in line with the date set by the Act for issuance of the standards.

The Act was recently amended by Pub. L. 94-346 (July 8, 1976) to change the effective dates of the school bus standards to April 1, 1977 (15 U.S.C. 1392(i)(1)(B)). This notice is intended to advise interested persons of these changes of effective dates. In the case of Standard No. 301-75, the change of effective date is reflected in a conforming amendment to S5.4 of that standard. A similar amendment is made in S3 of Standard No. 105-75.

The agency concludes that the October 27, 1976, effective date for the redefinition of "school bus" should be postponed to April 1, 1977, to conform to the new effective dates for the upcoming requirements. If this were not done, the new classes of school buses would be required to meet existing standards that apply to school buses (e.g., Standard No. 108 (49 CFR 571.108)) before being required to meet the new standards. This would result in two stages of compliance, and would complicate the redesign efforts that Congress sought to relieve.

This notice also amends Standard No. 220 in response to an interpretation request by Blue Bird Body Company, and Sheller-Globe Corporation's petition for reconsideration of the standard. Both companies request confirmation that the standard's requirement to operate emergency exits during the application of force to the vehicle roof (S4(b)) does not apply to roof exits which are covered by the force application plate. The agency did not intend to require the operation of roof exits while the force application plate is in place on the vehicle. Accordingly, an appropriate amendment has been made to S4(b) of the standard.

With regard to Standard No. 220, Sheller-Globe also requested confirmation that, in testing its school buses that have a gross vehicle weight rating (GVWR) of 10,000 pounds or less, it may test with a force application plate with dimensions other than those specified in the standard. The standard does not prohibit a manufacturer from using a different dimension from that specified, in view of the NHTSA's expressed position on the legal effect of its regulations. To certify compliance, a manufacturer is free to choose any means, in the exercise of due care, to show that a vehicle (or item of motor vehicle equipment) would comply if tested by the NHTSA as specified in the standard. Thus the force application plate used by the NHTSA need not be duplicated by each manufacturer or compliance test facility. Sheller-Globe, for example, is free to use a force application plate of any width as long as it can certify its vehicle would comply if tested by the NHTSA according to the standard.

In a separate area, the agency corrects the inadvertent omission of an illustration from Standard No. 221 as it was issued January 26, 1976 (41 FR 3872). The figure does not differ from that proposed and, in that form, it received no adverse comment.

In accordance with recently-enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200, April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this action on the public and private sectors, including possible loss of safety benefits. The changes in effective dates for the school bus standards are not evaluated because they were accomplished by law and not by regulatory action.

The change of effective date for the redefinition of "school bus" will result in savings to manufacturers who will not be required to meet existing school bus standards between October 27, 1976, and April 1, 1977. The agency calculates that the only standard that would not be met would be the requirement in Standard No. 108 for school bus marker lamps. In view of the agency's existing provision for the marking of light school buses in Pupil Transportation Standard No. 17 (23 CFR 1204), it is concluded that the absence of this equipment until April 1, 1977, will not have a significant adverse impact on safety.

The interpretative amendment of Standard No. 220 and the addition of a figure to Standard No. 221 are not expected to affect the manufacture or operation of school buses.

In consideration of the foregoing, Part 571 of Title 49 of the Code of Federal Regulations is amended as follows:

§ 571.105-75 [Amended]

1. In Standard No. 105-75 (49 CFR 571.105-75), the date "October 12, 1976" in S3 is changed to "April 1, 1977".

§ 571.220 [Amended]

2. The first sentence of S4(b) of Standard No. 220 (49 CFR 571.220) is amended to read:

S4. *Requirements.*

* * * * *

(b) Each emergency exit of the vehicle provided in accordance with Standard No. 217 (§ 571.217) shall be capable of opening as specified in that standard during the full application of the force and after release of the force, except that an emergency exit located in the roof of the vehicle is not required to be capable of being opened during the application of the force.

§ 571.221 [Amended]

3. The figure set forth below is added to Standard No. 221 (49 CFR 571.221), following paragraph S6.1.3.

§ 571.301-75 [Amended]

4. In Standard No. 301-75 (49 CFR 571.301-75), the date "July 15, 1976" in S5.4 is changed to "April 1, 1977".

EFFECTIVE DATES

1. Because the listed amendments do not impose additional requirements of any person, the National Highway Traffic Safety Administration finds that an immediate effective date of August 26, 1976 is in the public interest.

2. The effective date of the redefinition of "school bus" in 49 CFR Part 571.3 that was published in the issue of December 31, 1976 (40 FR 60033) is changed to April 1, 1977.

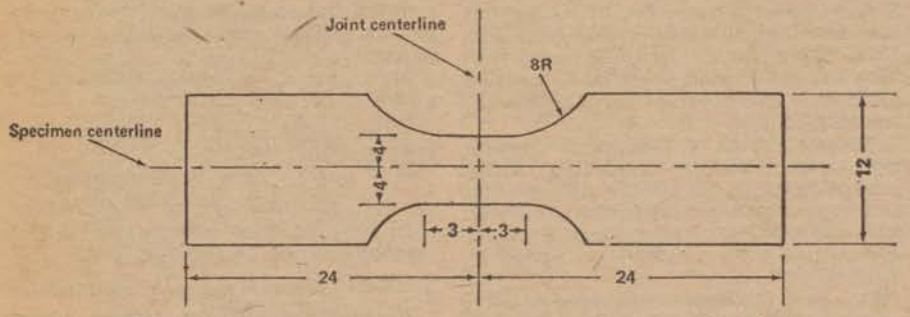
3. The effective dates of Standard Nos. 105–75, 217, 301–75, 220, 221, and 222 (as they apply to school buses) are April 1, 1977, in accordance with Pub. L. 94–346.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Pub. L. 94–346, Stat. (15 U.S.C. § 1392(1)(1)(B)); delegation of authority at 49 CFR 1.50)

Issued on August 17, 1976.

JOHN W. SNOW,
Administrator.

FIGURE 1



All dimensions in inches

[FR Doc.76-24906 Filed 8-25-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1250]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of August 1976.

It appearing, That an acute shortage of covered hopper cars and boxcars for transporting shipments of grain, grain screenings, soybeans, or grain products exists in certain sections of the country; that some carriers have adequate supplies of open hopper cars; that use of these cars for transporting grain, grain screenings, soybeans, or grain products is precluded by certain tariff provisions requiring the use of covered hopper cars or boxcars, thus curtailing shipments of grain, grain screenings, soybeans, or grain products and creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars and boxcars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1250 Service Order No. 1250.

(a) *Substitution of hopper cars for covered hopper cars or boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Substitution of cars.* Subject to the concurrence of the shipper, the carrier may substitute open hopper cars for shipments of grain, grain screenings, soybeans, or grain products, whether from the point of origin or from an intermediate in-transit point, regardless of tariff provisions requiring the use of covered hoppers or boxcars.

(2) *Minimum weights.* The minimum weights per shipment of grain, grain screenings, soybeans, or grain products transported in open hopper cars substituted for covered hopper cars or boxcars shall be the minimum weight specified in the tariffs for shipments made in covered hopper cars or boxcars regardless of the number of open hopper cars required to be used to secure the minimum weight.

(3) In shipping grain, grain screenings, soybeans, or grain products in open hopper cars in lieu of covered hopper cars or boxcars as provided herein, the shipper shall be deemed to have acknowledged the terms and conditions of the contract of carriage embodied in the bill of lading that the carrier shall not be liable for injury, loss, or damage to the lading resulting from a defect or vice in such property.

(4) Bills of lading covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1250.

(5) The term "open hopper cars" means all cars listed in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "HFA", "HK", "HM", "HMA", "HT", or "HTA".

(6) The term "covered hopper cars" means all cars listed in the Official Railway Equipment Register, I.C.C. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO".

(7) The term "boxcars" means all cars listed in the Official Railway Equipment Register, I.C.C. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XL", "XLI", "XM", or "XMI".

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., August 23, 1976.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That a copy of this order and direction 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 order 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. Member Lewis R. Teeple not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24941 Filed 8-25-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Cibola National Wildlife Refuge, Arizona and California and Bitter Lake National Wildlife Refuge, New Mexico

The following special regulations are issued and are effective August 26, 1976.

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

ARIZONA AND CALIFORNIA

CIBOLA NATIONAL WILDLIFE REFUGE

The public hunting of deer on Cibola National Wildlife Refuge, Arizona and California, is permitted as follows: Arizona—bow and arrow, from October 22 through November 7, 1976, inclusive; gun, from November 12 through November 21, 1976, inclusive. California—bow and arrow, from August 21 through September 13, 1976, inclusive; gun, from September 25 through November 7, 1976, inclusive. The areas designated by signs as open to hunting comprise 7,500 acres and are delineated on maps available at refuge headquarters, Blythe, California, 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 all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any farm field worker.

(2) Campfires will be permitted only in designated areas. All other open fires are prohibited.

(3) Wildlife observation is permitted within the two closed hunting zones. Persons are permitted to use only established routes of travel.

(4) Cibola Lake, located in Zone 1, is closed to fishing and boating from October 1 through March during the waterfowl use period.

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 November 21, 1976.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on the North Tract as follows: bow hunting, from September 18 through October 3, 1976, inclusive; general hunting, from November 6 through November 21, 1976, inclusive. This hunting area, comprising approximately 12,000 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, 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 all applicable State regulations covering the hunting of deer.

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

ROBERT F. STEPHENS,
Acting Regional Director,
Albuquerque, New Mexico.

AUGUST 19, 1976.

[FR Doc.76-25028 Filed 8-25-76;8:45 am]

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

PART 222—ENDANGERED FISH OR WILDLIFE

General Permit Requirement

On August 18, 1976, interim regulations were published in the FEDERAL REGISTER to implement the provisions of Pub. L. 94-359, which would allow the regulated disposal of certain pre-Act endangered species parts or products held in the course of a commercial activity prior to December 28, 1973.

The interim regulations established a new Subpart B of Part 222 which provides for the issuance of certificates of exemption. Such certificates of exemption will entitle the holder to engage in or carry on certain activities otherwise prohibited.

However, § 222.21 of Subpart C of this part appears to be in conflict with the new subpart B. It is the purpose of this amendment to eliminate any potential conflict and to make the existing regulations conform with the latest promulgation.

Accordingly, existing § 222.21 is amended as hereinafter set out.

This amendment is effective August 26, 1976.

JACK W. GEHRINGER,
Deputy Director.

In Subpart C of this part, § 222.21 is revised to read as follows:

§ 222.21 General permit requirement.

No person shall take, import, export, or engage in any other prohibited activity involving, any species or subspecies of fish or wildlife which the Secretary has determined to be endangered under the Endangered Species Act of 1973, as evidenced by its inclusion on the list of endangered fish or wildlife (see 50 CFR Chapter I, Part 17) or which the Secretary of the Interior determined to be endangered under the Endangered Species Conservation Act of 1969 and which are now under the jurisdictional responsibilities of the Secretary of Commerce, without a valid permit issued pursuant to this part.

[FR Doc.76-24992 Filed 8-25-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 4, 5]

[Notice No. 300]

WINE AND DISTILLED SPIRITS BOTTLES AND CONFORMING CHANGE TO TEQUILA DESIGNATION

Label Information on Coverings or Cartons

The Bureau of Alcohol, Tobacco and Firearms with the approval of the Secretary of the Treasury or his delegate, is proposing amendments to the regulations for the labeling and advertising of wine and distilled spirits, 27 CFR Parts 4 and 5, respectively.

PETITION

Request. The Bureau of Alcohol, Tobacco and Firearms was recently petitioned by the Distilled Spirits Council of the United States, Inc. (DISCUS), a trade association representing numerous distillers and bottlers of distilled spirits and by Schenley Distillers, Inc., to amend 27 CFR Part 5, Labeling and Advertising of Distilled Spirits, with respect to information required to appear on coverings or cartons of individually wrapped or packed distilled spirits bottles.

Request for regulatory amendment. The proposals submitted by the petitioners would amend 27 CFR 5.41(c) to permit readily openable cartons of distilled spirits bottles to display any information which is not misleading stated alone, or is not in conflict with the label on the bottle therein.

Justification for amendment. In support of their proposal, the petitioners state that the present regulatory requirements for information on cartons and containers are unnecessarily restrictive. Specifically, they state that the present regulations preclude the depiction of key information (e.g., proof and net contents) that would be helpful to the consumer without the need for opening the carton, unless all of the mandatory information is present. Further, the petitioners contend that, although the regulations permit the name and address of the manufacturer, bottler, or importer to be shown on the container, the function of the permittee (e.g., bottler, rectifier, distiller) may be shown only if all of the mandatory information is indicated.

REGULATORY HISTORY

The regulations implementing the provisions of the Federal Alcohol Administration Act (FAA Act) were promulgated in 1936. At that time, provisions establishing information required to be included on coverings, cartons, or other containers of distilled spirits bottles were included in the regulations governing the labeling and advertising of distilled spirits (FAA regulations No. 5, section 51). These regulations provided that distilled spirits in bottles would be considered misbranded if the bottle was in an individual carton and such carton obscured the mandatory label information while failing to reproduce all mandatory label information. Cartons or containers were, however, permitted to display the name and address of the manufacturer, importer, or other person by whom bottled, without including all mandatory label information. These regulations were amended in 1969 to establish the current requirement that sealed cartons must bear all mandatory label information, whereas openable cartons must bear all mandatory label information only when the carton displayed information other than the brand name and the name and address of the manufacturing, bottler, or importer.

BUREAU EVALUATION OF REQUESTS

Effect on industry. The Bureau recognizes that industry packaging technology has changed over the years and, therefore, and, as a result, its regulations must be examined to identify unnecessarily restrictive or obsolete requirements. In this case we recognize that, in many instances, distilled spirits bottle cartons or containers are manufactured so as to permit ready access to the bottle and the information stated on its label. Therefore, we believe that the need for duplication of all mandatory information on the carton or container may not be necessary.

Effect on consumers. The Bureau also considers the effect of proposed regulatory changes on the retail purchaser of distilled spirits to be a determining factor in the consideration of a proposal of this nature. Although the petitioners for the amendment have indicated that the proposed regulatory changes would permit key information to be included on the bottle carton and that this would be helpful to the consumer, the Bureau also believes that "romance language" (puffery) would probably also be added to the carton to enhance its consumer appeal. The Bureau believes that such information could be added to cartons without misleading consumers, since regulations will retain existing provisions prohibiting statements or information on cartons or coverings which are false or create a misleading impression. Although the Bureau believes that the overall effect of the proposed amendments would not be detrimental to consumers, our information in this area is limited. Therefore, the Bureau has decided to propose the changes petitioned for, but at the same time encourage the submission of relevant comments or suggestions by consumers as well as members of the alcoholic beverage industry and other government agencies.

ADDITIONAL PROPOSED REGULATORY AMENDMENTS

Wine bottle cartons. In conjunction with the requested changes for the information on distilled spirits bottle cartons, the Bureau has examined the regulatory provisions for wine bottle cartons and believes that similar changes should be made in 27 CFR Part 4, Labeling and Advertising of Wine. Therefore, it is proposed to provide the same regulatory requirements for wine bottle cartons information as the proposed distilled spirits bottle information. In addition, it is proposed to eliminate obsolete regulatory references and relocate existing provisions to a more suitable position in the regulations. The changes will be accomplished by deleting § 4.31 and paragraph (j) of § 4.39 and by adding a new § 4.38a.

Standard of identity for Tequila. Pursuant to T.D. ATF–7 (38 FR 33300), effective February 1, 1974, Tequila was declared to be a distinctive product of Mexico. Section 5.22(j)(5), currently requires that the word "imitation" shall modify the name of any Tequila to which neutral spirits or distilled spirits other than Tequila have been added. However, since Tequila has been accorded special protection as a distinctive product of Mexico, if neutral spirits or distilled spirits other than Tequila are added outside of Mexico, the product may not contain the word "Tequila" in its designation, even if modified by the word "imitation". For this reason, the Bureau is proposing an amendment to § 5.22(j)(5) to eliminate the reference to Tequila.

PUBLIC PARTICIPATION

Prior to final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, (Attn: Chief, Regulations and Procedures Division) on or before September 27, 1976. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22(d)(7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of com-

ments or suggestions as exempt from disclosure. Any interested person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Bureau of Alcohol, Tobacco and Firearms, within the 30-day period.

The proposed regulations are to be issued under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)).

PROPOSED REGULATIONS

In consideration of the foregoing, it is proposed that Title 27 of the Code of Federal Regulations be amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

§ 4.31 [Reserved]

PARAGRAPH 1. Section 4.31 is revoked and reserved.

PAR. 2. A new § 4.38a is added immediately following § 4.38, to provide for revised requirements concerning bottle cartons, booklets and leaflets, and it reads as follows:

§ 4.38a Bottle cartons, booklets and leaflets.

(a) *General.* An individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container), or any written, printed, graphic, or other matter accompanying the bottle to the consumer buyer shall not contain any statement, design, device, or graphic, pictorial, or emblematic representation that is prohibited by §§ 4.30–4.39 on labels.

(b) *Sealed cartons.* If bottles are enclosed in sealed opaque coverings, cartons, or other containers used for sale at retail (other than a shipping container), such coverings, cartons, or other containers must bear all mandatory label information.

(c) *Other cartons.* (1) If an individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container) is so designed that the bottle is readily removable, it may display any information which is not in conflict with the label on the bottle contained therein.

(2) Cartons displaying brand names and/or designations must display such names and designations in their entirety—brand names required to be modified, e.g. by "Brand" or "Product of U.S.A.", must also display such modification.

(3) Wines for which a truthful and adequate statement of composition is required must display such statement.

§ 4.39 [Amended]

PAR. 3. Paragraph (j) of § 4.39 is deleted.

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

PAR. 4. Paragraph (j)(5) of § 5.22 is amended to delete reference to Tequila. As amended, paragraph (j)(5) reads as follows:

§ 5.22 The standards of identity.

* * * * *

(j) *Class 10; imitations.* * * *

(5) Any rum to which neutral spirits or distilled spirits other than rum have been added;

* * * * *

PAR. 5. Paragraph (c) of § 5.41 is amended to change the requirements for information that must be shown on bottle cartons. As amended, paragraph (c) reads as follows:

§ 5.41 Bottle cartons, booklets and leaflets.

* * * * *

(c) *Other cartons.* (1) If an individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container) is so designed that the bottle is readily removable, it may display any information which is not in conflict with the label on the bottle contained therein.

(2) Cartons displaying brand names and/or designations must display such names and designations in their entirety—brand names required to be modified, e.g. by "Brand" or "Product of U.S.A.", must also display such modification.

(3) Specialty products for which a truthful and adequate statement of composition is required must display such statement.

Signed: August 16, 1976.

REX D. DAVIS,
Director.

Approved: August 20, 1976.

JAMES J. FEATHERSTONE,
Acting Assistant Secretary of the Treasury.

[FR Doc.76-24903 Filed 8-25-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 256]

AIR INSTALLATIONS COMPATIBLE USE ZONES

Pursuant to 5 U.S.C. 552, notice is hereby given that a new Part 256, will be added to Subchapter M. Part 256 will state Department of Defense policy on Air Installations Compatible Use Zones. This policy was previously stated in Department of Defense Instruction 4165.57.[1] Public comment on that document was obtained through the Environmental Impact Statement process and a final statement was filed with the Council of Environmental Quality on June 30, 1973.

This proposed rule will revise the original document to place greater emphasis on state and local government involvement in the program; prioritize the land areas in which the Department of Defense may wish to acquire an interest with those areas having the greatest potential for aircraft accident first; classify runways by type of aircraft using them; adopt the Leq/Ldn noise descriptor system; define clear zones and accident potential zones; and clarify language.

Public comments on the proposed Part 256 may be addressed to the Deputy Assistant Secretary of Defense (Installations and Housing), Pentagon Building, Washington, D.C. 20301. All material received on or before September 30, 1976 will be considered. All comments in response to these proposed rules will be available for public inspection during normal business hours at the foregoing address.

The proposed Part 256 to this subchapter reads as follows:

PART 256—AIR INSTALLATIONS COMPATIBLE USE ZONES

Sec.

256.1 Purpose.
256.2 Applicability.
256.3 Criteria.
256.4 Policy.
256.5 The Air installation compatible use program.
256.6 Runway classification by aircraft type.
256.7 Accident potential zone guidelines.
256.8 Land use compatibility guidelines for accidental potential zones and footnotes.
256.9 Real estate interests to be considered for clear zones and accident potential zone.
256.10 Air installations compatible use zone noise descriptors.
256.11 Effective date and implementation.

AUTHORITY: National Security Act of 1947, as amended, 61 Stat. 495.

§ 256.1 Purpose.

This part: (a) Sets forth Department of Defense policy on achieving compatible use of public and private lands in the vicinity of military airfields; (b) defines (1) required restrictions on the uses and heights of natural and man-made objects in the vicinity of air installations to provide for safety of flight and to assure that people and facilities are not concentrated in areas susceptible to aircraft accidents; and (2) desirable restrictions on land use to assure its compatibility with the characteristics, including noise, of air installations operations; (c) describes the procedures by which Air Installations Compatible Use Zones (AICUZ) may be defined; and (d) provides policy on the extent of Government interest in real property within these zones which may be retained or acquired to protect the operational capability of active military airfields (subject in each case to the availability of required authorizations and appropriations).

§ 256.2 Applicability.

This part applies to air installations of the Military Departments located within the United States, its territories, trusts, and possessions.

§ 256.3 Criteria.

(a) *General.* The Air Installations Compatible Use Zone for each military air installation shall consist of (1) land areas upon which certain uses may ob-

[1] Filed as part of original. Copies available from Naval Forms and Publications Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attn: Code 300.

struct the airspace or otherwise be hazardous to aircraft operations, and (2) land areas which are exposed to the health, safety or welfare hazards of aircraft operations.

(b) *Height of Obstructions.* The land area and height standards defined in AFM 86-8,[2] NavFac P-272 and P-80,[2] and TM 5-803-4[2] will be used for purposes of height restriction criteria.

(c) *Accident Potential.* (1) *General.* (i) Areas immediately beyond the ends of runways and along primary flight paths are subject to more aircraft accidents than other areas. For this reason, these areas should remain undeveloped, or if developed should be only sparsely developed in order to limit, as much as possible, the adverse effects of a possible aircraft accident.

(ii) DoD fixed wing runways are separated into two types for the purpose of defining accident potential areas. Class A runways are those restricted to light aircraft (See § 256.6) and which do not have the potential for development for heavy or high performance aircraft use or for which no foreseeable requirement for such use exists. Typically these runways have less than 10 percent of their operations involving Class B aircraft (§ 256.6) and are less than 8000 feet long. Class B runways are all other fixed wing runways.

(iii) The following descriptions of Accident Potential Zones are guidelines only. Their strict application would result in increasing the safety of the general public but would not provide complete protection against the effects of aircraft accidents. Such a degree of protection is probably impossible to achieve. Local situations may differ significantly from the assumptions and data upon which these guidelines are based and require individual study. Where it is desirable to restrict the density of development of an area, it is not usually possible to state that one density is safe and another is not. Safety is a relative term and the objective should be the realization of the greatest degree of safety that can be reasonably attained.

(2) *Accident Potential and Clear Zones (See § 256.7).* (i) The area immediately beyond the end of a runway is the "Clear Zone", an area which possesses a high potential for accidents, and has traditionally been acquired by the Government in fee and kept clear of obstructions to flight.

(ii) Accident Potential Zone 1 (APZ 1) is the area beyond the clear zone which possesses a significant potential for accidents.

(iii) Accident Potential Zone II (APZ II) is an area beyond APZ I having a measurable potential for accidents.

(iv) Modifications to APZs I and II will be considered if:

(A) The runway is infrequently used.

(B) The prevailing wind conditions are such that a large percentage (i.e., over 80 percent) of the operations are in one direction.

(C) Most aircraft do not overfly the APZs as defined herein during normal flight operations (modifications may be made to alter these zones and adjust them to conform to the line of flight).

(D) Local accident history indicates consideration of different areas.

(E) Other unusual conditions exist.

(v) The takeoff safety zone for VFR rotary-wing facilities wil be used for the clear zone; the remainder of the approach-departure zone will be used as APZ I.

(vi) Land use compatibility with clear zones and APZs is shown in § 256.8.

(d) *Noise.* (1) *General.* Noise exposure is described in various ways. In 1964, the Department of Defense began using the Composite Noise Rating (CNR) system to describe aircraft noise. Several years ago the Noise Exposure Forecast (NEF) system began to replace CNR. In August 1974, the Environmental Protection Agency notified all Federal agencies of intent to implement the Day-Night Average Sound Level (Ldn) noise descriptor, and this was subsequently adopted by the DoD. This Ldn system will be used for air installations. Where AICUZ studies have been published using the CNR of NEF systems or where studies have progressed to the point that a change in the descriptor system is impractical or uneconomical, such studies may be published and continued in use. However, in such cases, data necessary for conversion to Ldn should be collected and studies should be revised as soon as time and budgetary considerations permit. However, if state or local laws require some other noise descriptor, it may be used in lieu of Ldn.

(2) *Noise Zones.* (i) As a minimum, contours for Ldn 65, 70, 75 and 80 shall be plotted on maps as part of AICUZ studies.

(ii) See § 256.10 for a further discussion of Ldn use and conversion to Ldn from previously used systems.

§ 256.4 Policy.

(a) *General.* As a first priority step, all reasonable, economical, and practical measures will be taken to reduce and/or control the generation of noise from flying and flying related activities. Typical measures normally include siting of engine test and runup facilities in remote areas if practical, provision of sound suppression equipment where necessary, and may include additional measures such as adjustment of traffic patterns to avoid built-up areas where such can be accomplished with safety and without significant impairment of operational effectiveness. After all reasonable noise source control measures have been taken, there will usually remain significant land areas wherein the total noise exposure is such as to be incompatible with certain uses.

(b) *Compatible Use Land.* (1) *General.* (i) DoD policy is to work toward achieving compatibility between air installations and neighboring civilian communities by means of a compatible land use planning and control process conducted by the local community.

(ii) Land use compatibility guidelines will be specified for each Clear Zone, Accident Potential Zone, Noise Zone and combination of these as appropriate.

(iii) The method of control and regulation of land usage within each zone will vary according to local conditions. In all instances the primary objective will be to identify reasonable planning areas and land use guidelines which will be recommended to appropriate agencies who are in control of the planning functions for the affected areas.

(2) *Property Rights Acquisition.* (i) *General.* While noise generated by aircraft at military air installations should be an integral element of land use compatibility efforts, the acquisition of property rights on the basis of noise by the Department of Defense may not be in the long term best interests of the United States. Therefore, while the complete requirement for individual installations should be defined prior to any programming actions, acquisition of interests should be programmed in accordance with the following priorities.

(ii) *Priorities.* (A) The first priority is the acquisition in fee and/or appropriate restrictive easements of lands within the clear zones whenever practicable.

(B) Outside the clear zone, program for the acquisition of interests first in Accident Potential Zones and secondly in high noise areas only when all possibilities of achieving compatible use control, or similar protection, have been exhausted and the operational integrity of the air installation is manifestly threatened. If programming actions are considered necessary, complete records of all discussions, negotiations, testimony, etc., with or before all local officials, boards, etc., must be maintained. This will ensure that documentation is available to indicate that all reasonable and prudent efforts were made to preclude incompatible land use through cooperation with local governmental officials and that all recourse to such action has been exhausted. Such records shall accompany programming actions and/or apportionment requests for items programed prior to the date of this Part. In addition, a complete economic analysis and assessment of the future of the installation must be included.

(1) Costs of establishing and maintaining compatible use zones must be weighed against other available options, such as changing the installation, or such other courses of action as may be available. In performing analyses of this type, exceptional care must be exercised to assure that a decision to change or relocate a mission is fully justified and that all aspects of the situation have been thoroughly considered.

(2) When, as a result of such analysis, it is determined that relocation or abandonment of a mission will be required, then no new construction shall be undertaken in support of such activities except as is absolutely necessary to maintain

[2] Filed as part of original. Copies available in the Office of the Assistant Secretary of Defense (Installations and Logistics)—LID, Washington, D.C. 20301.

safety and operational readiness pending accomplishment of the changes required.

(iii) *Guidelines.* This Part shall not be used as sole justification for either the acquisition or the retention of owned interests beyond the minimum required to protect the Government.

(A) Necessary rights to land within the defined compatible use area may be obtained by purchase, exchange, or donation, in accordance with all applicable laws and regulations.

(B) If fee title is currently held or subsequently acquired in an area where compatible uses could be developed and no requirement for a fee interest in the land exists except to prevent incompatible use, disposal actions shall normally be instituted. Only those rights and interests necessary to establish and maintain compatible uses shall be retained. Where proceeds from disposal would be inconsequential, consideration may be given to retaining fee title.

(C) If the cost of acquiring a required interest approaches closely the cost of fee title, consideration shall be given to whether acquisition of fee title would be to the advantage of the Government.

(c) *Rights and Interests Which May Be Obtained.* When it is determined to be necessary for the Federal Government to acquire interests in land, a careful assessment of the type of interest to be acquired is mandatory. § 256.9 contains a listing of possible interests which should be examined for applicability.

(d) *Environmental Impact Statements.* (1) Any actions taken with respect to safety of flight, accident hazard, or noise which involve acquisition of interests in land must be examined to determine the necessity of preparing an environmental impact statement in accordance with DoD Directive 6050.1, "Environmental Consideration in DoD Actions," March 19, 1974 (32 CFR 214).

(2) All such environmental impact statements must be forewarded to appropriate Federal and local agencies for review in accordance with DoD Directive 6050.1 (32 CFR 214).

(3) Coordination with local agencies will be in accordance with OMB Circular A–95.

§ 256.5 The air installation compatible use program.

(a) The Secretaries of the Military Departments will develop, implement and maintain a program to investigate and study all air installations in necesary order of priority to develop an Air Installation Compatible Use Zone (AICUZ) program for each air installation consistent with § 256.4. AICUZ studies which contain an analysis of land use compatibility problems and potential solutions shall be developed and updated as necessary. As a minimum, each Study shall include the following:

(1) Determination by detailed study of flight operations, actual noise and safety surveys if necessary, and best available projections of future flying activities, desirable restrictions on land use due to noise characteristics and safety of flight;

(2) Identification of present incompatible land uses;

(3) Identification of land that if inappropriately developed would be incompatible;

(4) Indication of types of desirable development for various land tracts;

(5) Land value estimates for the zones in question.

(6) Review of the airfield master plans to ensure that existing and future facilities siting is consistent with the policies in this Part.

(7) Full consideration of joint use of air installations by activities of separate Military Departments whenever such use will result in maintaining operational capabilities while reducing noise, real estate and construction requirements.

(8) Recommendations for necessary minimum programs of acquisition, relocation, work with local zoning boards, or such other actions as are indicated by the results of the Study.

(b) *Procedures.* In developing AICUZ Studies the Secretaries of Military Departments shall:

(1) Follow the review and comment procedures established under OMB Circular A–95;

(2) Ensure that appropriate environmental factors are considered; and

(3) Ensure that other local, State or Federal agencies engaged in land use planning or land regulation for a particular area have an opportunity to review and comment upon any proposed plan or significant modification thereof.

(c) *Coordination with State and Local Governments.* Secretaries of the Military Departments shall develop procedures for coordinating AICUZ Studies with the land use planning and regulatory agencies in the area. Developing compatible land use plans may require working with local governments, local planning commissions. special purpose districts, regional planning agencies, state agencies, state legislatures, as well as the other Federal agencies. Technical assistance to local, regional, and state agencies to assist them in developing their land use planning and regulatory processes, to explain an AICUZ Study and its implications, and generally to work toward compatible planning and development in the vicinity of military airfields, should be provided.

(d) *Property Rights Acquisition.* The AICUZ Study shall serve as the basis for new land acquisitions, property disposal, and other proposed changes in Military Departments real property holdings in the vicinity of military airfields where applicable.

(e) *Required Approvals.* Based on the results of the AICUZ Studies, each Military Department will prepare recommendations for individual installation's AICUZ programs for approval as follows:

(1) The Secretaries of the Military Departments or their designated representatives will review and approve the AICUZ Studies establishing the individual air installation AICUZ program.

(2) When relocation or abandonment of a mission or an installation is apparently required, the Secretaries of the Military Departments will submit the proposed plan for the installation, with appropriate recommendations, to the Secretary of Defense for approval.

(3) A time-phased fiscal year plan for implementation of the AICUZ program in priority order, consistent with budgetary considerations, will be developed for approval by the Secretary of the Military Departments, or their designated representatives. These plans will serve as the basis for all AICUZ actions at the individual installations.

(f) *Coincident Actions.* The Secretaries of the Military Departments will also take action to assure in accordance with § 256.4 (a) and (b) that:

(1) As the first priority action in developing an AICUZ program, full attention is given to safety and noise problems.

(2) In all planning, acquisition and siting of noise generating items, such as engine test stands, full advantage is taken of available alleviating measures, such as remote sites or sound suppression equipment.

(3) The noise exposure of on-installation facilities and personnel are considered together with that off the installation.

(4) There is development or continuation with renewed emphasis, of programs to inform local governments, citizens groups, and the general public of the requirements of flying activities, the reasons therefore, the efforts which may have been made or may be taken to reduce noise exposure, and similar matters which will promote and develop a public awareness of the complexities of air installation operations, the problems associated therewith, and the willingness of the Department of Defense to take all measures possible to alleviate undesirable external effects.

(g) Responsibilities for the acquisition, management and disposal of real property are defined in DoD Directive 4165.6, "Real Property; Acquisition, Management and Disposal," September 15, 1955 (20 FR 7113).

(h) The Assistant Secretary of Defense (Installations and Logistics) will examine the program developed pursuant to this Part, and from time to time review the progress thereunder to assure conformance with policy.

§ 256.6 Runway classification by aircraft type.

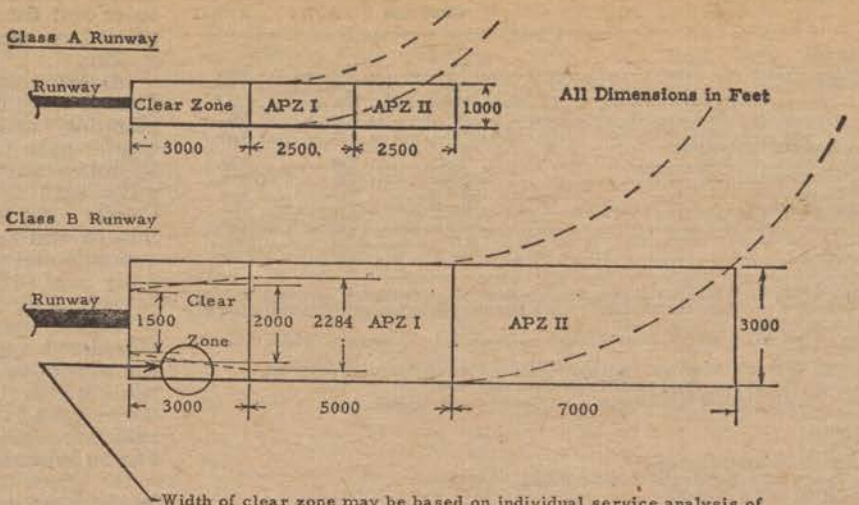
CLASS A RUNWAYS

S–2, VC–6, C–1, C–2, TC–4C, C–7, C–8, C–12, C–47, C–117, U–1, U–3, U–6, U–8, U–9, U–10, U–11, LU–16, TU–16, HU–16, U–21, OU–22, E–1, E–2, O–1, O–2, OV–1, OV–10, T–28, T–34, T–41, T–42.

CLASS B RUNWAYS

A–1, A–3, A–4, A–5, A–6, A–7, A–38, AV–8, P–2, P–3, F–9, F–14, F–4, F–8, F–111, YF–12, SR–71, F–100, F–101, F–102, F–104, F–105, F–106, F–5, F–15, F–18, S–3, T–29, T–33, T–37, T–39, T–1, T–2, T–38, B–52, B–57, B–57F, B–66, C–9, C–54, C–97, C–118, C–119, C–121, EC–121, WC–121, C–123, C–130, HC–130B, C–131, C–140, C–5A, KC–97, C–124, EC–130E, HC–130, C–135, VC–137, C–141, KC–135, EC–135, RC–135, U–2.

§ 256.7 Accident Potential Zone Guidelines.



Width of clear zone may be based on individual service analysis of highest accident potential area for specific runway use and varied based on acquisition constraints. 3000 foot wide clear zone is desirable for new construction.

§ 256.8 Land use compatibility guidelines for accident potential zones and footnotes.

Land use category	Compatibility [1]		
	Clear zone	APZ I	APZ II
Residential:			
Single family	No	No	Yes.[2]
2 to 4 family	No	No	No.
Multifamily dwellings	No	No	No.
Group quarters	No	No	No.
Residential hotels	No	No	No.
Mobile home parks or courts	No	No	No.
Other residential	No	No	No.
Industrial/manufacturing: [3]			
Food and kindred products	No	No	Yes.
Textile mill products	No	No	Yes.
Apparel	No	No	No.
Lumber and wood products	No	Yes	Yes.
Furniture and fixtures	No	Yes	Yes.
Paper and allied products	No	Yes	Yes.
Printing, publishing	No	Yes	Yes.
Chemicals and allied products	No	No	No.
Petroleum refining and related industries	No	No	No.
Rubber and miscellaneous plastic goods	No	No	No.
Stone, clay, and glass products	No	Yes	Yes.
Primary metal industries	No	Yes	Yes.
Fabricated metal products	No	Yes	Yes.
Professional, scientific, and controlling instruments	No	No	No.
Miscellaneous manufacturing	No	Yes	Yes.
Transportation, communications and utilities: [4]			
Railroad, rapid rail transit (on-grade)	Yes	Yes [4]	Yes.
Highway and street ROW	Yes	Yes	Yes.
Auto parking	No	Yes	Yes.
Communication	Yes	Yes	Yes.
Utilities	Yes	Yes [4]	Yes.
Other transportation, communications and utilities	Yes	Yes	Yes.
Commercial retail trade:			
Wholesale trade	No	Yes	Yes.
Building materials—retail	No	Yes	Yes.
General merchandise—retail	No	No	Yes.
Food—retail	No	No	Yes.
Automotive, marine, aviation—retail	No	Yes	Yes.
Apparel and accessories—retail	No	No	Yes.
Furniture, homefurnishing—retail	No	No	Yes.
Eating and drinking places	No	No	No.
Other retail trade	No	No	Yes.
Personal and business services: [5]			
Finance, insurance, and real estate	No	No	Yes.
Personal services	No	No	Yes.
Business services	No	No	Yes.
Repair services	No	Yes	Yes.
Professional services	No	No	Yes.
Contact construction services	No	Yes	Yes.
Indoor recreation services	No	No	Yes.
Other services	No	No	Yes.
Public and Quasi-public services:			
Government services	No	No	Yes.[3]
Educational services	No	No	No.
Cultural activities	No	No	No.
Medical and other health services	No	No	No.
Cemeteries	No	Yes [6]	Yes.[6]
Nonprofit organization including churches	No	No	No.
Other public and quasi-public services	No	No	Yes.
Outdoor recreation:			
Playground's neighboring parks	No	No	Yes.
Community and regional parks	No	Yes [7]	Yes.[7]
Nature exhibits	No	Yes	Yes.
Spectator sports incorporate arenas	No	No	No.

See footnotes at end of table.

Land use category	Compatibility [1]		
	Clear zone	APZ I	APZ II
Outdoor recreation—Continued			
Golf course,[8] riding stables [9]	No	Yes	Yes.
Water-based recreational areas	No	Yes	Yes.
Resort and group camps	No	No	No.
Entertainment assembly	No	No	No.
Other outdoor recreation	No	Yes [7]	Yes.
Resource production and extraction and open land:			
Agriculture [10]	Yes	Yes	Yes.
Livestock farming, animal breeding [11]	No	Yes	Yes.
Forestry activities [12]	No [13]	Yes	Yes.
Fishing activities and related services [14]	No [13]	Yes [17]	Yes.
Mining activities	No	Yes	Yes.
Permanent open space	Yes	Yes	Yes.
Water areas [7]	Yes	Yes	Yes.

[1] A "yes" or "no" designation for compatible land use is to be used only for gross comparison. Within each, uses exist where further definition may be needed as to whether it is clear or normally acceptable/unacceptable owing to variations in densities of people and structures.
[2] Suggested maximum density 1-2 D U/AC, possibly increased under a planned unit development where maximum lot covered less than 20 pct.
[3] Factors to be considered: Labor intensity, structural coverage, explosive characteristics, air pollution.
[4] No possenger terminals and no major aboveground transmission lines in APZ I.
[5] Low intensity office uses only. Meeting places, auditoriums, et cetera, not recommended.
[6] Excludes chapels.
[7] Facilities must be low intensity.
[8] Clubhouse not recommended.
[9] Concentrated rings with large classes not recommended.
[10] Includes livestock grazing but excludes feedlots and intensive animal husbandry.
[11] Includes feedlots and intensive animal h sbandry.
[12] No structures (except airfield lighting), buildings or aboveground utility/communication lines should be located in the clear zone. For further runway safety clearance limitations pertaining to the clear zone see AFM 86-6, TM 5-803-4, and NAVFAC P-80.2
[13] Lumber and timber products removed due to establishment, expansion, or maintenance of clear zones will be disposed of in accordance with DOD Instruction 4170.7, "Natural Resources—Forest Management," June 21, 1965 (32 CFR 233) and DOD instruction 7310.1, "Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property and Lumber or Timber Products," July 10, 1970.1
[14] Includes hunting and fishing.
[15] Controlled hunting and fishing may be permitted for the purpose of wildlife control.

§ 256.9 Real estate interests to be considered for clear zones and accident potential zone.

(a) The right to make low and frequent flights over said land and to generate noises associated with:

(1) Aircraft in flight, whether or not while directly over said land,

(2) Aircraft and aircraft engines operating on the ground at said base, and,

(3) Aircraft engine test/stand/cell operations at said base.

(b) The right to regulate or prohibit the release into the air of any substance which would impair the visibility or otherwise interfere with the operations of aircraft, such as, but not limited to, steam, dust and smoke.

(c) The right to regulate or prohibit light emissions, either direct or indirect (reflective), which might interfere with pilot vision.

(d) The right to prohibit electrical emissions which would interfere with aircraft and Air Force communications systems or aircraft navigational equipment.

(e) The right to prohibit any use of the land which would unnecessarily attract birds or waterfowl, such as, but not limited to, operation or sanitary landfills, maintenance of feeding stations or the growing of certain types of vegetation attractive to birds or waterfowl.

(f) The right to prohibit and remove any buildings or other nonfrangible structures.

(g) The right to top, cut to ground level, and to remove trees, shrubs, brush or other forms of obstruction which the installation commander determines might interfere with the operation of aircraft, including emergency landings.

(h) The right of ingress and egress upon, over and across said land for the purpose of exercising the rights set forth herein.

(i) The right to post signs on said land indicating the nature and extent of the Government's control over said land.

(j) The right to prohibit land uses other than the following:

(1) Agriculture.

(2) Livestock grazing.

(3) Permanent open space.

(4) Existing water areas.

(5) Rights of way for fenced two land highways, without sidewalks or bicycle trails and single track railroads.

(6) Communications and utilities rights of way, provided all facilities are at or below grade.

(k) The right to prohibit entry of persons onto the land except in connection with activities authorized under (a), (b), (c) and (f) of this section.

(l) The right to disapprove land uses not in accordance with § 256.8.

(m) The right to control the height of structures to insure that they do not become a hazard to flight.

(n) The right to install airfield lighting and navigational aids.

§ 256.10 Air installations compatible use zone noise descriptors.

(a) Composite Noise Rating (CNR) and Noise Exposure Forecast (NEF) values as previously required by sections III., IV., and V. of DoD Instruction 4165.-57, "Air Installations Compatible Use Zones," July 30, 1973 [1] will no longer be used.

(b) Where CNR 100 (or the quietest boundary of CNR Zone 2 if otherwise computed) or NEF 30 would previously have been used, data shall be collected sufficient to permit computation of Ldn 65 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

(c) Where CNR 115 (or the boundary of CNR Zone 3 if otherwise computed) or NEF 40 would previously have been used, data shall be collected sufficient to permit computation of Ldn 75 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

(d) Where previous studies have used CNR or NEF, for matters of policy, noise planning and decisionmaking, areas quieter than Ldn 65 shall be considered approximately equivalent to the previously used CNR Zone 1 and to areas quieter than NEF 30. The area between Ldn 65 and Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 2 and to the area between NEF 30 and NEF 40. The area of higher noise than Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 3 and to noise higher than NEF 40. The procedures shall remain in effect only until sufficient data to compute Ldn values can be obtained.

(e) When computing helicopter noise levels using data collected from meters, a correction of +7db shall be added to meter readings obtained under conditions where blade slap was present until and unless meters are developed which more accurately reflect true conditions.

(f) Noise contours less than Ldn 65 or more than Ldn 80 need not be plotted for AICUZ studies.

(g) Since CNR noise levels are not normally directly convertible to Ldn values without introducing significant error, care should be exercised to assure that personnel do not revise previous studies by erroneously relabeling CNR contours to the approximately equivalent Ldn values.

(h) Under consideration at this time is the use of "C" weighted noise levels for intermittent impulse noises such as are associated with bombing and gunnery ranges.

§ 256.11 Effective date and implementation.

This part is effective immediately. Two copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Installations & Logistics) within 90 days after publication of final rules.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

AUGUST 19, 1976.

[FR Doc.76-24899 Filed 8-25-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Administrative Rules and Regulations; Quality Control

Notice is given of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.481) by adding a new § 981.442. The new section would provide for quality control of incoming almonds. It prescribes how the

quantity of inedible kernels in each variety of almonds received by a handler must be determined and disposed of. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 41 FR 26852; 27827), hereinafter collectively referred to as the "order", regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Almond Board of California.

The recent amendment to the marketing order added § 981.42. Among other things, it provides that each handler shall cause to be determined, through the inspection agency, and at the handler's expense, the percent of inedible kernels in each variety received by him, and shall report the determination to the Board. The quantity of inedible kernels in each variety in excess of two percent of the kernel weight received, shall constitute a weight obligation to be accumulated in the course of processing and shall be delivered to the Board, or Board-accepted crushers, feed manufacturers, or feeders. Section 981.42 also authorizes the Board, with the approval of the Secretary, to establish rules and regulations necessary and incidental to the administration of this provision, including the method of determining inedible kernel content and satisfaction of the disposition obligation. It also provides that the Board for good cause may waive portions of obligations for those handlers not generating inedible material from such sources as blanching or manufacturing.

Under the proposal, all almond receipts would be sampled by variety in a manner acceptable to the Board and the inspection agency. The inspection agency is the Federal-State Inspection Service or, when specifically designated, the Federal Inspection Service. The samples then would be analyzed for sound and inedible kernel content by the inspection agency or by the handler receiving the almonds under the supervision of the inspection agency. The weight of inedible kernels in excess of two percent of the total kernel weight of any variety received by the handler would constitute his disposition obligation. The handler would satisfy his obligation with deliveries of inedible kernels or other such material to outlets such as oil or feed. The proposal also provides procedures for maintaining the identity of the various types of almond receipts by variety, reporting requirements, and waiving a portion of the disposition obligations of those handlers not blanching almonds or manufacturing almond products.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than September 10, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposal is to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.481) by adding a new § 981.442 to read as follows:

§ 981.442 Quality control.

(a) *Incoming.* Pursuant to § 981.42(a), the quantity of inedible kernels in each variety of almonds received by a handler, including almonds of his own production, shall be determined and disposed of in accordance with the provisions of this paragraph.

(1) *Sampling.* Each handler shall cause a representative sample of almonds to be drawn from each lot of any variety received by him. The sample shall be drawn before inedible kernels are removed from the lot, or the lot is processed or stored by the handler. For receipts at premises with mechanical sampling equipment and under contracts providing for payment by the handler to the producer for sound meat content, samples shall be drawn by the handler in a manner acceptable to the Board and the inspection agency. The inspection agency shall make periodic checks of the mechanical sampling procedures. For all other receipts, including but not limited to field examination and purchase receipts, accumulations purchased for cash at the handler's door or from an accumulator, or almonds of the handler's own production, samples shall be drawn by or under the surveillance of the inspection agency. All samples shall be bagged and identified in a manner acceptable to the Board and the inspection agency. Each handler shall identify his receipts according to the method of acquisition. Each handler shall report the quantity of each variety received, by method of acquisition, to the Board as it may prescribe.

(2) *Variety.* For the purpose of classifying receipts by variety to determine a handler's disposition obligation, "variety" shall mean that variety of almonds which constitutes at least 90 percent of a lot. If no variety constitutes at least 90 percent of the almonds in a lot, the lot shall be designated as "mixed". If no variety is known, the lot shall be designated "unknown".

(3) *Analysis of sample.* Each sample shall be analyzed by or under the surveillance of the inspection agency to determine the kernel content and the proportion of inedible kernels in the sample. The inspection agency shall prepare a report for each handler showing, by variety, the weight of almonds received by the handler, the total kernel weight, and the inedible kernel weight. The report shall cover the handler's daily receipts or the handler's total receipts during a period not exceeding one month, and shall be submitted by the inspection agency to the Board and the handler.

(4) *Disposition obligation.* The weight of inedible kernels in excess of two percent of the total kernel weight of any variety received by a handler shall constitute his disposition obligation.

(5) *Meeting the disposition obligation.* Each handler shall meet his disposition obligation by delivering packer pickouts, kernels rejected in blanching, pieces of kernels, meal accumulated in manufacturing, or other material, to crushers, feed manufacturers, feeders, or dealers in nut wastes, on record with the Board as Accepted Users. Each disposition of such almond material shall be sampled and the almond meat content determined at the time of loading for delivery to the accepted user or at the user's destination by the inspection agency or the Board. The almond meat content of each delivery shall be reported to the Board and the handler and credited to the handler's disposition obligation. Deliveries containing less than 10 percent almond meat content shall not be credited against the disposition obligation. Each handler's disposition obligation shall be satisfied when the almond meat content of the material delivered to accepted users equals the disposition obligation, but no later than July 31 succeeding the crop year in which the obligation was incurred.

(6) *Partial waiver of obligation.* Any handler generating inedible kernels only in the form of pickouts after shelling, may petition the Board for a waiver of the difference between this inedible weight and his disposition obligation. The petition will be granted only if the handler certifies to the Secretary and the Board that: (i) He did not engage in any blanching, cutting, chopping or other processing of almond kernels during the crop year, (ii) All almonds shelled by or for him were hand-picked on belts and the visibly inedible almonds removed, and (iii) That he did not place into trade channels any almonds with more than two percent inedibles. However, no waiver shall be granted for more than 30 percent of the handler's inedible disposition obligation.

(7) *Inedible almonds unfit for processing.* All lots received from growers as as "inedible almonds unfit for processing", shall be disposed of in their entirety as provided in paragraph (a)(5) of this section. Such lots must be received and kept under surveillance of the inspection agency, and shall be identified as the inspection agency and the Board may require.

Dated: August 20, 1976.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[FR Doc.76-25065 Filed 8-25-76;8:45 am]

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Proposed Extension of Grade Regulation and Container Marking Requirements

This notice invites written comments relative to a proposal to continue through

December 31, 1976, the currently effective grade and container marking requirements for fresh Tokay grapes shipped from San Joaquin County, California. These requirements are specified by Tokay Grape Regulation 12 (§ 926.313; 41 FR 34007) issued under Marketing Order No. 926. The regulation requires that such grapes meet the grade and size specifications of U.S. No. 1 Table Grapes and, in addition, that at least 30 percent, by count, of the berries in the lower 25 percent, by count, of each bunch shall show characteristic color. Each container of such grapes must bear a Federal-State Inspection Service number in plain letters and figures on one outside end. These regulatory provisions are the same as the provisions that were in effect during the previous four seasons. They are necessary to assure the shipment of only those grapes which will be of suitable quality and size in the interest of consumers and producers.

The regulation was proposed by the Industry Committee which is established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 926.313 (Tokay Grape Regulation 12; 41 FR 34007) to continue the effective period through December 31, 1976. Unless so amended, the regulation would end September 30, 1976.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 10, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 926.313 to read as follows:

§ 926.313 Tokay Grape Regulation 12.

Order. (a) During the period August 15, 1976, through December 31, 1976, no handler shall ship:

(1) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; and

(2) Any container of Tokay grapes grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* As used herein, the terms "handler", "ship", and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.880–51.912).

Dated: August 20, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-25066 Filed 8-25-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-RM-20]

ST. GEORGE, UTAH

Alteration of Transition Area

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

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 September 24, 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.

A state-owned VOR has been commissioned at St. George, Ut. Public-use instrument approach procedures have been developed utilizing the VOR. Additional controlled airspace is required to provide protection to aircraft conducting these procedures.

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

In § 71.181 (41 FR 440) the description of the St. George, Ut. transition area is amended to read:

ST. GEORGE, UT.

That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the St. George, Ut. VOR (latitude 37°05'28" N., longitude 113°35'26" W.) 131 radial extending from 7 miles northwest to 18.5 miles southeast; and within 5 miles each side of the St. George VOR 183 radial extending from the VOR to 15.5 miles south; that airspace extending upward from 1200 feet above the surface within an arc of a 23 mile radius of the St. George VOR extending clockwise from the 058 radial to the 239 radial; and within 10 miles east and 6.5 miles west of the St. George VOR 183 radial extending from the 23 mile arc to 37.5 miles south of the VOR.

Issued in Aurora, Colorado, August 17, 1976.

(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)))

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

[FR Doc.76-24815 Filed 8-25-76;8:45 am]

[14 CFR Part 121]

[Docket No. 14245; Notice No. 76-17]

PROFICIENCY CHECKS: MANEUVERING WITH SIMULATED POWERPLANT FAILURE

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to permit a pilot-in-command to omit the maneuver to a landing with simulated powerplant failure during a required proficiency check or simulator course of training, if he satisfactorily performed that maneuver during a proficiency check, or during an approved simulator course of training under the observation of a check airman, within the preceding six calendar months.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before November 24, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This notice is issued in response to a petition for rulemaking submitted by the Air Transport Association of America (ATA).

Section 121.441(a) of the Federal Aviation Regulations provides that a Part 121 certificate holder may not use a person, nor may a person serve as a required pilot flight crewmember, unless he has satisfactorily completed either a proficiency check or an approved simulator course of training. Paragraph (a)(1) of

that section requires, for a pilot-in-command, a proficiency check within the preceding 12 calendar months and, in addition, within the preceding six calendar months, either a proficiency check or appropriate simulator training.

Section 121.441(b)(1) provides, in pertinent part, that a proficiency check must include at least the procedures and maneuvers set forth in Appendix F of Part 121, unless otherwise specifically provided in that appendix. Paragraph V(d)(1) of Appendix F requires, in the case of three engine airplanes, a maneuver to a landing with an approved procedure that approximates the loss of two powerplants (center and one outboard engine); and paragraph V(d)(2) requires, in the case of other multiengine airplanes, a maneuver to a landing with a simulated failure of 50 percent of available powerplants, with the simulated loss of power on one side of the airplane. The appendix permits the maneuver to be performed in a visual simulator or in flight.

The ATA petitions for an amendment to Part 121 that would permit omission of the maneuver to a landing with a simulated failure of 50 percent of available powerplants (with the simulated loss of power on one side of the airplane) on every other six-month proficiency check or course of training if, during the preceding and following proficiency check or course of training, the maneuver has been and will be performed in a visual simulator. This, it states, would avoid the possible need to perform the maneuver in an airplane to a landing in the event the visual simulator is inoperative and would provide operational flexibility.

The FAA believes that a pilot-in-command may omit the subject maneuver during a required proficiency check or simulator course of training without compromising safety, provided that he satisfactorily performed that maneuver during a proficiency check, or during an approved simulator course of training under the observation of a check airman, within the preceding six calendar months.

Paragraph V(d)(2) of Appendix F of Part 121 currently provides, in pertinent part, that before January 1, 1975, for 4-engine turbojet airplanes, the maneuver described therein could have been performed in an approved simulator or in flight at altitude. Since this provision now is obsolete, this notice proposes that it be deleted.

(Secs. 313(a), 601, 602, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, and 1424) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations as follows:

By deleting the last sentence in paragraph V(d)(2) of Appendix F, and by adding a sentence to the flush paragraph immediately following that paragraph, as follows:

APPENDIX F—PROFICIENCY CHECK REQUIREMENTS

* * * * *

V. LANDINGS AND APPROACHES TO LANDINGS

* * * * *

(d) Maneuvering to a landing with simulated powerplant failure as follows:

(1) In the case of 3-engine airplanes, maneuvering to a landing with an approved procedure that approximates the loss of two powerplants (center and one outboard engine); or

(2) In the case of other multiengine airplanes, maneuvering to a landing with a simulated failure of 50 percent of available powerplants, with the simulated loss of power on one side of the airplane.

Notwithstanding the requirements of subparagraphs (d)(1) and (d)(2) of this paragraph, in a proficiency check for other than a pilot-in-command, the simulated loss of power may be only the most critical powerplant. However, if a pilot satisfies the requirement of subparagraph (d)(1) or (d)(2) of this paragraph in a visual simulator, he also must maneuver in flight to a landing with a simulated failure of the most critical powerplant. In addition, a pilot-in-command may omit the maneuver required by subparagraph (d)(1) or (d)(2) of this paragraph during a required proficiency check or simulator course of training if he satisfactorily performed that maneuver during a proficiency check, or during an approved simulator course of training under the observation of a check airman, within the preceding six calendar months.

Issued in Washington, D.C., on August 11, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.76-24816 Filed 8-25-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-20; Notice 6]

MOTOR VEHICLE SAFETY STANDARDS

Rearview Mirrors

This notice proposes the amendment of Standard No. 111, Rearview Mirrors, to provide for the optional use of plane and convex mirror combinations for buses other than school buses, multipurpose passenger vehicles, and trucks, with a GVWR of 10,000 pounds or more, to provide for the optional use of convex mirrors on the passenger's side of vehicles when right-side mirrors are required by the standard in order to meet the passenger car requirements, and to modify paragraphs S5.1.1 and S5.2.1 of the standard to specify that location of the driver's "eye reference points" shall be determined by the procedure provided in SAE Recommended Practice J1050.

By final rule published in this issue of the FEDERAL REGISTER, Standard No. 111 (49 CFR 571.111) is amended to establish separate rearview mirror requirements for school buses, to increase the amount of reflective surface required for mirrors on multipurpose passenger vehicles and trucks with a GVWR of 25,000 pounds or more, and to extend the coverage of the standard to motorcycles.

Several commenters to that rulemaking, including Carl G. Seashore and Associates, the International Brotherhood of Teamsters, the American Mutual Insurance Alliance, Mack Trucks, Inc., and a petition for rulemaking from Mr. M. W. Urban, recommended that Standard No. 111 be amended to require the use of convex mirrors on multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or more, because of the larger field of view of convex mirrors compared to mirrors of unit magnification.

The NHTSA agrees that the larger vehicles have unique rearward visibility problems that can create potential safety hazards, and that use of both plane and convex mirrors on these vehicles should help to increase rearward visibility. These heavy-duty vehicles are driven by professional drivers who have had experience with different types of rearview mirrors. However, the NHTSA disagrees that the use of convex mirrors should be made a mandatory requirement of the standard at this time because the agency has concluded that detailed evaluation techniques for convex mirrors cannot be established until appropriate rearview performance requirements can be developed. These test procedures will be included in future rulemaking. Therefore, this notice proposes to permit the use of plane and convex mirror combinations in place of the presently required plane mirror, at the option of the manufacturer. The proposed combination mirror would include a plane mirror with a smaller area of reflective surface than would otherwise be required by the standard.

It is proposed that paragraph S7.1 of the standard be modified to provide for either outside mirrors of unit magnification, each with not less than 50 in^2 of reflective surface or, at the option of the manufacturer, unit magnification mirrors with not less than 35 in^2 of reflective surface, combined with convex mirrors with not less than 19.5 in^2 of reflective surface. It is proposed that paragraph S8.1 of the standard be amended to provide for either outside mirrors of unit magnification, each with not less than 75 in^2 of reflective surface or, at the manufacturer's option, mirrors of unit magnification, each with not less than 45 in^2 of reflective surface, combined with convex mirrors, each with not less than 25 in^2 of reflective surface. Manufacturers would be permitted to use the combination plane and convex mirrors on either side or on both sides of the vehicle. The proposal specifies that convex mirrors shall have an average radius of curvature not less than 20 inches and not greater than 60 inches.

General Motors recently petitioned for rulemaking to amend paragraph S5.3 of Standard No. 111 to specify the optional

use of convex mirrors on the passenger side of vehicles, when right-side mirrors are required by the standard due to the failure of the inside rearview mirror to meet the specified field of view performance requirements.

The use of convex mirrors on the smaller vehicles presents some concern, since these vehicles are generally driven by non-professional drivers. Although the convex mirror provides a wider field of view, results from recent NHTSA research indicates that one out of five drivers has difficulty using an outside convex mirror on the passenger side due to distortion problems. Therefore, the NHTSA has reservations regarding the substitution of a convex mirror to satisfy the existing requirements for a plane mirror on the right side of passenger cars and other light-weight vehicles. However, a proposed amendment of paragraph S5.3 is included in this notice for the purpose of obtaining comments and data. On the basis of the comments and research, the NHTSA will make a decision concerning the advisability of allowing the optional use of convex mirrors on the smaller vehicles.

This notice proposes to amend paragraph S5.3 of the standard to specify that each passenger car whose inside rearview mirror does not meet the field of view requirements of paragraph S5.1.1 shall have an outside rearview mirror installed on the passenger side which is either a mirror of unit magnification or a convex mirror that has an average radius of curvature not less than 40 inches and not greater than 60 inches. If the optional convex mirror is used, the proposed amendment provides that it shall have a highly reflective, brightly colored reference frame that is at least 0.125 inches wide and extends around the entire periphery of the reflective surface. NHTSA field tests indicate that a colored border surrounding the convex mirror alerts drivers that they are viewing a convex mirror rather than a plane mirror (see NHTSA Report: "Evaluation of a New Automotive Plane and Convex Mirror System by Government Drivers," SAE 760006, February, 1976). The proposed amendment also requires manufacturers to provide explanatory information indicating the location of the convex mirror, stating that the convex mirror has a highly reflective, brightly colored reference frame, and stating that convex mirrors are wide-angle rearview mirrors that are useful for lane changing purposes, but which present a distorted field of view. This information could be included in the vehicle owner's manual, if one is provided.

The colored reference frame and the information in the owner's manual is intended to alert drivers that they are viewing a convex mirror, since the visual information received is different than that received from a mirror of unit magnification. To minimize this distortion problem, the proposed convex mirror option specifies that only convex mirrors having an average radius of curvature from 40 to 60 inches may be used. This would effectively limit the degree of distortion to which drivers would have to become accustomed. The proposed amendment leaves intact the requirements for the inside rearview mirror and the driver's outside rearview mirror, both unit magnification mirrors that are familiar to the driving public. The proposed convex mirror option would be applicable to buses other than school buses, multipurpose passenger vehicles, and trucks with a GVWR of 10,000 pounds or less, in addition to passenger cars, since paragraph S6.1(a) of the standard provides that the former category of vehicles may be equipped with mirrors meeting the requirements of Section S5 for passenger cars.

This notice further proposes to amend paragraphs S5.1.1 and S5.2.1 of Standard No. 111 to specify that location of the driver's "eye reference points" and the evaluation of the rearward fields of view shall be determined in accordance with the procedures found in Section 7 of the SAE Recommended Practice J1050, "Describing the Driver's Field of View," (September 1973). Currently the standard provides that location of the "eye reference points" shall be that established in Motor Vehicle Safety Standard No. 104 (§ 571.104) or a nominal location appropriate for any 95th percentile adult male driver.

General Motors recommended that reference to Standard No. 104 in paragraphs S5.1.1 and S5.2.1 be deleted, since that standard's designation of "eye reference points" is ambiguous. The nominal location method of determining the points was incorporated into the standard (41 FR 7510) to affirm a previously published NHTSA interpretation (32 FR 5498) that the standard permits location of the driver's "eye reference points" in that manner. Neither of the current two methods specifies the location of the points as well as the SAE recommended procedure. Therefore, the purpose of this proposed amendment is to improve the procedure for locating the "eye reference points" and to clarify the methods to be used to evaluate mirror performance.

Since these proposed amendments would not require additional equipment and would merely provide options for motor vehicle manufacturers, they should have no significant inflationary or environmental impact.

In consideration of the foregoing, it is proposed that Motor Vehicle Safety Standard No. 111, Rearview Mirrors (49 CFR 571.111), be amended as follows:

§ 571.111 [Amended]

1. The last sentence of paragraph S5.1.1 and the last sentence of paragraph S5.2.1 would be revised to read:

The location of the driver's eye reference points and the evaluation of the rearward field of view shall be determined in accordance with the procedures in section 7 of the SAE Recommended Practice J1050, "Describing the Driver's Field of View," (September 1973).

2. Paragraph S5.3 would be revised to read:

S5.3 *Outside rearview mirror passenger's side.* Each passenger car whose inside rearview mirror does not meet the field of view requirements of S5.1.1 shall have either an outside rearview mirror of unit magnification or, at the option of the manufacturer, an outside convex mirror with an average radius of curvature not less than 40 inches and not greater than 60 inches, installed on the passenger's side. The mirror mounting shall provide a stable support and be free of sharp points or edges that could contribute to pedestrian injury. The mirror need not be adjustable from the driver's seat but shall be capable of adjustment by tilting in both horizontal and vertical directions. If a convex mirror is installed, it shall have a highly reflective, brightly colored reference frame that is at least 0.125 inches wide, extending around the entire periphery of the reflective surface. Explanatory information concerning the supplemental convex mirror shall be provided with each vehicle, stating that: (i) The convex mirror is located on the passenger's side of the vehicle; (ii) the convex mirror has a highly reflective, brightly colored reference frame for the purpose of alerting a driver that he is viewing a convex mirror rather than a plane mirror; and (iii) convex mirrors are wide-angle rearview mirrors that are useful in detecting traffic for lane changing purposes, but present a distorted perception of distance. If a vehicle owner's manual is provided, this information shall be included in the manual.

3. The first sentence in paragraph S7.1 would be revised to read:

S7.1. Each multipurpose passenger vehicle and truck with a GVWR of more than 10,000 pounds and less than 25,000 pounds and each bus, other than a school bus, with a GVWR of more than 10,000 pounds shall have installed with stable supports on each side of the vehicle, an outside mirror(s) that is either: (i) A mirror of unit magnification with not less than 50 in^2 of relative surface or, at the option of the manufacturer, (ii) two mirrors, one of unit magnification with not less than 35 in^2 of reflective surface, and the other a convex mirror with not less than 19.5 in^2 of reflective surface and an average radius of curvature not less than 20 inches and not greater than 60 inches.

4. The first sentence in paragraph S8.1 would be revised to read:

S8.1. Each multipurpose passenger vehicle and truck with a GVWR of 25,000 pounds or more shall have installed with stable supports on each side of the vehicle, an outside mirror(s) that is either: (i) A mirror of unit magnification with not less than 75 in^2 of reflective surface or, at the option of the manufacturer, (ii) two mirrors, one of unit magnification with not less than 45 in^2 of reflective surface, and the other a convex mirror with not less than 25 in^2 of reflective surface and an average radius of curvature not less than 20 inches and not greater than 60 inches.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number

and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: October 11, 1976.

Proposed effective date: 6 months after publication of final rule in FEDERAL REGISTER.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50 and 501.8.)

Issued on August 19, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.24908 Filed 8-25-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 556]

[76-613]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating to Locating Branch Offices and Mobile Facilities in Rural Areas

SUMMARY

AUGUST 18, 1976.

The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions in the regulations.

I. *Existing Regulations.* The Board's general policy requires that a Federal association's branch office or mobile facility be located not more than 100 miles from the association's home office. An exception to that policy permits the Board to consider a branch office or mobile facility application without regard to such 100-mile limit if the new office or facility is to be located in a rural county having 3 or less savings-and-loan-association offices.

II. *Proposed Amendment.* The Board's general policy regarding the 100-mile limitation would be retained, but thrift institutions whose accounts are not insured by the Federal Savings and Loan Insurance Corporation (FSLIC) would not be counted when applying the "rural-county" exception.

III. *Purpose of Amendment.* To liberalize the Board's policy regarding branching into certain rural areas which are not adequately served by branch offices or mobile facilities of FSLIC-insured institutions.

The Federal Home Loan Bank Board considers it desirable to propose to amend Part 556 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 556) for the purpose stated in Item III of the Summary of this Resolution.

The first sentence of § 556.5(b)(3) of said Part 556 states in substance that it is the Board's general policy to consider an application for a branch office or mobile facility only when the proposed branch office or mobile facility is to be located not more than 100 miles from the applicant's home office, unless the application falls within certain exceptions specified in that section. Subdivision (*d*) of § 556.5(b)(3) provides one such exception and states in substance that the Board may permit consideration of an application where the new office or facility would be located in a rural county presently served by 3 or less savings and loan associations having home or branch offices or mobile facilities in such county. Pursuant to that subdivision (*d*), branch offices and mobile facilities of both FSLIC-insured and non-FSLIC-insured savings and loan associations are presently counted when applying the "rural-county" exception.

The principal effect of this Resolution is to propose to liberalize the Board's policy regarding this matter by eliminating the counting of non-FSLIC-savings and loan associations. This change would permit the Board to consider certain applications which the present provision may bar. For example, although the Board's policy was intended to allow more liberal branching into rural areas, the present provision would not be available in counties which, although not served by any FSLIC-insured institution, nevertheless, have 3 or more non-FSLIC-insured savings and loan associations located therein.

It is noted that the liberalized exception to the 100-mile limitation proposed by this Resolution would not relieve an applicant for a branch office or mobile facility from the requirements of § 545.14(c) of this chapter (12 CFR 545.14(c)), i.e. the applicant must furnish information to show: "(1) There will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions."

Accordingly, the Board hereby proposes to amend said Part 556 by revising said § 556.5(b)(3)(*d*) thereof by deleting the words "savings and loan associations" and substituting therefor the words "insured institutions (as defined in § 561.1 of this chapter)", to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by September 27, 1976, as to whether this proposal should be adopted, rejected, or modified. Copies of all written material submitted will be available for public inspection at the above address during normal business hours.

Section 556.5(b)(3)(*d*) is revised as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(b) * * *

* * * * *

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or mobile facility only when the proposed branch office or mobile facility is to be located not more than 100 miles from the association's home office unless (i) the association's home office is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed in § 545.6-6 of this chapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in a State without regard to the 100-mile geographical limitation contained in the preceding sentence if the Board or its Principal Supervisory Agent, as defined in § 545.14(a)(3)(i) of this chapter, determines that:

* * * * *

(*d*) Such branch office or mobile facility is to be located in a county (or similar political subdivision) which is primarily rural in character and which is presently served by 3 or less insured institutions (as defined in § 561.1 of this chapter) having home or branch offices or mobile facilities in such county. For this purpose, a county will not be determined to be primarily rural in character if it is part of a Standard Metropolitan Statistical Area.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorganization Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-25060 Filed 8-25-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 34]

[Docket No. RM75-16]

REVISION OF PROCEDURES FOR THE ISSUANCE OF SECURITIES

Order Terminating Proposed Rulemaking Proceeding

AUGUST 18, 1976.

On January 20, 1975, the Commission issued in this docket a notice of proposed rulemaking (40 FR 4320, January 29, 1975). The rulemaking proposed, inter alia, revisions of §§ 34.1a and 34.2 (f) of Chapter I, Title 18 of the Code of Federal Regulations by (1) requiring public invitation of proposals for the purchase or underwriting of security issues involving proceeds of $10 million or more before exemption from the competitive bidding requirements of the Regulations would be considered by the Commission; (2) exempting security issues involving proceeds under $10 million from the competitive bidding requirements of the Regulations; (3) requiring utilities, when filing negotiated procedures, to submit evidence of having negotiated with at least three purchasers or underwriters and to show that the effective cost of the security issue is reasonable in relation to the state of the financial or money markets before approval of issuance of securities by negotiation would be authorized by the Commission; and (4) eliminating the requirement that utilities must receive Commission approval to engage in negotiation for the sale or underwriting of securities. Comments were invited from interested parties on Docket No. RM75-16, to be submitted on or before March 3, 1975. The Commission received timely comments from thirteen respondents,[1] and three of those thirteen respondents requested conferences with the Commission's Staff.[2] The Commission also received comments from three respondents which were filed after the termination of the notice period and these documents were accepted for filing conditionally,[3] and two of those respondents sought conferences with the Commission's Staff.[4]

All parties agreed that the Commission should exempt security issues involving proceeds under $10 million from the competitive bidding requirements of the Regulations. However, several respondents suggested that the size of the exemption should be increased to $20-$30 million.[5]

Moreover, it was the consensus of all respondents that the proposed revision of Part 34 of the Commission's regulations which would require public invitation of proposals for the purchase or underwriting of security issues involving proceeds of $10 million or more before exemption from the competitive bidding requirements of the Regulations would be considered by the Commission could have serious detrimental effects on the capital structure of affected utilities, place a heavy burden on affected utilities, increase expenses, complicate an already complicated process and would not in any meaningful way protect the public interest.

On May 9, 1975, the Commission issued in this docket a notice of public meeting, pursuant to § 1.3 of the Commission's Rules of Practice and Procedure (18 CFR § 1.3), to be convened at the offices of the Federal Power Commission, Washington, D.C. 20426. The Commission's Staff determined that such a conference was an appropriate forum for the discussion of relevant issues relating to the subject of the proposed rulemaking. Specifically, the purpose of the conference was to discuss the proposed procedures enunciated in Docket No. RM75-16 and in the alternative to discuss any procedures that the participants might suggest which would aid the Commission in fulfilling its statutory responsibilities. In response to the notice of public meeting, fourteen firms were represented at the conference which convened at the Offices of the Federal Power Commission, Washington, D.C. on Tuesday, May 27, 1975.[6]

The comments and suggestions proffered by the respondents at the public conference were essentially the same as those filed with the Commission in response to the notice of proposed rulemaking.[7] It was the consensus of all in attendance at the public conference that by requiring an issuer to place an issue for actual bidding before seeking exemption, many delays and costs will be produced which are not in the public interest. The numerous comments in opposition to the proposed rulemaking stress the fact that the procedures would seriously disrupt the flow of capital into the affected utilities. In addition, the parties point out that one of the most important jobs the financial officer of a large electric utility company has, is to ensure that the timing of the company's issue will not conflict with the timing of comparable issues, thereby spreading the available market too thin on the day of the issue. Issues are scheduled long in advance of the proposed offering date in order that the numerous companies coming to market will not all decide to attempt to sell on the same day, thus exerting excessive strains on the underwriting system to the detriment of the issuing utilities. The parties proffer that with the volume of offerings of comparably rated utilities, finding a place on the calendar is becoming increasingly difficult. Therefore, with the procedure proposed by the Commission, a company would not be assured that it could sell its securities at any given time. The parties stress that the magnitude of the timing problem cannot be overemphasized.

Upon review and further consideration of the additional requirements proposed by this rulemaking, and giving consideration to the pertinent comments filed herein, we find that this proposed rulemaking should not be implemented. We believe instead that exemption from the competitive bidding requirements of the Regulations should continue to be considered on a case-by-case basis.

For the reasons stated, we find that the proposed rulemaking in this docket is not in the public interest and should therefore not be implemented. Accordingly, the rulemaking shall be terminated.

The Commission finds: (1) The termination of the proposed rulemaking in Docket No. RM75-16 is appropriate and necessary for carrying out the provisions of the Federal Power Act.

(2) Compliance with the effective date provisions of section 553 Title 5 of the United States Code is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 3(16), 19, 20, 203, 204, 205, 305, 308 and 309 (41 Stat. 1073, 1074; 49 Stat. 839, 849, 850, 851, 852, 856, 858-859; 16 U.S.C. 796(16), 812, 813, 824b, 824c 824d, 825d, 825g, 825h), orders:

(A) Effective upon issuance of this order, the proposed rulemaking in Docket No. RM75-16 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24952 Filed 8-25-76;8:45 am]

[1] The Edison Electric Institute, The Cincinnati Gas & Electric Company, The Utah Power & Light Company, The Iowa Electric Light & Power Company, The Pacific Power & Light Company, The Law Offices of Chapman & Cutler of Chicago, Illinois, The firm of Salomon Brothers, Professor Ronald W. Melicher, The firm of Merrill Lynch, Pierce, Fenner & Smith, The Gulf States Utilities Company, The Long Island Lighting Company, The firm of Blyth Eastman Dillon & Company, and The firm of Kidder, Peabody and Company.

[2] The Pacific Power & Light Company; Blyth Eastman Dillon & Company; and Merrill Lynch, Pierce, Fenner & Smith

[3] The firm of Goldman, Sachs & Company; The Iowa-Illinois Gas and Electric Company; The firm of White, Weld & Company.

[4] Goldman, Sachs & Company and White, Weld and Company.

[5] The firms of Kidder, Peabody & Company and Salomon Brothers.

[6] White, Weld & Company, Edison Electric Institute, Salomon Brothers, Iowa Electric Light & Power Company, Iowa Power & Light Company, Gulf States Utilities Company, Merrill Lynch, Pierce, Fenner & Smith, Chapman & Culter, Idaho Power Company, Pacific Power & Light Company, Utah Power & Light Company, Blyth Eastman Dillon & Company. The Securities and Exchange Commission, and Natural Gas Pipe Line.

[7] 40 FR 4320, January 29, 1975.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1106]

[Ex Parte No. 55 (Sub-No. 22)]

ENERGY POLICY AND CONSERVATION ACT OF 1975

Proposed Implementation

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of August 1976.

It is ordered, That based on the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act), for the purpose of implementing the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201 et seq.).

It is further ordered, That the attached notice be, and it is hereby, adopted and is incorporated by reference into this order.

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by 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.

By the Commission (Commissioners Murphy and Brown not participating).

ROBERT L. OSWALD,
Secretary.

The Energy Policy and Conservation Act of 1975, Pub. L. 94-163, 42 U.S.C. 6201 et seq. (EPACA), establishes a comprehensive national energy policy designed to:

(1) Maximize domestic production of energy and provide for strategic storage reserves of crude oil, residual fuel oil and refined petroleum products;

(2) Minimize the impact of disruptions in energy supplies by providing for emergency standby measures;

(3) Provide for domestic crude oil prices that will encourage domestic production in a manner consistent with economic recovery; and

(4) Reduce domestic energy consumption through the operation of specific voluntary and mandatory energy conservation programs.

Recognizing the fact that the transportation industry is a major user of energy resources and that Federal regulation of transportation influences the amount of energy consumed by the regulated transport modes, EPACA imposes certain responsibilities upon this Commission and four other Federal agencies vested with jurisdiction to regulate surface, air, and maritime transportation.

Specifically, section 382(a) of the statute directs this Commission and the other affected agencies to file three separate reports with Congress over a period of one year. The first report, which this Commission submitted to Congress on February 20, 1976, entailed a description of our energy conservation policies and practices instituted subsequent to October 1973, while the second report, which was submitted on April 14, 1976, contained proposals aimed at achieving additional energy savings by regulated carriers. A third report, which must be filed by December 1976, will consist of an analysis of Commission policies, past and present, which promote or perpetuate the inefficient use of petroleum products and other energy resources.

In addition to submission of the above-described reports, which are non-recurring obligations, section 382(b) vests this Commission with the continuing responsibility of including in any major regulatory action, where practicable and consistent with the exercise of authority under other law, "a statement of the probable impact of such major regulatory action on energy efficiency and energy conservation".

IMPLEMENTATION

EPACA does not define the term "major regulatory action" and specifically confers the responsibility of defining it upon each of the affected agencies through rulemaking. This proceeding has been instituted to define what this Commission considers to be a "major regulatory action" for purposes of EPACA and to propose guidelines for implementation of the section 382(b) requirements.

Before discussing the proposed guidelines, mention should be made of this Commission's existing policy to fully consider the implications of its actions upon energy consumption and its efforts to continually reexamine its regulatory programs and practices in order to maximize energy conservation consistent with its statutory obligation to develop, coordinate, and preserve a multi-modal national system of transportation adequate to meet the needs of the Nation. Energy impacts are identified in Commission procedures implementing the National Environmental Policy Act of 1969 (NEPA) (see 49 CFR 1108) as part of the broader range of environmental impacts which may result from Commission action. Impacts on energy conservation and energy efficiency, when present, are analyzed in Commission environmental impact statements or environmental threshold assessment surveys and are given careful consideration in our decisionmaking and review process. Furthermore, the Commission has adopted rules over the last 3 years which have encouraged the conservation of substantial amounts of fuel by eliminating unnecessary circuity in motor carrier operations. See Gateway Elimination, 119 M.C.C. 530 (1974); and Enlargement of Operational Circuity Reduction, 121 M.C.C. 685 (1975).

In order to assess the energy conservation impact of Commission rulemaking proceedings as well as to investigate the need for further rulemakings which may result in more efficient utilization of energy resources, the Commission has sponsored several research projects to assess the extent of unused capacity within the motor carrier industry which may lead to energy consumption inefficiency. One project, conducted by an independent consultant under contract from the Commission, analyzed the percentage and reasons for motor carrier empty miles. Another project, conducted by the Commission's staff, consists of a nationwide survey designed to produce statistically valid quantitative measures of unused motor carrier capacity. Still another staff-conducted project entails an investigation of the fuel, time, and cost savings engendered by the Gateway Elimination rules.

Motor carrier operating rights applicants are also required to show in their applications that the service proposed therein will be operationally feasible in terms of minimizing empty mileage on backhauls. See General Policy Statement Concerning Motor Carrier Licensing Procedures (Operational Feasibility), (November 15, 1973). In addition, this Commission has established special certification procedures encouraging the transportation of waste products for reuse and recycling, thus allowing more efficient use of energy and other natural resources. Transportation of "Waste" Products for Reuse and Recycling, 124 M.C.C. 583 (1976).

With respect to effecting additional energy savings in the future, this Commission has proposed legislation designed to conserve substantial amounts of fuel, see The Energy Crisis and the Need for Emergency Transportation Legislation, 349 I.C.C. 699 (1975), and has recently created a policy and planning unit which will seek out ways to improve energy efficiency among the regulated surface carriers.

In view of this Commission's demonstrated commitment towards promoting energy conservation and our existing mechanism for considering energy impacts in the decisionmaking process, EPACA is not expected to create substantial new responsibilities or require extensive new procedures. Rather, the statute primarily serves to reemphasize the important role that energy considerations play in this Commission's regulatory process.

In implementing EPACA, the primary interpretative problem lies in defining the term "major regulatory action". The legislative history of the Act is silent as to why this particular term was used and how it differs, if at all, from the "major Federal action" terminology employed in NEPA. However, inasmuch as the "statement of energy impact" (SEI) requirement of EPACA is apparently similar in purpose to the "environmental impact statement" requirement of NEPA, the basic principles utilized in formulating the Commission's NEPA procedures have been adopted in these proposed guidelines.

Inasmuch as this Commission's actions are primarily regulatory in nature, we

perceive no distinction, as far as this Commission is concerned, between the words "regulatory" as used in section 382(b) of EPACA and "Federal" as used in section 102(2)(C) of NEPA. It is true that the section 102(2)(C) term "major Federal action" is modified by the phrase "significantly affecting the quality of the human environment" and that no such modifier is utilized in EPACA. In spite of this, however, it is believed that Congress intended "energy impact statements" to be issued under essentially the same circumstances which would trigger issuance of environmental impact statements, i.e., whenever a proposal before the Commission may result in a significant impact upon energy efficiency and energy conservation. Accordingly, the proposed guidelines define "major regulatory action" in terms of the significance of the proposal's impact on energy efficiency and conservation. The word "significant" is difficult to define inasmuch as that which may be significant under one set of facts may not be such in other circumstances. Instead of defining this term, therefore, the proposed rules indicate those factors which will be considered in arriving at a threshold determination of significance.

In view of the fact that each case must be evaluated on the basis of its own particular facts, it cannot be stated with assurance in these proposed guidelines which Commission actions will require the preparation of an SEI. However, this Commission's experience in implementing NEPA has indicated that certain categories of actions have greater potential for significant energy impacts than others. Such actions include rail line constructions; commuter fare increases; merger, control, or consolidations involving two or more class I railroads (which normally require an environmental impact statement (EIS)); abandonment, acquisition or operation of rail lines; water carrier certification; Investigation and Suspension, rate complaint, or formal docket cases involving recyclable commodities; rulemaking and legislative proposals affecting carrier operations; and general rate increases (which normally do not require an EIS). Although proceedings within the abovementioned categories will, in many cases, not result in significant impacts on energy efficiency and energy conservation, they will receive close scrutiny in determining whether preparation of an SEI is appropriate.

Once a decision is made to prepare an SEI, said statement will be incorporated into the environmental impact statement (EIS) for the involved proceeding. The EIS is proposed as the appropriate vehicle for identifying and evaluating significant energy impacts since it represents a systematic, finely tuned, and comprehensive analysis of the broad range of environmental impacts, including those related to energy efficiency and conservation. The consultation procedures utilized in the EIS process, which entail the solicitation of comments from State and Federal agencies with special jurisdiction or expertise in energy and other fields, will also be beneficial in accurately assessing energy impacts.

The fact that only "major regulatory actions" will engender the preparation of Statements of Energy Impact does not mean that the energy implications of other actions will not be considered in the Commission's decisionmaking and review processes. This Commission recognizes its responsibility to consider energy, as well as other environmental impacts, as integral factors in arriving at informed decisions which are in the public interest. The level of analysis, however, must necessarily depend upon the magnitude of the relevant energy impacts. Consequently, potentially serious energy impacts of actions not considered major for purposes of EPACA will normally be discussed and considered either in environmental impact statements (when prepared in instances where nonenergy impacts are significant), threshold assessment surveys prepared by the Commission's Environmental Affairs Staff as a reviewable record under NEPA, or in the decisional document of a proceeding.

Inasmuch as extensive reporting requirements encompassing the identification of potential impacts on energy already exist (see 49 CFR 1108.12), no additional requirements have been proposed herein. However, applicants should keep in mind the importance that this Commission, as well as Congress, attaches to energy considerations and should make a conscientious effort to fully describe the impacts of their proposals on energy efficiency and energy conservation in complying with 49 CFR 1108.12.

Oral hearings do not appear to be necessary at this time and none are contemplated. Anyone wishing to present their views and evidence, either in support of, or in opposition to, the action proposed in this order may do so by the submission of written data, views, or arguments. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with the Commission on or before October 12, 1976.

All such statements will be a part of the record in the proceeding and will be available for public inspection during regular business hours at the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

(Secs. 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).)

Accordingly, it is proposed to add Part 1106 to Title 49 of the Code of Federal Regulations, to read as follows:

PART 1106—IMPLEMENTATION OF THE ENERGY POLICY AND CONSERVATION ACT OF 1975

Sec.
1106.1 Purpose and scope.
1106.2 Authority.
1106.3 Definitions.
1106.4 Actions normally constituting major regulatory actions.

AUTHORITY: 42 U.S.C. 6201 et seq.; 49 U.S.C. 17(3), 204(a)(b), 304(a), 403(a); 5 U.S.C. 552, 553, 559.

§ 1106.1 Purpose and scope.

(a) The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq., hereinafter referred to as EPACA) directs and authorizes that certain steps be taken by the Federal and State governments to reduce demand for energy, increase domestic energy supplies, and conserve existing energy supplies through energy conservation programs and improvements in the energy efficiencies of motor vehicles and other consumer products. Consistent with this mandate, efforts should also be taken to increase the energy efficiency of other modes of surface transportation subject to Commission regulation.

(b) The purpose of these regulations is to establish procedures for facilitating the Commission's discharge of its duties under the Energy Policy and Conservation Act of 1975.

(c) These guidelines apply to all proceedings before the Commission.

§ 1106.2 Authority.

(a) Section 382 of EPACA requires the Commission to examine its policies and programs with the purpose of instituting measures designed to reduce energy consumption by persons subject to its regulation. Section 382(b) of the EPACA directs the Commission to include in any major regulatory action, where practicable and consistent with the exercise of its authority under other law, a statement of the probable impact of such major regulatory action on energy efficiency and energy conservation. The statute directs the Commission to define the term "major regulatory action" by rule.

(b) Sections 17(3), 204(a)(b), 304(a), and 403(a) of the Interstate Commerce Act authorize the Commission, consistent with the purpose of the Act, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions.

§ 1106.3 Definitions.

(a) "Act" means the Interstate Commerce Act, as amended.

(b) "Commission" means the Interstate Commerce Commission.

(c) "EPACA" means the Energy Policy and Conservation Act of 1975.

(d) "Environmental impact statement" (EIS) is a complete and fully comprehensive environmental analysis including such formal review as may be provided by other Federal, State, and local agencies and the public pursuant to section 102(2)(C) of NEPA. The EIS is developed in two stages, draft and final.

(e) "Major regulatory action" is any activity undertaken, approved, or licensed by the Commission which has a significant impact on the conservation of energy resources or upon energy efficiency.

(f) "NEPA" means the National Environmental Policy Act of 1969.

(g) "Statement of Energy Impact" (SEI) is a detailed analysis, incorporated into an environmental impact statement, which describes the probable impact of a

major regulatory action on energy conservation and energy efficiency.

§ 1106.4 Actions normally constituting major regulatory actions.

(a) In determining whether a proposed action will have a significant impact on energy conservation or energy efficiency, consideration will be given to:

(1) The extent to which the action will increase energy consumption in excess of existing energy consumption in the affected area;

(2) The extent to which the action will result in diversion of traffic from one mode of transportation to another;

(3) The extent to which the action will result in more efficient or less efficient use of existing modes of transportation;

(4) The extent to which the proposed action is consistent with Federal, State, and local plans regarding energy conservation;

(5) The extent to which the action will result in the disruption of existing patterns of energy distribution; and

(6) The extent to which the action will provide necessary transportation access for the development of energy resources.

(b) Upon a termination that a proposed action is a major regulatory action, the Commission's Environmental Affairs Staff will prepare a Statement of Energy Impact. The SEI will be incorporated into the staff-prepared environmental impact statement for the proceeding and will be considered with the EIS in the Commission's review process.

[FR Doc.76-25070 Filed 8-25-76;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

Agency for International Development

[Redelegation of Authority No. 99.1.80]

AID AFFAIRS OFFICER FOR CARIBBEAN REGIONAL PROGRAMS, BRIDGETOWN, BARBADOS

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1.80 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Affairs Officer for Caribbean Regional Programs, Bridgetown, Barbados, the authority to sign or approve:

1. U.S. Government contracts, and amendments thereto, and AID grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalents.

2. Contracts with individuals for the services of the individual alone without monetary limitations.

3. Grants (other than grants to foreign governments or agencies thereof), and amendments thereto, for technical assistance, provided that the aggregate amount of each individual grant does not exceed $25,000 or local currency equivalents.

The authority herein delegated may be redelegated in writing in whole or in part, by said AID Affairs Officer at his discretion to the person or persons designated by the AID Affairs Officer as Contracting Officer. Such redelegations shall remain in effect until such designated person or persons cease to hold the office of Contracting Officer for AID programs, or until the redelegation is revoked by the AID Affairs Officer, whichever shall first occur. The authority so redelegated by the AID Affairs Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein redelegated to the AID Affairs Officer may be exercised by duly authorized persons who are performing the functions of the AID Affairs Officer in an acting capacity.

This redelegation of authority shall be effective immediately.

Dated: August 19, 1976.

RUSSELL DILTS,
Acting Director, Office of Contract Management.

[FR Doc.76-25035 Filed 8-25-76;8:45 am]

Office of the Secretary

[Public Notice CM-6/86]

SHIPPING COORDINATING COMMITTEE; COMMITTEE ON OCEAN DUMPING

Meeting

The Committee on Ocean Dumping, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10:00 a.m. on Wednesday, September 15, 1976 in Room 1101 West Tower, Environmental Protection Agency, 401 M Street SW, Washington, D.C.

The purpose of the meeting is to review position documents for the first consultative meeting of the Contracting Parties of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, scheduled to be held in London September 20–24, 1976.

Requests for further information should be directed to Mr. Alan Sielen, Oceans Division, Office of International Activities, Environmental Protection Agency, Washington, D.C. 20460. Mr. Sielen may be reached by telephone on (202) 755–0533.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, Jr.,
Acting Director, Office of Maritime Affairs.

AUGUST 20, 1976.

[FR Doc.76-24987 Filed 8-25-76;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

MERCANTILE NATIONAL BANK, ATLANTA, GEORGIA

Suspension of Trading

It appearing that an extension of the Order, issued August 12, 1976, suspending trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is hereby extended for the ten-day period commencing at midnight (EDT) on August 22, 1976, and terminating at midnight (EDT) on September 1, 1976.

Dated: August 20, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-24930 Filed 8-25-76;8:45 am]

Internal Revenue Service

[Order No. 19 (Rev. 5)]

DEPUTY COMMISSIONER ET AL.

Authority Delegation

Payment of Expenses Incident to Transfers or Appointments of Employees to New Official Stations, Vacation Leave Travel, and Similar Items.

1. This order delegates authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 72 Revised, to authorize or approve the allowance and payment from Government funds of expenses allowable under Chapter 2, Relocation Allowances, of General Services Administration Federal Property Management Regulations Part 101–7, Federal Travel Regulations. The following officers may authorize or approve the incurrence of such expenses, and make related determinations, subject to the restrictions in the succeeding paragraphs of this order and pursuant to implementing regulations in Treasury Department Administrative Circular No. 19, as revised, and IRM 1763, Travel Handbook:

Deputy Commissioner.
Assistant to the Commissioner (Public Affairs).
Assistant Commissioners.
Chief Counsel.
Division Directors.
Director of Internal Operations.
Director, National Computer Center.
Fiscal Management Officer.
Regional Commissioners.
Regional Inspectors.
Regional Counsel.
District Directors.
Service Center Directors.
Director, Data Center.

2. This delegation does not include the authority to agree to the payment of moving expenses by an office other than the gaining office in transfers between the Internal Revenue Service and another agency, department, bureau of the Treasury Department, etc.

3. This delegation does not include the authority to agree to payment of travel and transportation of new appointees to first post of duty.

4. This delegation does not include the authority to approve a period of service of less than two years, or to accept separation, without penalty, from service before the end of a year of service, with respect to employees serving outside the conterminous (contiguous 48 States and the District of Columbia) United States under circumstances requiring two years of service.

5. No redelegation of the above authority may be made except that: (1) Regional Commissioners may redelegate, but not lower than to Branch Chiefs in the Regional Office, (2) District Directors, Service Center Directors, and the Director, Data Center, may redelegate, but not lower than to Division Chiefs.

6. The Director of International Operations and the Regional Commissioner, Western Region, may make determinations and authorizations in cases under their jurisdiction with respect to the transportation and emergency storage of privately-owned motor vehicles of Service employees appointed or transferred to posts of duty other than those located in the conterminous United States. The Fiscal Management Officer may make such determinations and authorizations with respect to all other Service employees appointed or transferred to posts of duty outside the conterminous United States. This authority may not be redelegated.

7. Delegation Order No. 19 (Rev. 4), issued May 23, 1975, is superseded.

Date of Issue: August 19, 1976.

Effective Date: September 3, 1976.

DONALD ALEXANDER,
Commissioner.

[FR Doc.76-24931 Filed 8-25-76;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Meeting

Pursuant to the provisions of Pub. L. 92-463, notice is hereby given that a meeting of the National Crime Information Center (NCIC) Advisory Policy Board (Board) will be held on October 19-20, 1976, at the Royal Inn of Santa Monica, Santa Monica, California. The meeting will begin at 9 a.m. and terminate at 5 p.m. each day.

The purpose of this meeting will be to discuss matters relating to NCIC which are presented to the Board.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members must file written statements or questions at least twenty-four hours prior to the beginning of each meeting. All questions or statements shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Administrative Services Division, FBI, Washington, D.C.

Additional information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Administrative Services Division, FBI Headquarters, Washington, D.C. 20535, at telephone number 202/324-2606.

Minutes of the meeting will be available upon request from the above designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.76-25030 Filed 8-25-76;8:45 am]

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD'S SECURITY AND CONFIDENTIALITY (S&C) COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, the National Crime Information Center (NCIC) Advisory Policy Board's Security and Confidentiality (S&C) Committee will meet October 13-14, 1976, at the Royal Inn of Santa Monica, Santa Monica, California. The meeting will begin at 9 a.m. and conclude at 5 p.m. each day.

The purpose of the S&C Committee meeting will be to review the document entitled, "National Crime Information Center Computerized Criminal History Program Background, Concept and Policy As Approved By NCIC Advisory Policy Board April 1, 1976," and to consider any other matters relating to security and privacy of the NCIC system which may come before this Committee.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the committee members must file written statements or questions at least twenty-four hours prior to the beginning of each meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Administrative Services Division, FBI, Washington, D.C.

Additional information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Administrative Services Division, FBI Headquarters, Washington, D.C. 20535, at telephone number 202/324-2606.

Minutes of the meeting will be available upon request from the above designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.76-25031 Filed 8-25-76;8:45 am]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on September 30, 1976 from 9:30 a.m.-5 p.m. at the International Inn, No. 10 Thomas Circle, NW., Washington, D.C.

Topics of discussion will include a briefing on Institute activities and proposed research topics for fiscal year 1977.

The meeting will be open to the public.

For further information, please contact Gerald M. Caplan, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531. (202) 376-3606.

JAY BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-25032 Filed 8-25-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 28579]

NEW MEXICO

Application

AUGUST 18, 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. 18 S., R. 29 E.
Sec. 31, lot, 5, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

This pipeline will convey natural gas across .723 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their view should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-25023 Filed 8-25-76;8:45 am]

[NM 28580, 28581, 28582, 28583, 28584, 28589, 28658 and 28666]

NEW MEXICO

Applications

AUGUST 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 a cathodic protection station and seven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 29 N., R. 8 W.,
Sec. 10, SE¼SE¼;
Sec. 15, NE¼NE¼.
T. 29 N., R. 9 W.,
Sec. 1, lot 7.
T. 25 N., R. 11 W.,
Sec. 22, NE¼NW¼.
T. 26 N., R. 12 W.,
Sec. 22, E½SE¼;
Sec. 23, S½SW¼ and SW¼SE¼;
Sec. 27, N½NE¼.
T. 27 N., R. 12 W.,
Sec. 31, SW¼NE¼;
Sec. 36, N½SW¼, SE¼SW¼ and SW¼SE¼.
T. 30 N., R. 13 W.,
Sec. 9, SW¼NE¼.

The cathodic protection station and the pipelines will be used to convey natural gas across 2.704 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.76-25024 Filed 8-25-76;8:45 am]

[NM 28590, 28591 and 28592]

NEW MEXICO

Applications

AUGUST 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), Southern Union Gathering Company has applied for three 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 6, lot 5, SW¼NE¼, SE¼NW¼ and NW¼SE¼;
Sec. 9, SW¼SE¼;
Sec. 10, SW¼NW¼ and NW¼SW¼.
T. 30 N., R. 9 W.,
Sec. 1, SE¼NE¼ and NE¼SE¼;
Sec. 5, lot 2, SW¼NE¼ and NW¼SE¼;
Sec. 8, N½NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 17, S½SW¼;
Sec. 19, NE¼NE¼;
Sec. 20, N½NW¼.

These pipelines will convey natural gas across 3.578 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.76-25025 Filed 8-25-76;8:45 am]

ALBUQUERQUE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Multiple Use Advisory Board for the Albuquerque District, Bureau of Land Management will meet at 8:00 a.m. on September 28 and 29, 1976. The Board will meet at the Holiday Inn, 600 Broadway, Farmington, New Mexico.

On September 28 the board members will tour lands involved in a Grazing Environmental Statement, a Coal Environmental Statement, Land Exchanges, the Navajo Indian Irrigation Project and coal mines.

On September 29 the Board will meet at 8 a.m. at the Farmington, New Mexico Holiday Inn, 600 Broadway.

The meeting agenda will include discussions on the proposed revised grazing regulations, amendments to off-road vehicle regulations and the lands viewed on the previous day.

The meeting will be open to the public and time will be made available for public statements starting at 10:00 a.m. Statements should be limited to items listed in the agenda. Those wishing to make an oral statement should inform the District Manager prior to the meeting. Written statements may be filed for the Board's consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Mr. R. Keith Miller, District Manager, Albuquerque District, 3550 Pan American Freeway, NE., Albuquerque, New Mexico 87107 (telephone 505-766-2455).

Minutes of the meeting will be available at the Albuquerque District Office for public inspection and copying thirty days after the meeting.

Dated: August 20, 1976.

R. KEITH MILLER,
District Manager.

[FR Doc.76-25027 Filed 8-25-76;8:45 am]

NEW MEXICO MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the New Mexico Multiple Use Advisory Board of the Bureau of Land Management will meet at the Inn at Loretto in Santa Fe, New Mexico, September 22 and 23, 1976, as follows:

September 22—8 a.m. to 10 a.m. public comment period on proposed new grazing regulations for lands administered by the Bureau. 10:30 a.m. to 11:30 a.m. Board deliberations upon the regulations and possible formulation of recommendation. 11:30 a.m. to 1:30 p.m. lunch recess. 1:30 p.m. to 3 p.m. public comment period on proposed new amendments to off-road vehicle regulations for lands administered by the Bureau. 3:30 p.m. to 4:30 p.m. Board deliberations upon the regulations and possible formulation of recommendation.

September 23—8 a.m. Review by the Bureau for possible Board recommendation of Bureau primitive area policy and management. 9 a.m. review by the Bureau for possible Board recommendation of the impacts of its allotment management planning and implementation upon intermingled land owners, and vice versa. 10:30 a.m. review by the Bureau for possible Board recommendation of Bureau research policies and programs in New Mexico. 11:30 a.m. to 1:30 p.m. lunch recess. 1:30 p.m. report by the Bureau to the Board for possible recommendation on Bureau policy and methods of personnel management with particular emphasis on rotation of field personnel. 3 p.m. report by the Bureau on the concepts, statutory requirements, organization, function, and interrelationships of the Bureau's district, state, and National Multiple Use Advisory Boards. 4 p.m. discussion of various provisions of the Federal Land Use Policy and Management Act of 1976.

All sessions will be open to the public. Opportunity will be set aside as described above, on a time-available basis, for public comment or statements, on September 22, and on a time-available basis topic-by-topic on September 23. Public comment will be limited to the topics set forth herein.

Members of the public wishing to make written or oral statements should advise Doyle Kline, the Bureau's public affairs officer for New Mexico, of their desire prior to the beginning of the session at which they desire to speak or to submit written comment.

Summary minutes of the meeting will be prepared and will be available approximately 30 days following the meeting. They will be available from the Office of Public Affairs, New Mexico State Office, Bureau of Land Management, Post Office/Federal Building, Santa Fe, N.M.

ARTHUR W. ZIMMERMAN,
State Director.

AUGUST 20, 1976.

[FR Doc.76-25026 Filed 8-25-76;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a subcommittee meeting of the Advisory Committee on Coal Mine Safety Research will be held on September 15, 1976, commencing at 9:30 a.m. at the Department of the Interior, Room 6071, 18th and C Streets, N.W., Washington, D.C.

The Committee was established to consult with and make recommendations to the Secretary of the Interior on matters involving or relating to coal mine safety research.

The purpose of the meeting is to meet with Department of the Interior officials to discuss fiscal year 1979 budget procedures and requirements and the Committee's role in providing input to the budget process. The meeting is open to the public. Space will be provided for approximately 10 persons other than subcommittee members.

The following is a list of the subcommittee membership:

Dr. John V. Grimaldi, Chairman
Mr. Michael Trbovich, Member
Mr. Robert L. Vines, Member
Mr. Harreld N. Kirkpatrick, Member.

Further information concerning this meeting may be obtained from Rolland R. Reid, Deputy Assistant Secretary—Minerals, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, telephone: (202) 343-4881. Transcripts of the meeting will be available for public inspection and copying three weeks after the meeting upon written request addressed to the official above.

Dated: August 20, 1976.

J. D. MORGAN,
Acting Director,
Bureau of Mines.

[FR Doc.76-25008 Filed 8-25-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application for Amendment

A permit was issued on November 10, 1975, to Mr. William S. Clark, Annandale, Virginia, authorizing capture and banding of Peregrine Falcons (*Falco peregrinus tundrius*), not to exceed eight (8) per year, at Cape May Point, New Jersey, during the months of September, October and November. The expiration date of that permit—December 31, 1977.

A notice containing the application for the permit was published in the FEDERAL REGISTER on July 17, 1975 (40 FR 30141-42-43), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on March 5, 1976 (41 FR 9576).

Under date of July 26, 1976, Mr. William S. Clark submitted a request for an amendment to the permit. Published herewith are copies of the terms of the permit and the request for an amendment. The request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
[ ] IMPORT OR EXPORT LICENSE [X] Amendment to PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Amendment of my Endangered Species Permit No. PRT 8-226-B-C to:
1.) Allow up to 30 (Thirty) Peregrine Falcons be banded per Year.
2.) Allow my subpermittee, L. Steveson Potts, to band Peregrine Falcons under my direction.
This research is being conducted by the Cape May Bird Observatory to assis the "International Color-Banding Studi of Peregrine Falcons " of Dr. F.P. War

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
William S. Clark
4353 Greenberry Lane
Annandale, Va. 22003
(after August 15, 1976 then
Cape May Bird Observatory,
Cape May Point, New Jersey 08212

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.
[X] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: 6'2" WEIGHT: 190
DATE OF BIRTH: Oct 25, 1937
COLOR HAIR: Brown COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 797-6877
SOCIAL SECURITY NUMBER: 225-44-0250
OCCUPATION: Computer & Raptor Consultant
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Cape May Bird Observatory

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N/A
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Cape May, New Jersey to band Peregrine Falcons.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list licence or permit number(s))
Endangered Species Permit PRT 8-226-B-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of document(s))
New Jersey State Banding Permit

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: September 1, 1976
11. DURATION NEEDED: December 31, 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, 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: William S. Clark
DATE: July 26, 1976

9-200
16/741

GPO 895-042

12. Attachments. (As required is Section 17.22)
This is an application for an amendment to my Endangered Species Permit No. PRT 8-226-B-C to capture and band Peregrine Falcons. The specific items to be amended are:

1.) To alter the number of Peregrine Falcons that can be banded from up to 8 (Eight) to 30 (Thirty).
2.) Include my subpermittee, Mr. Louis Stevenson Potts, to capture and band Peregrine Falcons under my direction.
Mr. Potts is 5'8" in height, 145 lbs in weight, was born on September 8, 1956. His hair is brown and his eyes are green. His Social Security Number is 226-76-4087.

The reasons for this amendment request is that the Cape May Bird Observatory, in cooperation with the International Color-banding Studies of Peregrine Falcons conducted by Dr. F. Prescott Ward, wants to set up and operate a special station to capture and band Arctic Peregrine Falcons, (Falco peregrinus tundrius) which are still in the wild. In our previous raptor banding activities, we have banded over 11,500 hawks and owls, but only 26 Peregrine Falcons. The reason for our low Peregrine yield is that we have been operating in a woods and marsh location and the Peregrines usually fly, hunt and rest in a beach locale. It is proposed that we set up a special station for the Peregrine Falcons (and Merlins and Kestrels) on the beach within the confines of the U.S. Coast Guard Station at Cape May. Permission has already been granted by the base commander. An alternate site at the Loran station a mile to the north is being considered.

Mr. Potts is scheduled to operate the station every day from mid-September until late October, weather permitting. I will on occasion relieve him. The migration of Peregrine Falcons should be heavier on the beach side of the peninsula and CMBO will be able to add a considerable number of color banded peregrines to the study. Those caught will be banded with U.S. Fish & Wildlife Service bands and color bands and released immediately. Except if they have color bands or radio transmitters on them. In this event we will photograph the bird up close to show the condition of the marker. In the event something unusual comes up, I will be within 5 miles and 15 minutes of Mr. Potts.

Mr. Potts has served as my subpermittee for over three years, except for the time he was away at college. He has operated, both as an assistant and as a bander, both of the present stations of CMBO Raptor banding operation. He is very familiar with the handling, identification and trapping of birds of prey. Mr. Potts has finished two years of college in wildlife management. He will be operating under Department of the Army invitational orders while working at CMBO. He will be under my daily supervision. I have the utmost confidence that Mr. Potts will be an able assistant.

William S. Clark July 26, 1976

William S. Clark

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

9-201
(7/70)

FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY - STATUTES: 16 USC 1539(a)
REGULATIONS (Attached): 50 CFR 17.22

1. PERMITTEE
* William S. Clark
Annandale, Virginia 22003
__ (4353 Greenberry Lane)

3. NUMBER: PRT 8-226-B-C

4. RENEWABLE: [X] YES [ ] NO
5. MAY COPY: [X] YES [ ] NO
6. EFFECTIVE: NOV 10 1975
7. EXPIRES: 12/31/77

8. NAME AND TITLE OF PRINCIPAL OFFICER (If not an individual): William S. Clark

9. TYPE OF PERMIT: Endangered Species - Banding

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Cape May Point, Raptor Banding Station, Cape May, New Jersey

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE only.

D. Authorized to capture and band, not to exceed eight (8) each year, Peregrine falcons (Falco peregrinus tundrius) at Cape May Point, New Jersey during the months of September, October, and November.

E. Activities conducted under authority of this permit must be for official business only.

F. Permittee must have a copy of this permit in his possession while conducting the activities authorized.

G. The peregrine falcons must be released immediately at the capture site.

H. May salvage and care for any peregrine falcons found injured or dead and any injured or killed as a result of the permitted activity. Dead specimens shall be preserved for scientific research.

[X] ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENT: A report of the activities conducted under authority of this permit must be submitted to the Director (FWS), P.O. Box 19183, Washington, D. C. 20036, by January 31st of the following year.

ISSUED BY: s/ Lorna K. Purchat, for — Chief, Division of Law Enforcement — DATE: NOV 10 1975

I. The Special Agent in charge, New York (212-995-5381) will provide instructions for the disposition of any specimens salvaged.

J. When a peregrine falcon is salvaged, it must be reported within 48 hours to Special Agent in Charge, New York (212-995-5381).

K. Maintain records as required in 50 CFR 13.46.

In keeping with the spirit of the Endangered Species Act of 1973 this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment 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. Please refer to PRT 8-226-B-C, when submitting comments. All relevant comments received on or before September 27, 1976.

Dated: August 19, 1976.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service.

[FR Doc.76-24950 Filed 8-25-76;8:45 am]

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: Mr. Lloyd R. Ure, Route 1, Granton, Wisconsin 54436

OMB NO. 42-R1670

DEPARTMENT THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Use only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
TO BE ABLE TO BUY BROWN EARED PHEASANTS TO PROPAGATE IN ORDER TO INSURE THEIR SURVIVAL

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
LLOYD R. URE
RT. 1 GRANTON WIS. 54436
PHONE 715-238 7291

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'8"	WEIGHT 155
DATE OF BIRTH SEPT. 12, 1930	COLOR HAIR BROWN	COLOR EYES BLUE
PHONE NUMBER WHERE EMPLOYED 715-238-7291	SOCIAL SECURITY NUMBER 398-26-8238	

OCCUPATION
DAIRY FARMING

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
DOES NOT APPLY

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
DOES NOT APPLY

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
DOES NOT APPLY

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
DOES NOT APPLY

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
(A) BREEDING ENDANGERED PHEASANTS AT MY FARM AT RT. 1 GRANTON WIS. SECTION 6 TOWN OF LYNN CLARK COUNTY WIS.
(B) BUYING TWO BROWN EARED PHEASANTS AND SHIPPING INTERSTATE. PRIMARILY FROM MARYLAND TO WISCONSIN (REISTERSTOWN TO MOSINEE)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
WATERFOWL PROPAGATION 3-PR-2060

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
I HOLD A COMMERCIAL PROPAGATING LICENSE, ISSUED BY THE STATE OF WISCONSIN LICENSE NO. 4617

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
SEPT. 1, 1976

11. DURATION NEEDED
40 DAYS

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR PART 17.22 PERMITS FOR SCIENTIFIC PURPOSES, OR FOR THE ENHANCEMENT OF PROPAGATION OR SURVIVAL

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, 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)
Lloyd R. Ure
Lloyd R. Ure

DATE
June 29, 1976

3-200
85-716

GPO 895-042

1. Would like to purchase two Brown Eared (Crossoptilon Mantchuricum) females to mate with my two males for propagation purposes as well as for new blood.

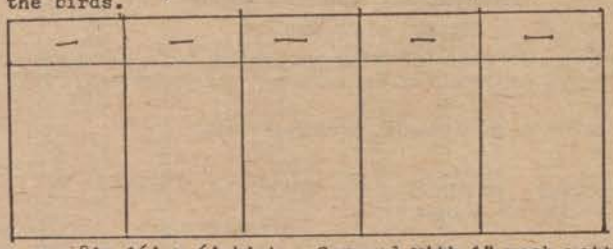
2. Wildlife born in captivity

3. By purchasing the above pheasants that were raised in captivity. From breeders in the states. By having the above shipped in padded crates to avoid chance of injury.

4. The brown Eared hens were raised in captivity by Mr. C. Milton Bayne, Box 204, Dover Road, Reisterstown, Md 21136, Phone: 301-429-8969 The males were raised at my farm at Rt. 1, Granton, Wis. 54436.

5. The birds are and will be kept at my farm. The aviaries are 8' x 16' x 6' high with vegatative cover to insure contentment of the birds.

6.(I)



Pens are 8'x 16' x 6' high. Covered with 1" mesh netting and boarded up 2' on the bottom. The back 4' of the pen is enclosed with a weather proof roof for shade and protection from the weather.

(II) in the past 9 years I have raised Pheasant such as Golden, Amherst, Silver, Reeves, Elliots, Swinhoe, Impeyan, Cheer, Nepal, Mikado, Humes, and Brown Eared as well as waterfowl such as Canadian Geese and Wood Ducks.

(III) I would be more than willing to cooperate in a breeding program and keep accurate records, as I believe the only reason many species exist today is because of the dedicated individuals who are raising them in captivity.

(IV) The containers used for shipping are at least 1' x 2' x 18" high, Made of masonite, with the top lined with 1" of foam rubber. Feed and Water is placeed in each box. As the airline is contacted in advancem they will not be in a box more than 24 to 36 hours.

(V) I have never lost a Brown Eared Pheasant. In 1974, a mink got into a pen and killed a pair of Cheer and an Amherst Cock. I buried wire around the pens to prevent any wild animal from digging under. I also lost a Swinhoe and an Elliots Hen last winter in a storm. I feel they were weakened by age as they were 9 years old. The pens are kept clean and a medication plan is followed.

7. Ther are no written contracts or agreements. Mr. Bayne said he will hold the birds at Reisterstown, Md., until a permit is issued or rejected.

8.(I) I plan on keeping and breeding Brown Eared Pheasants as well as the other pheasants I have now.

(II) and (III) I will supply adequate pens, housing, feed and care to insure the birds contentment in captivity, so they will breed to keep a captive self sustaining stock. I strongly feel that they will only do so in the care and quiet surroundings provided by the private propogator.

(IV) If I would quit raising birds, I would sell or donate them to other breeders to continue propagating them.

However since this is the only hobby I care for and I have a great love for raising birds, this is a very remote possibility.

Documents and other information submitted with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., 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. This application has been assigned File Number PRT PRT 2-273-07; please refer to this number when submitting comments. All relevant comments received on or before September 27, 1976, will be considered.

Dated: August 19, 1976.

MARSHALL L. STINNETT,
Acting Chief Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-24949 Filed 8-25-76;8:45 am]

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: National Zoological Park, Smithsonian Institution, Washington, D.C. 20009.

Director: Theodore H. Reed, D.V.M.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR *(indicate only one)*
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Request permit to import one male and three female parma wallaby, Macropus parma, from the Royal Zoological Society of South Australia, Inc. (Adelaide Zoo).

3. APPLICANT. *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*
National Zoological Park
Smithsonian Institution
Washington, D. C. 20009

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological Park

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Theodore H. Reed, D.V.M., Director (202) 381-7222.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
National Zoological Park
Washington, D. C. 20009

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? XX YES ☐ NO
(If yes, list license or permit numbers)
PRT 5-3-X; PRT 8-142-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Australian Customs (letter)
Nat'l Parks & Wildlife Service, Adelaide (letter); expires 30 September 1976.

9. CERTIFIED CHECK OR MONEY ORDER *(if applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: ASAP
11. DURATION NEEDED: through 5 Oct. 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED *(See 50 CFR 13.12(a))* MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, 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)* T. H. Reed — DATE 15 July 76

3-200
(6/74)

T. H. Reed

JULY 12, 1976.

Re Endangered Species Import Permit Application

MR. LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service, Attn: Law Enforcement, P.O. Box 19183, Washington, D.C.

DEAR SIR: 1. Request permit to import one (1) male and three (3) female parma wallaby, *Macropus parma* (*Wallabia parma*) born 1975, from the Royal Zoological Society of South Australia, Inc. (Adelaide Zoo).

2. These animals were born in captivity.

3. N.A.

4. Born Adelaide Zoo, Australia.

5. To be imported to the National Zoological Park, Washington, D.C. 20009, U.S.A.

6. (I) The enclosure in which we intend to house the parma wallabies is a triangular area of the following dimensions: 300 feet long, 150 feet wide at upper end of enclosure by 50' wide at lower portion of enclosure. The substrate is an earth/gravel mix with a heavy growth of grasses. In addition the area is heavily planted with pyracatha, holly, white pine maple, oak and poplar. The entire area is fenced with vinyl-coated wire with a mesh size of 2''×4''. The fence height is 6 feet.

Housing is provided in the form of 4 wooden sheds, each sub-divided inside into two compartments. Each house is equipped with two infra-red heat lamps, one per compartment. The houses measure 10'×4', 5'×8' and 3'×2' respectively. There are three wooden barrels approximately 18'' wide × 36'' long buried partly beneath the ground to provide additional hiding/shelter areas.

Viewing by the public is allowed from only two areas: the long 300' frontage and the 150' side. The rear of the enclosure is double fenced with heavy planting, masking the area from the public. The same is true of the 50' lower side area.

At the present time the enclosure is inhabited by a group of 1.4 red kangaroos, *Megaleia rufa*, and 1.3 dik-dik, *Madoqua kirki*. There is also a single male parma wallaby in the exhibit. Reproduction has occurred in all of the above species. It is intended to remove the existing male parma wallaby and place him in a smaller holding area for use as a back-up breeder. The 1.3 animals requested are to be housed in the enclosure with a major effort toward breeding them.

(II) The staff of the Office of Animal Management has had over 40 years combined experience with macropods. In addition, the Office of Zoological Research has extensively studied the reproduction and behavior of Australian carsupials, and the Office of Animal Health has experience in treating marsupial diseases. (See previous applications for staff resumes.)

(III) We are willing to participate in a cooperative breeding program and to contribute data to a studbook.

(IV) The animals will be shipped from Australia by airplane and will conform to the IATA live animal regulations (container note 25).

(V) On June 15, 1970 we received a female parma wallaby and on January 30, 1970 we received a male. Both had been in the possession of private citizens. The pair bred in January and October of 1972; no offspring resulted. This male died with a fractured spine of unknown origin on November 14, 1973. A new male (the one currently at the ZOO) was received December 13, 1973 from another zoo (where it was born in 1971), and after quarantine was put with the female on January 29, 1974. The female was found dead on October 24, 1975; neither gross autopsy nor histological examination of the tissues enabled us to determine the cause of death. The female was pregnant at the time, and a 1.5 cm foetus was found in the uterus.

The zoo currently has 22 specimens of three (3) other species of macropods; of these 11 were born at the National Zoo (four (4) were born at other zoos).

7. Attached is a copy of the permit from National Parks and Wildlife Service of Australia authorizing export of four (4) parma wallaby (*Wallabia parma*) from the Adelaide Zoo to the National Zoo. This permit is valid until 30 September 1976, and shipment would take place between the date of receipt of a U.S. Endangered Species and 30 September.

8. The National Zoological Park currently has one lone male parma wallaby, of breeding age (5 years).

(I) The National Zoo wishes to purchase one (1) male and three (3) females of the same species from the Adelaide Zoo.

(II) The four wallabies which are to be imported would be shipped via air to either the San Francisco or Los Angeles airport and then on to Washington, D.C.

(III) Based on previous experience with macropods, the National Zoo has a good chance to keep the specimens alive and to breed them (see 6 (V) above).

(IV) It is planned that the specimens would remain at the National Zoological Park. At death the autopsied carcasses would go to the U.S. National Museum (Smithsonian Institution).

THEODORE H. REED, D.V.M.,
Director, National Zoological Park.

NATIONAL PARKS & WILDLIFE SERVICE of Australia

A DIVISION OF THE MINISTRY OF THE ENVIRONMENT & CONSERVATION

BOX 1767 G.P.O.
ADELAIDE, S.A. 5001
TELEPHONE 2121688
TELEGRAPHIC ADDRESS: NATPARK ADELAIDE

2nd FLOOR, TYNDALL BUILDING,
135 WAYMOUTH STREET,
ADELAIDE.

6th February, 1976

TO WHOM IT MAY CONCERN

This is to certify that permission has been granted to the Royal Zoological Society of South Australia Incorporated, Frome Road, Adelaide, to export overseas to the National Zoological Park, Washington D.C., U.S.A., four only Parma Wallabies (Wallabia parma). This permit is valid to 30th September, 1976, and is issued subject to export approval by the Commonwealth Bureau of Customs.

Documents and other 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 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. This application has been assigned File Number PRT 2-298-07; please refer to this number when submitting comments. All relevant comments received on or before September 27, 1976, will be considered.

Dated: August 19, 1976.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-24993 Filed 8-25-76;8:45 am]

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 1974 (Pub. L. 93-205).

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811.

Dr. Lucille F. Stickel, Director.

OMB NO. 42-R1675

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Collection of blood samples from peregrine falcons (endangered species) to measure their exposure to environmental contaminants. Peregrines are currently being trapped by other individuals at two localities; we wish to take samples from the birds they catch and also from birds caught in our own traps at a third location.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Patuxent Wildlife Research Center
U. S. Fish and Wildlife Service
Laurel, Maryland 20811

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife research to enhance the status of endangered and threatened species; also to determine the effects of environmental pollutants on wildlife and their habitat.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lucille F. Stickel, Director, 301-776-4880

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Scientific collecting on:
(1) Assateague Island, Maryland and Virginia
(2) Padre Island, Texas
(3) Coast of Washington and Oregon

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit numbers*)
PRT 8-85-C, PRT 8-169-C, PRT 2-913-BA, PRT 8-86-B-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(*If yes, list jurisdictions and type of documents*)
Dr. Charles J. Henny, principal investigator, will obtain all necessary state permits before beginning collections.

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
Sept. 25, 1976

11. DURATION NEEDED
Dec. 31, 1977

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, 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*) Lucille F. Stickel — DATE 7/27/76

3-200
8/76

Lucille F. Stickel

PATUXENT WILDLIFE RESEARCH CENTER

ENDANGERED SPECIES PERMIT APPLICATION

ATTACHMENT

17.22(a)

(1) Common name: Peregrine Falcon; Scientific name: *Falco peregrinus*. Trapping (and banding) of peregrines during fall migration at Assateague Island, Maryland and Virginia and Padre Island, Texas is authorized by Federal permits (PRT 8–251–B–C and PRT 8–112–B–C) issued to other individuals. We wish to take blood samples from birds caught at those localities, to trap and band not more than 25 peregrine falcons along the coast of Washington and Oregon, and to take a small amount (3 cc.) of blood to be analyzed for environmental pollutants. Permit is requested for taking blood samples from at least six, but not more than 12, peregrines at each of the three (3) localities; total number of blood samples would not exceed 36. Samples would be taken from adults, if they are available, of either sex. Cooperators will be provided instructions, both in person and in writing, and equipment for taking samples. Blood samples will be analyzed for organochlorine pesticides and PCB's at the Patuxent Wildlife Research Center, following procedures in the PWRC Analytical Manual.

(2) All birds from which samples would be taken are in the wild.

(3) Peregrines will be caught with nets, snares, traps or other similar proven techniques that are under constant observation to ensure that birds are not injured or captured by predators. Using these techniques, blood samples have been taken from more than 300 raptors in the Pacific Northwest (see 8, below). To the best of our knowledge, no birds died as a result of the blood sampling.

(4) Not applicable.

(5) Peregrine falcons will not be maintained in captivity. The blood samples will be taken immediately after falcons are captured. The birds will then be banded and released, certainly within 30 minutes of capture.

(6) (i) No facilities are to be used for housing the peregrines because samples will be taken immediately; the birds will then be banded and released.

(ii) Dr. Charles J. Henny, Research Biologist, is the principal investigator for this study. He and his field assistants have used similar methods to take blood samples from more than 300 raptors in the Pacific Northwest (see (6) (v), below).

(iii) Not applicable.

(iv) See (6) (1), above.

(v) Dr. Henny and his assistants have successfully taken blood samples from many raptors in their study of the effects of the DDT spray program against the tusock moth on raptors in the Pacific Northwest. There was no known mortality of raptors as a result of taking the blood samples in that study.

(7) Each of the cooperating banders will send a letter of agreement directly to Federal Wildlife Permit Office as soon as possible.

(8) Justification: Concern for the status of the peregrine falcon coupled with the sparse data on pesticide burdens and the strong prevailing hypothesis that the decline of peregrines in many cases resulted from environmental contamination make it highly desirable to obtain a more extensive data base for this species. The birds are already being trapped and studied routinely. Blood samples can be taken at the same time without harm to the bird, and with essentially no additional costs.

The use of blood for measuring pesticide exposure has been used for epidemiological investigations of pesticide exposure in man (Davies et al. 1969, Am. J. Public Health 59: 435; Radomski et al. 1971, Toxicol. Appl. Pharmacol. 20: 175–185; and others). Dale et al. (1966, Life Sci. 5: 47–54) reported that the six insecticides that they routinely identified in a general human population occurred so predominantly in plasma that serum or plasma values were satisfactory for toxiocological studies. Their observations have been supported by data for dieldrin, lindane, DDE and DDT residues in the blood and fat of man (Brown et al. 1964, Br. J. Ind. Med. 21: 283; Radomski and Rey 1969, Ind. Med. 38: 53–90; Edmundson et al. 1972, In J. E. Davies and W. F. Edmundson (ed.). Futura Publishing Co., Inc., Mt. Kisco, N.Y. 157 pp.). Blood has also been used to monitor exposure of waterfowl to both organochlorine pollutants and lead (Dieter, et al. 1976, Arch. Envirn. Contam. Toxicol. 4) and to monitor exposure of fish to endrin (Mount et al. 1966, Science 152: 1388–1390).

Friend et al. (in prep.) concluded from a test of the relationship between DDE in blood sera and DDE in the fat of mallards (*Anas platyrhynchos*) that there was a consistent relationship. Major advantages of blood sampling include: (1) The bird does not have to be killed to obtain the sample, therefore, large-scale sampling is possible even with endangered or threatened species; (2) multiple samples are possible over time from some individuals; (3) freezer storage space for specimens is greatly reduced; (4) discrete populations can be sampled periodically over time in sufficient numbers to establish pesticide exposure patterns and biologically meaningful changes in residue levels.

We utilized this technique to monitor the effects of the 1974 DDT spray program against the tussock moth on raptors in the Pacific Northwest (Henny et al. 1976, Rep. to USDA, Forest Service, Portland, OR. Memeo. 23 pp.). The magnitude of change in pesticide burdens in and away from DDT spray area showed the same pattern from eggs as it did from sera in American kestrels (*Falco sparverius*). Furthermore, the amount of DDT and its metabolites in the eggs appeared to be a log function of the amount in the sera from the same female (Henny et al. 1976). Additional laboratory work with American kestrels fed varying diets of DDE (Henny, unpublished) showed an excellent correlation between DDE levels in the sera and brain of the same birds ($y=0.290+1.408X$, $r=+0.964$, $n=26$).

Documents and other 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 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. This application has been assigned File Number PRT 2–310–07; please refer to this number when submitting comments. All relevant comments received on or before September 27, 1976, will be considered.

Dated: August 20, 1976.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–24995 Filed 8–25–76;8:45 am]

MARINE MAMMALS

Issuance of Permit and Amendment

On March 26, 1976, a notice was published in the FEDERAL REGISTER (41 FR 12726–27–28), that an application had been filed with the Fish and Wildlife Service by the Seattle Aquarium, Department of Parks and Recreation, City of Seattle, Washington (H. D. Kemper, Jr., Director), for a permit to collect five (5) SEA OTTERS (*Enhydra lutris*), for public display and scientific research.

Notice is hereby given that on August 10, 1976, as anthorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit to the Seattle Aquarium. A copy of that permit is published herewith.

On August 18, 1976, Amendment No. 1 to that permit (PRT 2–90), was issued, changing the location where the authorized activity may be conducted. A copy of that amendment is also published herewith.

Dated: August 20, 1976.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

PERMITTEE

The Seattle Aquarium
Department of Parks and Recreation
100 Dexter Avenue North
Seattle, Washington 98109

2. AUTHORITY - STATUTES
16 USC 1371(a) (1)

REGULATIONS (Attached)
50 CFR 18.31

3. NUMBER
PRT 2-90

4. RENEWABLE: ☐ YES ☒ NO
5. MAY COPY: ☒ YES ☐ NO
6. EFFECTIVE
7. EXPIRES 02/28/77

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
H. Doug Kemper, Jr., Director

9. TYPE OF PERMIT
PUBLIC DISPLAY & SCIENTIFIC RESEARCH

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
STATE OF CALIFORNIA

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE and any person who is under the direct control of, or who is employed by or under contract to, the permittee.

D. Authorized to capture, as specified in Block 10, one (1) male and four (4) female subadult (1-1/2 to 3 years of age) Sea otters (Enhydra lutris), and transport them to the Seattle Aquarium for the purposes of public display and scientific research.

E. The actual collection of the animals is to be performed by personnel of the California Department of Fish and Game.

F. No nursing females are to be taken and the utmost care is to be exercised not to take any pregnant females.

G. Activities conducted under authority of this permit must be for official business only.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS A report of the activities conducted under authority of this permit must be submitted to the Director (FWS), P.O. Box 19183, Washington, D.C. 20036, by January 31st of the following year.

ISSUED BY s/ Loren K. Parcher for Chief, Division of Law Enforcement
DATE AUG 10 1976

(S) Loren K. Parcher for - Chief, Division of Law Enforcement Aug.10,1976

H. Acceptance of this permit authorizes inspection per 50 CFR 13.47.

I. Permittee must have a copy of this permit in his possession while conducting the activities authorized.

J. The loss, death, or destruction of any Sea otters as a result of these authorized taking activities must be reported within 24 hours to the Special Agent in Charge at Sacramento (916-468-4748), and in writing to the Director (FWS), Box 19183, Washington, D.C. 20036.

K. Any dead or injured Sea otters found may be salvaged or cared for. Dead specimens shall be preserved for scientific research.

L. The Sacramento FWS office will provide instructions for the disposition of any specimens salvaged in California waters.

M. Maintain records as required in 50 CFR 13.46.

N. The expiration date in block 7 refers only to the preceding authorization and conditions listed above. The following conditions remain effective until amended, modified, revoked, or upon death of the wildlife.

O. Upon the death of any Sea otters, taken, transported and held under the authority of this permit, the Special Agent in Charge at Portland (503-234-3361), must be notified within 24 hours.

P. Upon the death of any Sea otters, taken, transported and held under authority of this permit, the Special Agent in Charge at Portland (503-234-3361), will provide instructions for disposition of the carcass(s).

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C., August 18, 1976.

THE SEATTLE AQUARIUM,
Department of Parks and Recreation,
100 Dexter Avenue North,
Seattle, Washington.

Attention: H. Doug Kemper, Jr., Director.
Re PRT 2-90-10,11; Amendment No. 1

DEAR MR. KEMPER: Under date of August 10, 1976, you were issued a permit PRT 2-90-10,11 to collect five (5) Sea otters (*Enhydra lutris*), and transport them to the Seattle Aquarium, for the purposes of public display and scientific research.

The permit authorized the collecting activities in California waters. A recommendation by the Marine Mammal Commission on May 20, 1976, was made to authorize collecting activities in Alaska waters only. The recommendation by the Commission was inadvertently overlooked in preparing the conditions of the permit.

Therefore, as discussed in a telephone conversation on August 12, 1976, between you and the Fish and Wildlife Law Enforcement office in Washington, D.C., and in accordance with Federal Regulations your permit is amended as follows:

Block 10. Location Where Authorized Activity May Be Conducted.

10. Delete—as written. Amend—to read: State of Alaska.

Block 11.E. Delete.

Block 11.J. Delete—as written.

11.J. Amend—to read: The loss, death, or destruction of any Sea otters as a result of these authorized taking activities must be reported within 24 hours to the Special Agent in Charge at Anchorage (907-278-2031), and in writing to the Director (FWS), P.O. Box 19183, Washington, D.C. 20036.

Block 11.L. Delete—as written.

11.L. Amend—to read: The Anchorage FWS office will provide instructions for the disposition of any specimens salvaged.

In accordance with § 18.33, Title 50 Code of Federal Regulations, permittees have the option of requesting a hearing where a modification of a marine mammal permit is proposed. We view your expressed willingness and request to have this amendment accomplished as rapidly, as possible, as related to Special Agent Sims of my staff in telephone conservations as a waiver of your option for a hearing. Accordingly, the amendment has been issued immediately to preclude time delays.

Please attach this letter to your original permit.

All other terms and conditions remain in effect.

Sincerely yours,

MARSHALL L. STINNETT,
Acting Chief,
Division of Law Enforcement.

[FR Doc.76-24994 Filed 8-25-76;8:45 am]

Office of the Secretary

COMMITTEE ON ENHANCED RECOVERY TECHNIQUES FOR OIL AND GAS IN THE UNITED STATES, SUBGROUPS; NATIONAL PETROLEUM COUNCIL

Meetings

Notice is hereby given for the following meetings: 1. The Coordinating Subcommittee will meet on September 16-17, 1976, at 9:30 a.m. on September 16 and at 9:00 a.m. on September 17, in the President's Room of the Writer's Manor, 1730 South Colorado Boulevard, Denver, Colorado.

The agenda includes the following items for review and discussion: (1) Comments received from the Committee on Enhanced Recovery Techniques for Oil and Gas in the United States regarding the direction of the study.

(2) Task Group comments.

(3) Draft proposals for the final report.

(4) Schedule for completion of study.

(5) Any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

2. The Technology Task Group will meet on September 14-15, 1976, at 10:00 a.m. on September 14 and at 8:30 a.m. on September 15, in the President's Room of the Writer's Manor, 1730 South Colorado Boulevard, Denver, Colorado.

The agenda includes the following items for review and discussion: (1) Submissions on Task Group assignments.

(2) Draft proposals for final report.

(3) Any other matters pertinent to the overall assignment of the Technology Task Group.

3. The Economic Conditions Task Group will meet on September 14–15, 1976, at 1:30 p.m. on September 14 and at 9:00 a.m. on September 15, in the Olympic Room of the Writer's Manor, 1730 South Colorado Boulevard, Denver, Colorado.

The agenda includes the following items for review and discussion: (1) Submissions on Task Group assignments.

(2) Draft proposals for final report.

(3) Any other matters pertinent to the overall assignment of the Economic Conditions Task Group.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information, and recommendations upon any matter relating to petroleum or the petroleum industry.

The meetings will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meetings. Interested persons who wish to speak at the meetings must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meetings may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C. (telephone: 343–6226).

Dated: August 20, 1976.

ROBERT L. PRESLEY,
Staff Assistant-Emergency Preparedness, Office of the Assistant Secretary-Energy and Minerals.

[FR Doc.76–24991 Filed 8–25–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

IDAHO

Grain Standards Inspection Point

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) that on June 4, 1976, there was published in the FEDERAL REGISTER (41 FR 22639) a notice announcing a request by the Utah-Idaho Grain Exchange, Ogden, Utah, that its assignment of inspection points be amended to add Pocatello, Idaho, as a designated inspection point. Interested persons were given until July 6, 1976, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the June 4, 1976, notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of the Utah-Idaho Grain Exchange, Ogden, Utah, is amended to add Pocatel, Idaho, as a designated inspection point.

(Sec. 7, 39 Stat. 882, as amended 82 Stat. 764 (7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date: This notice shall become effective August 26, 1976.

Done in Washington, D.C. on August 20, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76–25063 Filed 8–25–76;8:45 am]

MISSISSIPPI

Grain Standards Inspection Point

Statement of considerations. On July 16, 1976, there was published in the FEDERAL REGISTER (41 FR 29450) a notice announcing the request of the Woodson-Tenent Laboratories, that effective September 1, 1976, its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Clarksdale, Mississippi, be canceled because it is unable to recover the cost of providing the service due to the low volume of inspection. Interested persons were given until August 16, 1976, to make application for designation to operate as an official inspection agency at Clarksdale, Mississippi, and to submit written views and comments with respect to the proposed cancellation.

No comments were received with respect to the July 16, 1976, notice in the FEDERAL REGISTER. Therefore, the designation of the Woodson-Tenent Laboratories to operate as an official inspection agency at Clarksdale, Mississippi, is canceled. No person is now designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Clarksdale, Mississippi. This notice does not preclude intereted persons from making application later for designation to operate as an official inspection agency at Clarksdale, Mississippi, in accordance with the requirements in § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764 (7 U.S.C. 79(f)); 37 FR 28464 and 28476.)

Effective date: This notice shall become effective August 26, 1976.

Done in Washington, D.C. on: August 20, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76–25064 Filed 8–25–76;8:45 am]

Farmers Home Administration

[Designation Number A363]

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following New York Counties as a result of the natural disasters shown below:

Columbia County—Winterkill resulting from severely low temperatures and cool wet weather March 16 through July 21, 1976, and hailstorms June 10 and June 11, 1976.

Wayne County—Torrential rains, flooding, and abnormally wet conditions March 1 to July 23, 1976, and damaging hail April 15, April 16, and June 14, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Hugh L. Carey that such designation be made.

Application for emergency loans must be received by this Department no later than October 18, 1976, for physical losses and May 18, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 20th day of August, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76–25062 Filed 8–25–76;8:45 am]

Forest Service

EMERALD CREEK PLANNING UNIT; LAND USE PLAN

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 — Emerald Creek Planning Unit, Forest Service Report Number USDA–FS–R1(04)–FES–Adm.–75–13.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Emerald Creek Planning Unit, St. Maries Ranger District, Idaho Panhandle National Forests, Benewah, Shoshone and Latah Counties, Idaho. About 15,800 acres of National Forest land are affected. The planning unit is divided into five subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This final environmental statement was transmitted to CEQ on August 19, 1976.

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

USDA, Forest Service, South Agriculture Bldg,. Room 3230, 12th St. & Independence Ave., SW., Washington, DC 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

USDA, Forest Service, Idaho Panhandle National Forests, 218 North 23rd Street, Coeur d'Alene, Idaho 83814.

USDA, Forest Service, St. Maries Ranger District, Federal Building, St. Maries, Idaho 83861.

A limited number of single copies are available upon request to:

USDA, Forest Service, St. Maries Ranger District, P.O. Box 407, St. Maries, Idaho 83861.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

RALPH D. KIZER,
Forest Supervisor, Idaho Panhandle National Forests, Northern Region, Forest Service.

AUGUST 19, 1976.

[FR Doc. 76-25020 Filed 8-25-76;8:45 am]

OZONE UNIT PLAN

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 Ozone Unit Plan, USDA-FS-R8-FES-Adm.-75-19.

The environmental statement concerns a proposed action to manage the Ozone Unit, which is part of the Ozark National Forest, in accordance with the 10-year management direction contained in the Unit Plan. This Unit contains 66,417 acres of National Forest land in Johnson County, Arkansas. It is proposed that this Unit be managed for a wide range of multiple-use benefits, including water, wildlife, recreation, range, minerals and timber. Major actions in the 10-year period include regenerating 6,650 acres, thinning and releasing 9,600 acres, increasing the diversity of wildlife habitat conditions, maintenance and improvement of existing, developed recreation sites, administration of on-going gas and oil leasing activities, managing the range resource and the construction or reconstruction by timber purchasers, contractors or permittees of 67 miles of single lane, gravel roads.

This Final environmental statement was transmitted to CEQ on August 20, 1976.

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

USDA, Forest Service, Southern Region, Room 804, 1720 Peachtree Rd., NW, Atlanta, GA 30309.
USDA, Forest Service, Main and Fargo, Russellville, AR 72801.

A limited number of single copies are available upon request to Larry D. Henson, Forest Supervisor, P.O. Box 1008, Russellville, AR 72801.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

LARRY D. HENSON,
Forest Supervisor.

AUGUST 20, 1976.

[FR Doc.76-25021 Filed 8-25-76;8:45 am]

LAKEVIEW PLANNING UNIT

Notice of Availability of Final Environmental Statement; Correction

AUGUST 19, 1976.

The report number shown on the Notice of Availability of Final Environmental Statement, Department of Agriculture, Forest Service, Lakeview Planning Unit, submitted to you on August 12, 1976, is in error. The correct number is USDA-FS-R1(04)-FES-Adm 75-10.

DANIEL K. CHISHOLM,
Planning Coordinator.

[FR Doc.76-25038 Filed 8-25-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADVISORY COMMITTEE ON EAST-WEST TRADE

Open 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 Advisory Committee on East-West Trade will be held on Thursday, September 16, 1976, at 9:00 a.m., in Room 4832, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to facilitate and coordinate the expansion of two-way trade with countries having centrally planned economies, so as to enhance the balance of trade and payments situation.

Agenda items are as follows:

MORNING SESSION, 9:00 A.M.-12 NOON

1. Review of miscellaneous items outstanding from previous meetings.

2. Discussion of the submissions by Committee members to the Committee study on the Policy Implications of East-West Trade

3. Discussion of Media Perceptions of East-West Trade Issues.

4. Review of items submitted by Committee members.

5. Review of items submitted by the Public.

AFTERNOON SESSION, 1:00 P.M.-2:00 P.M.

6. Presentation and discussion of current policies of the Export Import Bank of the United States in regard to East-West Trade.

The meeting will be open to public observation and a period will be set aside for oral comments or questions by the public which do not exceed ten minutes each.

More extensive questions or comments should be submitted in writing before May 24, 1976. Other public statements regarding committee affairs may be submitted at any time before or after the meeting.

Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of minutes will be available 30 days after the meeting upon written request addressed to the Domestic and International Business Administration, Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Inquiries should be addressed to Robert Frothingham III, Committee Control Officer, Office of East-West Policy and Planning, Bureau of East-West Trade, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4691.

ARTHUR T. DOWNEY,
Deputy Assistant Secretary for East-West Trade.

AUGUST 20, 1976.

[FR Doc.76-25011 Filed 8-25-76;8:45 am]

ASSEMBLY, PACKAGING AND TEST SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Assembly, Packaging and Test Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Thursday, September 16, 1976 at 1:30 p.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment 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 Assembly, Packaging and Test Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 4, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Assembly, Packaging and Test Subcommittee was formed to provide advice to the Committee with respect to equipment for completing microelectronic circuit assemblies and for testing circuits during production or at final test stations.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Reports by Subcommittee members on their assignments and investigations in their respective areas: Assembly Equipment, S. Harrell; Test Equipment, B. Cohen; Packaging Equipment, K. Russell.

(4) Review of findings and summarization of the reports.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the 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 Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee 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 Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4623).

Dated: August 20, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76–25009 Filed 8–25–76;8:45 am]

WAFER PROCESSING SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Wafer Processing Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Thursday, September 16, 1976 at 1:30 p.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment 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 Wafer Processing Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 3, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Wafer Processing Subcommittee was formed to provide advice to the Committee with respect to processes and processing equipment including but not limited to cleaning wafer surfaces, applying resist materials, and developing circut patterns.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of current product and technology availability from foreign sources in the areas of chemical vapor deposition, metalization and ion implantation.

(4) Discussion of the critical process steps required to manfacture low powered schottky, complimentary-metal oxide semiconductor, and TTL devices as related to the fields of chemical vapor disposition, metalization, and ion implantation.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the 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 Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee 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 Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4623).

Dated: August 20, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76–25010 Filed 8–25–76;8:45 am]

Maritime Administration

CONSTRUCTION OF TWO CONTAINERSHIPS MA DESIGN C5–S–73b

Computation of Foreign Cost; Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of two containerships, MA Design C5–S–73b.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on September 15, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

By order of the Maritime Subsidy Board, Maritime Administration.

Dated: August 20, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76–24948 Filed 8–25–76;8:45 am]

Office of the Secretary

[Department Organization Order 10–5; Amdt. 2]

ASSISTANT SECRETARY FOR ADMINISTRATION

Authority Delegation

JULY 1, 1976.

This order effective July 1, 1976 further amends the material appearing at 38 FR 34133 of December 11, 1973 and 41 FR 19996 of May 14, 1976.

Department Organization Order 10–5, dated November 23, 1973 is hereby further amended as shown below. The purpose of this amendment is to delegate responsibility for coordinating the responsibilities of the Secretary required by Section 901 of Executive Order 11490, as amended, and to transfer budget activities pertaining to the Office of the Secretary from the Office of Financial Management Services to the Office of the Assistant Secretary for Administration.

1. *Section 3. Scope of authority.* A new subparagraph .02d. is added to read as follows:

"d. Coordinaiting departmentwide the preparation of the national emergency plans and the development of the preparedness programs required by Section 901 of Executive Order 11490, as amended."

2. *Section 4. Office of the Assistant Secretary for Administration.*

a. A new subparagraph .01d. is added to read as follows:

"d. The Office of the Secretary Budget Staff which shall provide budgetary services for the Office of the Secretary, and for assigned operating units."

b. In pen and ink renumber current subparagraph .01d. as .01e.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76–25012 Filed 8–25–76;8:45 am]

[Department Organization Order 20–5]

FINANCIAL MANAGEMENT SERVICES OFFICE

Authority Delegation

JULY 21, 1976.

This order effective July 21, 1976 supersedes the material appearing at 37 FR 6410 of March 29, 1976.

Section 1. Purpose.

.01 This order prescribes the functions and organization of the Office of Financial Management Services (OFMS).

.02 This revision reflects the transfer of the Budget Staff to the Office of the Assistant Secretary for Administration and provides an updated reference, Regional Action Planning Commissions, in place of Regional Economic Development Commissions.

Section 2. Status and line of authority.

The Office of Financial Management Services, a Departmental office, shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration.

Section 3. Functions.

.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10–5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the office shall provide accounting and related financial services to the Office of the Secretary, and, as may be designated by the Assistant Secretary for Administration, to particular operating units, and shall exercise staff responsibility for Departmentwide policies and procedures on official travel.

.02 The Director shall also manage the Working Capital Fund of the Office of the Secretary, which responsibility shall consist of proposing financial policies on operating the Fund for the Assistant Secretary for Administration, prescribing rules and procedures on use of the Fund, giving financial management instructions to heads of Departmental offices responsible for services being financed through the Fund, and taking other actions as may be required to maintain liquidity of the Fund.

Section 4. Organization.

The functions of the Office shall be carried out under the direction and supervision of the Director and through its principal organization element, the *Central Accounting Division* which shall:

a. Provide accounting, payrolling and related services for the Office of the Secretary, Regional Action Planning Commission, and assigned operating units; and

b. Be responsible for the consolidated billings of the Department, for preparation of consolidated accounting statements required of the Department, and for the office's staff responsibility on official travel.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76–25013 Filed 8–25–76;8:45 am]

[Department Organization Order 30–2B]

NATIONAL BUREAU OF STANDARDS

Authority Delegation

JULY 21, 1976.

This order effective July 21, 1976 supersedes the material appearing at 40 FR 36604 of August 21, 1975.

Section 1. Purpose.

.01 This order prescribes the organization and assignment of functions within the National Bureau of Standards (NBS). The scope of authority and functions are set forth in Department Organization Order 30–2A.

.02 This revision effects no organization changes in NBS, but streamlines the order by deleting (1) offices reporting to Institutes, (2) all units reporting to Centers, and (3) separate functional statements for division-level units outside the Office of the Associate Director for Administration. References to, and detailed descriptions of, the organization elements deleted from this order are contained in NBS Administrative Manual, Chapter 9.02, "Functional Statements".

Section 2. Organization.

The organization structure and line of authority of NBS shall be as depicted in the attached organization chart. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

Section 3. Office of the Director.

.01 The *Director* determines the policies of NBS and directs the development and execution of its programs.

.02 The *Deputy Director* assists the Director in the direction of NBS and performs the functions of the Director in the latter's absence.

Section 4. Staff unit reporting to the Director.

The *Office of Legal Adviser* shall, under the professional supervision of the Department's General Counsel and as provided in Department Organization Order 10–6, serve as the law office of, and have responsibility for, all legal services at NBS.

Section 5. Office of the Associate Director for Programs.

The *Office of the Associate Director for Programs* shall plan, develop, and evaluate Bureau-level programs and policy; serve as the Director's staff for Bureau-level programmatic matters; serve as the focal point of intelligence and feedback for Bureau-level programmatic matters; critique programmatic documents developed by line units; provide programmatic information and support for the budgetary process and recommend program and budget priorities; participate in external liaison with industry, universities, state and local governments, and other agencies of government and provide program information to NBS management; carry out strategic planning and policy development; analyze and describe NBS relationships with its constituencies; develop goals, objectives, and strategies; coordinate NBS approaches; develop forecasts; provide program evaluation methods; conduct major issue and impact studies; formulate policy proposals; and administer the Post Doctoral and Research Associate Programs.

Section 6. Office of Experimental Technology Incentives Program.

The Office of Experimental Technology Incentives Program shall investigate the effectiveness of various incentives and mechanisms to stimulate increased development and use of technology by industry. These investigations shall be designed to provide an experimental basis for the formulation of Government policy in this area.

Section 7. Office of the Associate Director for Administration.

.01 The *Associate Director for Administration* shall be the principal assistant and adviser to the Director on management matters and is responsible for the conduct of administrative management functions, including the management of NBS buildings, plants, and non-scientific facilities. He shall carry out these responsibilities primarily through the organization units specified below, which are under his direction.

.02 The *Accounting Division* shall administer the official system of central fiscal records, payments and reports, and provide staff assistance on accounting and related matters.

.03 The *Administrative Services Division* shall be responsible for security, safety, emergency planning, and civil defense activities; provide mail, messenger, communications, duplicating, and related office services; manage use of auditorium and conference rooms; conduct records and forms management programs; operate an NBS records holding area; manage the NBS motor vehicle fleet; and provide janitorial service.

.04 The *Budget Division* shall provide advice and assistance to line management in the preparation, review, presentation, and management of NBS's budget encompassing its total financial resources.

.05 The *Personnel Division* shall advise on personal policy and utilization; administer recruitment, placement, classification, employee development and employee relations activities; provide health care and medical office services to the NBS staff; and assist operating officials on these and other aspects of personnel management.

.06 The *Plant Division* shall maintain the physical plant at Gaithersburg, Maryland, and perform staff work in planning and providing grounds, buildings, and improvements at other Bureau locations.

.07 The *Supply Division* shall procure and distribute material, equipment, and supplies purchased by NBS; keep records and promote effective utilization of property; act as the Bureau coordinating office for research, construction, supply and lease contracts of NBS; and administer telephone communications services and travel services.

.08 The *Management and Organization Division* shall provide consultative services to line management in organization, procedures, and management practices; develop administrative information systems; maintain the directives system; and perform reports management and committee management functions.

.09 The *Instrument Shops Division* shall design, construct, and repair precision scientific instruments and auxiliary equipment.

Section 8. Office of the Associate Director for Information Programs.

.01 The *Associate Director for Information Programs* shall administer the National Standard Reference Data System which provides critically evaluated data in the physical sciences to the scientific community; shall manage and coordinate NBS standards and scientific exchanges; shall provide scientific information generated within and outside NBS to the scientific community and the NBS staff respectively by means of such functions as library services and processing, announcing and distributing NBS publications; and shall direct public information activities of NBS.

.02 The *organizational units* reporting to the Associate Director for Information Programs are as follows:

Office of Standard Reference Data
Office of Information Activities
Office of Technical Publications
Library Division
Office of International Standards
Office of International Relations

Section 9. Institute for Basic Standards.

.01 The *Institute for Basic Standards* shall provide the central basis within the United States of a complete and consistent system of physical measurement; coordinate that system with measurement systems of other nations; and furnish essential services leading to accurate and uniform physical measurements throughout the Nation's scientific community, industry, and commerce.

.02 The *Office of the Director.*

a. The *Director* shall direct the development, execution, and evaluation of the programs of the Institute.

b. The *Deputy Director* shall assist in the direction of the Institute and perform the functions of the Director in the latter's absence.

c. The *Deputy Director, Institute for Basic Standards/Boulder* shall assist in the direction of the Institute's programs at Boulder and report to the Associate Director for Administration through the Director, IBS, in supervising the administrative divisions at Boulder.

d. The *administrative divisions* reporting to the Deputy Director, Institute for Basic Standards/Boulder include:

Supply Services Division
Instrument Shops Division
Plant Division

These divisions and units within the Office of the Deputy Director shall provide staff support for the technical program and administrative services for the NBS organization at Boulder, Colorado. The administrative units and divisions shall also service, as needed, National Oceanic and Atmospheric Administration, and Office of Telecommunications units at Boulder, Colorado, and associated field stations.

.03 The *Center for Radiation Research* shall constitute a prime resource within NBS for research and measurement involving radiation and for the application of radiation to NBS problems and those of other agencies and other institutions.

a. The *Director* shall report to the Director, Institute for Basic Standards, and shall direct the development, execution, and evaluation of the programs of the Center.

b. The *Deputy Director* shall assist in the direction of the Center and perform the functions of the Director in the latter's absence.

.04 a. The divisions reporting to the Director of the Institute for Basic Standards or the Deputy Director at Boulder are as follows:

LOCATED AT BUREAU HDQRS.

Applied Mathematics Division
Electricity Division
Mechanics Division
Heat Division
Optical Physics Division

LOCATED AT BOULDER, COLORADO

Electromagnetics Division
Time and Frequency Division
Laboratory Astrophysics Division
Cryogenics Division

b. Each Division, shall engage in such of the following functions as are appropriate to the subject matter field of the Division:

1. Develop and maintain the national standards for physical measurement, develop appropriate multiples and submultiples of prototype standards, and develop transfer standards and standard instruments;

2. Determine important fundamental physical constants which may serve as reference standards, and analyze the self-consistencies of their measured values;

3. Conduct experimental and theoretical studies of fundamental physical phenomena of interest to scientists and engineers with the general objective of improving or creating new measurement methods and standards to meet existing or anticipated needs;

4. Conduct general research and development on basic measurement techniques and instrumentation, including research on the interaction of basic measuring processes on the properties of matter and physical and chemical processes;

5. Calibrate instruments in terms of the national standards, and provide other measurement services to promote accuracy and uniformity of physical measurements;

6. Correlate with other nations the national standards and definitions of the units of measurement;

7. Provide advisory services to Government, science, and industry on basic measurement problems; and

8. Conduct research in various fields of mathematics important to physical and engineering sciences, automatic data processing, and operations research, with emphasis on statistical,

numerical and combinatorial analysis and systems dynamics; provide consultative services to NBS and other Federal agencies; and develop and advise on the use of mathematical tools, in checking mathematical tables, handbooks, manuals, mathematical models, and computational methods.

Section 10. Institute for Materials Research.

.01 The *Institute for Materials Research* shall conduct materials research leading to improved methods of measurement, standards, and data on the properties of materials needed by industry, commerce, educational institutions, and Government; provide advisory and research services to other Government agencies; and develop, produce, and distribute standard reference materials.

a. The *Director* shall direct the development, execution, and evaluation of the programs of the Institute.

b. The *Deputy Director* shall assist in the direction of the Institute and perform the functions of the Director in the latter's absence.

.02 The divisions reporting to the Director of the Institute for Materials Research are as follows:

Analytical Chemistry Division
Polymers Division
Metallurgy Division
Inorganic Materials Division
Reactor Radiation Division
Physical Chemistry Division

Each Division shall engage in such of the following functions as are appropriate to the subject matter field of the Division:

a. Conduct research on the chemical and physical constants, constitution, structure, and properties of matter and materials;

b. Devise and improve methods for the preparation, purification, analysis, and characterization of materials;

c. Investigate fundamental chemical and physical phenomena related to materials of importance to science and industry, such as fatigue and fracture, crystal growth and imperfections, stress, corrosion, etc.;

d. Develop techniques for measurement of the properties of materials under carefully controlled conditions, including extremes of high and low temperature and pressure and exposure to different types of radiation and environmental conditions;

e. Assist in the development of standard methods of measurement and equipment for evaluating the properties of materials;

f. Conduct research and develop methodology leading to the production of standard reference materials, and produce these materials;

g. Provide advisory services to Government, industry, universities, and the scientific and technological community on problems related to materials;

h. Assist industry and national standards organizations in the development and establishment of standards; and

i. Cooperate with and assist national and international organizations engaged in the development of international standards.

Section 11. Institute for Applied Technology.

.01 The *Institute for Applied Technology* shall coordinate and conduct research and development on improved measurement technology; provide technical advice and services to facilitate the use of available technology and the development of new technology by industry and Government; cooperate with public and private organizations which develop and apply technological standards, codes, and test methods; provide information to Government, private sector organizations, and the public on product performance, energy use, and safety; and provide technical advice and services to Government agencies upon request. The Institute shall also monitor NBS engineering standards activities and provide liaison between NBS and national engineering standards bodies.

a. The *Director* shall direct the development, execution, and evaluation of the programs of the Institute.

b. The *Deputy Director* shall assist in the direction of the Institute and perform the functions of the Director in the latter's absence.

.02 The *Center for Consumer Product Technology* shall, in cooperation with the appropriate organizations outside NBS, coordinate and conduct research and the design of measurement and test methods to evaluate the safety, energy efficiency, and other performance characteristics of consumer products and law enforcement equipment.

a. The *Director* shall report to the Director, Institute for Applied Technology and shall direct the development, execution, and evaluation of the programs of the Center.

b. The *Deputy Director* shall assist in the direction of the Center and perform the functions of the Director in the latter's absence.

.03 The *Center for Building Technology* shall consult with industry, government agencies, professional associations, labor organizations, consumers, and such organizations as the National Conference of States on Building Codes and Standards in developing test methods for evaluating the performance of buildings, including their materials and components, the support and stability characteristics of their elements and systems, the effects of new design strategies, their fire safety and environmental characteristics, and their service and communication systems; shall formulate performance criteria for building design and urban systems; and shall perform research (including research on safety factors) in the systems approach to building design and construction, in improving construction and management efficiency, in building material characteristics, in structural behavior, and in building environmental systems.

a. The *Director* shall report to the Director, Institute for Applied Technology and shall direct the development, execution and evaluation of the programs of the Center.

b. The *Deputy Director* shall assist in the direction of the Center and perform the functions of the Director in the latter's absence.

.04 The *Center for Fire Research* shall conduct a program covering the types of fire research specifically identified in section 18 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 278f.). It shall also cooperate with the National Fire Prevention and Control Administration in insuring dissemination of the results of this research and in encouraging their adoption and use. The content and priorities of the Center's activities shall be determined in consultation with the Administrator of the National Fire Prevention and Control Administration.

a. The *Director* shall report to the Director, Institute for Applied Technology. He shall (1) in consultation with the National Fire Prevention and Control Administration, direct the development and evaluation of the Center's programs, and (2) direct their execution.

b. The *Deputy Director* shall assist in the direction of the Center and perform the functions of the Director in the latter's absence.

.05 The divisions reporting to the Director of the Institute for Applied Technology are as follows:

Standards Application and Analysis Division; and
Electronic Technology Division.

Section 12. Institute for Computer Sciences and Technology.

.01 The *Institute for Computer Sciences and Technology* shall conduct research and provide scientific and technical services to aid Federal agencies in the selection, acquisition, application and use of computer and automation technology to improve effectiveness and economy in Government operations in accordance with Public Law 89-306 (40 U.S.C. 759), relevant Executive Orders and other directives. The Institute carries out this mission by managing the Federal Information Processing Standards Program, developing Federal ADP standards guidelines, and managing Federal participation in ADP voluntary standardization activities; providing scientific and technological advisory services and assistance to Federal agencies; providing the technical foundation for computer-related policies of the Federal Government; assisting in the resolution of the issues of technology transfer and export of computers in international trade; and operating and managing the NBS central computer facility to provide ADP services to the NBS staff.

a. The *Director* shall direct the development, execution, and evaluation of the programs of the Institute.

b. The *Deputy Director* shall assist in the direction of the Institute and perform the functions of the Director in the latter's absence.

.02 The *organizational units* of the Institute are as follows:

Computer Services Division
Systems and Software Division

Computer Systems Engineering Division
Information Technology Division

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-25015 Filed 8-25-76;8:45 am]

[Department Organization Order 25-5B; Amdt. 1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Authority Delegation

JULY 1, 1976.

This order effective July 1, 1976 amends the material appearing at 41 FR 795 of January 1, 1976. Department Organization Order 25-5B, dated December 4, 1975 is hereby amended as shown below. The purpose of this amendment is to abolish the National Ocean Survey's Lake Survey Center and to transfer its functions to other organizations within NOS, particularly the Office of Marine Surveys and Maps and the Atlantic Marine Center.

1. *Section 13. National Ocean Survey.* a. Paragraph .04 is revised to read as follows:

".04 The *Office of Marine Surveys and Maps* shall contribute to the safety of marine navigation through nautical charting and related publications, and seek added knowledge about the states and processes of the ocean. It shall study the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canal, and the Minnesota-Ontario Border Lakes. The Office shall plan and direct marine geophysical mapping and services, hydrographic and oceanographic surveys; analyze physical phenomena pertaining to the sea, including tide and current phenomena, the dynamic and physical properties of seawater and shoreline and bottom configuration as they affect seawave and current propagation and attenuation; operate a network of tide and water level stations; compile survey data, including the compilation of nautical charts and marine geophysical maps; and conduct research. It shall also make studies and conduct photogrammetric surveys for coastal mapping, seaward boundaries, and coastal evacuation maps."

b. Paragraph .08 is revised to read as follows:

".08 a. The *Field Structure* shall consist of the following organizational elements:

"1. The *Atlantic and Pacific Marine Centers* shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units. The Atlantic Marine Center shall also manage hydrographic, tide, and water level field units.

"2. The *NOAA Data Buoy Office* and the *National Oceanographic Instrumentation Center* shall report to the Office of Marine Technology at the Headquarters of NOS.

"b. The *Atlantic Marine Center* shall provide its own administrative support except where it is determined to be more practical and advantageous to NOAA to have the services furnished by other NOAA components. The Atlantic Marine Center shall provide such services to other NOAA components as directed. The Pacific Marine Center shall obtain its administrative support from the Northwest Administrative Service Office."

2. The organization chart, Exhibit 1, attached to this amendment supersedes the organization chart dated December 4, 1975.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-25014 Filed 8-25-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-634, that the next meeting of the Community Education Advisory Council will be held September 17 and 18, 1976. The meeting will be held in Parlor 509 at the Washington Statler Hilton Hotel located at 16th and K Streets, NW., Washington, D.C.

The Friday meeting will begin at 9:30 a.m. and end at 4:30 p.m. On Saturday, the meeting will begin at 9:30 a.m. and end at 4:30 p.m.

The Community Education Advisory Council is authorized under Pub L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Discussion of Long-Range Program Direction for Community Education Program.
(2) Report on Clearing House.
(3) Report on Evaluation.
(4) Presentation of Issue Paper.
(5) Discussion of Role and Function of the Council.
(6) Briefing on Conflict of Interest.
(7) Special Reports.
(8) Status Report on Current Community Schools Act Action.
(9) Other Administrative Matters and Related Business.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 5622, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C., on August 11, 1976.

JULIE ENGLUND,
Director, Community Education Program.

[FR Doc.76-25017 Filed 8-25-76;8:45 am]

FULBRIGHT-HAYS TRAINING GRANTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(6)), applications are being accepted from eligible institutions for Fulbright-Hays training grants.

Eligible applicants for Fulbright-Hays training grants are as follows:

A. For the Faculty Research Abroad program, accredited institutions of higher education.

B. For the Doctoral Dissertation Research Abroad program, accredited institutions of higher education which offer doctoral programs in the fields of foreign languages and area studies.

C. For the Group Projects Abroad program, accredited institutions of higher education, State departments of education, private non-profit educational organizations, and consortiums of such entities.

D. For the Foreign Curriculum Consultants program, accredited institutions of higher education, State departments of education, local public school systems, private non-profit educational organizations, and consortiums of such entities.

Applications must be received by the U.S. Office of Education Application Control Center on or before November 5, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention (as applicable): 13.438 Faculty Research Abroad; 13.439 Foreign Curriculum Consultants; 13.440 Group Projects Abroad; or 13.441 Doctoral Dissertation Research Abroad. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than November 1, 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 application is 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.* An application 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. Hand delivered applications will be accepted daily between the hours of 8:00 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. *Program information and forms.* Information and application forms may be obtained from the International Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Regional Office Buiilding Three, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Applicable regulations.* Awards made pursuant to this notice will be subject to the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations for Modern Foreign Language Training and Area Studies (45 CFR Part 148) published on March 9, 1976 at 41 FR 10200.

(22 U.S.C. 2452(b)(6).)

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Hays Training Grants—Doctoral Dissertation Research Abroad.)

Dated: August 19, 1976.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.76-25052 Filed 8-25-76;8:45 am]

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS

Approved List of Need Analysis Systems

Notice is hereby given that the need analysis systems listed below are approved by the Commissioner of Education for use by institutions of higher education in applying for funds under the Supplemental Educational Opportunity Grant, (SEOG) College Work-Study (CWS) and National Direct Student Loan (NDSL) Programs for the 1977–78 academic year and for making awards to students under those programs for that year.

Section 144.14 of the National Direct Student Loan Program Regulations (45 CFR 144.14), section 175.17 of the College Work-Study Program Regulations (45 CFR 175.17) and section 176.13 of the Supplemental Educational Opportunity Grant Program Regulations (45 CFR 176.13) approve the use of certain need analysis systems and methods of determining expected family contributions for dependent and independent students, and set forth procedures for an annual review and approval by the Commissioner of other need analysis systems for use in those programs. In order to be approved for dependent students the latter systems must generate expected parental contributions for at least 75 percent of the sample cases which are within $50 of the benchmark figures published by the Commissioner for those cases. The benchmark figures for the 1977–1978 academic year were published in the FEDERAL REGISTER of May 6, 1976 (41 F.R. 18660). For independent students, a system that was not specifically included in the regulations must produce expected family contributions which are comparable to those produced by one of the systems specified in subparagraph (c)(1) of each section.

The following list includes those pre-approved systems, those systems for independent students which produced results comparable to those pre-approved for independent students, and those systems for dependent students which generated expected family contributions that were, for at least 75 percent of the sample cases, within $50 of the benchmark figure. The approved systems are:

1. Dependent students only—

a. The Income Tax System.

2. Dependent and independent students—

a. The method of calculating expected family contributions used in the Basic Educational Opportunity Grant Program (45 CFR 190);

b. The system of need analysis published by the College Scholarship Service;

c. The system of need analysis published by the American College Testing Program;

d. The need analysis service published by the Graduate and Professional Student Financial Aid Service;

e. The system of need analysis published by Financial Analysis Service, Inc., a division of Donley, Richardson and Associates;

f. The system of need analysis published by Student Assistance Financial Evaluation, a program of Information and Communications, Inc.;

g. The system of need analysis published by Student Aid Management, a program of Education Methods, Inc.;

h. The system of need analysis published by the Illinois State Scholarship Commission; and

i. The system of need analysis published by Rockwell International.

(20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b–1 and 1070b–2.)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program.)

Dated: August 20, 1976.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.76-25053 Filed 8-25-76;8:45 am]

STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM, AND BASIC AND ADVANCED INSTITUTIONAL DEVELOPMENT PROGRAMS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 304 of Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1054), applications are being accepted from institutions of higher education for grants under both the Basic and Advanced Institutional Development Programs (Title III, HEA, 20 U.S.C. 1051 et seq.).

In order to be assured of consideration for funding from appropriations for Fiscal Year 1977, applications must be received by the U.S. Office of Education Application Control Center on or before November 1, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Attention: Basic 13.454B or Advanced 13.454A. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than October 27, 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 application is 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.* An application 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. Hand delivered applications will be accepted daily between the hours of 8:00 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. *Program information and forms.* Information and application forms may be obtained from the Bureau of Postsecondary Education, Division of Institutional Development, Basic Institutional Development Branch and/or Advanced Institutional Development Branch, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and The Strengthening Developing Institutions regulations (45 CFR 169) which were published in the FEDERAL REGISTER on June 3, 1975 at 23857.

(20 U.S.C. 1054)

(Catalog of Federal Domestic Assistance Number 13.454; Strengthening Developing Institutions.)

Dated: August 19, 1976.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.76-25051 Filed 8-25-76;8:45 am]

TEACHER CORPS PROJECTS

Closing Date for Receipt of Amendments

Notice is hereby given that pursuant to the authority contained in Part B–1

of the Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended, 20 U.S.C. 1101–1107a), amendments are being accepted from Teacher Corps Tenth and Eleventh Cycle Youth Advocacy Programs for Fiscal Year 1976.

Amendments must be received by the Application Control Center on or before September 15, 1976.

A. *Amendments sent by mail.* An amendment sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13489. An amendment sent by mail will be considered to be received on time by the Application Control Center if:

(1) The amendment was sent by registered or certified mail not later than September 10, 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 amendment is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room 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 amendments.* An amendment 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 SW., Washington, D.C. Hand delivered amendments will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays or Federal holidays. Amendments will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Teacher Corps, Donohoe Building, 400 6th Street SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the funding criteria applicable to this program published in the FEDERAL REGISTER on December 17, 1975.

(20 U.S.C. 1101–1107a)

(Catalog of Federal Domestic Assistance Number 13.489; Teacher Corps—Operations and Training.)

Dated: August 20, 1976.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.76-25049 File 8-25-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the National Advisory Council on Equality of Educational Opportunity will convene at 10:00 a.m. on Friday, September 24, until 4:00 p.m., and reconvene at 10:00 a.m. on Saturday, September 25, until 12:00 noon, in the Brent Room of the Holiday Inn, Old Town Alexandria, 480 King Street, Alexandria, Virginia.

The National Advisory Council on Equality of Educational Opportunity is established under Section 716 of the Emergency School Aid Act (P.L. 92–318, Title VII, as amended by P.L. 93–380). The Council is established to: (1) advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting of the Council, which is open to the public, will be primarily concerned with recommendations to the full Council from its standing Committees. USOE program representative, Dr. Herman Goldberg, will discuss the FY 1976 ESAA/CRA funding cycle which has just been completed and Mr. Frederick Cioffi, from the Office of Civil Rights, Elementary and Secondary Education Branch, will discuss the Office of Civil Rights program activities for FY 1976–1977. Members of other educational units have also been invited to participate during the course of the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street NW., Suite 710, Washington, D.C., and are available for public inspection.

Signed at Washington, D.C., on August 24, 1976.

LEO A. LORENZO,
Executive Director.

[FR Doc.76-25294 Filed 8-25-76;11:11 am]

Food and Drug Administration

[Docket No. 76N-0360; DESI 9990]

HYDROXYDIONE SODIUM SUCCINATE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Hearing; Correction

In FR Doc. 76-23785 appearing in the issue of Monday, August 16, 1976 (41 FR 34664), in the brackets in the heading and in the second line of the first paragraph, "Docket No. 76N-0259" is corrected to read, "Docket No. 76N-0360."

Dated: August 19, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76-24988 Filed 8-25-76;8:45 am]

[NADA 12-773V]

PHILIPS ROXANE, INC.

Hexederm and Derma Hex Shampoos; Withdrawal of Approval of New Animal Drug Application

Under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director, Bureau of Veterinary Medicine (21 CFR 5.29) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the following notice is issued:

New animal drug application (NADA) 12–773V held by Philips Roxane, Inc., St. Joseph, MO 64502 provides for the use of Hexederm and Derma Hex Shampoos on dogs, cats, and horses for the treatment of nonspecific dermatoses, or specific dermatoses caused or complicated by bacteria and/or fungi sensitive to the shampoo, and for treatment of ringworm, dandruff, seborrheic dermatitis, and pruritus.

The Food and Drug Administration advised the firm by letter dated October 20, 1975, that the agency cannot approve revised labeling because efficacy data were not adequate to support any of the labeling claims. The firm responded by letter dated April 22, 1976, requesting withdrawal of approval of the NADA and waiving an opportunity for a hearing because the product is no longer being marketed.

Therefore, in accordance with § 514.-115 (21 CFR 514.115), notice is given that approval of NADA No. 12–773V and all supplements and amendments thereto is hereby withdrawn, effective August 26, 1976.

Dated: August 19, 1976.

PHILIP D. CAZIER,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.76-24989 Filed 8-25-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

NATIONAL BOATING SAFETY ADVISORY COUNCIL

[CGD 76-169]

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L.

92–463; 5 U.S.C. App 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday, October 19, 1976 in Room 2230, Departmental Headquarters, 7th and D Streets, S.W., Washington, D.C. The meeting is scheduled to begin at 9:00 a.m. and adjourn at 4:00 p.m. The following day, a demonstration of the characteristics of typical Personal Flotation Devices will be provided for the Council members at Naval District Washington (Anacostia Annex) indoor pool. The agenda for this meeting is as follows:

1. Review of action taken at the Fourteenth Meeting of the Council.
2. Executive Director's Report.
3. Vote on need to require fire extinguishers on all boats using gasoline for fuel.
4. Report on accident statistics relative to wearable Personal Flotation Devices (P.F.D.'s) on all watercraft.
5. Discussion on Foot Throttle/Dead Man Throttle.
6. Discussion on Anti-Siphon Valves.
7. Report on Flotation Material Research.
8. Presentation on the effect of including empty or full fuel tank weight in the calculation of Maximum Weight and Persons Capacity for boats.
9. Update on Proposed Fuel and Electrical Systems Regulation.
10. Sub-committee Report on Capacity Labels.
11. Status report on proposed amendment to maximum weight for boats rated for 2 horsepower or less.
12. Status report on proposed Level Flotation Regulation.
13. Technical Proposal on Specifications for Navigation Lights.
14. Members Items.
15. Chairman's Session.

Attendance is open to the interested public.

With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from CDR. M. Tubella, Jr., Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G–BA–TP), Washington, D.C. 20590 or by calling (202) 426–1080. Any member of the public may present a written statement to the Council at any time.

Issued in Washington, D.C., on August 17, 1976.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc. 76–24767 Filed 8–25–76;8:45 am]

[CDG 76–166]

SHIP STRUCTURE SUBCOMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Ship Structure Subcommittee to be held Wednesday, September 22, 1976 at 9:30 a.m. in the 7th Floor Conference Room, American Bureau of Shipping, 45 Broad Street, New York, New York. The agenda for this meeting is as follows: Discussion of the research program and operations of the Ship Structure Committee.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, LCDR E. A. Chazal, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters, Washington, D.C. 20590, (202) 426–2205. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on August 17, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–24766 Filed 8–25–76;8:45 am]

[CGD 76–158]

RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–643, 5 U.S.C. App. I) notice is hereby given of a meeting of the Research Advisory Committee to be held at 2:00 PM EDT on September 22, 1976 and at 8:30 AM EDT on September 23–24, 1976 in the Transpoint Building, Room 5409, located at 2100 2nd Street, S.W., Washington, D.C., 20590. The agenda for this meeting is as follows:

(1) Welcome aboard and delineation of agenda.
(2) Research and development highlights for the period April, 1976 to September, 1976.
(3) Core technology choices for the Research and Development Center.
(4) Old business from the 13th meeting.
(5) Technical evaluation of proposed research project areas.
(6) Report on USCG technical liaison activity.
(7) Committee administration:
(a) Time and place of next meeting.
(b) Suggestions for new members.
(c) Election of Chairman for CY 77.
(8) Other appropriate matters that may be brought before the committee.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting and information may be obtained from, Mrs. Patricia Shenkle, Executive Secretary of the Research Advisory Committee, Office of Research and Development, U.S. Coast Guard (G–DS/62, Transpoint), Washington, D.C., 20590, Phone: 202–426–1037. Any member of the public may present a written statement to the Committee at any time.

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

A. H. SIEMENS,
Rear Admiral, Chief, Office of Research and Development.

[FR Doc.76–24936 Filed 8–25–76; 8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP76–6; Notice 2]

GENERAL MOTORS CORP.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

This notice grants the petition by General Motors Corporation of Warren, Michigan ("GM" herein) to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, Tire Selection and Rims for Passenger Cars, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on June 3, 1976 (41 FR 22404) and an opportunity afforded for comment. No comments were received on the petition.

A total of 4,964 station wagons with front bucket seats were manufactured in the 1974, 1975, 1976 model Chevrolet Malibu and Buick Century passenger lines. The tire inflation placard on these station wagons indicate that their front occupant capacity is "3" when it is in fact two. Corrections have been made in production. GM argued that the noncompliance is inconsequential since loading a vehicle to the 1200 pounds shown on the incorrect placard as its total vehicle capacity "will not exceed the total load carrying capacity of these vehicles because they are identical in this regard to station wagons equipped with bench seats".

This agency concurs with GM's conclusion that the noncompliance is inconsequential. The important figure is that of total vehicle capacity, 1200 pounds, and it is not affected by the noncompliance. Because of the presence of the console between the bucket seats, no one is likely to be misled that the vehicle can actually carry three adults in the front seat area. Accordingly, it is hereby found that the noncompliance with Standard No. 110 herein described is inconsequential as it relates to motor vehicle safety.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on August 18, 1976.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.76–24746 Filed 8–25–76;8:45 am]

[Docket No. IP 76-5; Notice 2]

TRAVEL EQUIPMENT CORP.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

This notice denies the petition by Travel Equipment Corporation of Goshen, Indiana, to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.302, Federal Motor Vehicle Safety Standard No. 302, Flammability of Interior Materials, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on April 22, 1976 (41 FR 16858) and an opportunity afforded for comment.

At issue is the flammability of seat cushion material used in 180 of the company's 1973 model motor homes. This forms the basis of NHTSA's investigatory file, CIR 1077. The fabric was subjected to four NHTSA compliance tests in transverse and longitudinal directions in 1974 at two laboratories. Seven of the eight test results showed failures, with burn rates from 4.6 inches to 6.7 inches a minute. There was one marginal pass, at 3.9 inches a minute. The overall average burn rate of Travel Equipment Corp's. seat cushion fabric was 5.5 inches per minute, 1.5 inch in excess of the standard's permissible maximum burn rate of 4 inches a minute. Travel Equipment Company submitted 18 test reports on the fabric with no failure registered. It argued that the noncompliance is inconsequential because the material smoulders but does not ignite when the cushion is installed. The company originally agreed to replace the pillow case covers at no cost to owners, and while it does not now "absolutely reject a recall campaign", it believes that such "probably would not provide any real increased protection to vehicle owners". There have been no fires in the company's motor homes reported as attributed to seat cushion materials.

General Motors Corporation supported the petition. No comments were received opposing it. In GM's opinion, a maximum burn rate of 12 inches a minute would meet the stated intent of Standard No. 302 to insure "* * * when fires occur in the interior of the vehicle from such sources as matches, cigarettes, or short circuits in interior wiring, that there be sufficient time for the driver to stop the vehicle and if necessary, for occupant to leave it, before injury occurs." Therefore, the burn rates exhibited by Travel Equipment Corporation material would seem "more than adequate" to allow vehicle occupant egress.

By definition (15 U.S.C. 1391(2)) a "motor vehicle safety standard" is "a minimum standard for motor vehicle performance, or motor vehicle equipment performance". The minimum established by Standard No. 302 is that the burn rate of interior fabrics not exceed 4 inches a minute. The average margin of noncompliance of the fabric here concerned is 1.5 inches, a failure to meet the minimum by over 25 per cent, hardly an inconsequential margin of noncompliance. Available data indicates that at burn rates greater than 4 inches a minute, polyvinyl chloride material may release hydrogen chloride gas in potentially lethal quantities. Petitioner's argument that the material smoulders but does not ignite when the cushion is installed presupposes that a vehicle fire would start at the cushion itself but overlooks the possibility that the cushion might ignite in a high temperature environment such as would exist were adjacent fabrics already afire. Travel Equipment Corp. has not met its burden of convincing this agency that the noncompliance is inconsequential as it relates to motor vehicle safety, and its petition is hereby denied.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on August 19, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-24909 Filed 8-25-76;8:45 am]

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the National Motor Vehicle Safety Advisory Council to be held on September 15 and 16, 1976, at the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C., with the following program:

Consumer and Public Information Committee, September 15, 8:30 a.m., room 2230, agenda: Future Committee Goals.

Motorcycle Committee, September 15, 9:30 a.m., room 4234, agenda:

Briefing on Docket Comments on Motorized Bicycle Rulemaking.
Status Report on California Demonstration Project on Motorcycle Driver Licensing.
Discussion of Proposed 1977 Seminar on Head and Neck Injuries.
New Business/Old Business.

1977 Fifth International Congress Committee, 1:30 p.m. to 2:00 p.m., room 4234, agenda: Status Report on Plans for Congress.

Accident Avoidance and Operating Systems Committee and Crashworthiness Committee, joint meeting, September 15, 2:00 p.m. to 5:00 p.m., room 2230, agenda:

Review of August 3 Passive Restraint Hearing.
New Business/Old Business.

Full Council, September 16, 9:00 a.m. to 12 Noon, room 2230, agenda:

Approval of July Council Minutes.
Briefing on Proposed National Data Center (S. 2606).
Report of Consumer and Public Information Committee.
Report of Motorcycle Committee.
Report of Crashworthiness and Accident Avoidance and Operating Systems Committees.
Report of 1977 International Congress Committee.
New Business/Old Business.

Executive Committee meeting, 12 Noon to 1:00 p.m., room 2230, to discuss future Council meetings and agenda.

With the approval of the Chairman, members of the public may present oral statements at the meeting. Additional information may be obtained from the NHTSA Executive Secretary, room 5205, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

Any member of the public may present a written statement to the Council at any time.

Issued in Washington, D.C., on August 19, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-24986 Filed 8-25-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22859; Order 76-8-116]

FLYING TIGER LINE INC.

Order of Suspension Regarding Increased Air Freight Rates From Chicago to New York

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of August 1976.

By tariff revisions[1] filed July 23 and marked to become effective August 22, 1976, The Flying Tiger Line Inc. (Tiger) proposes to increase all bulk and most container general commodity rates and charges from Chicago to New York by approximately 8 percent. The proponent asserts that the increases are justified by value-of-service considerations; that it will realize $75,000 additional annual revenue; and that no rate equals more than 105 percent of industry-average costs.

The proposed rates and charges fall within the scope of the "Domestic Air Freight Rate Investigation (DAFRI)," Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

In view of all relevant factors, the Board concludes that the proposal should be suspended pending investigation. The proposed increases would result in general commodity rates and charges higher by about 8 percent from Chicago to New York than in the reverse direction, without adequate support therefor. Although the proposed rates and charges do not appear to be unreasonable, substantial issues of unjust discrimination and undue preference and prejudice are inherent in their relationship to the westbound rates. Tiger's justification, that the eastbound traffic has a higher value of service, is unsupported and, pending

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 169 and 227.

resolution of the issue of directional rates in DAFRI, is unacceptable.

In addition, the rates proposed from Chicago to New York would exceed the general commodity rates from Milwaukee to New York. Inasmuch as the carrier serves the latter market through Chicago, the proposal would result in a long- and short-haul situation, raising significant questions of undue preference and prejudice that Tiger has not even attempted to resolve.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. Pending hearing and decision by the Board, all increased rates and charges on "GEN" and "GCX" from Chicago to New York/Newark on 18th Revised Page 618–D of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, and all increased "GEN" rates and charges on container types A–2, B, B–2, D, FTC, L–3, and M–1 from Chicago to New York/Newark on 39th Revised Page 161 of Tariff C.A.B. No. 227, issued by Airline Tariff Publishing Company, Agent, are suspended and their use deferred to and including November 19, 1976, unless otherwise ordered by the Board; and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs and served upon The Flying Tiger Line, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-25058 Filed 8-25-76;8:45 am]

[Docket No. 29684; Order 76-8-113]

HUGHES AIRWEST

Ephrata-Moses Lake Deletion Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of August 1976. Application of Hughes Airwest for authority to suspend service temporarily at Wenatchee and Ephrata-Moses Lake, Wash.—Docket 26383, Ephrata-Moses Lake Deletion Case—Docket 29684.

ORDER

By order 75–8–83, August 15, 1975, the Board directed all interested parties to show cause why the certificate of Hughes Airwest for route 76 should not be amended by deleting Ephrata-Moses Lake, Wash., therefrom. On August 28, 1975, the Port of Ephrata filed an answer to the show-cause order, objecting to the finalization of the deletion without prior hearing on the merits.

While the show-cause order was still pending, Airwest on March 1, 1976, filed an application for renewal of its authority to suspend service at Wenatchee and Ephrata-Moses Lake pending deletion of the points from its certificate.[1] The carrier also requested a waiver of the timeliness-of-filing requirements of Part 377 of the Board's Special Regulations so as to permit the original suspension authority to continue in effect until after Board action on the renewal request. By order 76–3–121, dated March 18, 1976, the Director, Bureau of Operating Rights, acting under delegated authority, granted the waiver.

In support of its renewal application, Airwest cites the Board's proposed findings in the show-cause order regarding Ephrata-Moses Lake, namely, that Ephrata has never been a strong traffic-generating point; that Ephrata does not generate enough traffic to support the commuter service;[2] that Ephrata has access to the air transportation system; and that reinstitution of service by Airwest would result in substantial losses without commensurate public benefits.[3]

The Port of Ephrata filed an answer to Airwest's renewal application, requesting the Board to hold a formal hearing on the issue or to require Airwest to resume service at the point.

In view of the substantial objections raised by the Port of Ephrata to the show-cause order and the suspension renewal application, it would be inappropriate to finalize the show-cause order herein. Therefore, that order will be vacated, and we will institute a proceeding to be called the *Ephrata-Moses Lake Deletion Case*. We will consolidate into that proceeding Airwest's application in docket 26383,[4] to the extent it conforms to the scope of the proceeding. The disputed facts and issues in this matter can best be resolved on the basis of an evidentiary record after hearing. In the interim, we will condition Airwest's continued suspension at Ephrata-Moses Lake on the provision of commuter service by Sun Basin (or another acceptable Part 298 carrier) at Moses Lake, with the attendant tariff-filing requirements. Thus, the carrier's service responsibility will be retained, and Ephrata-Moses Lake will be assured of adequate air service during the pendency of the proceeding instituted herein. We will expect Airwest to make whatever arrangements are necessary to effectuate these requirements.

With regard to Wenatchee, we find that renewal of Airwest's suspension for a period of 5 years is in the public interest.[5] Cascade continues to provide commuter service at the point, and Airwest has not indicated that either it or Cascade is dissatisfied with the results of the first 2 years of the suspension/replacement. We will therefore impose the same substitute service requirements as were contained in the original suspension order.

Finally, Airwest has not submitted sufficient information for us to determine the environmental consequences of the proposed suspension/deletion of Ephrata-Moses Lake at this time. Therefore, we will require the carrier to file the information set forth in Part 312 of the Board's Procedural Regulations within 30 days of the date of adoption of this order.

Accordingly, it is ordered, That:

1. A proceeding designated as the *Ephrata-Moses Lake Deletion Case*, docket 29684, be and it hereby is instituted and set for hearing before an administrative law judge of the Board at a time and place to be hereafter designated, as the orderly administration of the Board's docket permits;

2. The proceeding instituted by paragraph 1, above, shall include consideration of the following issues:

a. Whether the public convenience and necessity require, pursuant to section 401(g) of the Act, that the certificate of Hughes Airwest for route 76 be altered, amended, or modified so as to suspend, with or without conditions, or delete Ephrata-Moses Lake, Wash.; and

b. Whether the public interest requires, pursuant to section 401(j) of the Act, the temporary suspension of service by Airwest at Ephrata-Moses Lake, Wash., with or without conditions;

3. The application of Hughes Airwest in docket 26383, to the extent that it conforms to the scope of the proceeding, be and it hereby is consolidated into the proceeding instituted by paragraph 1 above;

4. Order 75–8–83, dated August 15, 1975, be and it hereby is vacated;

5. Hughes Airwest be and it hereby is authorized to suspend service temporarily at Ephrata-Moses Lake, Wash., until

---

[1] Airwest was first authorized to suspend service at Wenatchee and Ephrata-Moses Lake by order 74–4–119, Apr. 23, 1974, for a period of 2 years, subject to certain conditions. By order 74–6–124, June 27, 1974, the Board amended the conditions contained in the original order.

[2] Cascade Airways, the replacement carrier, terminated its service at Ephrata on Sept. 29, 1975. Another air taxi operator, Sun Basin Airlines, began service at Moses Lake during the summer of 1975, but discontinued service as of Feb. 20, 1976. On Apr. 2, 1976, Airwest filed a letter informing the Board that Sun Basin resumed service at Moses Lake on Apr. 1 with one round trip 5 days per week and one round trip 6 days per week to and from Seattle.

[3] The carrier made no allegations regarding Wenatchee.

[4] In its renewal request Airwest erroneously states that the Board's original suspension order authorized the carrier to suspend service at Ephrata-Moses Lake and Wenatchee for a period of 2 years or until 60 days after final decision on its deletion application. There is no application on file with the Board which requests deletion of either point. The issue of deletion of Ephrata-Moses Lake has been raised as a result of Airwest's motion for an order to show cause in this docket; deletion of Wenatchee has never been requested formally by the carrier. Therefore, the proceeding being instituted herein will consider only the question of the service needs of Ephrata-Moses Lake.

[5] In view of the fact that this action only renews Airwest's present suspension authority at Wenatchee, it is not a major Federal action within the meaning of the National Environmental Policy Act of 1969, and the requirement that Airwest file an environmental evaluation will be waived.

60 days after final decision in the proceeding instituted in paragraph 1 above, subject to the conditions that:

a. Such suspension shall be effective as long as Sun Basin Airlines (or an acceptable Part 298 carrier) is providing at least two round trips 6 days per week between Ephrata or Moses Lake, Wash., on the one hand, and Seattle, Wash., on the other hand;

b. Such suspension shall terminate 30 days after Sun Basin Airlines (or an acceptable Part 298 carrier) ceases or fails to provide regularly the service specified in paragraph a above;

c. Hughes Airwest shall maintain in effect for the Ephrata-Moses Lake service operated by Sun Basin (or an acceptable Part 298 carrier) all joint tariffs now in effect or hereafter required to be filed by the Board in the *Domestic Passenger-Fare Investigation*, docket 21866; and

d. Hughes Airwest shall maintain, and Sun Basin (or an acceptable Part 298 carrier) shall concur in, as long as the suspension is in effect, its local passenger fares and cargo rates to and from Ephrata-Moses Lake, and such rates shall be no higher than the rates which Airwest could charge for travel between Ephrata-Moses Lake, on the one hand, and other points on Airwest's system, on the other hand, if it were providing service at Ephrata-Moses Lake with its own aircraft; [6]

6. Hughes Airwest be and it hereby is authorized to suspend service temporarily at Wenatchee, Wash., for a period of 5 years from the date of adoption of this order, subject to the conditions that:

a. Hughes Airwest maintain on file with the Board (1) a verified statement setting forth in detail the support services outlined in paragraph 6b(iii) of this order and indicating that the specific arrangements are satisfactory to Cascade Airways (or an acceptable Part 298 carrier), and (2) copies of such contracts and agreements as are entered into and may be required to be filed for Board approval under section 412 of the Act;

b. Such suspension shall terminate 30 days after:

(i) Cascade Airways, Inc. (or an acceptable Part 298 carrier), ceases or fails to provide (1) at least two round trips 6 days per week between Wenatchee and Seattle, and (2) at least one round trip 6 days per week between Wenatchee and Spokane; or

(ii) Hughes Airwest ceases to provide the services specified in paragraph (iii) below to Cascade Airways, Inc. (or an acceptable Part 298 carrier); or

(iii) Cascade Airways, Inc. (or an acceptable Part 298 carrier), ceases to provide service to the Seattle-Tacoma International Airport, and Hughes Airwest ceases to provide (at no cost to the Part 298 carrier) [7] the following support services and facilities at said airport, provided that the named support services and facilities need not be supplied as a condition for suspension to the extent that the air taxi replacement carrier establishes and maintains its own independent services and facilities at the Seattle-Tacoma International Airport:

(a) Complete ramp parking for aircraft;

(b) Complete ticketing and passenger handling;

(c) Joint passenger loading-gate positions;

(d) Joint baggage handling;

(e) Access to Airwest's weather printer, if any;

(f) Cleaning and maintenance of passenger loading areas; and

(g) Snow removal from ramp area;

c. Hughes Airwest shall maintain in effect for the Wenatchee service operated by Cascade (or an acceptable Part 298 carrier) all joint tariffs now in effect or hereafter required to be filed by the Board in the *Domestic Passenger-Fare Investigation*, docket 21866; and

d. Hughes Airwest shall maintain, and Cascade (or another acceptable Part 298 carrier) shall concur in, as long as the suspension is in effect, its local passenger fares and cargo rates to and from Wenatchee, and such rates shall be no higher than the rates which Airwest could charge for travel between Wenatchee, on the one hand, and other points on Airwest's system, on the other hand, if it were providing service at Wenatchee with its own aircraft; [8]

7. Hughes Airwest shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 30 days of this order; and

8. A copy of this order shall be served upon Hughes Airwest; Cascade Airways, Inc.; Governor, State of Washington; Mayor, City of Ephrata; Mayor, City of Moses Lake; Mayor, City of Wenatchee; Airport Manager, Port of Ephrata Airport; Airport Manager, Wenatchee Municipal Airport; Sun Basin Airlines; Director, Washington State Aeronautics Commission; Chairman, Utilities and Transportation Commission, State of Washington; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-25027 Filed 8-25-76;8:45 am]

[6] Airwest may comply with the requirement that it maintain its local fares and rates and joint fares required by the *Domestic Passenger-Fare Investigation* by providing in its tariff that its fares will continue to apply when transportation is via Cascade between Wenatchee and Seattle/Spokane and via Sun Basin between Ephrata-Moses Lake and Seattle.

[7] To the extent that Airwest would be required to increase services and facilities solely for the Wenatchee replacement service, and thereby incur additional out-of-pocket costs at Seattle-Tacoma International Airport, Airwest may request compensation from the Part 298 carrier for any such additional costs.

[8] See n. 6.

COMMISSION OF FINE ARTS

MEETING

AUGUST 19, 1976.

The Commission of Fine Arts will meet in open session on Wednesday, September 15, 1976, at 10 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006, to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda or requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address, or by telephone at 202/343-5324.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-25022 Filed 8-25-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

Adjusting Import Levels

AUGUST 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 paragraph 7(a)(ii) of the agreement which provides that specific levels of restraint may exceed current-year limits by up to six percent with the amount of that adjustment being deducted from the applicable levels of the succeeding agreement year.

Accordingly, pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of August 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 textile products in Categories 9/10, 49, 116/117, 120, 121, 124, 229, and 238 during the twelve-month period which began on October 1, 1975.

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, UNITED STATES DEPARTMENT OF COMMERCE, THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Washington, D.C. 20230, August 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 paragraph 7(a)(ii) 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 August 26, 1976, the levels of restraint established for the indicated categories to the following:

Category:		*Amended 12-mo. level of restraint* [1]
9/10	square yards	7,153,449
49	dozen	54,028
116/117	pounds	517,430
120	numbers	355,697
121	do	213,120
124	do	1,110,000
229	dozen	796,510
238	do	230,778

[1] The levels of restraint have not been adjusted to reflect any entries made after Sept. 30, 1975.

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.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the 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 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.

[FR Doc.76-25110 Filed 8-25-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-605-3; FIFRA Docket Nos. 246, et al.]

CHAPMAN CHEMICAL CO., ET AL.

Consolidated Mercury Cancellation Hearing; Supplement and Order

On February 17, 1976 (41 FR 16497, April 19, 1976), I issued a Decision and Order in the above-captioned proceeding, cancelling some of the registered uses of mercury compounds as fungicides and bactericides.[1] Several parties filed petitions for review in various Federal Courts of Appeal pursuant to Section 16(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("FIFRA"). For various reasons, some of these petitions have been dismissed. The five (5) petitioners who remain have proposed terms of settlement of their petitions.[2] For the reasons stated herein, I have concluded that the terms and conditions of settlement proposed by the registrants satisfy applicable statutory standards under FIFRA, and that for this and other reasons, acceptance of the proposed settlements is in the public interest.

THE USE OF MERCURY AS A SEED DISINFECTANT AND AS A FUNGICIDE FOR CONTROL OF SUMMER TURF DISEASES

My Order of February 17, 1976, cancelled registrations for mercurial seed disinfectants and registration for mercurial fungicides for control of summer turf diseases.[3] Approximately 7,000 pounds of mercury are used annually as seed disinfectants; between 10,000 and 15,000 pounds are used annually to control summer turf diseases. Two (2) registrants[4] sought review of the Order cancelling registrations for seed disinfectants and two (2) registrants[5] sought review of the Order cancelling registrations for summer turf fungicides.

These registrants have offered to dismiss their petitions for review pursuant to the following terms and conditions;[6] (1) Total permitted production of these pesticide products is strictly limited; in no event shall it exceed the equivalent of two (2) years of production, as determined by production data for recent years; (2) The effective date of final cancellation is dependent on the date on which the total permitted production is reached, but in no event shall final cancellation be later than August 31, 1978; (3) Products produced before the effective date of final cancellation will become "existing stocks," the sale, distribution and use of which will be permitted; (4) Registrants shall regularly submit reports (including, among other things the date on which total production is reached) to EPA in order that the Agency can monitor and implement the terms of the agreement. In essence, registrants will submit to final cancellation without further contest in return for an extension of the current stay.

I believe that these offers should be accepted. Settlement provides for a certain end point of this lengthy and costly litigation. An end-point two years hence is not significantly in excess of the end point which might be expected if this case proceeded through the Court of Appeals. Although I am confident that the Court would affirm my cancellation order, settlement will eliminate whatever uncertainty might exist with respect to whether cancellation will be finally achieved. Further, terminating this case now will permit a reallocation of the Agency's limited resources to other necessary programs, including the Agency's review of pesticides pursuant to the reregistration program mandated by Section 4(c) of the Federal Environmental Pesticide Control Act of 1972, as amended ("FEPCA").[7] I am, therefore, accepting the settlement proposal of the registrants of summer turf products and seed disinfectant products.

THE USE OF MERCURY AS A FUNGICIDE FOR CONTROL OF WINTER TURF DISEASES

My Order of February 17, 1976, cancelled registrations for mercurial fungicides for control of winter turf diseases.[8]

[1] On March 2, 1976, I issued an Order granting a temporary stay of the effective date of the February 17, 1976 Order, and on May 27, 1976, I extended that stay until November 30, 1976, or until the conclusion of judicial review, if earlier.

[2] Those petitioners are Gustafson, Inc., Troy Chemical Corporation, W. A. Cleary Corporation, O. M. Scott & Sons Company, and Mallinckrodt, Inc.

[3] The term "summer turf diseases" encompasses a wide array of pathogens which can attack fine turf under temperate climate conditions. In addition, for the purposes of the settlement agreement, the term includes winter diseases which occur on golf course areas other than greens, tees and aprons.

[4] Gustafson, Inc., and Troy Chemical Corporation.

[5] W. A. Cleary Corporation and O. M. Scott & Sons Company.

[6] I am necessarily summarizing and simplifying the actual terms of the settlement offers. Copies of these documents may be obtained from the Hearing Clerk, United States Environmental Protection Agency, Room 1019, Waterside Mall, East Tower, 401 M Street, S.W., Washington, D.C. 20460. Any specific question of interpretation of the terms of settlement must necessarily be resolved by reference to the documents themselves.

[7] *See*, also "Data Requirements to Support Reregistration of Pesticide Active Ingredients and Preliminary Schedule of Call-Ins", 41 FR 7218, February 17, 1976.

[8] The term "winter turf diseases" refers to various forms of snow mold which can attack and damage the fine turf of greens, tees and aprons of golf courses.

Between 10,000 and 15,000 pounds of mercury are used annually to control winter turf diseases. Three (3) [9] registrants sought review of my Order cancelling these uses.

These registrants have offered to dismiss their petitions for review pursuant to the following terms and conditions: (1) the use of these products shall be prohibited within 25 feet of any water body where fish are taken for human consumption; (2) these products shall be applied only by or under the direct supervision of golf course superintendents; and (3) the products will be classified as restricted use pesticides when they are reregistered and classified in accordance with Section 4(c) of FEPCA.

This settlement offer obviously poses questions different from those discussed above, in that registrations for this use will not be ultimately cancelled. This offer is environmentally acceptable only if the proposed restrictions reduce the risk sufficiently to render that risk reasonable in relation to benefits. An examination of the record is required to make this determination.

The Administrative Law Judge ("ALJ") who presided at the consolidated mercury cancellation hearing recommended that I continue this use based on his finding that benefits exceeded risks. It was his opinion that the nonmercurial fungicides used against winter turf diseases were more costly, and not as effective as mercurials, and that the benefits were accordingly greater than the benefits for summer turf disease control, registrations for which he recommended be cancelled.[10] While accepting the ALJ's findings on risk, I concluded that the nonmercurial substitutes were adequate, even though more costly and not quite as effective as mercury.[11]

The degree of risk posed by these products does appear to be lessened considerably by the proposed restrictions. Although some mercury escapes from treated turf grass through volatilization, the evidence of record indicates that the translocation pathways of most concern are leaching and run-off. This evidence demonstrates that most of the mercury which is leached or drained from its site of application travels a relatively short distance. Since respondent's case for cancellation was directed primarily at the hazards to man posed by mercury pesticides which reach aquatic environments,[12] I believe that restricting use near water bodies where fish are taken for human consumption will considerably decrease that risk.

Although I am not persuaded that my February 17, 1976 Decision and Order cancelling this use was in error, I believe that this settlement, as a practical matter, substantially achieves the end sought by the Agency. As discussed above, the hazard associated with this use concerns the movement of mercury to aquatic environments. The proposed restrictions greatly mitigate this hazard.[13]

Moreover, such incremental advantage as may be achieved by of cancellation of this use is more than offset by the advantages to the Agency and the public of resolution of this matter at this time through acceptance of the settlement offer. The uncertainties of further litigation are eliminated. This issue is resolved today, rather than being further postponed pending judicial review. Finally, this settlement will release additional Agency resources needed for review of other pesticides possibly requiring regulatory action and other important projects.

Accordingly, I have decided to accept the settlement proposal of the registrants of winter turf products. In accordance therewith, I am vacating that portion of my Order which cancelled the use of mercurial turf fungicides for use against winter turf diseases on greens, tees, and aprons, subject to the terms and conditions discussed above.

ORDER

In accordance with the foregoing discussion, it is hereby ordered that:

(1) The effective date of the Order of February 17, 1976, insofar as it cancelled (a) registrations for mercurial seed treatment pesticide products held by petitioners, and (b) registrations for mercurial fungicide products for use against summer turf diseases held by petitioners is stayed until August 31, 1978, or such earlier date as provided for in the respective settlement agreements, in accordance with the terms of the respective settlement agreements;

(2) That part of the Order of February 17, 1976 which cancelled registrations for mercurial fungicide products for use against winter turf diseases held by petitioners is vacated, in accordance with the terms of the respective settlement agreements;

(3) The Order Granting Temporary Stay (March 2, 1976, and amended on May 27, 1976) is dissolved, effective August 31, 1976.

All parties who have appealed the Order of February 17, 1976, have agreed to settlement of the case.[14] Therefore, this Order shall be final on August 26, 1976.

Dated: August 19, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-24921 Filed 8-25-76;8:45 am]

[FRL 605-4]

ADMINISTRATOR'S PESTICIDE POLICY ADVISORY COMMITTEE

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following subcommittee meeting:

Name: The Strategy Subcommittee of the Administrator's Pesticide Policy Advisory Committee

Date: September 10, 1976

Time: 9:00 a.m.-4:00 p.m. (approximately)

Place: Environmental Protection Agency, 401 M Street, SW., Washington, D.C., Room 1032, West Tower

Proposed Agenda: Review the latest version of the draft pesticide strategy.

For further information please contact David K. Sabock, Executive Secretary, Administrator's Pesticide Policy Advisory Committee, Office of Water and Hazardous Materials (WH-556), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Anyone wishing to have their name placed on the mailing list for any committee reports, meeting announcements and minutes of all meetings should contact the executive secretary, either in writing or by telephone—(202) 755-0405.

Dated: August 20, 1976.

VICTOR KIMM,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-24922 Filed 8-25-76;8:45 am]

[9] Mallinckrodt, Inc., W. A. Cleary Corporation, O. M. Scott & Sons Company.

[10] The evidence was virtually unanimous that a number of effective substitutes exist for control of summer turf diseases. However, fewer substitutes apparently exist for control of winter turf diseases, and the record reveals considerable controversy regarding their efficacy.

[11] The ALJ characterized the risk as "minimal." Several registrants contended at that time that a pesticide posing "minimal risks" cannot be cancelled under the FIFRA. But as I discussed in my Decision (at 16499), "[t]he FIFRA does not specify that any specific level or magnitude of risks must be found to exist before a pesticide may be cancelled * * * [A]lthough I do not adopt his characterization, I do not find that the ALJ's characterization of the risks of mercurial pesticides as being 'minimal' in any way precludes cancellation. It is certainly an indication of some risk which must be weighed against the * * * costs and benefits of continued use of mercurial pesticides." Nothing in this decision should be interpreted as a retreat from this standard.

[12] I noted in my Decision of February 17, 1976:

"[T]he principal thrust of respondent's case is that mercury compounds in pesticides (following application according to their registered uses) are transported into the aquatic environment through the routes of volatilization, run-off, and leaching. Once in the aquatic environment, these compounds are subject to biological transformation (biotransformation) to methylated mercury, which bioaccumulates throughout the aquatic food chain. The result, respondent contends, is the creation of an unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of mercurial pesticides." [41 FR 16500]

[13] Section 3(d) of FIFRA authorizes the classification of pesticides for restricted use in those cases in which the environmental hazards of the pesticide can be mitigated by prudent and careful use.

[14] Parsons Chemical Works, Inc. holds registrations for mercurial seed treatment products which were cancelled by my Order of February 17, 1976. Although they have not appealed the cancellation Order, fairness requires that Parsons be permitted to participate in the phase-out of mercurial seed treatment products provided for in the settlement. Accordingly, Parsons is given until September 15, 1976 to participate in the settlement according to the terms and conditions outlined above. If Parsons submits such an offer, it shall, for the purposes of this Order, be considered a "petitioner".

[FRL 605-5]

IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Agency Comments

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 July 1, 1976 and July 31, 1976.

Appendix I contains a listing of 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 reveiwed 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 and 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 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal agency or department.

Dated: August 18, 1976.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between July 1 and 31, 1976*

Identifying No	Title	General nature of comments	Source for copies of comment
Corps of Engineers:			
DS-COE-A32312-LA	Atchafalaya River, Chene, Boeuf, and Black Bayous, La.	ER-1	G
D-COE-D36020-PA	Bull Run flood protection project, Loyalsock township and the west branch of the Susquehanna River, Lycoming County, Pa.	LO-1	D
DS-COE-E32009-GA	Harbor improvements, Brunswick Harbor, Glynn County, Ga.	ER-2	E
D-COE-E32017-GA	Channel widening for navigation, Savannah Harbor, Ga.	ER-2	E
D-COE-E36038-TN	White Oak Creek flood control, Sunbright, Morgan County, Tenn.	LO-2	E
DS-COE-F32039-00	Ottawa River Harbor, Michigan and Ohio	LO-2	F
D-COE-F32041-MI	Mitigation of shore damage Frankfort Harbor, Benzie County, Mich.	LO-2	F
D-COE-F36038-IN	Marion local flood protection project, Mississippi River, Grant County, Ind.	LO-2	F
D-COE-G34023-LA	Bayou Teche, Bayou Teche and Vermilion River and Freshwater Bayou, La.	LO-1	G
D-COE-G34024-TX	Industrial Canal, Texas City Channel, Galveston County, Tex.	LO-1	G
D-COE-G34025-TX	Mouth of Colorado River, Matagorda County, Tex.	LO-2	G
D-COE-G36048-TX	Lake Wichita, Holliday Creek, Wichita Falls, Tex.	3	G
D-COE-H32002-00	Missouri River bank stabilization and navigation project, from Sioux City, Iowa to the mouth in St. Louis, Mo., Kansas, Nebraska, and Iowa.	ER-3	H
D-COE-K11008-CA	Dow Chemical Co., petrochemical facility permit application, construction of chemical plants, Pittsburg, Contra Costa County, and Montazuma Hill, Solano County, Calif.	3	J
D-COE-K35007-HI	Honolulu Harbor main entrance channel, dredging, Oahu waterborne commerce, Oahu, Hawaii.	LO-2	J
D-COE-L02003-WA	Port of Grays Harbor, Kaiser Steel Corp., permit application, Hoquiam, Wash.	LO-1	K
D-COE-L36035-OR	Umpqua River jetty extension, Portland, Oreg.	LO-1	K
D-COE-L36037-OR	Siuslaw River jetty extension, Portland, Lane County, Oreg.	LO-1	K
D-COE-L36038-WA	Grays Harbor, widening and deepening, navigation channel improvements, Washington.	ER-2	K
D-COE-L36039-ID	Little Wood River flood damage reduction, Gooding and Lincoln Counties, Idaho.	ER-2	K
DS-COE-L36040-OR	Days Creek Lake project, Umpqua River Basin, Douglas County, Oregon.	LO-2	K
DS-COE-L39006-AK	Small boat harbor, Kodiak, Alaska	LO-1	K
D-COE-L39008-OR	South Beach Marina, Yaquina Bay small boat basin, Lincoln County, Oregon.	ER-2	K
DS-COE-L61023-OO	Lower Snake River report for compensation for fish and wildlife losses, Idaho and Washington.	LO-1	K
Department of Agriculture:			
D-AFS-E65012-MS	Bienville National Forest, timber management plan, Jasper, Newton, Scott and Smith Counties, Miss. (USDA-FS-R8-DES-ADM-76-13).	LO-2	E
D-AFS-J61011-UT	Four Season Winter Sports Site, Uinta National Forest, Utah (USDA-FS-DES(ADM)-R4-76-13).	EU-2	I
D-AFS-J65045-MT	Multiple use plan, Big Hole planning unit, Lolo National Forest, Mont.	ER-2	I
D-AFS-J65046-OO	Bears Ears land use plan, Routt National Forest, Colo. and Wyo.	ER-2	I
DS-AFS-K40029-AZ	Swift Trail Forest Highway 34, Coronado National Forest, Graham County, Ariz.	LO-1	J
D-AFS-K65017-NV	Santa Rosa planning unit, Humboldt National Forest, land use plan, Humboldt County, Nev.	LO-1	J
D-AFS-L61072-WA	Trapper-Siouxon planning unit, Gifford Pinchot National Forest, Skamania County, Wash. (USDA-FS-R6-DES-(ADM)-76-11).	LO-2	K
D-AFS-L61073-00	Lamb upper west branch planning unit, Kaniksu National Forest, Idaho and Wash. (USDA-FS-R1-04-DES-(ADM)-R1-76-16).	LO-1	K
D-AFS-L61075-OR	South Fork planning unit, Malheur National Forest, Grant County, Oreg.	LO-2	K
D-AFS-L61076-ID	Management alternatives, Diamond Creek planning unit, Caribou National Forest, Caribou and Bear Lake Counties, Idaho.	3	K
D-AFS-L65019-ID	Timber management plan, Boise National Forest, Idaho (USDA-FS-R-4-DES-R4-76-16).	LO-1	K
D-SCS-D36018-WV	Hacker's Creek watershed, Lewis, Harrison and Upshur Counties, W. Va. (USDA-SCS-EIS-WS-(ADM)-76-1-D-WV).	LO-2	D
Department of Defense:			
D-UAF-C10001-NY	Establishment of Falcon military operating area, Adirondacks, N.Y.	LO-2	C
D-UAF-K61011-GU	Proposed development of lot 10080, access easement across U.S. Air Force lands to Seibu Leisure, Guam.	ER-2	J
D-USN-D03002-VA	POL bulk pipelines, naval supply center, Norfolk, Va.	LO-2	D
Department of the Interior:			
D-BIA-A01029-WA	Sherwood uranium project, Spokane Indian Reservation, Stevens County Wash. (DES 76-13).	LO-2	K
D-BIA-G31001-NM	Navajo Indian irrigation project, San Juan, N. Mex.	LO-1	G
D-BPA-L08023-00	Fiscal year 1978 proposed program	LO-1	K

Identifying No.	Title	General nature of comments	Source for copies of comment
Department of the Interior—Continued			
D-IBR-J39002-00	Colorado River water quality improvement program, Arizona, Nevada, California, Colorado, Wyoming.	ER-2	I
D-IGS-L67001-ID	Development of phosphate resources in southeastern Idaho (DES 76-15).	3	K
D-NPS-L08022-AK	Electric distribution line extension to McKinley Park, Mount McKinley National Park, Alaska.	LO-1	K
Department of Transportation:			
D-FAA-E51016-MS	C. D. Lemons Field runway construction, Tupelo, Lee County, Miss.	ER-2	E
D-FAA-E51017-TN	Scott County Municipal Airport, Oneida, Tenn.	LO-2	E
D-FAA-K51006-TT	Kusaie Island Airport and Harbor project, Trust Territory of Pacific Islands.	ER-2	J
D-FAA-K51007-CA	San Francisco International Airport development program, San Francisco, Calif.	ER-2	J
DS-FHW-A41091-OR	Green Timber Road, Little Nestucca and Neskowin Section, Forest Highway OR-56, U.S. 101, Tillamook County, Oreg.	LO-1	K
DS-FHW-A42077-VA	I-66, I-495 to Potomac River, Fairfax and Arlington Counties, Va.	ER-2	D
D-FHW-C40023-NJ	NJ-169 and NJ-440, Bayonne Bridge to Bayview Avenue, Jersey City, Hudson County, N.J.	EU-2	C
D-FHW-D40035-VA	VA-291, Lynchburg, Bedford, and Campbell Counties, Va.	ER-2	D
D-FHW-E40079-NC	NC-160 relocation, vicinity of Charlotte Airport, Mecklenburg County, N.C. (FHWA-NC-EIS-76-03-D).	LO-2	E
DS-FHW-E40080-NC	I-40, I-85 west of Durham to I-40 southeast Durham and Orange Counties, N.C. (FHWA-NC-EIS-73-07-D).	LO-2	E
D-FHW-E40081-NC	Sand mining from Yadkin River, Davidson County, N.C.	LO-2	E
D-FHW-F40064-WI	I-43, CTH "JJ," Manitowoc Road, Manitowoc County, Wis.	LO-1	F
D-FHW-G40050-NM	Bridge Stadium overpass and bridge, from Coors Road to I-25, Albuquerque, Bernalillo County, N. Mex.	3	O
D-FHW-G40051-TX	U.S. 287, U.S. 79 southeast to U.S. 84, Oak Street to Granberry Street, Palestine, Anderson County, Tex.	ER-1	O
D-FHW-G40052-TX	Northeast Odessa and northwest Midland, Parkway Boulevard and Spur 492, intersection of TX-158 and FM 1369, Ector County, Tex.	LO-1	O
D-FHW-G40053-TX	North Arterial Loop, junction FM 1369 and I-20, Midland, Midland County, Tex.	LO-1	O
D-FHW-G40054-LA	Reserve Relief Canal turnaround and interchange I-10, St. John the Baptist Parish, La.	ER-2	O
D-FHW-H40055-NB	Stolley Park Road, Grand Island, Hall County, Nebr.	ER-2	K
D-FHW-K40040-NV	Proposed upgrading of U.S. 395, Carson City to Pather Valley, Carson City, Washoe County, Nev. (FHWA-NV-EIS-76-02-D).	ER-2	
D-FHW-L40033-WA	WA-82 and WA-97 connection, Union Gap, Yakima County, Wash.	LO-2	K
D-FHW-L40034-WA	WA-14, Kennewick vicinity, Benton County, Wash. (FHWA-WA-EIS-76-02-D).	LO-2	
Energy Research and Development Administration:			
D-ERD-A00116-NY	Brookhaven National Laboratory, Upton, N.Y. (ERDA-1540).	LO-2	Z
D-ERD-A00118-CA	Positron-Electron storage ring project, Stanford Linear Accelerator Center, Stanford, Calif. (ERDA-1546).	LO-2	
General Services Administration:			
D-GSA-L81005-ID	Federal Building, Pocatello, Bannock County, Idaho.	LO-1	
Department of Health, Education, and Welfare:			
D-HEW-E81012-NC	National Environmental Health Research Center, Research Triangle Park, N.C.	LO-2	E
Department of Housing and Urban Development:			
D-HUD-C85008-NY	Development of Industrial Park, village of St. Johnsville, Montgomery County, N.Y.	3	C
D-HUD-C85009-NY	Rochester southeast loop urban renewal project 175, Monroe County, N.Y.	3	C
D-HUD-E28012-AL	Chase area water system (CDBG), Madison County, Ala.	LO-2	E
D-HUD-E61018-GA	Dublin Park, a neighborhood park facility, Augusta, Richmond County, Ga.	LO-2	E
D-HUD-F36040-IL	Park Forest and Richton Basin stormwater retention, Will County, Ill.	LO-2	F
D-HUD-G85014-LA	Alsen and St. Irma Lee area sewage facilities project (CDBG), East Baton Rouge Parish, La.	3	G
D-HUD-J85005-CO	Hutchinson Heights, planned community zone district, Denver, Arapahoe County, Colo.	3	I
D-HUD-J85006-CO	The Brown farm, planned residential development, Fort Collins and Larimer Counties, Denver, Colo.	ER-2	I
D-HUD-J85007-CO	Harriman Park and Lake Hurst West III, planned Development, Jefferson County, Colo.	3	I
Nuclear Regulatory Commission:			
D-NRC-A00120-00	Transportation of radioactive materials by air and other modes, docket No. PR-71, 73 (NUREG-0034).	EU-2	A
D-NRC-G00001-AR	Arkansas nuclear one, unit 2, Pope County, Ark.	ER-2	G

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).

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 III.—*Final environmental impact statements for which comments were issued between July 1 and 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-A32515-FL.	ITT palm coast, permit to remove nine earthen plugs Flagler County, Fla.	EPA continues to have environmental reservations on the proposed project in respect to poor water quality and lack of plans to reestablish flows to Long Creek. EPA recommended the Corps of Engineers conduct further studies and a reassessment be made.	E
F-COE-A36174-NY.	Flood control project for Ardsly, Saw Mill River Basin, N.Y.	EPA's concerns were adequately addressed in the final EIS.	C
F-COE-C32004-PR.	Ponce Harbor, navigation project, Puerto Rico.	do	C
F-COE-H36006-IA..	Missouri River levee system, unit L 611-614, Mills and Pottawattamie counties, Iowa.	do	H
F-COE-H36013-NB.	Missouri River levee system, unit R-616, Sarpy County, Nebr.	do	H
Department of Agriculture:			
F-AFS-J65003-MT..	Multiple use plan, Lake Five planning unit, Flathead National Forest, Mont.	EPA's concerns were adequately addressed in the final EIS. However, EPA continues to have concerns in use of trail bikes in roadless areas.	I
F-AFS-J65037-CO..	Snake River land use plan, White River National Forest, Summit County, Colo.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA suggested the Forest Service actively solicit input from the public and interested agencies when assessing possible expansion of the Keystone ski area.	I
F-SCS-H36022-IA...	Little River watershed, Decatur County, Iowa.	EPA continues to have environmental reservations with the water quality aspects of the proposed multipurpose impoundment. Significant concentrations of pesticides, heavy metals and PCB's may not allow the impoundment to be used as a water supply during certain periods of the year and may also contaminate the fishery making it inedible. EPA recommended that Soil Conservation Service initiate further water quality assessments and these assessments be completed before a final decision is reached on whether the multipurpose structure should be constructed.	H
F-SCS-K36005-HI..	Honoluia watershed project, Maui County, Hawaii.	EPA's concerns have been adequately addressed in the final EIS.	J
Department of Defense:			
FS-USN-A10042-CT.	Dredge River Channel, Naval Submarine Base, New London, Groton, Conn.	EPA's concerns were adequately addressed in the supplement final EIS.	B
Department of the Interior:			
F-IBR-K28002-CA..	Sugar Pine Dam, reservoir and conduit, Central Valley project, Placer County, Calif.	EPA generally had no objections to the proposed project, but requested that some concerns be addressed before Bureau of Reclamation proceeds with the project.	J
Department of Transportation:			
F-CGD-D50001-VA.	James River Bridge permit, I-95 to downtown expressway, Richmond, Va.	EPA continues to have environmental reservations on the proposed project's air and noise impacts. EPA has requested the Coast Guard to provide further information on these concerns.	D
FS-FAA-E51018-NC	Douglas Municipal Airport, construction of runway 18R-36L, Charlotte, N. C.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-A41505-PA.	LR 1022, sections 10, 11, and 12, relocation of PA-219, Somerset County, Pa.	do	D
F-FHW-A41879-NY.	NY-13, Newfield Hill to Ithaca, NY-96, Ithaca to Duboise Road, Tompkins County, N.Y.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA will reserve comment on the Route 13 portion of the proposed project until a specific alignment is chosen.	C
F-FHW-C40013-VI..	Sion Farm to Christiansted Highway, St. Croix, Virgin Islands.	EPA's concerns were adequately addressed in the final EIS.	C
F-FHW-D40013-MD.	Salisbury Bypass, relocated U.S. 13, Wicomico County, Md.	do	D
F-FHW-K40015-CA.	Coast Highway Bridge replacement, Upper Newport Bay, Newport Beach, Orange County, Calif. (FHWA-CA-EIS-76-02-F.)	Generally EPA's concerns were adequately addressed in the final EIA.	J
F-FHW-K40021-NV.	I-80, city of Lovelock bypass, Pershing County, Nev. (FHWA-NV-EIS-75-01-F).	EPA's concerns were adequately addressed in the final EIS.	J
F-FHW-K40030-NV.	West leg, U.S. 95, Las Vegas and Clark Counties, Nev.	do	J
General Services Administration:			
F-GSA-D09002-VA.	Virginia heating plant improvements, Arlington County, Va. (EVA 76001).	do	D

Identifying No.	Title	General nature of comments	Source for copies of comments
General Services Administration—Continued			
F-GSA-D09003-DC	Installation of multifuel boilers, Central Heating and Refrigeration Plant, Washington, D.C.	do	D
Department of Housing and Urban Development:			
F-HUD-C25002-PR	Acquisition of 25 acres for solid waste disposal facilities, Salinas, Puerto Rico.	EPA's review of the final EIS indicated the statement to be unresponsive to EPA's comments on the draft EIS. Additional information on the collection, treatment, and use of leachate and a detailed illustration of the gas gathering and ventilation systems are needed in order for EPA to adequately evaluate the proposed project.	C
F-HUD-D89018-VA	Downtown west redevelopment project, Norfolk, Va. (CDBG).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA requested the opportunity to review the environmental aspects of further refinements in design and planning activities before construction takes place.	D
F-HUD-E85001-SC	Camp Fornace urban renewal area, Columbia, Richland County, S.C.	EPA's concerns were adequately addressed in the final EIS.	E
International Boundary and Water Commission:			
F-IBW-A36396-CA	Tijuana River flood control project, San Diego County, Calif.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA suggested consideration be given to more extensive measures to offset project impact.	J
Nuclear Regulatory Commission:			
F-NRC-E06002-NC	William B. McGuire Nuclear Station, units 1 and 2, Duke Power Co., Lake Norman, Mecklenburg County, N.C.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA recommended that the operating license provide for monitoring and restriction on operation to prevent violation of water quality standards. A biomonitoring program will be of praticular importance because of the massive numbers of shad predicted to be impinged and the possible negative effect of the highly turbulent area of the mixing chamber when hypolimnetic water is being utilized. Also, all blow-off operations or steam venting should be muffled, and a program of monitoring and abatement should be implemented immediately should complaints arise regarding noise after the plant operation begins.	E

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between July 1 and 31, 1976*

Identifying No.	Title	Source of review
Corps of engineers:		
F-COE-A32536-CA	Extension of entrance to Islais Creek Channel, San Francisco Harbor, Calif.	J
F-COE-A36178-PA	Wyoming Valley flood control, Susquehanna River, Pa	D
F-COE-A36193-00	Wallkill River, flood control project, New York and New Jersey	C
F-COE-A36264-CA	Wildcat and San Pablo Creeks, water resources project, Contra Costa County, Calif.	J
F-COE-E32013-00	Apalachicola, Chattahoochee, and Flint Rivers, continued operation and maintenance, Alabama, Florida, and Georgia.	E
F-COE-E34001-KY	Wolf Creek Dam, Lake Cumberland, continued operation, maintenance and management, south central Kentucky.	E
F-COE-G34004-OK	Operation and maintenance program, Oologah Lake, Verdigris River, Hulah Lake, Caney River, Reyburn Lake, Polecat Creek, Okla.	G
F-COE-G34012-TX	Operation and maintenance, Canyon Lake, Guadalupe River Basin, Tex.	G
F-COE-G36040-LA	Upper Point Coupee, watershed project, Johnson Bayou, La	G
F-COE-H34004-IA	Operation and maintenance, Rathbun Dam and Lake, Iowa	H
F-COE-H34010-KS	Operation and maintenance, Tuttle Creek Lake, Kans	H
F-COE-K34002-CA	Small Craft Harbor, San Leandro Marina, Alameda County, Calif	J
F-COE-K36006-CA	Maintenance dredging, outer harbor, Crescent City, Del Norte County, Calif.	J
F-COE-L26001-AK	Lost River mining project, Lost River, Alaska	K
F-COE-L36006-WA	Shelton Creek flood control and storm drainage project, Shelton, Wash.	K
F-COE-L36012-WA	Lower monumental lock and dam, Snake River, Wash	K
Department of Agriculture:		
F-AFS-A65096-MT	Land use plan, Elkhorn planning unit, Helena National Forest, Mont.	I
F-AFS-J65022-MT	Multiple use basin planning unit, Deerlodge National Forest, Mont	I
F-AFS-J65033-CO	Management of Mount Welba unit, Routt National Forest, Colo	I
F-AFS-J65036-WY	Ryan Park winter sports site, Medicine Bow National Forest, Wyo	I
F-AFS-K65008-CA	Palomar Mountain planning unit, Cleveland National Forest, San Diego, Calif.	J
FS-AFS-L65018-AK	Herbicide use on national forests of Alaska, calendar year 1976, Alaska.	K
F-REA-E08006-SC	230 kV transmission lines, Sumner to Hilton Head, S.C	E
F-SCS-B36007-CT	Norwalk River watershed, Fairfield County, Conn. (USDA-SCS-EIS-WS-(ADM)-76-2-F).	B B
F-SCS-D36012-VA	Great Creek watershed, Brunswick and Lunenburg Counties, Va. (USDA-SCS-EIS-WS-ADM-76-2-F).	D
F-SCS-D36013-VA	Bush River watershed, Prince Edward County, Va. (USDA-SCS-EIS-WS-(ADM)-76-3(D)-VA).	D
F-SCS-D36016-MD	Big Pipe Creek watershed plan, Carroll County, Md	D
F-SCS-E36018-GA	Mill Branch watershed, Bacon County, Ga. (USDA-SCS-EIS-WS-ADM-75-2-F-GA).	E

Identifying No.	Title	Source of review
Department of Agriculture—Continued		
F-SCS-E36030-MS	Deer Creek watershed, Bolivar and Washington Counties, Miss. (SCS-EIS-WS-ADM-75-4-F-MS).	E
F-SCS-E36033-NC	Crabtree Creek watershed, Wake and Durham Counties, N.C. (SCS-EIS-WS-ADM-76-01-F).	E
F-SCS-E36036-00	Muddy Creek watershed, Tippah County, Miss. and Hardeman County, Tenn. (USDA-SCS-EIS-WS-ADM-76-1-F-MS).	E
F-SCS-G36046-NM	Espanola-Rio Chama watershed, Rio Arriba and Sandoval Counties, N. Mex.	G
F-SCS-H36008-NB	Long Beach watershed, Richardson, Nemaha, Pawnee, and Johnson Counties, Nebr.	H
F-SCS-H36023-KS	Middle Walnut watershed, Butler, Cowley, Sedgwick, and Sumner Counties, Kans.	H
F-SCS-I38001-MT	Boulder River, watershed plan, Jefferson County, Mont.	I
F-SCS-L36029-WA	Goose Creek watershed, Lincoln County, Wash.	K
Department of Defense:		
F-USN-L10001-WA	Naval torpedo station, Keyport, Indian Island annex, Jefferson County, Wash.	K
Department of the Interior:		
F-DOI-A61260-NY	Proposed master plan, home of Franklin Roosevelt National Historic Site, Hyde Park, N.Y.	C
F-IBR-L36024-OR	Anadromous fish passage improvements, Savage Rapid Dam, Grants Pass division, Rouge River Basin, Jackson and Josephine Counties, Oreg.	K
F-NPS-A61165-MT	Master plan, Glacier National Park, Mont.	I
Department of Transportation:		
F-FHW-A41609-NB	27th Street improvement, Lincoln, Lancaster County, Nebr.	H
NF-FHW-E40035-MS	U.S. 78, Desoto, Marshall, Benton, and Union Counties, Miss. (FHWA-MS-EIS-75-01-F).	E
NF-FHW-E40056-FL	FL-A-1-A, Dania Beach Boulevard to 17th Street, Fort Lauderdale, Broward County, Fla.	E
F-FHW-E40059-FL	FL-21, Blanding Boulevard, Clay County, Fla. (FHW-FLA-EIS-75-04-F).	E
F-FHW-G40003-NM	I-25, Algondones north, Santa Fe and Sandoval Counties, N. Mex.	G
F-FHW-G40004-LA	I-110, Baton Rouge to Scotlandville, East Baton Rouge Parish, La.	G
F-FHW-G40026-LA	LA-3026, Rapides Parish, La.	G
NF-FHW-H40050-IA	IA-57, Cedar Falls, Black Hawk County, Iowa	H
F-FHW-L40026-ID	Forest Highway ID-50, St. Joe River Road, Calder to Avery, Benewah and Shoshone Counties, Idaho.	K
F-FHW-L40028-ID	Elk City Highway, Forest Highway ID-18, Nezperce National Forest, Idaho County, Idaho.	K
Federal Power Commission:		
FS-FPC-B03001-RI	Construction and operation of an LNG import terminal, Algonquin Gas Co., Providence, R.I. (docket Nos. 73-47, 88, 139, 197, 199).	B
F-FPC-E05005-GA	Rocky Mountain project No. 2725, Heath Creek, Floyd County, Ga.	E
General Services Administration:		
F-GSA-C81002-NY	Federal Correctional Institution, Otisville, Orange County, N.Y.	C
Department of Housing and Urban Development:		
F-HUD-E89002-TN	University Center urban renewal area I, Nashville, Tenn. (HUD-R04-EIS-76-01).	E

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between July 1 and 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
R-AFS-A65123-00	36 CFR pts. 213, 231, 261, national forests and national grasslands, grazing.	EPA has no major objections to the regulations as proposed. However, three language changes were suggested to explicitly incorporate environmental consideration into the regulations.	A
Department of the Interior:			
A-BLM-A02002-00	Mid-Atlantic Outer Continental Shelf, (OCS, sale No. 49), call for nominations.	The lack of infrastructure for oil support activities, possible aggravation of existing photochemical oxidant problems, possible conflicts between OCS and ocean dumping sites, and other intensive current uses of the proposed sale area present considerable difficulties in environmental analysis of the proposed lease sale. These difficulties are exaggerated by the large area (40,000 M^2) involved in the proposed sale. EPA suggested that BLM limit the sale to a more easily managed area.	A
A-BLM-A02003-AK	Beaufort Sea Outer Continental Shelf (OCS sale No. 50), off the northern coast of Alaska, call for nominations.	EPA expressed its concern over the environmental safety of the project, in particular the possibility of a blowout continuing uncontrolled for several years. EPA recommended a 1-yr delay in order to prepare contingency plans for such occurrences, to complete biological baseline studies, and to finalize operating orders. EPA stated that the environmental impact of this lease sale could not be meaningfully evaluated without such information.	A

Identifying No.	Title	General nature of comments	Source for copies of comment
Department of the Interior—Continued			
A-IGS-A02098-00....	Oil and gas drilling operations on the Outer Continental Shelf (OCS), proposed standard for training personnel.	EPA noted that training in response to an actual blowout was not provided, although training in blowout prevention was provided. EPA recommended blowout response training, and suggested other minor changes.	A
A-IGS-A00047-00....	Pipelines and surface production facilities, proposed geothermal resources, central and western regions (GRO No. 6).	EPA recommended that approval of pipelines and surface production facilities be conditioned in the subdivision by the applicant of a contingency plan for environmental cleanups in the event of pipeline failure or well blowout.	A
Federal Energy Administration:			
R-FEA-A04051-00...	Emergency commuter parking management and carpooling incentives.	EPA offered several suggestions related to the definition of park and ride facilities, the coupling of mandatory parking restrictions with transit and carpool incentives, and the consideration of regional parking practices in the determination of national parking fractions.	A
Department of Labor:			
R-OSH-A88014-00...	29 CFR pt. 1910, occupational noise exposure, availability of economic impact analysis hearing.	EPA expressed the intention to submit comments to the docket concerning the economic impact analysis of the proposed regulations.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

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.76-24923 Filed 8-25-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Committee Meetings

To: RTCM Officers, Executive Committee Representatives and Alternates, and Special Committee Chairmen.

Subject: Executive Committee Meeting, Thursday, September 16, 1976.

The next Executive Committee Meeting will be on Thursday, September 16, 1976, at 9:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
5. Status Reports on Other Committees.
6. New Membership Applications for Executive Committee Approval.
7. Approved of membership contribution schedule for FY 1977.
8. Approval of SC-65 "Ship Radar" Paper.
9. Review of Unit Pricing Schedule for Quantity MRT Orders.
10. Discussion on 1977 Assembly Meeting.
11. Summary Reports and Announcements.
12. New Business.
13. Establishment of next meeting date.

Special Committee No. 68 "Marine Radiotelephone Operator Education."

Notice of 16th Meeting: Wednesday, September 15, 1976—9:30 a.m.; Conference Room A-205, 1229 20th Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Confirmation of Secretary; Adoption of Agenda.
3. Acceptance of SC-68 Summary Records.
4. Review promotion plans for Handbook.
5. Review proposed feature stories.
6. New business.
7. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173. Phone: (617) 862-6600 (Ext. 414).

RTCM SC 69/FCC WARC-79 Advisory Committee for Maritime Mobile Service tenth meeting, 2025 M Street, N.W., Washington, D.C., Room 8210, 9:30 a.m. to 12:30 p.m., Tuesday, September 14, 1976.

AGENDA

1. Call of the Agenda.
2. Chairman's Opening Remarks.
3. Reports of the Task Forces.
4. Review work to be accomplished.
5. Further Business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian, Chairman SC 69, COMSAT General, 950 L'Enfant Plaza, S.W., Washington, D.C 20024, Phone: (202) 554-6329.

To comply with the advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-25056 Filed 8-25-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

WORLDWIDE SUPPLY AND DEMAND TASK GROUP OF THE LP-GAS TRANSPORTATION AND STORAGE SUBCOMMITTEE OF THE LP-GAS INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Worldwide Supply and Demand Task Group of the LP-Gas Transportation and Storage Subcommittee of the LP-Gas Industry Advisory Committee will meet Thursday, September 16, 1976, at 10 a.m., in the Tower Suite, Host International Hotel, Houston Intercontinental Airport, Houston, Texas.

The Subcommittee was established to make recommendations to the parent Committee with respect to policy and implementation of programs that affect the LP-Gas industry.

The purpose of the meeting is to review production and demand statistics by country.

The meeting is open to the public. The Chairman of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement will be permitted to do so,

either before or after the meeting. Members of the public who wish to make oral statements should inform Lois G. Weeks, Director, Advisory Committee Management, (202) 961–7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C., on August 23, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-25016 Filed 8-23-76;2:06 pm]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1496]

COLUMBUS EXPRESS & SHIPPING CO., INC.

Order of Revocation

By letter dated July 20, 1976, Columbus Express & Shipping Co., Inc., 1029 East 167th Street, Bronx NY 10459 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1496 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before August 19, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Columbus Express & Shipping Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1496 issued to Columbus Express & Shipping Co., Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1496 be and is hereby revoked effective August 18, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Columbus Express & Shipping Co., Inc.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76-25069 Filed 8-25-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND PUERTO RICO MARITIME SHIPPING AUTHORITY

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 September 15, 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:

Mr. Julio Maymi Pagan, Executive Director, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Agreement No. T-3272, as amended, between the Puerto Rico Ports Authority (Port) and Puerto Rico Maritime Shipping Authority (PRMSA), provides for PRMSA's three-year lease and exclusive use (with month-to-month renewal options) of an area at Mayaguez, Puerto Rico to be used for the operation of a marshalling facility and a trucking terminal. As compensation, PRMSA shall pay Port a minimum monthly rental of $929.67, subject to readjustment by the Port.

By Order of the Federal Maritime Port.

Dated: August 20, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-25031 Filed 8-25-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. CP76-85, et al.]

ALGONQUIN GAS TRANSMISSION CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Certification of Settlement Agreement, Stipulation, and Conditional Motions for Certificates With Pre-Granted Abandonment

AUGUST 18, 1976.

Take notice that on July 13, 1976 the Presiding Administrative Law Judge certified to the Commission a Settlement Agreement, a Stipulation, and relevant portions of the record in these dockets relating thereto. The Settlement Agreement covers the rate charged and to be charged by Algonquin Gas Transmission Company (Algonquin) for the exchange-transportation services rendered in Docket Nos. CP76-85, *et al.*, and proposed to be rendered by Algonquin in Docket No. CP76-85 through October 31, 1976. The Stipulation, which is concurred in by the Staff, reflects the bases upon which Boston Gas Company (Boston Gas), South Jersey Gas Company, and The Connecticut Gas Company will accept limited-term permanent certificates, with pre-granted abandonment, for the services proposed by them in these dockets. All other issues in these proceedings have been reserved for determination by the Presiding Administrative Law Judge and the Commission.

Take further notice that on July 2, and 5, 1976 motions for limited-term permanent certificates extending authorization to render exchange-transportation services for the benefit of the Brooklyn Union Gas Company (Brooklyn Union) in Docket No. CP76-85 have been filed by Algonquin and Texas Eastern Transmission Corporation, and by Brooklyn Union and Boston Gas. Such motions are conditioned on Commission approval of the Settlement Agreement and Stipulation. The motions request pre-granted abandonment for this extended service effective October 31, 1976.

Any person, including the parties to this proceeding, may file comments with respect to the Settlement Agreement or Stipulation on or before September 9, 1976.

Any person desiring to be heard or to protest the motions should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol

Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on these matters if no petition to intervene is filed within the time required herein, and if the Commission on its own review finds that approval of the Settlement and Stipulation and grant of the certificates described above are required by the public convenience and necessity. If the Commission on its own motion in response to a petition to intervene believes that a formal hearing is required, further notice of such hearing will be given. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for the moving parties to appear or be represented at the hearing.

Copies of both the Settlement Agreement and the motions are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24971 Filed 8-25-76;8:45 am]

[Docket Nos. ER76-799, ER76-800]

APPALACHIAN POWER CO.

Electric Rates; Order Accepting for Filing and Suspending Proposed Rate Schedule Provisions, Consolidating Proceedings, and Establishing Procedures

AUGUST 19, 1976.

On July 21, 1976 Appalachian Power Company (APCo) tendered for filing a Supplement to its FPC Rate Schedule No. 23 for service to Kingsport Power Company (Kingsport), an affiliate of APCo. APCo tendered also a Supplement to its FPC Rate Schedule No. 24 for service to Carolina Power & Light Company (CP&L). Both proposed Supplements contain (1) rate increases which reflect increased demand and energy charges and (2) a revised fuel clause which purports to conform to Section 35.14 of the Commission's Regulations. For the reasons hereinafter stated, the Commission will accept and suspend the proposed revisions, consolidate these proceedings and establish procedures.

The proposed Supplement to Kingsport supersedes and replaces a number of provisions of APCo's Rate Schedule No. 23.[1] The proposed Supplement to CP&L supersedes and replaces a number of provisions of APCo's Rate Schedule No. 24.[2]

The proposed Supplement to Kingsport increases the monthly demand charge from $1.20/Kw to $3.93/Kw and contains a single energy charge of 11.66 mills per KWh. APCo proposes also to eliminate a reserve clause requiring a monthly purchase by Kingsport. Finally, the filing contains a fuel adjustment clause conforming to Section 35.14 of the Commission's Regulations. The Commission's review of APCO's proposed supplement to Kingsport indicates that it has not been shown to be just and reasonable and, therefore, it may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, the Commission shall accept the supplement in Docket No. ER76-799 for filing and suspend its operation for one month.

The proposed Supplement to CP&L provides for a demand charge of $3.77/Kw/month and an energy charge of 10.9 mills/KWh. APCo has filed also a proposed fuel clause which conforms to Section 35.14 of the Commission's Regulations. The Commission's review of APCo's filing with regard to CP&L indicates that it has not been shown to be just and reasonable and, therefore, it may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, it shall be accepted for filing and its use suspended for one day.

Notices of APCo's filings were issued on July 26, 1976 with comments, protests or petitions to intervene due on or before August 9, 1976.

On August 9, 1970 a Petition to Intervene and Protest, Motion to Reject and Dismiss and in the Alternative Motion to Stay was filed by CP&L. The Commission shall defer action on CP&L's filing until it receives any pleadings responding to it. These responsive pleadings should be filed on or before September 3, 1976. The Commission believes, however, that good cause exists to grant CP&L's petition to intervene.

The Commission finds. Because the cases raise similar issues of law and fact, good cause exists to consolidate Docket Nos. ER76-799 and ER76-800 for purposes of litigation and decision.

The Commission orders. (A) Docket Nos. ER76-799 and ER76-800 are hereby consolidated for purposes of litigation and decision.

(B) The proposed change tendered in Docket No. ER76-799 is hereby accepted for filing and its operation suspended until September 21, 1976, at which time it shall become effective, subject to refund, pending a final decision in this case.

(C) The proposed change tendered in Docket No. ER76-800 is hereby accepted for filing and its operations suspended until August 21, 1976, at which time it shall become effective, subject to refund, pending a final decision in this case.

(D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before February 23, 1977 (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See, Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) APCo shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(G) CP&L's Petition to Intervene is hereby granted; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the petitions to intervene; *Provided, further,* That admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) the Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24962 Filed 8-25-76;8:45 am]

[Docket No. ER76-495 (Phase II)]

CAROLINA POWER & LIGHT CO.

Notice of Settlement Conference

AUGUST 18, 1976.

Take notice that on August 24, 1976, a conference of all parties to intervene in these consolidated proceedings, Carolina Power & Light Company, and Commission Staff will be held in a Commission Hearing Room at 825 North Capitol Street, NE., Washington, D.C., at 11:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the

---

[1] Article 7, Section 7.014, Article 8, Sections 8.01 and 8.02; Article 9, Sections 9.01, 9.02, 9.03 and 9.04.

[2] Section 5, Articles 5.1 and 5.2; Section 6, Articles 6.1, 6.2, 6.3, 6.4, 6.5, 6.11, 6.12, 6.13, 6.15, 6.16 and 6.17.

Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24955 Filed 8-25-76;8:45 am]

[Docket No. RP76-135]

CITIES SERVICE GAS CO.

Natural Gas Pipeline; Order Rejecting, Accepting, and Suspending in Part Proposed Rate Increase, and Establishing Procedures

AUGUST 19, 1976.

On July 23, 1976, Cities Service Gas Company (Cities) tendered for filing four revised and three original tariff sheets[1] to its FPC Gas Tariff, Second Revised Volume No. 1, reflecting general increases in its jurisdictional sales rates amounting to $13,489,441 (6.03%), based on the twelve months ended March 31, 1976, as adjusted for known and measurable changes through December 31, 1976. Cities requests an effective date of August 23, 1976.

Cities' base tariff rates shown on Seventeenth Revised Sheet PGA-1 and the underlying cost of service in the instant filing reflect the base cost of purchased gas of 40.20 cents per Mcf, as established in Cities' PGA filing of June 7, 1976, which became effective July 24, 1976, in Docket No. RP72-142 (PGA76-5). Cities proposes to file a Substitute Revised Sheet PGA-1 to replace the sheets filed in this docket, in order to reflect the current average cost of purchased gas established in the most recent Cities PGA filing, which becomes effective prior to the effective date of Seventeenth Revised Sheet No. PGA-1.

Cities gives the following principal reasons for seeking increased rates: (1) a need for a rate of return of 12.6%; (2) a reduction in available gas supply; (3) additional advance payments to producers to obtain additional gas supplies; (4) increases in plant and related cost of service items, including increased depreciation expense; and (5) increases in supplies, materials, wages and various taxes.

Cities proposes to amend a provision[2] of its General Terms and Conditions which deals with the accrual of interest to be paid by Cities' customers on overdue invoices. Under the proposed amendment, such interest would accrue monthly at the currently effective rate stated in section 154.67(c) of the Commission's Regulations under the Natural Gas Act.

In addition, Cities proposes to introduce into the General Terms and Conditions an advance payment rate adjustment provision[2] which would allow the tracking of rate changes for advance payments. Cities requests waiver of § 154.38(d)(3) of the Commission's Regulations in order to include this provision in its tariff.

Public notice of the filing was issued on August 6, 1976, with comments, protests, or petitions to intervene due on or before August 16, 1976.

The Commission's review of Cities' proposed tariff sheet. Seventeenth Revised Sheet PGA-1, indicates that it has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall suspend the effective date of the rates for five months until January 23, 1977, subject to refund.

Cities' proposed Third Revised Sheet No. 28 and First Revised Sheet No. 29, which contain amended Article 6 of Cities' General Terms and Conditions, should be accepted for filing and be made effective on the requested effective date of August 23, 1976.

Cities' proposed Original Sheet Nos. 37K, 37L and 37M, which contain Cities' proposed advance payment rate adjustment, should be rejected, and the Company's request for waiver of the requirements of § 154.38(d)(3) of the Commission's Regulations should be denied. Rejection of this proposed tariff tracking provision will be without prejudice to Cities' right to include the proposal in its case for final Commission decision thereon.

The Commission finds. (1) Good cause exists to accept for filing the proposed Seventeenth Revised Sheet PGA-1 and Fourth Revised Sheet No. 37D to Cities Service Gas Company's FPC Gas Tariff, Second Revised Volume No. 1, tendered by the Company on July 23, 1976, and to suspend their use for five months, until January 23, 1977, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(2) It is proper and necessary in the public interest and to aid in the enforcement of the Natural Gas Act that a hearing concerning the lawfulness of Cities Service Gas Company's rates be commenced.

(3) Good cause exists to accept for filing and make effective as of August 23, 1976, Cities Service Gas Company's proposed Third Revised Sheet No. 28 and First Revised Sheet No. 29, tendered by the Company on July 23, 1976.

(4) Good cause exists to deny waiver of § 154.38(d)(3) of the Commission's Regulations under the Natural Gas Act and to reject the Company's proposed Original Sheet Nos. 37K, 37L and 37M, tendered by the Company on July 23, 1976. Rejection of this proposed tariff provision should be without prejudice to the Company's right to include the proposal in its case for final Commission decision thereon.

The Commission orders. (A) Cities Service Gas Company's Seventeenth Revised Sheet PGA-1 and Fourth Revised Sheet No. 37D to its FPC Gas Tariff, Second Revised Volume No. 1, tendered July 23, 1976, are hereby accepted for filing and suspended for five months, until January 23, 1977, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Cities Service Gas Company's proposed Third Revised Sheet No. 28 and First Revised Sheet No. 29, tendered on July 23, 1976, are hereby accepted and made effective as of August 23, 1976.

(C) Cities Service Gas Company's request for waiver of Section 154.38(d)(3) of the Commission's Regulations under the Natral Gas Act is hereby denied, and proposed Original Sheet Nos. 37K, 37L and 37M, tendered on July 23, 1976, are hereby rejected, without prejudice to the Company's right to include the proposal in its case for final Commission decision thereon.

(D) Pursuant to the authority of the Natral Gas Act, particularly section 4 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the lawfulness and reasonableness of the subject increased rates.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before December 1, 1976. (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24963 Filed 8-25-76;8:45 am]

---

[1] Seventeenth Revised Sheet PGA-1, Third Revised Sheet No. 28, First Revised Sheet No. 29, Fourth Revised Sheet No. 37D; Original Sheet Nos. 37K, 37L and 37M.

[2] Article 6 of General Terms and Conditions, Third Revised Sheet No. 28 and First Revised Sheet No. 29.

[3] Article 23 of General Terms and Conditions, Original Sheet Nos. 37K, 37L and 37M.

[Docket No. RP73-65 (PGA75-5)]

COLUMBIA GAS TRANSMISSION CORP.

Pipeline Rates: Amendment To Order

AUGUST 19, 1976.

Through various correspondence to the Commission Secretary, as well as members of the Commission Staff, it has become evident that certain deletions, additions and modifications are necessary to the list of independent Ohio natural gas producers who were made respondents to this proceeding by order issued October 22, 1975, in this docket. Accordingly, the Commission shall amend the list of producer-respondents to this proceeding as follows:

(1) Delete the following names and addresses:

Colton Petroleum Corporation, 2121 S. Columbia Avenue, Tulsa, Oklahoma 74114.
Kenneth E. Dixon, 725 Stoney Hill Road, Hinchley, Ohio 44233.
Charles W. Badger, c/o Energy Development Corporation, 7667 West 95th Street, Hickory Hills, Illinois 60457.
Julia Badger, c/o Energy Development Corporation, 7667 West 95th Street, Hickory Hills, Ohio 60457.
Chief Petroleum, Inc., 4770 Indianola Avenue, Suite 141, Columbus, Ohio 43214.
H. D. Collins, 304 Philtower Building, Tulsa, Oklahoma 74103.
Paul Grim, Route 3, Logan, Ohio 43138.
Refiners Petroleum Corporation, First National Bank Building, One East First Street, Reno, Nevada 89501.
Star Gas Company, 809 Hanawko Valley Building, Charleston, West Virginia 25301.

(2) Add the following names and addresses:

Charles W. Badger, c/o Energy Development Corporation, P.O. Box 446, Oak Lawn, Illinois 60453.
Julia Badger, c/o Energy Development Corporation, P.O. Box 446, Oak Lawn, Illinois 60453.
Chief Petroleum, Inc., 4968 Tamarack Blvd., Columbus, Ohio 43229.
H. D. Collins, 3304 First National Tower, Tulsa, Oklahoma 74103.
Paul A. Grim, Route 5, Logan, Ohio 43138.
Refiners Petroleum Corporation, 2550 Fifth Avenue, Suite 1009, San Diego, California 92103.
Star Gas Company, Suite 203, Litton Building, 1207 Quarrier Street, Charleston, West Virginia 25301.
Mr. Gay Wilson, Route No. 1, Walhouding, Ohio 43843.
Mr. R. D. Smith, Box 85, Holmesville, Ohio 44633.

The Commission orders: (A) The Commission's list of producer-respondents in Docket No. RP73-64 (PGA75-5) shall be amended as set forth in the body of this order.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24973 Filed 8-25-76;8:45 am]

[Docket No. ES76-50]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

AUGUST 19, 1976.

Take notice that on July 26, 1976, the Community Public Service Company (Applicant), filed an application with the Commission, pursuant to Section 204 of the Federal Power Act and Part 34 of the Rules and Regulations thereunder, seeking authorization to issue $10,000,000 principal amount of First Mortgage Bonds, Series M and up to 150,000 shares of Common Stock, par value $10 per share. The proposed Series M Bonds have a maturity of more than ten years and are to be sold by public offering, either negotiated or competitive. In addition, the proposed Common Stock is to be sold by public offering, either negotiated or competitive.

Applicant is incorporated under the laws of the State of Texas, with its principal business office at Fort Worth, Texas and is domesticated in the State of New Mexico. Applicant is engaged primarily in the generation, purchase, distribution and sale of electric energy and the purchase, distribution and sale of natural gas. Applicant provides electricity and Natural gas service to a total of 77 municipalities in Texas and nine municipalities in New Mexico.

The purpose of the proposed First Mortgage Bonds and Common Stock will be the reimbursement of the treasury of applicant for expenditures for the construction, completion, extension or improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.0). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24974 Filed 8-25-76;8:45 am]

[Docket No. ID-1607]

EARL K. DILLE

Notice of Application

AUGUST 19, 1976.

Take notice that on May 1, 1975, Earl K. Dille (Applicant), Executive Vice President, Union Electric Company, St. Louis, Missouri, filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Executive vice president and director.[1]	Union Electric Co. (Union Electric).	Public utility.
Director[1]	Missouri Edison Co.[2] (Missouri Edison).	Do.
Do[1]	Missouri Power and Light Co.[2] (Missouri Power).	Do.
Do	Missouri Utilities Co[2 3] (Missouri Utilities).	Do.
Do[1]	Electric Energy Inc.[4] (Electric Energy).	Do.

[1] Positions previously authorized.
[2] Subsidiary of Union Electric.
[3] Elected director April 23, 1975.
[4] Forty percent owned by Union Electric.

By Order issued August 3, 1972, the Applicant was authorized to hold all the above positions except the position of Director of Missouri Utilities, which is the subject of this application.

Any person desiring to be heard or to make any protest with reference to such application should, on or before September 20, 1976, file with the Federal Power Commission, in accordance with the requirements of the Commssion's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropirate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24975 Filed 8-25-76;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Notice of Certification of Proposed Settlement Agreement

AUGUST 19, 1976.

Take notice that on July 7, 1976, the Presiding Administrative Law Judge certified to the Commission for its consideration and disposition a proposed settlement agreement in the above-entitled proceeding together with the record related thereto.

Any person wishing to do so may submit comments in writing covering the proposed settlement. All such comments should be submitted to the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, on or before August 31, 1976. Copies of the settlement

agreement are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24964 Filed 8-25-76;8:45 am]

[Docket Nos. RI61-280 and RI71-1014]

ESTATE OF WILLIAM E. ALLAUN AND CORNELIA H. ALLAUN

Notice of Petition for Special Relief

AUGUST 18, 1976.

Take notice that on May 4, 1976, The Estate of William Edwin Allaun and Mrs. Cornelia Harris Allaun (Petitioners), Melson Building, 123 30th Street, Newport News, Virginia 23607, filed a petition for special relief in Docket Nos. RI61-280 and RI71-1014, pursuant to Section 8.2.6 of Commission Order No. 459. Petitioner requests to be excused from undischarged refund obligations in the amount of $95,605.13 after it has already made a sincere and diligent effort to find gas to meet its refund obligations but has failed to do so. The refund obligations arose from sales of natural gas from the Gwinville Field, Jefferson Davis and Simpson Counties, Mississippi, to Bass Enterprises Production Company, et al.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 3, 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 protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24976 Filed 8-25-76;8:45 am]

[Docket No. E-9564]

IOWA POWER AND LIGHT CO.

Notice of Application

AUGUST 19, 1976.

Take notice that on August 9, 1976, Iowa Power and Light Company (Company) filed, pursuant to section 203 of the Federal Power Act and Part 33 of the Commission's Regulations thereunder, an application for authority to sell approximately 20 miles of 161 kV electric transmission line in the Iowa counties of Jasper and Poweshiek. The purchaser of the line will be Iowa Southern Utilities Company, Centerville, Iowa.

The Company is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged primarily in the generation, transmission, distribution and sale at retail of electric energy and in the purchase, distribution and sale at retail of natural gas in central and southwestern Iowa.

The Company states that the proposed sale of facilities is consistent with the public interest, inasmuch as it will tend to equalize the benefits and costs of transmission facilities located in areas of mutual load responsibilities.

The Company has moved that the intermediate decision procedure be omitted and that the Commission forthwith render the final decision on this application.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 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 persons 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.76-24976 Filed 8-25-76;8:45 am]

[Docket No. ER76-834]

KANSAS POWER AND LIGHT CO.

Proposed Changes in Rates and Charges

AUGUST 18, 1976.

Take notice that on August 2, 1976, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed renewal contract dated April 26, 1976, with the City of Hillsboro, Kansas for wholesale service to that community. Kansas states that this is a renewal of a similar contract dated October 7, 1969, and designated KPL Rate Schedule FPC No. 119. The proposed effective date is October 1, 1976. According to Kansas, the net billing for the twelve months succeeding the proposed change in agreements was $251,849.85. In addition, Kansas states that copies of the contract have been mailed to the City of Hillsboro and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 30, 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.76-24957 Filed 8-25-76;8:45 am]

[Docket No. AR67-1]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Filing of Report

AUGUST 19, 1976.

Take notice that on August 2, 1976, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a report in response to Paragraph (C) of the Commission's Order dated February 23, 1976 in Docket No. AR67-1, et al.

Michigan Wisconsin states that pursuant to the provisions of the General Terms and Conditions of its tariff, Michigan Wisconsin will credit its Unrecovered Purchased Gas Cost Account with the following refunds received:

Producer	Rate schedule	Refund amount
Exxon Co., U.S.A.	310	$4,414.03
Getty Oil Co.	118	1,435.31
Mobil Oil Corp.	316	6,606.58
Total		12,455.92

Michigan Wisconsin further states that the refunds were determined pursuant to FPC Opinion 607, as amended, and refunded pursuant to Paragraph (A) of the Order referred to above. Michigan Wisconsin states that refunds not yet received will be credited to the Unrecovered Purchased Gas Cost Account when received; the Company's records indicate that Pennzoil Producing Company has a refund obligation of $9,856.64 under its rate schedule 249 which has not yet been received or otherwise discharged.

Michigan Wisconsin states that a copy of its report was mailed to each of Michigan Wisconsin's gas sales customers, as well as to each of the following:

Illinois Commerce Commission
Public Service Commission of Indiana
Iowa Commerce Commission
Kansas State Corporation Commission
Michigan Public Service Commission
Missouri Public Service Commission
Public Utilities Commission of Ohio
Tennessee Public Service Commission
Public Service Commission of Wisconsin.

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 August 27, 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 per-

son 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.76-24977 Filed 8-25-76;8:45 am]

[Docket Nos. G-18314, CP66-121 and CP70-25]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition To Amend Orders

AUGUST 19, 1976.

Take notice that on June 21, 1976, Midwestern Gas Transmission Company (Midwestern) petitioned the Federal Power Commission to amend its three import authorizations under Section 3 of the Natural Gas Act issued in the above-entitled proceedings to authorize the continued importation of natural gas at a border price of $1.80 (Canadian) per MMBTU effective September 10, 1976, and $1.94 (Canadian) per MMBTU effective January 1, 1977, as such rate may be set forth in an amendment to TransCanada PipeLines Limited's (TransCanada) export licenses for its sales to Midwestern to be issued by the Canadian National Energy Board pursuant to an order of the Canadian Government. Midwestern's petition recites that on June 10, 1976, the Canadian Minister of Energy, Mines and Resources issued a statement that the Canadian Government had instructed the Canadian National Energy Board to amend existing export licenses to establish such border prices for the export licenses pertaining to TransCanada's sales to Midwestern. Midwestern presently purchases gas from TransCanada at a border price of $1.60 (Canadian) per MMBTU. The proposed border prices would be of a significant increase of the border prices now in effect. The petition also states that if Midwestern's import authorizations are not timely amended, Midwestern will be faced with termination of imports of gas from TransCanada.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 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.76-24978 Filed 8-25-76;8:45 am]

[Docket No. RP76-114]

MIDWESTERN GAS TRANSMISSION CO.

Pipeline Rates—Intervention

AUGUST 19, 1976.

On June 30, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing revised tariff sheets to its FPC Gas Tariff [1] seeking an increase in annual jurisdictional revenues of $4,758,726 for its Southern System and $3,796,501 for its Northern System. Notice of Midwestern's tender was issued on July 8, 1976, with comments, protests, and petitions to intervene due on or before July 23, 1976. Various timely petitions to intervene were filed (See Appendix A). Having reviewed these petitions to intervene, we believe that the petitioners have sufficient interest in this proceeding to warrant intervention.

The Commission finds: The participation in the proceeding by the petitioners listed in Appendix A may be in the public interest.

The Commission orders: (A) The petitioners listed in Appendix A are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

North Central Public Service Company, Division of Donovan Companies, Inc.
Northern Indiana Public Service Company
Northern Illinois Gas Company
Central Illinois Light Company
The Peoples Gas Light and Coke Company
Wisconsin Gas Company
Michigan Wisconsin Pipe Line Company

[FR Doc.76-24979 Filed 8-25-76;8:45 am]

[1] Third Revised Volume No. 1, Fifteenth Revised Sheet No. 5, Original Sheet No. 5A, Second Revised Sheet Nos. 80 and 85; Original Volume No. 2, First Revised Sheet No. 37.

[Docket No. G-7645]

MOBIL OIL CORP.

Order Granting Intervention and Answering Petition for Declaratory Order

AUGUST 18, 1976.

On May 24, 1976, Mobil Oil Corporation (Mobil) filed a petition for delaratory order pursuant to Sections 4, 7, 14, and 16 of the Natural Gas Act [1] and Section 1.7(c) of the Commission's rules of practice and procedure.[2] The petition requests an order declaring whether Mobil can and should continue a sale to the City of Guymon, Oklahoma, from leases subsequently dedicated to interstate service under contract with Cities Service Gas Company (Cities Service). On June 21, 1976, Cities Service filed a petition to intervene; on June 28, 1976, the City of Guymon (Guymon) filed an untimely petition to intervene.

Mobil's petition relates to two contracts. Under the earlier contract dated January 4, 1946, Mobil has been supplying Guymon with "all its requirements" for use "in its municipal distribution system and any extensions or additions thereto." The contract term for this non-jurisdictional sale has been extended from time to time but will expire on August 31 of this year. The second contract dated February 28, 1946, dedicated Mobil's interests in certain reserves to Cities Service for the life of these reserves.[3] This contract contained a prior commitment clause [4] which recognized Mobil's obligation to sell to Guymon "under the terms of a contract dated January 4, 1946, and any extensions thereof."

Mobil states that the contract with Guymon will expire as of August 31, 1976, and Guymon would best be served by supplier(s) other than Mobil. Therefore, Mobil wants to extend its contract for only one year in order to give Guymon time to secure other supplies.

The Commission, in 1954, issued a "grandfather" certificate to Republic (Mobil's predecessor) covering its sale to Cities Service. In so doing, it accepted the reservation contained in the Republic (Mobil)-Cities Service contract which provides as follows:

Section 2(b), Limitations on Republic's Obligation

Republic reserves the right to use gas produced from said acreage for * * *

(iv) Natural gas which Republic shall hereafter sell to the City of Guymon, Oklahoma, a municipal corporation, under the terms of a contract dated January 4, 1946, *and any extension* [5] *thereof* (emphasis supplied).

Since any extension of the Mobil-Guymon contract is expressly contemplated by the Republic (Mobil)-Cities Service contract, as certificated by the Commission, Mobil, if so desires, may continue to serve Guymon.

The Commission finds: Participation by Cities Service and the City of Guymon in these proceedings may be in the

[1] On file as Mobil Oil Corporation Rate Schedule No. 283.
[2] Section 2(b) of the Mobil contract.
[3] On file as Mobil Oil Corporation Rate Schedule No. 283.
[4] Section 2(b) of the Mobil contract.
[5] See p. 3 of "Petition of Mobil Oil Corporation For Declaratory Order", Docket No. G-7645, filed May 24, 1976.

public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The issue raised in Mobil's petition is answered in the body of this order.

(B) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission, Provided, however, that its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and *Provided, further,* That the admission of intervenors in the manner provided shall not be construed as recognition by the Commission that such intervenors might be aggrieved because of any order or orders entered in this proceeding, and that intervenors agree to accept the record as it now stands.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24958 Filed 8-25-76;8:45 am]

[Docket No. ER76-848]

MONTANA POWER COMPANY

Notice of Rate Filing

AUGUST 19, 1976.

Take notice that The Montana Power Company on August 9, 1976, tendered for filing in accordance with Section 35 of the Commission's Regulations, a rate Tariff designated FPC Electric Tariff M-1, which provides for sale of nonfirm energy to other utilities for resale.

The Montana Power Company respectfully requests that this rate schedule be made effective August 1, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 27, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24965 Filed 8-25-76;8:45 am]

[Docket No. ER76-828]

NANTAHALA POWER AND LIGHT CO.

Tariff Change

AUGUST 17, 1976.

Take notice that Nantahala Power and Light Company (Nantahala) on July 30, 1976, tendered for filing proposed changes in its FPC Electric Rate Schedule PL. The proposed changes would increase revenues from jurisdictional sales or service by $121,908, based on the 12 month period ending on December 31, 1975.

The proposed rate changes and rate charges are designed to increase the revenue from Haywood Electric Membership Corporation, the Town of Highlands and Western Carolina University, Nantahala Power and Light Company's only jurisdictional customers, sufficiently to raise the rate of return on the investment necessary to serve jurisdictional customers to an acceptable level.

Copies of the filing were served upon Nantahala's jurisdictional customers and on the regulatory commission of the State of North Carolina.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.18, 1.10). All such petitions or protests should be filed on or before September 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENETH F. PLUMB,
Secretary.

[FR Doc.76-24970 Filed 8-25-76;8:45 am]

[Docket No. ER76-841]

NEW ENGLAND POWER CO.

Agreements

AUGUST 19, 1976.

Take notice that on August 4, 1976, New England Power Company (NEP) tendered for filing notice of an Agreement dated May 3, 1976, between it and the Water and Light Department of the Town of Littleton, New Hampshire (Littleton) which pertains to the transfer by NEP to Littleton of a portion of a 34.5 KV transmission line from approximately NEP's Pattenville switching tower to Littleton's substation.

NEP tendered also a service agreement, dated June 30, 1976, between it and Littleton which provides for a new single transmission point at the Pattenville switching tower.

NEP requests that the notice requirements be waived in order to permit the agreements to be effective as of May 3, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 September 3, 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.76-24980 Filed 8-25-76;8:45 am]

[Docket No. ER76-842]

NEW ENGLAND POWER CO.

Transmission Contract

AUGUST 19, 1976.

Take notice that on August 4, 1976, New England Power Company (NEP tendered for filing a Transmission Contract between it and the Town of Braintree, Massachusetts, Electric Light Department (BELD) which is submitted as an initial rate schedule.

This contract provides for NEP to transmit across its system BELD's purchase from Vermont Electric Power Company, Inc. of 1,248 KW from Vermont's life-of-the-unit purchase of capacity in Public Service Company of New Hampshire's unit designated as Merrimack Unit No. 2.

NEP requests waiver of the notice requirements in order to permit the Contract to be effective as of April 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8, 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 September 3, 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 filed 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.76-24981 Filed 8-25-76;8:45 am]

[Docket Nos. RI76-132, RI76-133, RI76-135]

NORTHERN MICHIGAN EXPLORATION CO., ET AL.

Extension of Time

AUGUST 17, 1976.

In the matter of Northern Michigan Exploration Company, Docket No. RI76-132; Clark Oil Producing Company, Docket No. RI76-133; Diamond Shamrock Corporation, Docket No. RI76-135.

On August 12, 1976, Clark Oil Producing Company filed a motion to extend the time for filing direct testimony and

the date for the pre-hearing conference, fixed by Order issued August 4, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above-designated proceeding are extended as follows:

Date for filing direct testimony: August 31, 1976.

Pre-hearing conference, to convene at 9:30 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, September 23, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24954 Filed 8-25-76;8:45 am]

[Docket No. ER76-844]

NORTHERN STATES POWER CO.

Filing of Rate Schedule Supplement

AUGUST 19, 1976.

Take notice that Northern States Power Company on August 5, 1976, tendered for filing Supplement No. 3, dated June 21, 1976, to the Interconnection and Interchange Service Agreement with Minnesota Power & Light Company.

Supplement No. 3 adds the Sturgeon Lake and Forbes Interconnections and provides for the operation of the 500 KV transmission line from Forbes, Minnesota, to Minneapolis-St. Paul, Minnesota, as part of the parties' network.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 September 3, 1976.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24982 Filed 8-25-76;8:45 am]

[Docket Nos. CS73-388, *et al.*]

OIL RESOURCES INCORPORATED, OPERATOR, ET AL. AND OTHER APPLICANTS LISTED HEREIN

Applications for "Small Producer" Certificates [1]

AUGUST 19, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 10, 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 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 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.	Filing date	Applicant
CS73-388	July 30, 1976	Oil Resources Inc., operator, *et al.*, 1155 15th St., NW., Washington, D.C. 20005.
CS76-945	Nov. 21, 1975	James E. Prothro, *et al.*, 1800 First National Bank Bldg., Dallas, Tex. 75202.
CS76-947	July 19, 1976	Impel Corp., 475 17th St., Suite 600, Denver, Colo. 80202.
CS76-948	do	Darrell M. Fink, 1490 Oil and Gas Bldg., New Orleans, La. 70112.
CS76-949	do	Driscoll Production Co., 1620 Guaranty National Bank Plaza, Corpus Christi, Tex. 78403.
CS76-999	Aug. 2, 1976	Bailey Gas Systems, Inc., 4111 South Darlington, Tulsa, Okla. 74135.
CS76-1000	do	Simba Corp., 4111 South Darlington, Tulsa, Okla. 74135.
CS76-1001	do	Howard Engineering, Inc., Suite 601, Beacon Bldg., Tulsa, Okla. 74103.
CS76-1002	do	Andy Payne, 941 Northeast 49th St., Oklahoma City, Okla 73105.
CS76-1003	do	B. John Ashley, Jr., 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1004	do	Byron J. Ashley, Sr., 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1005	do	William Campion, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1006	do	Clanor Co., Inc., 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1007	do	Jamie Coulter, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1008	do	Margaret B. Curfman, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1009	do	W. R. Dakan, Jr., 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1010	do	Max S. Deterding, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1011	do	Robert Geist, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1012	do	Charles W. Harris, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1013	do	John M. Lyon, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1014	do	H. A. Mayor, Jr., 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1015	do	Donald J. Nigg, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS-76-1016	do	P. R. Peterson, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1017	do	Cort G. Platt, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1018	do	John M. Prest, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1019	do	John G. Schreiner, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1020	do	Richard D. Smith, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1021	do	Temple and Roark, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1022	do	Ken Wagnon, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1023	do	Winston Wheeler, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1024	do	R. A. Whortan, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS76-1025	do	Morningside Company, Inc., 441 Morningside Dr., Wichita, Kans. 67218.

[FR Doc.76-24985 Filed 8-25-76;8:45 am]

[Docket No. RP68-15]

PANHANDLE EASTERN PIPE LINE CO.

Filing of Report

AUGUST 18, 1976.

Take notice that on August 2, 1976, in accordance with Paragraph (E) of the January 29, 1969, Escrow Instructions of Panhandle Eastern Pipe Line Company to the Commerce Bank of Kansas City (Commerce Bank) involving an initial deposit of $103,900.73, Commerce Bank filed a quarterly report certifying the amount on deposit in the Escrow Ac-

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

count at the end of the quarter ending on July 29, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 August 27, 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.76-24959 Filed 8-25-76;8:45 am]

[Project No. 2769]

PENNSYLVANIA ELECTRIC COMPANY AND ALLEGHENY ELECTRIC COOPERATIVE, INC.

Application for Preliminary Permit

AUGUST 18, 1976.

Public notice is hereby given that an application for a preliminary permit was filed on April 21, 1976, and supplemented June 21, 1976, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by the Pennsylvania Electric Company and Allegheny Electric Cooperative, Inc. (Correspondence to: W. R. Thomas, Secretary and Treasurer, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907; Mr. William F. Matson, Executive Vice President, Allgeheny Electric Cooperative Inc., 2929 North Front Street, Harrisburg, Pennsylvania 17110; with copies to: Harry N. Platt, Jr., Esq., Ballard, Saphr, Andrews and Ingersoll, United Engineers Building, 20th Floor, 30 South 17th Street. Philadelphia, Pennsylvania 19103; William C. Wise, Esq., 1019 19th Street, N.W., Suite 200, Washington, D.C. 20036; James B. Liberman, Esq., Berlack, Israels & Liberman, 26 Broadway, New York, New York 1004; Marian Schwalm Furman, Esq., General Counsel, Allegheny Electric Cooperative, Inc., 2929 North Front Street, Harrisburg, Pennsylvania 17110) for the proposed Raystown Hydroelectric development, FPC Project No. 2769, to be located on the Raystown Branch of the Juniata River, near the community of Huntingdon in Huntingdon County, Pennsylvania. The project would affect lands of the United States in Juniata Township in Huntingdon County and the Corps of Engineers' Raystown Reservoir.

The Raystown Hydroelectric Project would utilize the 136-foot head created by the Corps of Engineers' Raystown Reservoir Project and would utilize the existing Corps of Engineers' diversion and emergency regulating tunnel to divert water from the Corps' reservoir to a powerhouse with maximum installed capacity of 50,000 kW.

Transmission facilities would be built to connect the generating facilities with a substation planned for construction for other purposes on the 230 kV transmission system of Pennsylvania Electric Company.

The power generated would be used in the Applicant's Service Area for public utility purposes.

A preliminary permit does not authorize construction. A permit, if issued, gives the permittees, during the term of the permit, the right of priority of application for a license while the permittees undertake the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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 C.F.R. § 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 a party 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24960 Filed 8-25-76;8:45 am]

[Docket No. ER76-850]

PUBLIC SERVICE COMPANY OF COLORADO

Filing of Initial Rate Schedule

AUGUST 19, 1976.

Take notice that Public Service Company of Colorado (PSCo) on August 9, 1976 tendered for filing as an initial rate schedule a power and energy sales agreement among PSCo, Colorado-Ute Electric Association, Inc., and Salt River Project Agricultural Improvement and Power District.

The Agreement, known as the Hayden Power Pool Agreement, provides for Scheduling and Delivery of Economy Energy, Payments for Economy Energy, Transmission Service, Sale of Available Operating Capacity and other similar operating matters.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 29426, 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 protests or petitions should be filed on or before August 27, 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 proceedings. 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.76-24966 Filed 8-25-76;8:45 am]

[Docket No. RM74-18]

RATE OF INTEREST ON AMOUNTS SUBJECT TO REFUND

Order Granting Rehearing of Order No. 513–A for Purposes of Further Consideration

AUGUST 19, 1976.

On July 14, 1976, the Commission issued Order No. 513–A in the above-captioned docket. Applications for rehearing of the order were filed by Shell Oil Company (Shell) on July 21, 1976; by The California Company, a division of Chevron Oil Company (Calco) on August 2, 1976; by General American Oil Company of Texas (GA) on August 9, 1976; and by various municipal distributor groups purchasing natural gas from a number of the major interstate pipeline companies[1] (Municipals) on August 4, 1976. For the reasons stated below, we shall grant rehearing for the limited purpose of further consideration.

The applications for rehearing filed by Shell, Calco and GA were alternatively styled as motions for clarification of Order 513–A. In that order the Commission directed that the 9% interest rate prescribed in Order 513 be applied to refunds made on all excess charges collected on and after October 10, 1974, unles there was a final, non-appealable Commission order in the proceding directing the disbursement of refunds of amounts collected or held during the time periods which are the subject of the order. The Commission further stated that where such orders have been issued but are not final and non-appealable on the date of Order No. 513–A, the 9% interest rate will be applied.

Shell, Calco and GA contend that the latter exception to the final, non-appealable order exception to 513–A should not be read to include a situation where the Commission has previously entered a final order granting refunds, no longer subject to review, and has not yet ordered actual disbursement of the refunds, but has fixed the interest rate on the face of the Commission's order. This situation, Shell, Calco and GA contend, describes the status of the Commission's order in the second Southern Louisiana Area Rate Opinion, Opinion No. 598,

[1] See Appendix A.

where ordering paragraph (G) reads in part:

If a producer's refund obligation has not been completely discharged by October 1, 1977, such producer will be obligated to refund in cash plus 7 percent interest effective from August 1, 1971, the outstanding refund obligation. (Emphasis supplied) (46 F.P.C. at 148)

Shell, Calco and GA argue that, since the interest rate was affirmatively fixed by the Commission on the face of its opinion, and since that opinion was affirmed by the United States Court of Appeals for the Fifth Circuit and by the United States Supreme Court, that the Commission cannot now provide for a different interest rate applicable to refunds ordered pursuant to that Opinion, but which have not yet been ordered to be disbursed because of the refund work-off period provided therein. Shell, Calco and GA therefore seek either a clarifying order stating that the 9% interest rate should not be applied to refunds ordered pursuant to the terms of Opinion No. 598 or, if the Commission intends that the 9% rate should apply in such a case, for rehearing of Order No. 513–A on that issue.

The Municipals in their petition for rehearing of Order No. 513–A filed on August 4, 1976, argue that it is unreasonable and discriminatory to determine whether 7% interest or 9% interest is to be paid on excess amounts collected after October 10, 1974 on the basis of whether a final, non-appealable order has been issued in a case. The Municipals cite *Austral Oil Co.* v. *FPC*, 428 F. 2d 407, 444–45 (5th Cir., 1970), clarified on rehearing, 444 F. 2d 125 (1971) for the proposition that the Commission has not only the authority but also the duty to stay, modify or rescind any part of a final, non-appealable order where changed circumstances have made such a change advisable in the public interest. They further contend that the Court of Appeals opinion in *American Public Gas Association, et al* v. *FPC*, No. 75–1104, (D.C. Cir., May 19, 1976) has removed the matter from Commission discretion and made it mandatory that the Commission apply Order No. 513–A retroactively to all excess amounts collected since October 10, 1974, irregardless of the finality of the Commission's orders. The Municipals argue additionally that even if the Commission had discretion as to whether or not it would re-open cases in which a final, non-appealable order had been issued, the Commission would abuse its discretion if it did not reopen such cases, since the issuance or non-issuance of a final, non-appealable order does not alter the illegality of the 7% interest rate as to excess charges collected after October 10, 1974. For the above reasons, the Municipals request rehearing of Order No. 513–A and that the Commission on rehearing order all pipelines to pay a 9% interest rate on all overcharges collected after October 10, 1974, regardless of whether or not final, non-appealable orders had previously issued in a given rate proceeding.

Because of the diversity and complexity of the issues raised by the above petitions, and in order to have before us all issues which may be raised in petitions for rehearing of Order No. 513–A, it is appropriate that the Commission have additional time in which to consider the issues involved. The above applications for rehearing shall therefore be granted for the limited purposes of further consideration and study of the Commission's Order No. 513–A.

The Commission finds: In order to afford the Commission additional time for the consideration of the issues discussed in the applications for rehearing of Shell, Calco, General American and the Municipal distributors named herein, and to allow for responsive pleadings on all issues, it is necessary and proper in the administration of the Natural Gas Act to grant rehearing of the Commission's Order No. 513–A issued in this proceeding on July 14, 1976, for the limited purpose of further consideration.

The Commission orders: Rehearing of the Commission's Order No. 513–A issued on July 14, 1976, in this proceeding is hereby granted for the limited purpose of further consideration.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—LIST OF MEMBERS OF MUNICIPAL GROUPS BY PIPELINE SUPPLIER

1. Cities Service Gas Company (RP74–4).—Kansas: Abbyville, Altamont, Argonia, Auburn, Burlingame, Danville, Howard, Humboldt, Iola, Lancaster, Lebo, Neosho Rapids, Norwich, Hamilton, Olivet, Osage City, Sylvia, Chanute, McPherson, Effingham, Eskridge, Cassoday, Lancaster, Neodesha, McLouth, Uniontown, Stark, Sylvia, Viola, Partridge, Plevna, Reading, Sharon, Garnett.

2. Columbia Gas Transmission Corp. (RP 73–86, RP74–82).—Virginia: City of Charlottesville.

3. *Northern Natural Gas Company (RP74–80)*.—Iowa: Brooklyn, Cascade, Emmetsburg, Des Moines, Gilmore City, Graettinger, Harlan, Hawarden, Manilla, Sioux Center, Manning, Osage, Preston, Remsen, Rolfe, Sac City, Sanborn, West Bend, Whittemore, Woodbine. Nebraska: Pender, Ponca. Minnesota: Mora, Buffalo, Hutchinson, New Prague, Circle Pines, Austin.

4. *Texas Eastern Transmission Corp. (RP 74–41)*.—Illinois: Cairo. Pennsylvania: Chambersburg. Indiana: Huntingburg. Tennessee: Smyrna. Mississippi: Utica.

[FR Doc.76–24951 Filed 8–25–76;8:45 am]

[Docket Nos. RP71–41, RP75–73 (PGA 76–5 DCA76–2)]

TEXAS EASTERN TRANSMISSION CORP.

Tender of Emergency Purchases Information

AUGUST 18, 1976.

Take notice that on July 12, 1976, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing information requested by the Commission's order issued June 30, 1976, in the above captioned dockets, ordering paragraph (G), with respect to the compliance with the criteria of 699–B of certain 60 day emergency purchases.

Any person wishing to do so may submit comments in writing concerning Texas Eastern's tender. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 29, 1976. Texas Eastern's information is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–24972 Filed 8–25–76;8:45 am]

[Docket No. ER76–846]

TOLEDO EDISON CO.

Service Agreement

AUGUST 19, 1976.

Take notice that The Toledo Edison Company, on August 6, 1976, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Pioneer, Ohio, and Seventh Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreement with the Village of Pioneer provides that the Village will be served under rate Municipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedules FPC Number 18) which will expire on September 22, 1976. An effective date of September 23, 1976 has been requested for the filed Service Agreement.

Toledo Edison states that copies of this filing were served upon the Village of Pioneer, Ohio, and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 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 August 31, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–24969 Filed 8–25–76;8:45 am]

[Docket No. ER76–843]

UNION ELECTRIC CO.

Letter Agreement

AUGUST 18, 1976.

Take notice that on August 5, 1976, Union Electric Company (Union) ten-

dered for filing a Letter Agreement revising the demand charge for Maintenance Energy transactions under the Interconnection Agreement dated November 1, 1969 between the Tennessee Valley Authority and Central Illinois Public Service Company, Illinois Power Company, and Union.

Union requests waiver of the filing requirements to allow an effective date of September 1, 1976, for the Letter Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washintgon, 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 August 30, 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.76-24961 Filed 8-25-76;8:45 am]

[Docket No. ER76-852]

UNION ELECTRIC CO.

Revised Service Schedule

AUGUST 19, 1976.

Take notice that on August 9, 1976, Union Electric Company (Union) tendered for filing an Amendment and revised Appendix "C" to the Electric Service Agreement dated December 15, 1955, as amended, between Missouri Power & Light Company (MPL) and Union. Union states that said documents reflect added generating capability by MPL and the subsequent increase in the credit MPL receives in computing monthly billing demand. Union requests an effective date of June 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 August 31, 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 peition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24963 Filed 8-25-76;8:45 am]

[Docket No. RP76-109]

UTAH GAS SERVICE CO.

Order Granting Intervention

AUGUST 19, 1976.

On June 4, 1976, Utah Gas Service Company (Utah Gas) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase from $0.61715 per Mcf to $0.84275 per Mcf the cost of natural gas sold by Utah Gas to Northwest Pipeline Corporation. Notice of the filing was issued on June 15, 1976, with comments, protests, or petitions to intervene due on or before June 28, 1976.

On June 24, 1976, Northwest Pipeline Corporation filed a timely petition to intervene. Upon consideration thereof, the Commission finds that good cause exists to grant the petition.

The Commission finds. Participation by Northwest Pipeline Corporation may be in the public interest, and good cause exists to permit such intervention.

The Commission orders. (A) Northwest Pipeline Corporation is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to me made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24967 Filed 8-25-76;8:45 am]

[Docket No. E-9561]

UTAH POWER & LIGHT COMPANY, MAINE CORP. AND UTAH POWER & LIGHT COMPANY, UTAH CORP.

Order Authorizing Merger

AUGUST 19, 1976.

On June 8, 1976, Utah Power & Light Company, Maine Corporation and Utah Power & Light Company, Utah Corporation (collectively referred to as the "Applicants"), filed a joint application, pursuant to Section 203 of the Federal Power Act, requesting authorization to merge into a single corporation with the Utah Power & Light Company, Utah Corporation being the surviving corporation. The Maine Company is incorporated under the laws of the State of Maine with its principal business office at Salt Lake City, Utah, and has qualified to do business as a foreign corporation in the states of Utah, Colorado, Idaho, Wyoming and New Mexico. It owns and operates a system engaged in the generation, purchase, transmission and distribution of electric energy. The Utah Company was recently incorporated under the laws of the State of Utah for the stated purpose of furnishing a vehicle for transferring the corporate domicile of the Maine Company to the State of Utah.

The Utah Company is a wholly-owned subsidiary of the Maine Company organized solely for the purpose of accomplishing the proposed merger and changing the state of incorporation from Maine to Utah. The Utah Company is not presently engaged in business but upon consummation of the proposed merger said Company will conduct the electric utility business of the Maine Company in all respects as same was conducted prior to the merger.

The Applicants propose to merge, pursuant to a Plan of Merger which has been approved by the Board of Directors and stockholders of each company. The Articles of Incorporation and By-Laws of the Utah Corporation, taken together, are identical in all material respects with the Composite Certificate of Organization and By-Laws, taken together, of the Maine Corporation, except as to differences in form of the Articles of Incorporation which are required to comply with the provisions of the Utah Business Corporation Act. The Utah Corporation, prior to the merger, will not have any significant assets or liabilities. Following the merger, the Utah Corporation will succeed to all of the rights, assets and properties, and assume all of the obligations and liabilities of the Maine Corporation.

Upon the consummation of the proposed merger, each outstanding share of common stock and of preferred stock of each class and series of the Maine Company will automatically be converted into and become, respectively, a like share of the outstanding common or preferred stock of such class and series of the Utah Company. On the effective date of the proposed merger, the Utah Company will assume all of the funded debt and guarantees thereof the Maine Company and the one outstanding share of common stock of the Utah Company which is held by the Maine Company will be acquired by the Utah Company, cancelled and restored to the status of authorized but unissued common stock.

The proposed merger will transfer all of the operating facilities and all other property of every kind whatsoever from the Maine Company to the Utah Company. No change in the method of operation of the facilities of the Company will result from the proposed merger. Upon the consummation of the proposed merger, the Utah Company will succeed, by operation of law, to all of the rights, powers and privileges and all of the duties, obligations, and liabilities under all contracts of the Maine Company for the purchase, sale, or interchange of electric energy.

The facts relied upon by Applicants to show that the proposed merger will be consistent with the public interest are as follows:

(1) Incorporation in Utah will promote a better understanding by state and local government authorities, the Company's customers, and stockholders, and the public generally, of the Company's scope of operations, management and ownership. Although, the Company was incorporated under the laws of Maine in 1912, its principal service area, facilities and headquarters are located in the state of Utah. The Company does not conduct any business in Maine and has no property in that state.

(2) Following the merger, the Company will be relieved of compliance with the laws of the state of Maine and the taxes, fees, reports, and miscellaneous expense incident to compliance with its laws. No additional annual taxes will be payable to the state of Utah as a result of the change.

(3) The Corporate identity of the Company will be clarified in that the state of incorporation, the state appearing in the Company name, the state wherein the corporate headquarters are located, and the state in which the principal service area of the Company is located, will be one and the same state (Utah).

The Public Service Commission of Wyoming, by order issued June 2, 1976, authorized consummation of the transactions described herein.

Written notice of the application has been given to the Wyoming Public Service Commission, the Idaho Public Utilities Commission, the Utah Public Service Commission and to the Governor of each of those states. Notice has also been given by publication in the FEDERAL REGISTER, stating that any person desiring to be heard or to make any protest should on or before July 9, 1976, file petitions or protests with the Federal Power Commission, Washington, D.C. 20426. No petitions, protest or request to be heard in opposition to the granting of the application has been received.

The Commission finds. (1) Utah Power & Light Company, a Maine Corporation and Utah Power & Light Company, a Utah Corporation, are public utilities within the meaning of Section 203 of the Federal Power Act and subject to the jurisdiction of the Commission.

(2) By the proposed transaction, as described above, and as set forth in the application, the Utah Power & Light Company, a Maine Corporation, will merge or consolidate its facilities with those of Utah Power & Light Company, a Utah Corporation.

(3) The proposed acquisition and merger of the facilities of Utah Power & Light Company, Maine Corporation by Utah Power & Light Company, a Utah Corporation, upon the terms and conditions specified in the application and subject to the provisions of this order, will be consistent with the public interest as expressed in Section 203 of the Federal Power Act for the reasons set forth above.

(4) The period of public notice given in this matter is reasonable.

The Commission orders. (A) The proposed acquisition and merger or consolidation of the facilities of Utah Power & Light Company, a Maine Corporation by the Utah Power & Light Company, a Utah Corporation, all as described above, is hereby authorized and approved upon the terms and conditions set forth in the application and subject to the provisions of this order.

(B) Utah Power & Light Company, a Utah Corporation, shall record the merger transaction herein authorized and approved and the facilities and properties described above as provided in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees.

(C) This authorization shall expire unless the transaction herein authorized is consummated within 90 days from the date of issuance of this order.

(D) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost, or any matter whatsoever now pending or which may come before this Commission or any other regulatory body.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-24968 Filed 8-25-76;8:45 am]

[Docket No. ER76-829]

WESTERN MASSACHUSETTS ELECTRIC CO.

Filing of Rate Schedule Amendments

AUGUST 19, 1976.

Take notice that Western Massachusetts Electric Company (WMECO) on July 30, 1976, tendered for filing proposed changes in Resale Service Rate CD-1 and in its FPC Electric Tariff, Original Volume No. 1 (FFC Rate Schedule No. RS-1). The Company states that the proposed changes in rates are estimated to result in an increase in billings to the Company's wholesale customers of approximately $1,650,000 as a result of the changes. In addition, WMECO proposes to amend its fuel adjustment clause to comply with Section 35.14 of the Commission's Regulations.

The increased rates are proposed by WMECO in order to recover its increased costs of service, including the capacity costs associated with its ownership interest in the nuclear generating unit known as Millstone Unit 2, which began commercial operation in December, 1975, and higher depreciation rates and to reflect the accounting procedures relating to interperiod allocations of income taxes promulgated by Commission Orders 50 and 530-B.

Copies of the filing were served upon WMECO's jurisdictional customers and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 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.76-24984 Filed 8-25-76;8:45 am]

[Docket No. CP76-468 [1]]

CLEARFIELD, AND PRESCOTT, IOWA CITIES OF LENOX, BEDFORD,

Petition for Extraordinary Relief, or, in the Alternative, for an Order Pursuant to Section 7(a) of the Natural Gas Act

AUGUST 18, 1976.

Take notice that on July 14, 1976,[2] the Cities of Lenox, Bedford, Clearfield, and Prescott, Iowa (Cities or Petitioners), 201 Century Plaza Building, Wichita, Kansas 67202, filed in Docket No. CP76-468 a petition pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(b)) for extraordinary relief to obtain an increase of 798 Mcf in their combined maximum daily quantity entitlement from their sole supplier of gas, Natural Gas Pipeline Company of America (Natural), from the present authorized level of 2,055 Mcf per day to 2,853 Mcf per day in order to meet present peak day requirements and the peak day requirements of prior-committed, but as yet unattached, residential and small commercial consumers, or, in the alternative, for an order of the Commission pursuant to Section 7(a) of the Natural Gas Act directing Natural to provide such additional service, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is indicated that by order issued March 10, 1967, in Docket No. CP67-189 Natural was directed pursuant to Section 7(a) of the Natural Gas Act to sell and deliver the combined maximum daily entitlement of the Cities at the third year projected operating level of 2,055 Mcf for resale by each of the four municipally-owned systems. It is said that at the time of the filing of the Section 7(a) application, neither the Cities nor their citizens had any reason to believe that their respective gas distribution systems would not be permitted to experience normal growth in the future up to a level of service which provided gas to the bulk of the residents of these municipalities. Thus, it is stated, that when the four communities decided to issue revenue

[1] The subject petition was filed in Docket No. RP76-58-2; however, said petition has been assigned Docket No. CP76-468.

[2] The subject petition was tendered for filing July 14, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until August 9, 1976. Thus, filing was not completed until the latter date.

bonds to pay for their new gas systems, it was fully contemplated that the maximum daily entitlement of the Cities would be increased as required at least during the first 10 years of operation until the four systems had grown out of their infancy and matured to a level of service upon which their revenue bonds were premised and which their citizens were promised. However, Petitioners assert, because a supply deficiency did begin to occur on Natural's system in 1970, the Cities have remained frozen at their third year projected peak day operating level of 2,055 Mcf and have not been afforded the opportunity to achieve the growth of Natural's other distributor customers.

Cities state that they are seeking a most modest 798 Mcf increase in their peak day entitlement of 2,055 Mcf originally granted in 1967 and that, since all of their present customers would qualify as Priority 1 residential and small commercial users, none can be cut off to serve the additional residences and small businesses that have been promised natural gas since the beginning of their municipal systems. Further, it is stated that all of these additional consumers would also be properly classified as Priority 1 users and that, even if no new consumers are added by the Cities, an increase in the maximum daily gas entitlement is required to assure an adequate supply to existing consumers should a design peak day occur on the Cities' systems. Cities thus assert that even if no new consumers are attached, the peak day requirements of their present customers of 2,132 Mcf exceed their present maximum daily entitlement of 2,055 Mcf by 77 Mcf, and at the very least, an increase in Cities' maximum daily entitlement to 2,132 Mcf should be granted. Additionally, the Cities assert that they should be granted enough gas to serve the additional residential and small commercial consumers conservatively projected for the tenth year of operation and that this would require an increment of 721 Mcf to meet the design day needs of these new Priority 1 end users. It is stated that the requested 798 Mcf increase in the Cities' present maximum daily entitlement is necessary to put the Cities on a par with Natural's other distributor-customers which had the opportunity to mature fully before the gas supply deficiency began on Natural's system.

It is asserted that the request for an additional 798 Mcf on a peak day is truly *de minimis* when measured against the 967,145,000 Mcf which Natural projects it would have available for market during the 12-month period, April 1976 to March 1977, and the 3,356,200 Mcf the pipeline expects to be able to supply on the peak day. Further, it is asserted, that since the Cities' incremental peak day entitlement would be consumed exclusively by Priority 1 customers, while Natural is now serving many lower priority end users, the Cities' request is consistent with the Commission's end use policy of encouraging the delivery of natural gas to the highest priority consumers, and no harm would result to any existing high priority customers served by Natural.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 13, 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 156.9). 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.76-24999 Filed 8-25-76;8:45 am]

[Docket No. RP72-142; PGA 76-7]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

AUGUST 19, 1976.

Take notice that Cities Service Gas Company (Cities Service) on August 6, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that the proposed changes are based solely on increased purchase gas costs which will result from filings by one of its pipeline suppliers, Transwestern Pipeline Company (Transwestern).

Cities Service states that it has filed its First Revised Sixteenth Revised Sheet PGA-1 to be effective September 23, 1976, to reflect the rates on Transwestern's Substitute Third Revised Sheet Nos. 5 and 6.

Transwestern has filed its Substitute Third Revised Sheet Nos. 5 and 6 to its FPC Gas Tariff, Second Revised Volume No. 1, to track producers' increases resulting from Opinion Nos. 749 and 749-A. Such rates will become effective August 1, 1976.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceeding in Docket Nos. RP72-142 and RP76-13.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building 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 August 27, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25000 Filed 8-25-76;8:45 am]

[Docket No. ES76-62]

INTERSTATE POWER CO.

Application

AUGUST 19, 1976.

Take notice that on July 29, 1976, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Interstate Power Company (Applicant), seeking an order authorizing the issuance of $25,000 principal amount of First Mortgage Bonds, due 2001, and 400,000 shares of its authorized but unissued Preference Stock of the par value of $1 per share.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

The Bonds proposed to be issued will be in the aggregate principal amount of $25,000,000 and will bear interest at a rate and shall be sold at a price to be determined by competitive bids which the Applicant proposes publicly to invite pursuant to the requirements of Section 34.1a(b) of the Commission's Regulations under the Federal Power Act. The Bonds will be dated as of October 1, 1976, and will be expressed to mature on October 1, 2001, and will be issued under a Fifteenth Supplemental Indenture to be dated as of October 1, 1976.

Applicant proposes to issue 400,000 shares of its authorized but unissued Preference Stock of the par value of $1 per share. The dividend rate is proposed to be determined pursuant to competitive bidding on or about September 28, 1976, and to be sold in accordance with the requirements of Section 34.1a(b) of the Commission's Regulations.

Applicant proposes to use the proceeds from the issuance of the securities to pay off a portion of short-term loans incurred and to be incurred prior to the sale of the Bonds and the Preference Stock to secure funds for construction purposes.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 31, 1976, filed with the Federal Power Commission, Washington, D.C. 20426, petitions 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 proceed-

ing. 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.76-25001 Filed 8-25-76;8:45 am]

[Docket No. ES76-63]

IOWA POWER AND LIGHT CO.

Application

AUGUST 19, 1976.

Take Notice that on July 29, 1976, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application, pursuant to Section 204 of the Federal Power Act, for authorization to negotiate privately with the City of Chillicothe, Iowa for the purpose of financing the Company's undivided interest in certain pollution control facilities at Ottumwa Generating Station Unit 1 through the issuance of the City's Pollution Control Revenue Bonds. A loan agreement between the City, Applicant and certain other companies possessing undivided interests in Unit 1 would commit the City to issue and sell to underwriters its Pollution Control Bonds in an aggregate principal amount equal to the cost of such facilities and to loan the proceeds from the sale of such Revenue Bonds to the companies in proportion to their respective ownership interests. The repayment obligation of the companies, including Applicant, would be evidenced by debt obligations bearing identical terms with, and pledged to support the payment of, such Revenue Bonds.

Applicant is incorporated under the laws of the State of Iowa with its principal office at Des Moines, Iowa, and is engaged in the electric and gas utility business within the State of Iowa.

Any person desiring to be heard or to make any protest with reference to the Application should on or before September 10, 1976, filed with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission wil 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 and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25002 Filed 8-25-76;8:45 am]

[Docket No. CP73-332]

NORTHWEST PIPELINE CORP.

Petition To Amend

AUGUST 19, 1976.

Take notice that on August 9, 1976, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP73-332 a petition to amend further the order issued February 26, 1975, in said docket pursuant to Section 3 of the Natural Gas Act by authorizing the continued importation of up to 55,000 Mcf of natural gas per day at the increased border prices ordered by the National Energy Board of Canada (NEB), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that the order of February 26, 1975, among other things, authorized Petitioner to import at a point on the international boundary near Sumas, Washington, natural gas purchased from Westcoast Transmission Company Limited (Westcoast) under a 1974 Temporary Agreement, dated August 14, 1974, as amended November 14 and December 7, 1974. Petitioner now requests authorization to continue to import said gas at the Canadian Government's newly established border prices of $1.80 per Mcf commencing September 10, 1976, and at $1.94 commencing January 1, 1977, and continuing through April 30, 1977, the expiration date of the temporary agreement.

Petitioner states that Westcoast purchases the gas it sells to Petitioner from Pan Alberta Gas Company Limited (Pan Alberta) and that the newly established border price for Westcoast's License GL-41 removed the previously provided exception for the Pan Alberta gas and that, therefore, Petitioner states the price for said gas under the 1974 Temporary Agreement would be $1.80 per Mcf effective September 10, 1976, and $1.94 per Mcf effective January 1, 1977.

Applicant asserts that the continued importation would provide approximately 11,660,000 Mcf of natural gas which may not otherwise be available should the requested authorization not be granted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 14, 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 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.76-25003 Filed 8-25-76;8:45 am]

[Docket No. CP76-473]

PANHANDLE EASTERN PIPELINE CO.

Application

AUGUST 19, 1976.

Take notice that on August 9, 1976, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas, filed in Docket No. CP76-473 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7 (b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing the date of authorization, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $10,000,000 and that no single onshore project would exceed a cost of $1,500,000. These costs would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7

and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25004 Filed 8-25-76;8:45 am]

[Docket No. CP76-472]

PANHANDLE EASTERN PIPE LINE CO.

Application

AUGUST 19, 1976.

Take notice that on August 9, 1976, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-472 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the 12-month period commencing the date of authorization, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from the authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $2,000,000 and that the cost of any single project would not exceed $500,000. These costs would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25005 Filed 8-25-76;8:45 am]

[Docket Nos. RP73-35 and RP74-89; (PGA76-3 and AP76-3)]

TRUNKLINE GAS CO.

Order Granting Intervention

AUGUST 19, 1976.

Pipeline rates: Intervention. Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On June 15, 1976, Trunkline Gas Company (Trunkline) tendered for filing a revised tariff sheet[1] that amounts to a rate increase of 11.48¢ per Mcf. Notice of Trunkline's filing was issued on June 22, 1976, with protests and petitions to intervene due on or before July 13, 1976. An untimely petition to intervene was filed by Consumers Power Company (Consumers) on July 15, 1976. Having reviewed the above petition to intervene, we believe that Consumers has sufficient interest in these proceedings to warrant intervention and that good cause exists for permitting the late filing.

The Commission finds: The participation of Consumers in these proceedings may be in the public interest and good cause exists for permitting the late filing.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the peition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-25006 Filed 8-25-76;8:45 am]

[1] Sixteenth Revised Sheet No. 3-A to Original Volume No. 1.

[Docket No. ER76-808]

VIRGINIA ELECTRIC AND POWER CO.

Tendered Revised Contract Supplements

AUGUST 19, 1976.

Take notice that on July 23, 1976, Virginia Electric and Power Company (VEPCO), tendered for filing revised supplements to contracts between VEPCO and Shenandoah Valley Electric Cooperative. VEPCO states that the revised contract supplements correct certain items to reflect changes made in the past at various delivery points as set forth below:

Delivery point	Present FPC No.	Proposed FPC No.	Requested effective date	Item corrected
Brands	84-12	84-38	Apr. 20, 1976	4, 5(1), 5(2), 5(3), 6, 7, 11.
Crimora	84-10	84-39	Aug. 28, 1972	5(1), 5(2), 5(3), 11.
Dayton	84-30	84-40	Mar. 6, 1976	4, 5(3).
Sherando	84-7	84-41	Apr. 10, 1974	4, 5(2), 5(3).

VEPCO states that the revised contract supplements are intended to supersede the listed FPC Rate Schedules and requests that the revised supplements be allowed to become effective on the requested effective dates.

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 August 30, 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.76-25007 Filed 8-25-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-15]

PLANT HANGERS

Amendment of Scope of Investigation

Notice is hereby given that the United States International Trade Commission, on August 23, 1976, amended the scope of its investigation No. TA-201-15, Plant Hangers, being conducted under section 201(b) of the Trade Act of 1974, by adding to the scope of the investigation plant hangers, of beads, provided for in item 741.50 of the Tariff Schedules of the United States.

Notice of the Commission's institution of the investigation and hearings was published in the FEDERAL REGISTER of July 2, 1976 (41 F.R. 27449); notice of the times and places of hearings was published in the FEDERAL REGISTER of August 4, 1976 (41 F.R. 32670).

By order of the Commission:

Issued: August 23, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-25079 Filed 8-25-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-35]

SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Aviation Safety Recommendations.—The National Transportation Safety Board, by letter of August 20, has issued to the Federal Aviation Administration 11 recommendations concerning aerobatic maneuvers. The recommendations stemmed from the Board's special study, "General Aviation Accidents Involving Aerobatics, 1972–1974." This study, soon to be released to the public, was prompted by the continued occurrence in recent years of fatal aerobatic accidents—105 such accidents, resulting in 107 fatalities and 21 serious injuries, occurred from 1972 through 1974. In view of the growing interest in sport aerobatics and the continuing manufacture of airplanes certificated for aerobatic operation, the Safety Board believes that an effort should be made to reduce the number of such accidents.

The recommendation letter focuses upon several areas of need for corrective action in aerobatics: Training, operations/airworthiness, accidents at low altitude, spins, and load factor measurement. Accordingly, the Board recommends that FAA (1) expand the presentation of flight instructor stall/spin indoctrination clinics patterned after the one initially held in FAA's Central Region on August 15–17, 1975, to include all FAA Regions and various popular make and model airplanes (recommendation No. A-76-105); (2) require a commercial flight instructor to hold a "letter of competence" or its equivalent before providing aerobatic instruction other than that routinely required during the normal course of training for airmen certification tests (A-76-106); (3) require that pilots obtaining a logbook endorsement from an aerobatic flight instructor before performing aerobatic maneuvers other than those required in connection with airman certification tests (A-76-107); (4) issue an Advisory Circular explaining the operational considerations, airworthiness requirements, and safety aspects associated with the performance of aerobatics (A-76-108); (5) require that all airplanes subsequently certificated in the aerobatic category, including those previously certificated in another category under a regulatory Part other than 14 CFR 23, conform with the currently applicable structural criteria in subpart C of FAR 23, particularly the provisions relating to limit maneuvering load factors (A-76-109); (6) evaluate the feasibility of specifying stick force gradient requirements uniquely applicable to aerobatic airplanes in 14 CFR 23.155, "Elevator control force in maneuvers" (A-76-110); (7) amend 14 CFR 91.71, "Aerobatic flight" to include a schedule of minimum initial spin altitudes (A-76-111); (8) conduct an intensive accident prevention campaign to emphasize and enforce effectively the provisions of 14 CFR 91.71, "Acrobatic flight," and 14 CFR 91.9, "Careless or reckless operation" (A-76-112); (9) require the installation of accelerometers in all aerobatic airplanes (A-76-113); (10) amend 14 CFR 23.337, "Limit maneuvering load factors," to increase the minimum required, negative limit maneuvering load factor for aerobatic airplanes from −3.0 to −4.5 (A-76-114); and (11) amend 14 CFR 23.333, "Flight envelope," to require that the negative maneuvering load factor specified in 14 CFR 23.337 for the aerobatic category remain constant beween design cruising speed and design dive speed (A-76-115).

Recommendations A-76-105, A-76-108, A-76-109, A-76-111, and A-76-112 are designated Class II—priority followup; the remainder are Class III—longer-term followup.

Railroad Safety Recommendations.—Two more recommendations have been issued by the Safety Board as a result of its ongoing investigation of the July 13 collision of two ConRail commuter trains at New Canaan, Connecticut. (See 41 FR 32795), August 5, 1976.) The latest recommendations, Nos. R-76-48 and R-76-49, were issued by Safety Board letter of August 20 addressed jointly to the Connecticut Department of Transportation and to the Metropolitan Transportation Authority. The recommendations were prompted by testimony during the investigation that passengers had extreme difficulty after the collision in following the instructions for operating the emergency release mechanisms which opened the side doors of the cars. Upon completion of the investigation, the Board's report containing facts, analysis, and conclusions concerning this accident will be released to the public.

The problems of emergency evacuation of passengers from M-2 cars have been brought to the attention of Federal, State, and local officials before without correction, according to the Safety Board. Corrections of these problems are practical; hence, the Board now urges that these recommendations be implemented on an "urgent followup" basis: (1) change the emergency release mechanism for the side doors on the type of cars involved in this accident (M-1 and M-2) so that the doors can be opened easily by passengers under emergency conditions without opening the mechanism's compartment (R-76-48); and (2) provide means for emergency aid personnel to open the doors from the outside when electrical power is lost (R-76-49).

Letters in Response to Safety Board Recommendations.—Received by the Board during the past week were these responses from the following recommendation addressees:

Federal Highway Administration letter of August 13 responds to recommendation H-76-16 which resulted from investigation of five major accidents involving commercial vehicles in which semitrailers had become separated from their tractors during rollover. (See 41 FR 21713, May 27, 1976.) FHA states that of the 25,358 accidents reported to the Bureau of Motor Carrier Safety (BMCS) for 1974, 56, or 0.2 percent, involved fifth wheel separation. Analysis indicated that 45 percent separated because of apparent improper coupling, and would not have been affected by the Board's recommendation; 30 percent indicated improper mounting or improper maintenance of the attachment of the fifth wheel to the tractor frame; 20 percent related to the upper half of the fifth wheel or the kingpin; and the remaining 5 percent were inconclusive because of lack of information.

As a result of study of the five Board-cited accidents, and the indication of substandard maintenance and extremely violent forces acting on the fifth wheel assembly, FHA concludes that there is no justification for revising 49 CFR 393.70, as recommended. According to FHA, BMCS will issue a memorandum and guidelines to all field offices to point out the need for detailed inspection of fifth wheel mountings when conducting vehicle compliance checks. A copy of the memorandum and guidelines is attached to FHA's letter.

U.S. Coast Guard letter of August 11 updates response to recommendations M-74-26, M-74-28, and M-74-31 which were issued as a result of investigation of the death of three ship's officers at

Guayanilla, Puerto Rico, on November 18, 1972, while serving on board the *SS William T. Steele*. (Marine casualty report No. USCG/NTSB-MAR-74-6.) Recommendation M-74-26 asked the Coast Guard to review and revise requirements for emergency equipment within cargo tanks and require a scheduled check procedure to insure that such equipment is maintained in working order. Referring to its letter of March 21, 1975, Coast Guard notes that a notice of proposed rulemaking is currently being drafted, publication expected by this year's end.

Re recommendation M-74-28, Coast Guard notes that the Merchant Marine Safety School at Yorktown, Virginia, has included in its curriculum the information contained in Commandant Notice 5941 of February 26, 1975, a copy of which was supplied to the Board with Coast Guard's response to April 2, 1975 (40 FR 19045, May 1, 1975). Emergency equipment is inspected at regularly scheduled inspections of vessels. Coast Guard considers that implementation of this recommendation is fulfilled. Re recommendation M-74-31, Coast Guard states that the notice of proposed rulemaking spoken to in its response of December 15, 1975 (41 FR 1547, January 8, 1976) has been drafted, and publication may be expected prior to the end of this year.

Port Authority Transit Corporation (PATCO) letter of August 11 and *Washington Metropolitan Area Transit Authority* (WMATA) letter of August 10 both respond to recommendations R-76-42 through R-76-44 concerning automatic train control (ATC). (See 41 FR 34125, August 12, 1976.) PATCO states concerning R-76-42 that the ATC and cab signal functions of the lead car of every train is cycled on a test section of track within yard limits before that train is allowed to enter the mainline tracks. Only trains with fully functioning ATC and cab signals are permitted to enter mainline tracks. Re recommendation R-76-43, PATCO details rules concerning its cars' ATC system which is designed on the "fail safe" principle and which will automatically bring a train to "stop" in the event of cab signal failure, whereupon the train operator must notify the system dispatcher immediately. In the event the dispatcher decides that these rules cannot be complied with, all passengers are discharged at the next station and the train removed from service. Concerning recommendation R-76-44, the letter states that all PATCO train operating cabs are equipped with two-way voice communication between trains and system dispatcher, located at the Center Tower, and between trains within the same communications zone. Also, PATCO cars are equipped with public address systems controlled from the active operators cab. PATCO concludes, "Thus it is clear that PATCO operations are in accord with the objectives of NTSB Safety Recommendations R-76-42 through R-76-44."

WMATA notes, with reference to R-76-42, its requirement to perform daily safety tests on all cars prior to being placed in revenue service each day; should any car fail to pass the test, it is not dispatched until deficiencies are corrected and it does pass the test. Re R-76-43, WMATA has procedures for evacuating passengers from defective trains. WMATA states that, when trains fail en route and it is necessary to operate with automatic train protection subsystem inoperative or with less than 75 percent braking, passengers are unloaded at the next station, manual blocks established, and the train is operated non-revenue at reduced speed to the yard and off the mainline. Re 9-76-44, WMATA indicates that each car is equipped with a radio and that radio checks are made prior to entering mainline operation each day. Also, radio communication between operations control center and each train is frequent throughout the operating day. WMATA further states that the radio communications subsystem is equipped with base stations failure detection equipment that immediately notifies the Operations Control Center of any failures of base stations.

Michigan Wisconsin Pipe Line Company letter of August 10 concerns recommendations P-76-27 through P-76-29, which were issued after investigation of the January 7, 1976, rupture of a 12-inch gas-gathering pipeline at Cedarville, Oklahoma. (See 41 FR 27136, July 1, 1976.) The company letter notes re P-76-27 that, following the accident, instructions were issued to field supervision again stressing the importance of Operation and Maintenance and Emergency Procedure review at the semi-annual training meetings each year. Also, since the accident, field locations have conducted numerous meetings on procedural matters, emphasizing the concern described in recommendation P-76-28. All personnel at each field location receive this type of training twice a year, and these training meetings are in addition to the monthly safety meetings conducted at each location.

Re R-76-28, Michigan Wisconsin has examined its Emergency Procedures and Operation and Maintenance Procedures for pipelines and compressor stations, and its procedure for isolation of facilities now provides operating personnel performing valving or piping changes with written instructions reviewed by at least two persons and approved by the supervisor. Re P-76-29, Michigan Wisconsin will prohibit valve or piping changes while construction is being conducted within the area, except for necessary maintenance of service and emergency conditions.

Safety Board Reply to Recommendation Response:—In reply to Coast Guard's letter of July 20 (41 FR 32796, August 5, 1976) regarding recommendation M-74-19, the Safety Board on August 13 indicated that Coast Guard's review process conducted on applications for bridge construction contains many of the elements of the safety impact study recommended by the Safety Board.

The Board further stated that, while safety impact studies would provide a formalized and definite methodology and format for the safety analysis and provide a clearer assessment of risks, the procedures described by Coast Guard appear able to accomplish the same results. The Board accepts this procedure as equivalent to recommendation M-74-19.

Safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to safety recommendations and Safety Board replies may be obtained at a cost of $1.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by 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. 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

AUGUST 23, 1976.

[FR Doc.76-25077 Filed 8-25-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON 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. 23 and 20 to Facility Operating Licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company for operation of the Zion Station, Units 1 and 2, located in Zion, Illinois. The amendments are effective upon date of issuance.

These amendments authorize changes in the design of the Zion spent fuel pool from that reviewed and approved in the operating license review and as described in the Zion Station Final Safety Analysis Report. The changes will increase spent fuel storage capacity from 340 to 868 assemblies. These amendments also change the amount of U-235 the licensee is allowed to possess, per unit, from 4000 Kg to that amount limited to storage capacity and amounts required for reactor operation.

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 Commision 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 amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on November 17, 1975 (40 FR 53323).

In connection with the issuance of the amendments, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to this action, see (1) the application for amendments dated October 24, 1975, as supplemented December 12, 1975, February 13, March 23, June 1, and June 8, 1976, (2) Amendments Nos. 23 and 20 to Licenses Nos. DPR–39 and DPR–48, (3) the Commission's Negative Declaration published concurrently with this Notice, (4) the Commission's Environmental Impact Appraisal, and (5) 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. 20555 and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60685.

A copy of items (2), (4) and (5) 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 9th day of August 1976.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-24751 Filed 8-25-76;8:45 am]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 29, 29, and 26 to Facility Operating Licenses No. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments consist of revisions to the Limiting Conditions for Operation and Surveillance Requirements for safety related air filter systems.

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 amendments. Prior public notice of these amendments was 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 the action, see (1) the application for amendment dated March 10, 1976, (2) Amendments No. 29, 29, and 26 to Licenses No. DPR–38, DPR–47, and DPR–55, 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. 20555, and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

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 6th day of August 1976.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-24750 Filed 8-25-76;8:45 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Availability of Draft Environmental Statement (English Version) for North Coast Nuclear Plant, Unit No. 1

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 (English version) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the suitability of the site proposed for construction of the North Coast Nuclear Plant, Unit No. 1. The proposed site is located on the north central coast of Puerto Rico (Islote). The Draft Environmental Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., the Arecibo City Hall Library, Post Office Box 1086, Arecibo, Puerto Rico 00612 and the Etien Totti Public Library, College of Engineers, Architects and Surveyors, Orb Roosevelt Development, Hato Rey, Puerto Rico 00918. The Draft Statement is also being made available at the Puerto Rico Planning Board, P.O. Box 41119, Minillas Station, Santurce, Puerto Rico 00940. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

A Spanish translation of this Draft Environmental Statement will be issued later, the availability of which will be published in the FEDERAL REGISTER.

The Applicant's Environmental Report, as supplemented, submitted by Puerto Rico Water Resources Authority, 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 February 14, 1975 (40 FR 6835).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal, Commonwealth, and specified local agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement. Other interested persons or local agencies may obtain these documents upon request. Comments will be due 45 days after the notice of availability of the Spanish version of the Draft Environmental Statement is published in the FEDERAL REGISTER by the Council on Environmental Quality. Comments by Federal, Commonwealth, and local officials, or other members of the public will be made available by the Commission for public inspection at the Commission's Public Document Room in Washington, D.C., the Arecibo City Hall Library, Arecibo, Puerto Rico 00612, and the Etien Totti Public Library, College of Engineers, Architects and Surveyors, Orb Roosevelt Development, Hato Rey, Puerto Rico 00918. Upon consideration of comments submitted with respect to the Draft Environmental Statement, 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 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 August 1976.

For the Nuclear Regulatory Commission.

FRED J. CLARK, Jr.,
Acting Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-24749 Filed 8-25-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides 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 1.84, Revision 7, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 7, "Code

Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. These two guides were revised to update the listings of acceptable Code Cases and to reflect public comment.

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 August 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-24753 Filed 8-25-76;8:45 am]

[Dockets Nos. 50-295 and 50-304; Licenses Nos. DPR-39 and DPR-48]

ZION STATION UNITS 1 AND 2

Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of Amendments to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) for operation of the Zion Station Units 1 and 2, located in Zion, Lake County, Illinois.

The amendments would authorize changes in the design of the Zion spent fuel storage pool from that reviewed and approved in the operating license review and as described in the Zion Station Final Safety Analysis Report. The changes would increase spent fuel storage capacity from 340 to 868 assemblies. These amendments would also change the amount of U-235 the licensee is allowed to possess, per unit, from 4,000 Kg to that amount limited to storage capacity and amounts required for reactor operation.

The Commission's Division of Operating Reactors has prepared an environmental impact appraisal for this proposed modification to the spent fuel pool. Within the context of this appraisal, the Staff applied, weighed, and balanced the five factors specified by the Commission in its issuance of FEDERAL REGISTER Notice (40 FR 42801) dated September 16, 1975, regarding handling and storage of spent fuel from light water power reactors. On the basis of this environmental impact appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because, pursuant to the Commission's and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this proposed amendment will not significantly affect the quality of the human environment.

The enviornmental impact appraisal setting forth the basis for the Commission's determination is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois, 60685.

Dated at Bethesda, Maryland, this 9th day of August 1976.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc.76-24752 Filed 8-25-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on September 20 and 21, 1976, in Room 776, 500 North Capitol Street, Washington, D.C., beginning at 9:30 a.m. on September 20, and at 8:30 a.m. on September 21. The Board will also conduct open meetings on October 6, 7, and 8, 1976, at the same location, beginning at 9:30 a.m. on October 6 and at 8:30 a.m. on October 7 and 8. The Board will also conduct open meetings on October 18 and 19, 1976, the location and summarized agenda for which will be published in the FEDERAL REGISTER at a later date. Initial notice of the September meeting was published in the FEDERAL REGISTER on July 2, 1976.

The summarized agenda for the September meeting is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission on in-house agency cross transactions in listed securities by exchange members;
2. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a consolidated limit order book; and
3. Discussion of such other matters as may properly be brought before the Board.

The summarized agenda for the October 6, 7 and 8 meeting is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a consolidated limit order book; and
2. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 20, 1976.

[FR Doc.76-24996 Filed 8-25-76;8:45 am]

[SR-Amex-76-17]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

On July 20, 1976, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"), and Rule 19b-4 thereunder, copies of a proposed rule change to delete from the Amex Constitution section 4(g) of Article V and section 2 of Article XI which prohibit dealings on the Amex floor in any security which is admitted to trading on any other exchange located in New York City.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12656, (July 26, 1976)) and by publication in the FEDERAL REGISTER (41 F.R. 32478 (August 3, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

On August 10, 1976 the Amex filed an amendment to this rule proposal in which it was stated that the foregoing constitutional amendments were approved by the Amex membership at a special meeting held on August 5, 1976. Further, the Amex requested accelerated approval so as to permit the amendments to become effective on August 22, 1976. On August 23, 1976, the first issue in many years to be dually listed on the Amex and the New York Stock Exchange ("NYSE") is scheduled to commence trading on the NYSE. Hence, it is necessary for the Amex's proposal to take effect on or before August 23, 1976 to permit continued trading in the dually listed security on the Amex. Moreover, the Amex proposal will help to enhance fair competition among exchange markets, which is one of the objectives of the Act. The Commission therefore finds good cause for approving Amex filing 76-17 prior to the thirtieth day after the date of publication of notice of the filing.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the pro-

posed rule change filed with the Commission on July 20, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-24998 Filed 8-24-76;8:45 am]

[SR-CBOE-76-6]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

On March 2, 1976, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, 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. 94-29, § 16 (June 4, 1975) (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change (the "Proposal") to amend CBOE Rule 5.4 ("Rule 5.4"). Notice of the Proposal, together with the terms of substance thereof, was given by publication of a Commission Release (Securities Exchange Act Release No. 12178, March 8, 1976) and by publication in the FEDERAL REGISTER (41 FR 10974, March 15, 1976). The submission was then amended by three separate amendments submitted on April 26, 1976, April 28, 1976 and May 12, 1976, respectively.

Amendment No. 4 to the Proposal was submitted on June 2, 1976; notice of the filing of such amendment, together with the terms of substance thereof, was given by publication of a Commission Release (Securities Exchange Act Release No. 12540, June 11, 1976) and by publication in the FEDERAL REGISTER (41 FR 24782, June 18, 1976). Additional amendments to the Proposal were submitted on July 22, 1976 and August 4, 1976, respectively.

The Proposal, as amended ("Amended Proposal"), is to revise Rule 5.4 so as to set forth delisting (i.e., maintenance) standards for underlying securities of option contracts traded on the CBOE.

The Commission understands that CBOE is prepared, subject to review of public comments on a related proposed rule change (submitted as File No. SR-CBOE-76-18) and the Commission's final decision thereon, to adopt certain amendments to CBOE Rule 5.3 which would set forth initial listing standards for underlying securities of option contracts traded on the CBOE and to adopt additional amendments to Rule 5.4. The Commission further understands, however, that CBOE will reconsider, in accordance with the Commission's suggestion, a certain proposed "maintenance" standard relating to minimum market price set forth in such related proposal. On that basis, the Commission finds that the Amended Proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the Amended Proposal be, and it hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-24997 Filed 8-24-76;8:45 am]

ADVISORY COMMITTEE ON REPLACEMENT COST IMPLEMENTATION

Meeting

This is to give public notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Replacement Cost Implementation will conduct a meeting on September 17, 1976 at the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. beginning at 9:30 a.m. This meeting will be open to the public.

This will be the fourth meeting of the Advisory Committee. The purpose of the meeting is to (1) discuss the Chief Accountant's recommended solutions to questions put before the Advisory Committee at its previous meeting (August 9, 1976), (2) discuss various aspects of the Commission's replacement cost regulation and (3) discuss implementation questions having come to the attention of the Chief Accountant of the Securities and Exchange Commission since the date of the previous meetings.

In addition, the Disclosure sub-committee of the Advisory Committee on Replacement Cost Implementation will meet on September 16, 1976, beginning at 1:30 p.m. to discuss sample disclosures.

Further information on this matter may be obtained by writing:

Mr. George A. Fitzsimmons, Secretary, Securities and Exchange Commission, United States Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

AUGUST 17, 1976.

[FR Doc.76-25044 Filed 8-25-76;8:45 am]

[File No. 500-1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

AUGUST 18, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc. 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 August 19, 1976 through August 28, 1976.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25040 Filed 8-25-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

AUGUST 18, 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 August 19, 1976 through August 28, 1976.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25039 Filed 8-25-76;8:45 am]

[Release No. 34-12707; File No. SR-MSTC-76-10]

MIDWEST SECURITIES TRUST CO.

Proposed Rule Change; Self-Regulatory Organizations

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 July 14, 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

Agreement made this _____ day of _____ 1976, by and between Midwest Securities Trust Company, an Illinois corporation and trust company, hereinafter called the "Depository", and Bradford Trust Company, 95 Wall Street, New York, New York 10005, hereinafter called the "Custodian".

In consideration of the fees to be paid by the Depository to the Custodian in accordance with the attached fee schedule designated as Schedule "A", and other valuable considerations, receipt of which is hereby acknowledged, the parties mutually agree as follows:

1. From time to time, the Depository will deliver to the Custodian certificate(s) representing securities which the Custodian will hold, safeguard, and transfer solely in the manner provided herein. As used in this agreement, "securities" shall mean common and preferred stock certificates and American depository receipts.

2. The Custodian shall, solely in accordance with the written instructions of the Depository, receive securities from the Depository, hold such securities in safekeeping, and deliver such securities to the Depository or (to the extent permitted by the rules and procedures of the Custodian) to such parties as the Depository shall designate. Prior to the delivery of any securities in accordance herewith, the Custodian shall, if the Depository so requests, transfer or procure the transfer of such securities into such name or names as the Depository shall specify. All of the aforesaid written instructions and requests will be delivered by the Depository to the manager of the Custodian's TAD Division at the address of the Custodian.

3. At the end of each business day, the Custodian shall (a) provide the Depository wtih a dated statement showing, in respect of each class of securities held by the Custodian for the Depository, (i) an opening balance, (ii) the total number of shares deposited with the Custodian for the account of the Depository on that business day, (iii) the total number of shares withdrawn from the account of the Depository on that business day, (iv) a closing balance, and (v) the total number of shares subject to transfer and other instructions received from the Depository which are being processed; and (b) hold within its custody certificates, registered in or endorsed for transfer into the name of the Custodian's nominee (TAD & Co.), representing the aggregate number of shares of each security reflected in the closing balances shown on the Custodian's statement to the Depository for that business day, less such shares as shall be represented by certificates which have been submitted by the Custodian for transfer into the name of its nominee.

4. Certificates evidencing securities held by the Custodian for the account of the Depository may be commingled by the Custodian and held in a fungible bulk with certificates evidencing securities held by the Custodian for other depositors. As between the Depository and the Custodian (including, without limitatioin, its creditors, lien holders, and pledgees) all securities from time to time held by the Custodian for the account of the Depoistory shall be deemed to be the sole property of the Depository and the Custodian shall have no interest in them whatsoever. The Custodian agrees that it will not for any reason, including the assertion of any claim, right or lien of any kind, refuse or refrain from promptly delivering any such securities to the Depository or as directed by it: *Provided, however*, That if the Custodian is served with a notice of levy, seizure or similar notice, or order or judgment, issued or directed by a governmental agency or court, or officer thereof, having jurisdiction over the Custodian, which on its face affects such securities, the Custodian may, pending further direction of such goverenmental agency or court, refuse or refrain from delivering in contravention of such notice of levy, seizure or similar notice, or order or judgment, securities not greater in amount or number than the securities which are affected by such notice of levy, seizure or similar notice, or order or judgment, on the face thereof. No amendment shall be made to this paragraph unless such amendment shall have been filed with the Securities and Exchange Commission pursuant to the provisions of Rule 19b-4 and Rules 8c-1(g) and 15c2-1(g) under the Securities Exchange Act of 1934, as amended, and approved and deemed adequate by the Securities and Exchange Commission for the protection of investors.

5. The Custodian shall hold the securities held by it hereunder in a secure area(s) located at 2 Broadway, New York, New York 10004. The Custodian shall remove such securities from the secure area(s) only to the extent necessary to register transfers and effect deliveries as directed by the Depository's written instructions.

6. The Custodian shall provide and be responsible for the safekeeping of the securities held by it hereunder, and shall, at its expense, replace, within the shortest time practicable, any such securities which shall be lost or destroyed in any manner or for which the Custodian shall be unable to account after such securities have been delivered to and received by the Custodian. Any such loss or destruction of securities, or inability to account therefor, shall be reported immediately by the Custodian to the Depository.

7. During the term of this Agreement, the Custodian will provide, at its expense, blanket insurance coverage which will be in the form of the customary Bankers Blanket Bond Form (or comparable plan of insurance). The Custodian shall, from time to time, upon Depository's request, furnish the Depository with copies of the policies evidencing such coverage, and such copies shall be certified as correct and current by responsible officers of the Custodian.

8. The Custodian in its Transfer Agent Custodian capacity shall not assert or claim any lien of any nature with respect to the certificates held by it hereunder.

9. The Custodian may delegate or subcontract to its subsidiary TAD Depository Corporation the duty of processing securities held by the Custodian for the Depository hereunder, provided that (a) such securities shall remain at all times (except as otherwise expressly permitted herein) within the custody of the Custodian and in a secure area or areas under its control; and (b) the delegation or subcontracting of any of the duties or responsibilities of the Custodian hereunder shall not, as between the Depository and the Custodian, relieve the Custodian of responsibility therefor.

10. The Custodian shall act upon the Depository's instructions only when in writing and when transmitted to it by the Manager of the Depository's Transfer Department, or by such other persons as said Depository shall from time to time designate in writing to the Custodian.

11. This Agreement may be terminated by either party upon ten (10) days' written notice to the other party. At the termination of this Agreement, the Custodian shall deliver all securities and certificates then held by it to the Depository, at the Depository's expense, at 120 South LaSalle Street, Chicago, Illinois 60603 or such other address as the Depository may from time to time designate.

12. This Agreement shall be interpreted and construed in accordance with the laws of the State of Illinois and all other statutory, regulatory or common law binding either or both of the parties.

13. In addition to the normal written instructions hereinbefore provided, any additional notices given here under shall be in writing, shall be delivered by hand or mailed by certified or registered mail and a return receipt requested, and shall be addressed to the Custodian at 2 Broadway, New York, New York 10004, and to the Depository at 120 South LaSalle Street, Chicago, Illinois 60603 or at such other address as either party may designate by a notice mailed in the same manner.

Midwest Securities Trust Company

By _____

Title _____

Date: _____

_____

(Custodian)

By _____

Title _____

Date: _____

STATEMENT OF BASIS AND PURPOSE

The proposed rule change creates a New York custodian agent for the Midwest Securities Trust Company for the holding, safeguarding, and transferring of securities on its behalf.

The proposed rule change facilitates the prompt and accurate clearance and settlement of securities transactions.

Comments were neither solicited nor received.

The Midwest Securities Trust Company believes that no burdens have been placed on competition.

On or before September 29, 1976, 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 on or before September 15, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 16, 1976.

[FR Doc.76-25045 Filed 8-25-76;8:45 am]

[File No. 500-1]

NATHAN HALE INVESTMENT CORP.

Suspension of Trading

AUGUST 18, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Nathan Hale Investment Corp. 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 3:15 p.m.

(e.d.t.) on August 18, 1976 through August 27, 1976.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25041 Filed 8-25-76;8:45 am]

[File No. 81-216]

SOUTHEAST ACQUISITION CO. AND PALMER BANK CORP.

Application and Opportunity for Hearing

AUGUST 18, 1976.

Notice is hereby given that Southeast Acquisition Company, successor by merger to Palmer Bank Corporation ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from filing with respect to Palmer Bank Corporation ("Palmer") an annual report on Form 10-K for the year ended December 31, 1975 and all other reports required to be filed pursuant to section 13 or 15(d) of the 1934 Act.

Section 12(g) of the 1934 Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Sections 13 and 15(d) of the 1934 Act require that issuers of securities registered pursuant to section 12 or that have filed a registration statement that has become effective pursuant to the Securities Act of 1933, must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the provisions of section 12(g), 13, 14 or 15(d) of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

The Applicant states in part that:

(1) Applicant is a wholly-owned subsidiary of Southeast Banking Corporation ("Southeast").

(2) Prior to the merger of Palmer into Applicant, Palmer was subject to the provisions of section 15(d) of the 1934 Act and its common stock was registered pursuant to section 12(g) of the 1934 Act.

(3) Prior to the merger of Palmer into Applicant, Palmer had 1,745,324 shares of its common stock issued and outstanding.

(4) A plan to merge Palmer into Applicant was submitted to the shareholders of Palmer at a special meeting held on December 18, 1975 and proxy soliciting materials containing detailed information, including financial statements, concerning Palmer and the terms of the merger were filed with the Commission and distributed to shareholders. The plan was approved by the shareholders of Palmer and the merger was consummated on January 15, 1976.

(5) Pursuant to the terms of the merger, all of the outstanding securities of Palmer were converted into securities of Southeast Banking Corporation. Applicant is a wholly-owned subsidiary of Southeast Banking Corporation.

(6) There is no trading in Palmer's common stock.

In the absence of an exemption, Applicant is required to file pursuant to sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder, an annual report on Form 10-K for the year ending December 31, 1975. Applicant believes that its request for an order exempting it from the provisions of sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Palmer no longer exists as a corporation and there is no trading in its securities. Applicant believes that the time, effort and expense involved in the preparation of additional period reports would be disproportionate to any benefit to the public or to former holders of Palmer's securities.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested persons, not later than September 13, 1976, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-25042 Filed 8-25-76;8:45 am]

[24A-2283 and A-857]

TAXPAYERS AID SOCIETY, INC.

Order Permanently Suspending Exemption

AUGUST 20, 1976.

I. On December 23, 1975, Taxpayers Aid Society, Inc. (the "issuer"), a North Carolina corporation with offices at 107 N. Vance Street, Pembroke, North Carolina 28372, filed with Atlanta Regional Office of the Securities and Exchange Commission a Notification, offering circular and related exhibits for a proposed offering of $500,000 (aggregate) of short-term promissory notes in order to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder. No amendments have been filed and a commencement date for the offering has not been established.

II. On June 15, 1976, the Commission temporarily suspended the Regulation A exemption of the issuer, stating that it had reasonable cause to believe that:

A. The notification, offering circular and other sales literature contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, in particular with respect to:

1. The failure to disclose that the issuer had commenced the offering of its short-term promissory notes prior to the filing of the notification and the issuer's sales of securities in violation of section 5(a) of the Securities Act of 1933 within one year prior to the filing of the notification;

2. The failure to disclose that the issuer's "guaranteed" notes were, in fact, unsecured.
unsecured;

3. The failure to disclose adequately the nature of the issuer's business operations;

4. The failure to provide the financial statements required by Regulation A prepared in accordance with generally accepted accounting principles; and

5. The inclusion of an inadequate and misleading accountant's report on the financial statements furnished.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The offering, if allowed to commence, would exceed the ceiling restrictions imposed by Rule 254; and

2. Subsequent to the filing, an injunction was issued by the United States District Court for the Eastern District of North Carolina against the issuer and other related persons which would have rendered the Regulation A exemption unavailable if it had occurred prior to filing; and

3. The failure to provide in the offering circular the financial statements required by Regulation A.

C. The offering, if commenced, would be in violation of Section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within thirty days after the entry of the order temporarily suspending its exemption under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption be permanently suspended.

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it is hereby, permanently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-25043 Filed 8-25-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

BALTIMORE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Baltimore District Advisory Council will hold a public meeting at 1 p.m., Friday, October 15, 1976, and conclude on Saturday, October 16, 1976, at the Sheraton Fontainebleau Hotel in Ocean City, Maryland, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Gerald J. Lang, U.S. Small Business Administration, 7800 York Road, Towson, Maryland 21204, (301) 922-2150.

Dated: August 19, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-25033 Filed 8-25-76;8:45 am]

DENVER DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Denver District Advisory Council will hold a public meeting at 9 a.m., Friday, October 8, 1976, in the Federal Office Building, Room 2330 (2nd Floor), 1951 Stout Street, Denver, Colorado, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Douglas F. Graves, U.S. Small Business Administration, New Custom House, 721-19th Street, Denver, Colorado 80202, (303) 327-3673.

Dated: August 19, 1976.

HENRY V. Z. HYDE, Jr.
Deputy Advocate for Advisory Councils.

[FR Doc.76-25034 Filed 8-25-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 128]

ASSIGNMENT OF HEARINGS

AUGUST 20, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 4405 (Sub-No. 531), Dealers Transit, Inc., now assigned September 28, 1976 at Chicago, Illinois; will be held in Room 834 Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 835.

MC 114211 (Sub-No. 259), Warren Transport Inc., now assigned September 29, 1976 at Chicago, Illinois; will be held in Room 834 Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 835.

MC 116273 (Sub-No. 201), D & L Transport, Inc., now assigned September 30, 1976 at Chicago, Illinois; will be held in Room 834 Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 835.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24942 Filed 8-25-76;8:45 am]

[Notice No. 127]

ASSIGNMENT OF HEARINGS

AUGUST 20, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 30280 (Sub-No. 67), Watkins Carolina Express, Inc., has been transferred to Modified Procedure.

MC 134765 (Sub-No. 18), Speciality Transport, Inc., now assigned September 23, 1976 at Washington, D.C., has been canceled and transferred to Modified Procedure.

MC 112713 (Sub-No. 193), Yellow Freight System, Inc. application dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24943 Filed 8-25-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

AUGUST 20, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before September 27, 1976. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530). A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 87103 (Sub-No. 21-G), filed July 23, 1976. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 6077, Akron, Ohio 44312. Applicant's representative: A. David Millner, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery and contractors' equipment and supplies* which by reason of size or weight require the use of special devices for handling, between points in Clarion County, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts and Rhode Island; and (2) *Articles* which by reason of size or weight require the use of special equipment or devices for handling, between Clarion, Pa., and points within 40 miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateway at points in New York within 25 miles of Pittsfield, Mass.

(3) *Machinery and contractors' equipment and supplies* which by reason of size or weight require the use of special equipment or devices for handling, between points in Connecticut, Massachusetts and Rhode Island, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, New York and West Virginia. The purpose of this filing is to eliminate the gateways at Clarion, Pa., points in Clarion County, Pa., points within 40 miles of Clarion, Pa., and points in New York within 25 miles of Pittsfield, Mass.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

AUGUST 20, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 7, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E1), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th Street, Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Arizona on and north of a line beginning at the Arizona-California State line and extending along U.S. Highway 80 and Interstate Highway 8, to junction Arizona Highway 84, thence along Arizona Highway 84 and Interstate Highway 8, to junction Interstate Highway 10 and Arizona Highway 93, and thence along Interstate Highway 10 and U.S. Highway 80 to the Arizona-New Mexico State line, to points in Arkansas; from points in Arizona to points in District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, and Nebraska on and east of a line beginning at the Nebraska-South Dakota State line and extending along Nebraska State Highway 61 to junction Interstate Highway 80 to the Nebraska-Colorado State line; Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 60 and U.S. Highway 183, extending along U.S. Highway 183 to the Oklahoma-Texas State line, Pennsylvania, South Dakota on and east of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota Highway 65, to junction U.S. Highway 212, to junction South Dakota Highway 63, to junction Interstate Highway 90, to junction U.S. Highway 83 to the South Dakota-Nebraska State line; Tennessee, Virginia, West

Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateways of Garden City, Kans., Pratt, Kans., Salina, Kans., Galena, Kans., and Ravenna, Ohio.

No. MC 40215 (Sub-No. E2), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Arizona on and east of a line beginning at the Arizona-New Mexico State line and extending along Interstate Highway 10 to junction U.S. Highway 666, thence south along U.S. Highway 666 to the Arizona-New Mexico State line, to points in Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending south along U.S. Highway 85 to junction of U.S. Highway 34, to junction Colorado Highway 71, to junction U.S. Highway 50, to junction Colorado Highway 101, to junction U.S. Highway 160, to junction U.S. Highway 287, to the Colorado-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Coolidge, Kans.

No. MC 87966 (Sub-No. E11), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th Street, Chicago. Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture* (uncrated), as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Grand Rapids, Mich., to points in Missouri. The purpose of this filing is to eliminate the gateway of Peru, Ind. (b) *New furniture* (uncrated), as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Grand Rapids, Mich., to points in Pennsylvania within 60 miles of Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 87966 (Sub-No. E12), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th Street, Chicago. Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such store and office fixtures* (as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 275) and *parts* thereof, as are included in new furniture (uncrated), as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of Capitol Fixture and Construction Corporation at or near Arlington Heights, Ill., to points in Pennsylvania and Kentucky. The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 112070 (Sub-No. E37), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Colorado and Wyoming. The purpose of this filing is to eliminate the gateway of Missouri and Illinois.

No. MC 112070 (Sub-No. E39), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Tennessee, *(Missouri), Kentucky, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, and *(Illinois). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113843 (Sub-No. E174) (correction), filed May 17, 1974, published in the FEDERAL REGISTER June 18, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between (1) Westfield, Dunkirk, Fredonia, Brockton, Silver Creek, Farnham, Angola, North Collins, South Dayton, Lawtons, Gowanda, E. Autora, and Eden, N.Y., on the one hand, and, on the other, points in Towanda, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y. The remainder of the letter-notice remains as previously published. The purpose of this correction is to correct the destination description in Part (1).

No. MC 113843 (Sub-No. E480) (Partial Correction), filed May 19, 1974, published in the FEDERAL REGISTER June 9, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, (38) between Atlantic City, Bridgeton, Cape May, Millville, Seabrook, and Vineland, N.J., on the one hand, and, on the other, points in Michigan; (49) from those points in New Jersey bounded on the south by a line beginning at the Atlantic Ocean and extending along U.S. Highway 9 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the New Jersey-Pennsylvania State line, and bounded on the north by a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 1 to junction New Jersey Highway 440, thence along New Jersey Highway 440 to the Hudson River to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 127 to junction U.S. Highway 42, thence along U.S. Highway 42 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a portion missing in the publication in Part (38) and to correct the territorial description in Part (49). The remainder of the letter-notice remains as previously published.

No. MC 114552 (Sub-No. E189), filed September 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards*, from points in Minnesota, on and west of a line beginning at the Minnesota-Canada State line and extending along U.S. Highway 71 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to the Minnesota-South Dakota State line, to points in South Carolina, on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateways of the plantsite and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., and the plantsite and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC 114552 (Sub-No. E198) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER July 28, 1976, and republished, as corrected, this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk) from points in Wisconsin, on and north of a line beginning at Lake Michigan and extending along U.S. Highway 151 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction Wisconsin Highway 33, thence

along Wisconsin Highway 33 to the Wisconsin-Minnesota State line, to points in Florida, on and south of Florida Highway 84. The purpose of this filing is to eliminate the gateways of the plantsite and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., and the plantsite and warehouse facilities of the Celotex Corporation in Wayne County, N.C. The purpose of this correction is to correct the territorial description.

No. MC 114552 (Sub-No. E199) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER July 28, 1976, and republished, as corrected, this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk), from points in Michigan, to points in South Carolina, on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 521, thence along U.S. Highway 521 to the Winyah Bay. The purpose of this filing is to eliminate the gateways of the plantsite and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., and the plantsite and warehouse facilities of the Celotex Corporation in Wayne County, N.C. The purpose of this correction is to correct the commodity description that was published incorrectly.

No. MC 114552 (Sub-No. E204) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER July 28, 1976, and republished, as corrected, this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* except commodities in bulk) from points in Oklahoma, on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Oklahoma Highway 63 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 144, thence along Oklahoma Highway 144 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Texas State line, to points in Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line, and extending along U.S. Highway 11 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction Pennsylvania Highway 279, thence along Pennsylvania Highway 279 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of the plantsite and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., and the plantsite and warehouse facilities of the Celotex Corporation in Wayne County, N.C. The purpose of this correction is to correct the territorial description.

No. MC 114552 (Sub-No. E209) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER July 28, 1976, and republished, as corrected, this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture* and installation of composition boards (except commodities in bulk), from points in Texas, on and south of a line beginning at the Gulf of Mexico and extending along U.S. Highway 75 to U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 180, thence along U.S. Highway 180 to the Texas-New Mexico State line to points in Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 76, thence along Interstate Highway 70 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 522 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of the plantsite and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., and the plantsite and warehouse facilities of the Celotex Corporation in Wayne County, N.C. The purpose of this correction is to correct the territorial description.

No. MC 114552 (Sub-No. E214) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER July 28, 1976, and republished, as corrected, this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk), from points in Arkansas, on and south of a line beginning at the Arkansas-Missouri State line, and extending along Arkansas Highway 25 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Oklahoma State line, to points in Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 22, to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of the plantsite and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., and the plantsite and warehouse facilities of the Celotex Corporation in Wayne County, N.C. The purpose of this correction is to correct the typographical errors which appear in the FEDERAL REGISTER publication of July 28, 1976.

No. MC 114552 (Sub-No. E216) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER July 28, 1976, and republished, as corrected, this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk), from points in Arkansas on and south of a line beginning at the Arkansas-Mississippi State line, and extending along U.S. Highway 49 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Arkansas-Oklahoma State line, to points in Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of the plantsite and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., and the plantsite and warehouse facilities of the Celotex Corporation in Wayne County, N.C. The purpose of this correction is to correct the territorial description.

No. MC 117416 (Sub-No. E5) (Correction), filed June 4, 1974, published in the

FEDERAL REGISTER August 19, 1974, and republished, as corrected, this issue. Applicant: NEWMAN & PEMBERTON CORP., 2007 University Avenue NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed foodstuffs* (except fresh or cured meats, dairy products, frozen commodities, or commodities in bulk), from those points in Indiana located on or east of a line beginning at the Indiana-Kentucky State line, at or near Rising Sun, Ind., thence along Indiana Highway 262 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction Indiana Highway 46, thence along Indian Highway 46 to junction Indiana Highway 229, thence along Indiana Highway 229 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line to points in Perry, Autauga, Bibb, Chilton, Coosa, Tallapoosa, Clay, Shelby, Talladega, and Calhoun Counties, Ala., and those points in Tuscaloosa, St. Clair, Jefferson, and Etowah Counties, Ala., on or south of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Tellico Plains, Tenn. The purpose of this correction is to correct the territorial description.

No. MC 119702 (Sub-No. E9), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from St. Louis, Mo., to points in Iowa, The purpose of this filing is to eliminate the gateways of East St. Louis, Ill., and the terminal of the Great Lakes Pipe Lines Company located near Palmyra, Mo. (b) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Cahokia and East St. Louis, Ill., to points in Wisconsin on, south, and east of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 through Sparta, Wis., to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 through Wisconsin Rapids, Wis., to junction Wisconsin Highway 64, and thence along Wisconsin Highway 64 through Antigo, Wis., to Marinette, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., and Amboy, Ill.

No. MC 119702 (Sub-No. E11), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plantsite and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill., to points in that part of Wisconsin on, south, and east of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 through Sparta, Wis., to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 through Wisconsin Rapids, Wis., to junction Wisconsin Highway 64, and thence along Wisconsin Highway 64 through Antigo, Wis., to Marinette, Wis. The purpose of this filing is to eliminate the gateway of Amboy, Ill.

No. MC-119702 (Sub-No. E12), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of the Great Lakes Pipe Lines Company located near Palmyra, Mo., to points in Wisconsin on, east and south of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Marinette, Wis. The purpose of this filing is to eliminate the gateway of Amboy, Ill.

No. MC-119702 (Sub-No. E13), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from St. Louis, Mo., to points in that part of Missouri within 125 miles of East St. Louis, Ill. (except points within the St. Louis Commercial zone). The purpose of this filing is to eliminate the gateway of East St. Louis, Ill. (b) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Cahokia and East St. Louis, Ill., to points in Missouri on, north and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and the plant site and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill.

No. MC 119702 (Sub-No. E14), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Hartford, Roxana, and Wood River, Ill., to points in Missouri on, north and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateways St. Louis, Mo., and the plant site and facilities of used by Illinois Road Contractors, Inc. in Pike County, Ill.

No. MC 119702 (Sub-No. E15), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from St. Louis, Mo., to points in that part of Wisconsin on, south and east of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 through Sparta, Wis., to Wisconsin Dells, Wis., thence along Wisconsin Highway 13 through Wisconsin Rapids, Wis., to junction Wisconsin Highway 64, and thence along Wisconsin Highway 64 through Antigo, Wis., to Marinette, Wis. The purpose of this filing is to eliminate the gateways of the plant site and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill. and Amboy, Ill.

No. MC-119702 (Sub-No. E16), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Hartford, Roxana, and Wood River, Ill., to points in Illinois on and south of U.S. Highway 50 (except points in St. Clair, Clinton, and Washington Counties, Ill.). The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC–119702 (Sub-No. E19), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Hartford, Roxana, and Wood River, Ill., to points in Illinois on, north and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and the plant site and facilities used by Illinois Road Contractors, Inc. in Pike County, Ill.

No. MC–119702 (Sub-No. E20), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from St. Louis, Mo., to points in Missouri on, north, and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of the plant site and facilities used by Illinois Road Contractors, Inc., in Pike County, Ill.

No. MC–119702 (Sub-No. E21), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Cahokia and East St. Louis, Ill., to points in Illinois on and south of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–24947 Filed 8–25–76;8:45 am]

[Ex Parte No. MC–43; Service Date Aug. 20, 1976]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

AUGUST 13, 1976.

It appearing, That a petition has been filed by Watkins Motor Lines, Inc. (MC–95540 and numerous subs) and Watkins Carolina Express, Inc. (MC–30280 and various subs), under permanent common control for waiver of paragraphs (a)(3) and (c) of Section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That the U.S. Department of Transportation offers no objection to a grant of the petition, based on the absence of adverse information in the Department's records;

It is ordered, That waiver of paragraphs (a)(3) and (c) of Section 1057.4, be, and it is hereby granted, provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board Members Teeple and Sibbald.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–24938 Filed 8–25–76;8:45 am]

[Ex Parte No. MC–43; Service Date Aug. 20, 1976]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

AUGUST 13, 1976.

It appearing, That a petition has been filed by J. V. McNicholas Transfer Co. (MC–14552 and numerous subs) and J. M. Barbe Co. (MC–59952 and Sub-Nos. 6 and 8), under temporary common control for waiver of paragraph (c) of Section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That the U.S. Department of Transportation offers no objection to a grant of the petition based on an examination of petitioners' records;

It is ordered, That waiver of paragraph (c) of Section 1057.4, be, and it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation, and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board Members Teeple and Sibbald.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–24939 Filed 8–25–76;8:45 am]

[Ex Parte No. MC–43; Service Date August 20, 1976]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

It appearing, That a petition has been filed by B & L Motor Freight, Inc. (MC–123255 and numerous subs), Harry A. Blades, Inc. (MC–123275 and various subs), and Service Motor Freight (MC–139645 and various subs), under common control for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That that Department offers no objection to granting the petition;

It is ordered, That waiver of paragraphs (a)(3) and (c) of section 1057.4, be, and it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations by the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board Members Teeple and Sibbald.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–24940 Filed 8–25–76;8:45 am]

[Notice No. 18]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 1976.

Application filed for temporary authority under Section 210a(b) in con-

nection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76590. By application filed August 16, 1976, ROBERT C. FENNELL, DBA ROBERT FENNELL TRUCKING CO., 305 Fairfax Drive, P.O. Box 239, Blacksburg, VA., 24060, seeks temporary authority to lease the operating rights of H. T. Ratcliff, 454 West Main Street, Abingdon, VA., 24210, under section 210 a(b). The transfer to Robert C. Fennell, d.b.a. ROBERT FENNELL TRUCKING CO., of the operating rights of H. T. Ratcliff, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–24946 Filed 8–25–76;8:45 am]

[Notice No. 19]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 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–76706. By application filed August 16, 1976, ASSOCIATED FURNITURE FREIGHTWAYS COMPANY, 440 Boston Post Road, Orange, Connecticut, 06477, seeks temporary authority to lease the operating rights of THE FURNITURE TRANSPORT COMPANY, INC., Furniture Row, P.O. Box 392, Milford, Connecticut, 06460, under section 210a (b). The transfer to ASSOCIATED FURNITURE FREIGHTWAYS COMPANY, of the operating rights of THE FURNITURE TRANSPORT COMPANY, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76–24945 Filed 8–25–76;8:45 am]

[Notice No. 137]

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 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
Ashton Trucking Co., MC–57880 Sub-14	MC–57880 Sub-15	July 30, 1976
Fiderak Trucking, Inc., MC–115994 Sub-12	MC–115994 Sub-11	July 6, 1976
Carretta Trucking, Inc., MC–129455 Sub-10	MC–129455 Sub-11	July 29, 1976
Heyl Truck Lines, Inc., MC–133119 Sub-62	MC–133119 Sub-60	July 19, 1976
Overland Express, Inc., MC–133689 Sub-68	MC–133689 Sub-59 and Sub-60.	Do.
North East Express, Inc., MC–133966 Sub-22	MC–133966 Sub-27	July 15, 1976
North East Express, Inc., MC–133966 Sub-33	MC–133966 Sub-34	Do.
McCort Drive A Way, Inc., MC–134426 Sub-3 and Sub-4	MC–134426 Sub-5	July 12, 1976
Mid Continent Trucking Co., MC–134983 Sub-3	MC–134983 Sub-2	July 14, 1976
Dba Gulley Trucking, MC–136086 Sub-2	MC–136086 Sub-3	July 9, 1976
Robco Transportation, Inc., MC–136786 Sub-63 and Sub-83	MC–136786 Sub-67	July 12, 1976
Robco Transportation, Inc., MC–136786 Sub-71	MC–136786 Sub-82	July 30, 1976
Cleon Carder Truck Line, Inc., MC–136812 Sub-5	MC–136812 Sub-6	Aug. 12, 1976
Dba Matlock Transportation, MC–136814 Sub-3	MC–136814 Sub-2	July 15, 1976
F. W. Caspersen, MC–138043 Sub-2	MC–138043 Sub-3	July 19, 1976
Mt. Snow Shuttle Service, Inc., MC–138254 Sub-4	MC–138254 Sub-3	July 16, 1976
Mill Trucking Corporation, MC–138281 Sub-3	MC–138281 Sub-4	July 14, 1976
W. O. Moore & Sons, Division of Cedar Rock Ranch, Inc., MC–139009	MC–139009 Sub-1	Do.
Logan Motor Lines, Inc., MC–139091 Sub-6	MC–139091 Sub-5	July 13, 1976
Modular Transportation, Co., MC–139555 Sub-1	MC–139555 Sub-2	July 15, 1976
D.b.a. J. D Cartage Service, MC–139701	MC–139701 Sub-1	July 14, 1976
Miller Trucking Co., MC–139923 Sub-5	MC–139923 Sub-6	July 15, 1976
D.b.a. Plastic Express, MC–140030	MC–140030 Sub-1	Aug. 12, 1976
Twombly Grain Co. Inc., MC–140108	MC–140108 Sub-1	July 13, 1976
Robert Fennell Trucking Co., MC–140239 Sub-1	MC–140239 Sub-2	July 9, 1976
D.b.a. Larry E. Hickox Trucking, MC–140265 Sub-1	MC–140265 Sub-2	July 16, 1976
Export Metals Co., MC–140281 Sub-1	MC–140281 Sub-2	July 13, 1976
D.b.a. J & R Trucking, MC–140313 Sub-3	MC–140313 Sub-4	July 30, 1976
Richard Sisson, MC–140342 Sub-1	MC–140342 Sub-2	July 19, 1976
D.b.a. Riverview Dairy Farms, MC–140468 Sub-2	MC–140468 Sub-3	Do.
D.b.a. Ed Northington Trucking, MC–140567 Sub-1	MC–140567 Sub-2	July 14, 1976
Don's Towing Service, MC–140597 Sub-1	MC–140597 Sub-2	July 13, 1976
Frank's, Inc., MC–140603	MC–140603 Sub-1	July 15, 1976
D.b.a. Hill City Trucking, MC–140646 Sub-1	MC–140646 Sub-2	July 9, 1976
D.b.a. Earl J. Ruckdaschel Trucking, MC–140655 Sub-1	MC–140655 Sub-2	July 19, 1976
Donald R. Simmons, MC–140690 Sub-1	MC–140690 Sub-2	Do.
D.b.a. John Lawrence Trailer Towing, MC–140731 Sub-1	MC–140731 Sub-2	July 13, 1976
Paul Swenglish, MC–140884 Sub-1	MC–140884 Sub-2	July 19, 1976
D.b.a. Tanner Trucking, MC–141077 Sub-1	MC–141077 Sub-2	July 30, 1976
School Bus Service, Inc., MC–141087 Sub-1	MC–141087 Sub-2	July 19, 1976
Jones Trucking Co., MC–141155 Sub-1	MC–141155 Sub-2	July 15, 1976
Montgomery X-Ray Transportation, Inc., MC–141322	MC–141322 Sub-1	Do.
D.b.a. Ozark Coach Lines, MC–141394 Sub-1	MC–141394 Sub-2	Aug. 12, 1976

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–24944 Filed 8–25–76;8:45 am]

[Volume No. 45]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

AUGUST 20, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy 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 Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall 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 petitioner's representative, or petitioner if no representative is named.

No. MC 263 (Notice of Filing of Petition for Clarification and Modification of Certificate) filed February 17, 1976. Petitioner: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, P.O. Box 4048, Pocatello, Idaho 83201. Petitioner's representative: Maurice H. Greene, P.O. Box 4201, Pocatello, Idaho 83201. Petitioner holds a motor *common carrier* Certificate in No. MC 263, issued September 28, 1956, authorizing transportation, as pertinent, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between Boise, Idaho, and Portland, Oreg., serving the intermediate points of Nampa, Caldwell, and New Plymouth, Idaho, and Huntington, Baker, Union, LaGrande, Pendleton, Vale, Juntura, Burns, and Bend, Oreg., and the off-route points of Weiser and Payette, Idaho, as follows: from Boise over U.S. Highway 30 to Portland; from Boise over Idaho Highway 44 (formerly U.S. Highway 20) to junction U.S. Highway 30, thence over U.S. Highway 30 to Ontario, Oreg., thence over Oregon Highway 201 (formerly U.S. Highway 28) to junction U.S. Highway 20 (formerly U.S. Highway 28), thence over U.S. Highway 20 to Vale, Oreg., thence over U.S. Highway 20 to Bend, Oreg., thence over U.S. Highway 97 to junction U.S. Highway 26 (formerly Oregon Highway 50), and thence over U.S. Highway 26 to Portland; and return from Portland over U.S. Highway 30 to junction Idaho Highway 44 (formerly U.S. Highway 20) thence over either

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Idaho Highway 44 or U.S. Highway 30 to Boise. Additionally, and as pertinent, petitioner holds authority in its (Sub-No. 136) Certificate to transport *general commodities* (with the usual exceptions), between Umatilla, and Cold Springs, Oreg., and Westland, Oreg., serving the intermediate and off-route points of Hermiston, U.S. Ordnance Depot, and U.S. Munitions Dump near Hermiston and Westland, Oreg.: From Umatilla over unnumbered highway (formerly U.S. Highway 30) to Hermiston, Oreg., thence over Oregon Highway 207 to Westland, and return over the same route; and From Cold Springs over Oregon Highway 207 to Westland, and return over the same route, restricted in the service authorized immediately above to the condition that no traffic moving to or from points on the carrier's route over U.S. Highway 30 west of Umatilla, Oreg., shall be transported over the immediately above-specified routes between Umatilla and Cold Springs, Oreg., and Westland, Oreg.; and in (Sub-No. 185) petitioner holds authority to transport, as pertinent, over regular and irregular routes, *classes A and B explosives*, between the points authorized and over the routes described in carrier's presently held certificates authorizing the transportation of general commodities (except among other commodities, classes A and B explosives) in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah and Washington subject to all territorial restrictions applicable to operation in the above states, except that no authority is granted herein to transport classes A and B explosives between Billings, Mont., and St. Paul, Minn., and intermediate points between Billings and St. Paul.

By the instant petition, petitioner seeks clarification of its authority with respect to serving the Umatilla Army Depot, located near Ordinance, Oreg. to indicate that it can serve the Umatilla Army Depot, Oreg. from its lead Certificate from the nearest regular route point and over the shortest practical highways, or in the alternative, modify the lead Certificate to include the Umatilla Army Depot located near Ordinance, Oreg. as a specified off-route point.

No. MC 12720 (Notice of Filing of Petition For Modification of Brokers License), filed August 11, 1976. Petitioner: TRAVEL & TOUR SERVICE, INC., 722 North Third St., Milwaukee, Wis. 53203. Petitioner's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53202. Petitioner holds a license to engage in operations as a *broker* in interstate or foreign commerce, at Milwaukee, Wis., in No. MC 12720, issued August 5, 1960, to arrange the transportation of *passengers and groups of passengers and their baggage*, in charter and special operations, beginning and ending at Milwaukee, Wis., and at points in Brown, Calumet, Dane, Dodge, Fond du Lac, Jefferson, Kenosha, Manitowoc, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukeska, and Winnebago Counties, Wis., and extending to points in the United States, including Alaska and Hawaii. By the instant petition, petitioner seeks to modify its territorial description so as to read: "Between points in the United States".

No. MC 123091 and (Sub-No. 13G) (Notice of Filing of Petition to Modify Commodity Description), filed July 29, 1976. Petitioner: NICK STRIMBU, INC., 3500 Parkway Rd., Brookfield, Ohio 44403. Petitioner's representative: James Duvall, 220 West Bridge Street, Dublin, Ohio 43017. Petitioner holds motor *common carrier* Certificates in No. MC 123091 and (Sub-No. 13G), issued June 1, 1965 and May 27, 1975, respectively, authorizing transportation (1) in No. MC 123091 over irregular routes, of *steel and steel products*, between Sharon, Pa., on the one hand, and, on the other, points in Ohio; and (2) in No. MC 123091 (Sub-No. 13G) over irregular routes, of *steel articles*, between points in Ohio, on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at Sharon, Pa., and extending along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to Clarion, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 136, thence along Pennsylvania Highway 136 to junction Pennsylvania Highway 844, thence along Pennsylvania Highway 844 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, and thence along the Pennsylvania-Ohio State line to the point of beginning, including points on the specified portions of the Highways indicated: From points in Ohio, and points in that part of Pennsylvania bounded by a line beginning at Sharon, Pa., and extending along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to Clarion, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 136, thence along Pennsylvania Highway 136 to junction Pennsylvania Highway 844, thence along Pennsylvania Highway 844 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to points of beginning, including points on the specified portions of the highways indicated, to points in Arizona, California, Colorado, Florida, Kansas, Mississippi, South Carolina, and Wyoming, that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31W to Nashville, and thence along U.S. Highway 31 to the Tennessee-Alabama State line, and points in Alabama (except Birmingham and points within 65 miles of Birmingham). By the instant petition, petitioner seeks to modify the commodity description in both MC 123091 and (Sub-No. 13G) so as to read: *"Iron and steel articles"*.

Republications of Grants of Operating Rights Authority Prior to Certification

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 within 30 days after the date of this Federal Register notice. 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 136916 (Sub-No. 13) (Republication), filed February 19, 1976, published in the Federal Register issue of March 18, 1976, and republished this issue. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. An Order of the Commission, Review Board Number 2, dated July 23, 1976, and served August 4, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes transporting, *Dry cement additives and dry soil stabilizing compounds*, in bulk, in tank and dump vehicles, from the facilities of Limestone Products Corporation of America, located in Sussex County, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island and the District of Columbia, 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 the grant of dry cement additives and dry soil stabilizing compounds in bulk, in tank vehicles and dump vehicles, in lieu of cemdust blend and materials, as previously published.

Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications

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 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 340 (Sub-No. 42), filed June 21, 1976. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquor beverages* (except commodities in bulk, in tank vehicles), from San Antonio, Tex., to points in Indiana, Illinois, Kentucky, Ohio, Wisconsin, the Lower Peninsula of Michigan and St. Louis County, Mo. and points within 50 miles thereof.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Antonio or Dallas, Tex.

No. MC 409 (Sub-No. 59) filed July 19, 1976. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the facilities of Cominco American, located at or near Hoag, Nebr., to points in Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Omaha, Nebr.

No. MC 720 (Sub-No. 15), filed July 19, 1976. Applicant: BIRD TRUCKING CO., INC., Box 227, Waupun, Wis. 53968. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Road, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, chain grocery, and food business houses (except commodities in bulk), between Hodgkins, Ill., on the one hand, and, on the other, points in Brown Calumet, Columbia, Dodge, Door, Fond du Lac, Green Lake, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee (except points east of Wisconsin Highway 100 in Milwaukee, County), Outagamie, Ozaukee, Portage, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., restricted to warehouse and Distributors, Inc., Hodgkins, Ill. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Washington, D.C.

No. MC 4405 (Sub-No. 534), filed July 22, 1976. Applicant: DEALERS TRANSIT, INC., 220 E. 170th Street, Lansing, Ill. 60438. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Opole, Minn., to points in the United States (except Alaska and Hawaii); and (2) *tractors*, in secondary movements, in driveaway service when drawing trailer chassis in initial movements, from Opole, Minn., to points in Arizona, Nevada, Oregon and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 42011 (Sub-No. 23), filed July 20, 1976. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Jewett, Tex., to Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico and Oklahoma, restricted to shipments originating at the facilities of Nucor Steel Corporation located at Jewett, Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications of C & H Transportation, J. J. Willis Trucking Co., Tom Hicks Transfer Co., Inc., Eagle Motor Lines, Tex-O-Ka-N Transportation Co., Inc., and Wales Transportation, Inc., at Dallas, Tex.

No. MC 51146 (Sub-No. 473), filed July 22, 1976. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and equipment, materials, supplies, and accessories* used in the manufacture and distribution of containers and container ends, when moving with containers and container ends, from Fogelsville, Pa., to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and West Virginia).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC 58885 (Sub-No. 30), filed July 19, 1976. Applicant: ATLANTA MOTOR LINES, INC., P.O. Box 345, Conley, Ga. 30027. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. 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); Between Atlanta, and Lavonia, Ga.: (1) From Atlanta, Ga., over U.S. Highway 29 to Winder, Ga., thence over Georgia Highway 11 to Jefferson, Ga., thence over Georgia Highway 15 to Commerce, Ga., and thence over Georgia Highway 59 to Lavonia, Ga., and return over the same route, serving all intermediate points; and (2) From Atlanta, Ga., over Interstate Highway 85 to Lavonia, Ga., and return over the same route serving all intermediate points. Serving Maysville, Homer, Avalon and Martin, Ga., and all points in Franklin County, Ga., as off-route points in connection with Routes 1 and 2 above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Commerce, Ga.

No. MC 82492 (Sub-No. 134), filed July 16, 1976. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride; caustic soda; chemicals; cleaning, deodorizing, disinfecting,*

laundry, polishing, scouring and washing compounds; petroleum products, soda ash; laundry sour, and bleach, from Ludington, Midland, Rockwood, St. Louis and Wyandotte, Mich.; Cleveland, Delaware, Macedonia and Painesville, Ohio, and Syracuse, N.Y., to points in Minnesota, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 83835 (Sub-No. 133), filed July 20, 1976. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Armco Steel Corporation located at or near Sand Springs, Okla., to points in Arkansas, Kansas, Louisiana, Missouri and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Dallas, Tex.

No. MC 92068 (Sub-No. 17), filed July 13, 1976. Applicant: MUTUAL TRANSPORTATION, INC., President and Fleet Streets, Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in or used by retail and discount department stores, from the facilities of Mutual Transportation, Inc., at Baltimore, Md., to the store and facilities of Mammoth Mart, Inc., at Odenton, Md., and the store and facilities of the K Mart store of S. S. Kresge Company, at the intersection of U.S. Highway 301 and Maryland Highway 424, near Crofton, Md.; and (2) *returned shipments* of the commodities in (1) above, from the store and facilities of Mammoth Mart, Inc., at Odenton, Md., and from the store and facilities of the K Mart store of S. S. Kresge Company, at the intersection of U.S. Highway 301 and Maryland Highway 424, near Crofton, Md., to the facilities of Mutual Transportation, Inc. at Baltimore, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 362), filed July 13, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Texas on or east of U.S. Highway 281, to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma; and (2) *buildings, in sections*, mounted on wheeled undercarriages, from points in Texas on or east of U.S. Highway 281, to points in Arizona, Arkansas, Kansas, Louisiana, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 98952 (Sub-No. 36), filed July 13, 1976. Applicant: GENERAL TRANSFER COMPANY, a Corporation, 2880 North Woodford St., P.O. Box 2203, Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities owned and operated by Archer-Daniels-Midland Company, located at Decatur, Ill.; also, shipping products for Wilsey Foods, Inc., and others, to Kansas City, Kans., and points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, restricted to traffic originating at above origin, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield or Chicago, Ill.

No. MC 98952 (Sub-No. 37), filed July 20, 1976. Applicant: GENERAL TRANSFER COMPANY, 2880 N. Woodford St., P.O. Box 2203, Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 E. Capitol Avenue, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in conduct of such business (except commodities in bulk and foodstuffs), from the facilities of Consolidated Sales Corp., located at or near Indianapolis, Ind., to facilities of Jewel Food Stores, Division of Jewel Companies, Inc., located at or near Franklin Park, Ill., restricted to traffic originating at named origin and destined to named destination.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 99427 (Sub-No. 31), filed July 16, 1976. Applicant: ARIZONA TANK LINES, INC., 3200 Ruan Center, 666 Grand Avenue, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulfuric acid*, in bulk, in tank vehicles, from points in Arizona, to points in New Mexico; and (2) *graphite*, in bulk, from Buckeye, Ariz., to points in California, Colorado, Nevada, New Mexico, Texas, and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., or Denver, Colo.

No. MC 100449 (Sub-No. 68), filed July 22, 1976. Applicant: MALLINGER TRUCK LINE, INC., Route No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. 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 "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fort Dodge, Hartley, and Spencer, Iowa, Fremont and Schuyler, Nebr., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux City or Des Moines, Iowa, or Omaha, Nebr.

No. MC 100666 (Sub-No. 327), filed July 2, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board paper*, from Anniston, Ala., to Medicine Lodge, Kans., and Rotan, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex.

No. MC 100666 (Sub-No. 328), filed July 22, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products*, (1) from Los Angeles, Calif., to points in Arizona, Colorado, and New Mexico; (2) from San Antonio, Tex., to points in Arizona and Colorado; and (3) from Houston, Tex., to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 103066 (Sub-No. 36), filed July 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 Seventeenth St., N.W., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from Piscataquis County, Maine, to points in California, Illinois, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 37), filed July 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Plastic granules*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 38), filed July 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple products, hard cider*, from points in New York, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 39), filed July 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from Franklin County, Maine, to points in Arizona, California, Illinois, Ohio, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 40), filed July 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101 Applicant's representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from Somerset County, Maine, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 41), filed June 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 17th St. NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, including dairy products, (A) from Plymouth, Wis. and Van Wert, Ohio, to points in California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (B) from Plymouth, Wis., to Van Wert, Ohio, restricted to traffic originating at the plantsites and storage facilities utilized by Borden Foods, a Division of Borden, Inc. located at or near Plymouth, Wis. and Van Wert, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 42), filed June 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 Seventeenth Street NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal pallet forming and supporting systems*, from Cleveland, Ohio, to points in the United States (except Hawaii and Alaska).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 43), filed July 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Euguene D. Anderson, 910 Seventeenth Street NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and supplies* used in the installation of floor coverings, from the plants of Congoleum Corporation located at or near Trenton, N.J. and Marcus Hook, Pa., to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 44), filed July 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 Seventeenth Street NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Brooklyn, N.Y., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 45) filed July 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 Seventeenth St. NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastics, vinyl compounds*, between points in New Jersey and points on the International Boundary line between the United States and Canada, located at points in Idaho, Maine, Montana, New Hampshire, New York, Vermont and Washington; and (2) *scrap plastic, off-grade and reground plastic and vinyl compounds*, from points in the United States (except Alaska and Hawaii), to points in New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 105045 (Sub-No. 63) filed July 21, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated air pollution equipment and structural steel*, from the plantsite and other facilities of Consolidated Steel Fabricators, Inc., located at Birmingham, Ala., to points in Arkansas, California, Connecticut, Delaware, Iowa, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Vermont, Wisconsin and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Birmingham, Ala.

No. MC 105566 (Sub-No. 124) filed July 20, 1976. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 2069, Springfield, Va. 22152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel baskets; cans, sheet steel ware; wire goods; fence, in panels; stands, flat or folded flat; baskets, wire; candle holders; flower vase liners; trunk, N.O.I., hand with platform; steel handles; plastic articles; plant stands, holders, bag; racks; plant supports wire; plant stakes; and rings; rolled steel*, from Columbus, Ohio to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 106497 (Sub-No. 132) filed July 16, 1976. Applicant: PARKHILL TRUCK COMPANY (a corporation), P.O. Box 912, (Bus. Rt. I–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lifting or handling equipment, machinery, and parts*, from Guthrie, Okla., to points in the United States (including Alaska, but excluding Hawaii); and (2) *equipment, materials, parts, and supplies* (including Alaska, but excluding Hawaii), to Guthrie, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant

requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 107012 (Sub-No. 229) filed July 19, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, tricycles, and parts and accessories thereof, and materials and supplies* used in the manufacture of bicycles and tricycles, between Celina, and St. Marys, Ohio; Azusa, Torrence and City of Industry, Calif. and Richmond, Ind., on the one hand, and, on the other points in the United States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Chicago, Ill.

No. MC 107107 (Sub-No. 451) filed July 16, 1976. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42d Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and citrus products* (except in bulk) in vehicles equipped with mechanical refrigeration, from points in Florida to Albuquerque, N. Mex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C., or Albuquerque, N. Mex.

No. MC 107541 (Sub-No. 41) filed July 18, 1976. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 2000 East Columbia Way, Building 54, P.O. Box 1371, Vancouver, Wash. 98661. Applicant's representative: Gulseth & Willard, 125 University Avenue, Berkeley, Calif. 94710. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, from Silsbee, Utah, to ports of entry on the International Boundary Line between the United States and Canada located at or near Blaine and Oroville, Wash., restricted to the Province of British Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 109689 (Sub-No. 299) filed July 20, 1976. Applicant: W. S. HATCH CO., 643 South 800 West, Wood Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, (except petro-chemicals and sulfuric acid), from points in Pima and Maricopa Counties, Ariz., to points in Nevada and Utah; (2) *industrial chemicals and feed supplements* (except petro-chemicals, paint, lacquer, lacquer thinners, varnish, turpentine, phosphoric acid, sulfuric acid and tallow), from Pima and Maricopa Counties, Ariz., to points in California; (3) *graphite*, water base, in bulk, from Buckeye, Ariz., to Cucamonga, Calif.; and (4) *ammonium sulfide*, in bulk, from Sahuarita, Ariz., to Delta, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake, City, Utah.

No. MC 109708 (Sub-No. 65), filed July 16, 1976. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT INC., P.O. Box 966, 908 North NW. Park Street, Okeechobee, Fla. 33472. Applicant's representative: James E. Wharton, 100 South Orange Avenue, Suite 811, Metcalf Bldg., Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and wines, brandy, neutral citrus residue spirits or alcohol*, in bulk, from Roberta, Ga., to Burlingame, Calif.; Peoria, Ill.; and Scobeyville, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Chicago, Ill.

No. MC 110567 (Sub-No. 10), filed July 23, 1976. Applicant: SOONER TRANSPORT CORPORATION, P.O. Box 855, 666 Grand Avenue, Des Moines, Iowa 50304. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Marble City and Sallisaw, Okla., to points in Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Omaha, Nebr.

No. MC 111045 (Sub-No. 130), filed July 21, 1976. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed additives, feed ingredients for livestock, feed and fertilizer*, in bulk, in tank vehicles, from Montgomery, Ala., to Jacksonville and Tampa, Fla.; Bainbridge and Macon, Ga.; Soso and Vicksburg, Miss.; and Nashville and Chattanooga, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Montgomery, Ala., or Tampa, Fla.

No. MC 111053 (Sub-No. 5), filed July 21, 1976. Applicant: EHRLICK TRANSPORT, LTD., 3250 Derry Road East, Mississauga, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary), and in the same vehicle with such horses, stable supplies and equipment used in the care and exhibition of such horses, mascots, and the personal effects of their attendants, trainers, and exhibitors, between ports of entry on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating in or destined to points in the province of Manitoba, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 111401 (Sub-No. 466), filed July 16, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naphtha and solvent*, in bulk, from Cyril, Okla., to points in Tennessee and Hill Air Force Base, Utah, and Offutt Air Force Base, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 111839 (Sub-No. 10), filed July 8, 1976. Applicant: BEE LINE EXPRESS, INC., P.O. Box 388, Albertville, Ala. 35950. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, 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), Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) Between Chattanooga, Tenn., and Birmingham, Ala., serving the intermediate point of Albertville, Ala., and all intermediate points between Albertville, Ala., and Chattanooga, Tenn., with service at Albertville, Ala., restricted to the transportation of shipments moving from, to, or through Chattanooga, Tenn.; and serving the off-route points within three miles of the indicated portion of Alabama Highway 75: From Chattanooga over U.S. Highway 11 to Trenton, Ga., thence over Georgia Highway 143 to the Alabama-Georgia State line, and thence over Alabama Highway 75 via Albertville and Oneonta, Ala., to Birmingham, and return over the same route; (2) Between Rainsville, Ala., and Scottsboro, Ala., serving all intermediate points: From Rainsville over Alabama Highway 35 to Scottsboro, and return over the same route; and (3) Between Scottsboro, Ala., and Chattanooga, Tenn., serving all intermediate points in Alabama on U.S. Highway 72 between Scottsboro and the Tennessee-Alabama State line, and the off-route point of Widows Creek, Ala.: From Scottsboro over U.S. Highway 72 to Chattanooga, and return over the same route.

NOTE.—Applicant states that the purpose of this application is to eliminate the restriction that the traffic moving to, from, or through Chattanoga may not be transported by applicant to or from Birmingham in applicant's Certificate of Public conven-

lence and Necessity in MC 111839. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Chattanooga, Tenn.

No. MC 112617 (Sub-No. 349), filed July 22, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 112617 (Sub-No. 350), filed July 16, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Rohm & Haas Company, located at Knoxville, Tenn., to points in Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, restricted to shipments having an origin at Louisville, Ky., and stopped in transit for additional loading.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 113267 (Sub-No. 336), filed July 19, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and frozen food* (except in bulk), from the facilities of New Orleans Cold Storage and Warehouse Co., located at New Orleans, La., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, 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 New Orleans, La., or Memphis, Tenn.

No. MC 113429 (Sub-No. 3), filed July 21, 1976. Applicant: MIKE CONTRIS, doing business as CONTRIS TRUCKINK, Route 1, Harrod, Ohio 45850. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts and materials* (except commodities in bulk) used in the manufacture of or repair of construction equipment, in express service, restricted to shipments not exceeding 5000 pounds, between Lima, Ohio, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Ohio), under a continuing contract with Clark Equipment Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 113495 (Sub-No. 78) (Correction), filed June 22, 1976, published in the FEDERAL REGISTER issue of July 29, 1976, and republished as corrected this issue. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (b) *equipment* designed for use in conjunction with trailers; (c) *agricultural, industrial, and construction machinery and equipment;* (d) *trailers* designed for the transportation of the commodities named in (a), (b), and (c) (except trailers designed to be drawn by passenger automobiles); (e) *attachments* for the commodities named in (a), (b) (c), and (d) above; (f) *internal combustion engines;* and (g) *parts* of the commodities named in (a), (b), (c), (d), (e), and (f) above, from the plants, warehouse sites and experimental farms of Deere & Company located at Philadelphia, Pa., Baltimore, Md., Atlanta, Ga., and Wilmington, N.C., and points in Black Hawk, Dubuque, Polk and Wapello Counties, Iowa, Rock Island County, Ill., and Dodge County, Wis., to points in Alabama, Delaware, Georgia, Florida, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (2) *returned shipments* of the commodities described above, from the destination named in (1) above, to the origin points named in (1) above.

NOTE.—The purpose of this republication is (1) to correct the territorial description; and (2) to correct applicant's representative's name published as Wilmer B. Hull, in lieu of Wilmer B. Hill. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Charlotte, N.C.

No. MC 113624 (Sub-No. 75), filed July 20, 1976. Applicant: WARD TRANSFORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solution*, in bulk, in tank vehicles, from Grant, Nebr., to points in Iowa, Missouri, and North Dakota, and points in Oklahoma south of Interstate Highway 40, and points in South Dakota east of the Missouri River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Denver, Colo.

No. MC 113678 (Sub-No. 631), filed July 23, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., in consolidation with Aubrey Freight; Container Transit; Diamond Transportation; Carl Subler; and Truck Transport.

No. MC 114211 (Sub-No. 279), filed July 19, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight, require the use of special *equipment, and related machinery, parts and supplies*, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment, and *commodities* which do not require the use of special equipment when moving on the same equipment or same bill of lading as commodities which because of size or weight require the use of special equipment; and (2) *self-propelled articles and related machinery, tools, parts, and supplies* moving in conjunction therewith, between the ports of entry on the International Boundary line between the United States and Canada, located in Minnesota, North Dakota, Montana, Idaho, and Washington, on the one hand, and on the other, points in the United States including Alaska but excluding Hawaii, restricted against the transportation of tractors, road making machinery, contractors' equipment and supplies and farm machinery.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Fargo, N. Dak.

No. MC 114569 (Sub-No. 142), filed July 20, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (unfrozen), from Belledeau and St. Francisville, La.,

to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Peoria or Chicago, Ill.

No. MC 114829 (Sub-No. 11), filed July 22, 1976. Applicant: GENERAL CARTAGE COMPANY, INC., West U.S. Route No. 30, Rock Falls, Ill. 61071. Applicant's representative: Daniel C. Sullivan 327 South La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory materials and products* (except in bulk), from points in Lake County, Ind., to Sterling, Ill., under a continuing contract or contracts with Northwestern Steel & Wire Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sterling or Chicago, Ill.

No. MC 115278 (Sub-No. 4) (Clarification), filed June 17, 1976, published in the FEDERAL REGISTER issue of July 29, 1976, and republished, as clarified this issue. Applicant: SIEGEL & COHEN EXPRESS, INC., 566 South 11th Street, Newark, N.J. 07103. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn*, in packages, from Henderson, N.C., to points in that part of the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Act (the "exempt zone") and points in New Jersey within 35 miles of New York, N.Y., restricted against interlining at origin or destination.

NOTE.—The purpose of this republication is to clarify the territorial description. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 115654 (Sub-No. 55), filed July 21, 1976. Applicant: TENNESSEE CARTAGE COMPANY, INC., Candy Lane, P.O. Box 23193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Memphis, Tenn., to points in Alabama, Kentucky, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 115904 (Sub-No. 57), filed July 15, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Denver, Colo., to points in Colorado, Idaho, Montana, Nebraska, New Mexico, South Dakota, Texas, Utah, and Wyoming, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, and those commodities falling within the category described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 495, and further restricted to the transportation of traffic originating at the facilities of Western Plastics Corp., located at Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Washington, D.C.

No. MC 116763 (Sub-No. 348), filed July 23, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, 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: *Such commodities* as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 117068 (Sub-No. 63), filed July 16, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Newcastle, Wyo., to points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Washington, D.C.

No. MC 117119 (Sub-No. 588), filed July 23, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen potato products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Beaver Dam and Milwaukee, Wis., to points in Arizona, California, Maryland, Nevada, and Utah, restricted to traffic originating at the facilities of American Potato located at Beaver Dam and Milwaukee, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 117574 (Sub-No. 276), filed July 26, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies*, used in the installation of building, wall, or insulating boards (except commodities in bulk), from the plantsite of Armstrong Cork Company, at or near Macon, Ga., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 250), filed July 13, 1976. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant and warehouse facilities owned and operated by Archer-Daniel-Midland Company, locatet in Decatur, Ill., also, shipping products for Wilsey Foods, Inc., and others, to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118831 (Sub-No. 135) filed July 23, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 2608, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, corn, cane, and beet products, and blends thereof*, in bulk, from the plantsite and warehouse facilities of Amalgamaize 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, the applicant requests it be held at either Washington, D.C. or Birmingham, Ala.

No. MC 118831 (Sub-No. 136) filed July 22, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 2608, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules and pellets*, in bulk, from the plantsite of Minne-

sota Mining and Manufacturing Company, located at Greenville, S.C., to Bristol, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119641 (Sub-No. 135) filed July 21, 1976. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum roofing, siding, gutters, downspouts, and fabricated aluminum products*, and *parts, attachments, and accessories* for the forementioned commodities, from the facilities of Alumax Building Products located at Bristol, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 119789 (Sub-No. 295) filed July 23, 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: *Meats, meat products, meat by-products, 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 hides and commodities in bulk), from Ellensburg and Seattle, Wash., to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, the District of Columbia and its Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Portland, Oreg.

No. MC 119880 (Sub-No. 84) filed July 23, 1976. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, in bulk, in tank vehicles, from St. Louis, Mo., to Memphis, Tenn., Atlanta, Ga., and Tampa, Fla. and (2) *alcoholic liquors*, in bulk, in tank vehicles, from Lake Alfred, Fla., Bardstown, Ky., Frankfort, Ky., and Lawrenceburg, Ind., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 123048 (Sub-No. 343) filed July 23, 1976. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, 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 Milwaukee, Wis.

No. MC 123111 (Sub-No. 10) filed June 30, 1976. Applicant: QUEENSWAY TANK LINES LIMITED, a Corporation, Queensway Road, Chesterville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic liquid detergents*, from Hoboken, N.J., to ports of entry on the International Boundary line between the United States and Canada, located at points in New York, restricted to the transportation of traffic destined to the Provinces of Ottawa and Toronto, Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 319) filed July 22, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Southwind Maritime Centre, located in Posey County, Ind., on the one hand, and, on the other, 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 on a consolidated record with similar applications of Artim Transportation, Associated Truck Lines, B & C Motor Freight, Brada Miller Freight System, Centralia Cartage, Commercial Motor Freight of Indiana, Eck Miller Transportation, E. K. Motor Service, Hoosier Transport, I & S McDaniel, and seven other applications, at Indianapolis, Ind.

No. MC 123407 (Sub-No. 320), filed July 22, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall and insulating boards, and materials and supplies* used in the installation of building, wall and insulating boards (except commodities in bulk), from the plantsite of Armstrong Cork Company located at or near Macon, Ga., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 696) filed July 22, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 113832 (Sub-No. 68), 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 Kansas City, Mo. or Chicago, Ill.

No. MC 124078 (Sub-No. 697) filed July 23, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. 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.—Applicant holds contract carrier authority in No. MC-113832 (Sub-No. 68), 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 Dallas, Tex.

No. MC 124328 (Sub-No. 107) filed July 22, 1976. Applicant: BRINK'S INCORPORATED, Suite 710, One Crossroads of Commerce, Algonquin Road & Rte. 53, Rolling Meadows, Ill. 60008. Applicant's representative: Richard H. Streeter, 704 Southern Building, 15th and H Streets, N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Museum antifacts* of extraordinary value, between points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Smithsonian Institution.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124813 (Sub-No. 152) filed July 19, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines,

Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and soybean mill run and hulls*, from the facilities of Cargill, Incorporated, at Sioux City, Iowa, to points in Colorado, Kansas, Minnesota, Missouri, North Dakota, South Dakota and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 124839 (Sub-No. 28), filed July 21, 1976. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass fibre rovings, yarn and strand, glass fibre mats and matting, and materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of the foregoing commodities, between the plantsite and warehouse facilities of Certain-Teed Products Corp. located in Clarke and DeKalb Counties, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Ohio,. Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia and (2) *insulating materials and materials, equipment and supplies* (except in bulk) used in their manufacture and distribution, between the plantsite and warehouse facilities of Certain-Teed Products Corp., located in Clarke and DeKalb Counties, Ga., on the one hand, and, on the other, points in Delaware, Illinois, Missouri, New Jersey, Ohio and Pennsylvania, under a continuing contract, or contracts, with Certain-Teed Products Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125023 (Sub-No. 38), filed July 19, 1976. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Cliffwood, N.J., to points in New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 125433 (Sub-No. 79), filed July 1, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Kenneth W. Barber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Denver, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Texas, and Utah, restricted against transportation of those commodities described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and further restricted to the transportation of traffic originating at the facilities of Amoco Chemicals Corporation located at Denver, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Denvor, Colo., or Salt Lake City, Utah.

No. MC 125813 (Sub-No. 14), filed July 23, 1976. Applicant: CRESSLER TRUCKING, INC., 153 West Orange Street, Shippensburg, Pa. 17257. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Castings, pumps, patterns, core boxes, and parts and accessories therefor*, from the plantsite of ITT Domestic Pump, Shippensburg Township (Cumberland County), Pa., to points in the United States, (except Alaska and Hawaii); and (2) *materials, equipment, parts, and supplies* used in the manufacture of the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsite of ITT Domestic Pump, located at Shippensburg Township (Cumberland County), Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 126118 (Sub-No. 21), filed July 19, 1976. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nuts and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act when transported in mixed loads with nuts, from points in California to points in and east of Kansas, Louisiana, Nebraska, North Dakota, Oklahoma, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 128375 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 Sacramento, Calif., or Lincoln, Nebr.

No. MC 126276 (Sub-No. 154), filed July 22, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and equipment, materials, and supplies*, used in the manufacture and distribution of containers and container ends, when moving with containers and container ends (except commodities in bulk), from the plantsite of the National Can Corporation, at Fogelsville, Pa., to points in the United States (except Alaska, Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia), under contract with National Can Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126899 (Sub-No. 101), filed July 23, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material* and *empty malt beverage containers* on return, from Louisville, Ky., to points in Illinois, Ohio, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville or Frankfort, Ky.

No. MC 127692 (Sub-No. 4) (Correction) filed June 30, 1976, published in the FEDERAL REGISTER issue of August 5, 1976, republished as corrected this issue. Applicant: FIDELITY STORAGE CORPORATION, P.O. Box 10257, Alexandria, Va. 22310. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Arlington, Clarke, Culpepper, Fairfax, Fauquier, King George, Loudoun, Prince William, Rappahannock, Spotsylvania, Stafford and Warren Counties, Va., Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Howard, Montgomery, Prince Georges, St. Marys and Washington Counties, Md., Baltimore, Md., Alexandria and Falls Church, Va., and the District of Columbia, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—Applicant presently holds authority to transport used household goods, subject to the same "King Pak" restrictions, between points in Prince Georges, Montgomery, Howard, Anne Arundel, Baltimore, and Frederick Counties, Md., and Baltimore, Md., and Washington, D.C., and Fairfax, Arlington, Prince William, Loudoun, and Stafford Counties, Va., and Alexandria and Falls Church, Va. The purpose of this republication is to indicate the extent of applicant's present authority, which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 232) filed July 15, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials and supplies used in the manufacture of printed matter* (except commodities in bulk), between Willard, Ohio, and Crawfordsville, Ind., on the one hand, and, on the other, points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests is be held at either Chicago, Ill., or Washington, D.C.

No. MC 128633 (Sub-No. 12) filed July 23, 1976. Applicant: LAUREL HILL TRUCKING COMPANY, 614 New County Rd., Secaucus, N.J. 07094. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.J. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by retail department stores (except foodstuffs and commodities in bulk), between carrier's terminal at Secaucus, N.J., on the one hand, and, on the other, South Gate, Roseville, Detroit, Southfield and Madison Heights, Mich. and Oaklawn, Matteson, Elmhurst, Morton Grove, North Riverside and Arlington Heights, Ill., restricted to shipments originating at or destined to retail stores or warehouses of Korvettes Department Stores at the above named points or Bayonne, N.J., under a continuing contract, or contracts, with Korvette Department Stores, Division of Korvettes, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 128058 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y.

No. MC 128702 (Sub-No. 1), filed July 1, 1976. Applicant: TANNAHILL TRANSPORT, LTEE., Allans Corners, Ormstown, Quebec, Canada Jos iko. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins*, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Vermont to ports of entry on the International Boundary line between the United States and Canada, located at Rouses Point, Chateaugay and Trout River, N.Y.; Highgate Springs, Richford and North Troy, Vt.; Derby Line and Norton, N.H.; Jackson, Maine; and Montreal and Howick, in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 129032 (Sub-No. 23), filed July 22, 1976. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, P.O. Box 9667, Tulsa, Okla. 74107. Applicant's representative: Martin J. Rosen, 256 Montgomery Street, 5th Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper* (except in bulk), from the plantsite of Bowater Southern Paper Corporation, located at Calhoun, Tenn., to points in Arkansas, Arizona, Illinois, Iowa, Kansas, Michigan, Missouri, Minnesota, Nebraska, New Mexico, Oklahoma and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests is be held at either Tulsa, Okla. or San Francisco, Calif.

No. MC 129613 (Sub-No. 21) filed July 21, 1976. Applicant: ARTHUR H. FULTON, an Individual, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, between Martinsburg, W. Va., on the one hand, and, on the other, points in California, Oregon and Washington, under a continuing contract, or contracts, with Erath Veneer Corporation.

NOTE.—Applicant holds common carrier authority in No. MC 138000 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 129950 (Sub-No. 2) filed July 21, 1976. Applicant: CONSOLIDATED TRUCK SERVICE, INC., 1 Scout Ave., South Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores *and supplies and equipment* used in the conduct of such business (except commodities in bulk and foodstuffs), between points in the New York, N.Y., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Oklahoma, Texas and Wisconsin, under a continuing contract with Jubilee Shops, Inc.

NOTE.—Applicant holds common carrier authority in MC 117685 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 133666 (Sub-No. 15) filed July 22, 1976. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue South, P.O. Box 368, Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, Inc., located at or near Barnesville and Benson, Minn., to points in Minnesota, Montana, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 134022 (Sub-No. 20), filed July 21, 1976. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 715, West Bend, Wis. 53095. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, (except wrecked or disabled), on flat-bed equipment, between Appleton, Wis., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Montana, Illinois, Washington and North Dakota).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 134388 (Sub-No. 14) filed July 21, 1976. Applicant: HOME RUN, INC., Three North Sycamore St., Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad St., 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, between Victor, N.Y.; Chardon and Jamestown, Ohio; Coraopolis, Eighty-four and Wampum, Pa.; and Fredericksburg, Va., on the one hand, and, on the other, points in Mississippi, under a continuing contract, or contracts, with Ryan Homes, Inc. located in Pittsburgh, Pa., restricted against the transportation of (a) buildings, in sections when mounted on wheeled undercarriages, and (b) cement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 134405 (Sub-No. 30) filed July 23, 1976. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphaltic emulsions*, from Springfield, Mo., to points in Arkansas; and (2) *liquid asphalt*, in bulk, in tank vehicles, from Enid and Ardmore, Okla., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Oklahoma City, Okla.

No. MC 134484 (Sub-No. 9), filed July 21, 1976. Applicant: EDWARDS BROS. INC., 1875 North Holmes Ave., P.O. Box 1684, Idaho Falls, Idaho 83401. Applicant's representative: Morgan G. Edwards (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *Meats*, from Flathead County, Mont., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Billings, Mont.

No. MC 134922 (Sub-No. 184), filed July 13, 1976. Applicant: B. J. McADAMS, INC., Route 6, P.O. Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, Classes A and B explosives, foodstuffs and commodities requiring special equipment), between the Yellow Creek Port Terminal and Industrial area, located in Tishomingo County, Miss., on the one hand, and, on the other, points in the United States including Alaska, but excluding Alabama, Florida, Georgia, Hawaii, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 135183 (Sub-No. 6) filed July 13, 1976. Applicant: KERR CONTRACT CARRIAGE, INC., Route 4, Salem, Mo. 65560. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquettes, and charcoal lighter fluid*, from the plantsite of Floyd Charcoal Co., located near Salem, Mo., to points in Iowa, Louisiana, Nebraska and South Carolina; (2) *paper bags*, from Mobile, Ala.; Pensacola, Fla.; Savannah, Ga.; Peoria, Ill.; Indianapolis and Seymour, Ind.; West Monroe, La.; Omaha, Nebr.; Spartanburg, S.C.; and Bristol, Tenn.; to the plantsite of Floyd Charcoal Co., located near Salem, Mo.; and (3) *sodium nitrate*, in bags, from Lake Charles, La., to the plantsite of Floyd Charcoal Co., located near Salem, Mo., under a continuing contract, or contracts, with Floyd Charcoal Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Springfield, Ill.

No. MC 135185 (Sub-No. 30) filed July 19, 1976. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Avenue, P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, scouring and washing compounds, polishing* and *bufing compounds, disinfectants, deodorants, drugs* and *toilet preparations, insecticides, other household cleaning supplies, chemicals, hydraulic cement, sand, coal tar, adhesive tape, plastic synthetics, paint solvents, rubber cement, caulking and brazing compounds, varnish, paints, phosphoric acid and titanium dioxide*, (a) from Lincoln, Ill., and Toledo, Ohio, to points in Hennepin and Ramsey Counties, Minn.; and (b) from Belle Mead, N.J., to points in California and Massachusetts; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in Illinois to Toledo, Ohio, under a continuing contract, or contracts, in (1) and (2) above with Lehn & Fink Products Co., a Division of Sterling Drug, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or New York, N.Y.

No. MC 135283 (Sub-No. 17), filed July 16, 1976. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., Box 1665, E. Highway 30, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. 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 hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Midwestern Beef, Inc., Platte Valley Division, located at or near Darr, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania and Wisconsin, restricted to the transportation of traffic originating at the named origin point and destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Grand Island, Nebr.

No. MC 135732 (Sub-No. 25), filed July 23, 1976. Applicant: AUBREY FREIGHT LINES, INC., 605 Grove St., P.O. Box 503, Elizabeth, N.J. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., in consolidation with Container Transit, Inc.; Curtis, Inc.; Diamond Transportation System; Truck Transport, Inc.; Carl Subler Trucking, Inc.

No. MC 136343 (Sub-No. 87), filed July 2, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 535, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood and plastic mouldings*, from the facilities of Abitibi Corporation located at Middlebury, Ind., to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas; and (2) *discontinued merchandise, returned, refused and rejected shipments*, from the above destination points to the facilities of Abitibi Corporation located at Middlebury, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Columbus, Ohio or Washington, D.C.

No. MC 136762 (Sub-No. 11), filed June 22, 1976. Applicant: OSBORNE HIGHWAY EXPRESS, P.O. Box 763, Ukiah, Calif. 95482. 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: *Insulating material*, from Fruita, Colo., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 136786 (Sub-No. 101), filed July 7, 1976. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials and supplies* used in the manufacture of printed matter (except commodities in bulk), between Willard, Ohio, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Iowa, Kansas, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138308 (Sub-No. 16), filed July 19, 1976. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wiring devices and electrical and lighting equipment* (except commodities which by reason of size or weight require the use of special equipment), from the facilities of Union Insulating Co., Inc. located at or near Parkersburg, W. Va., to point in California, Oregon and Washington.

NOTE.—Applicant holds contract carrier authority in MC 128592 and subs thereunder, therefore dual operations may be involved.

If a hearing is deemed necessary, the applicant requests it be held at either Jackson Miss. or Memphis, Tenn.

No. MC 138312 (Sub-No. 3), filed July 21, 1976. Applicant: T & R MOTORS, INC., U.S. 169 South, Route No. 2, Nowata, Okla. 74048. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the plantsite and storage facilities of Farmland Industries, Inc., located at or near Muskogee, Okla., to points in Arkansas, Kansas and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 138413 (Sub-No. 7), filed July 15, 1976. Applicant: JOHN TOWNROW, an Individual, doing business as: JOHN TOWNROW TRUCKING, 4290 Elton St., Baldwin Park, Calif. 91706. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games, toys, juvenile furniture and playground apparatus*, from points in Connecticut, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and West Point, Miss., to Compton and San Jose, Calif.; Secaucus, N.J.; Beltsville, Md.; Bensenville, Ill.; Melvindale, Mich.; and Houston, Tex., under a continuing contract, or contracts, with Lash-Tamaron Division of Toys-R-US.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y. or Los Angeles, Calif.

No. MC 138741 (Sub-No. 22), filed July 13, 1976. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom Kretsinger, 910 Brookfield Bldg., 101 West 11th St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, valves and hydrants and materials*, used in the installation thereof (except Oil Field Commodities, as defined in Mercer Extension Oil Field Commodities 74 M.C.C. 459), (1) from the plantsite, warehousing and shipping facilities of the Clow Corporation, at Coshocton, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, those points in the Lower Peninsula of Michigan, and points in Minnesota, Missouri, Nebraska, Oklahoma, Tennessee and Wisconsin; and (2) *refused, rejected or returned shipments*, from the destination points in (1) above, to Coshocton, Ohio, restricted against the transportation of commodities in bulk.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 139253 (Sub-No. 7), filed July 22, 1976. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORP., West Side Industrial, Johnson City, Tenn. 37601. Applicant's representative: Robert L. Baker, Suite 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) Between Johnson City, Tenn., and Blowing Rock, N.C.: From Johnson City, Tenn., over U.S. Highway 321 to Blowing Rock, N.C., and return over the same route, serving all intermediate points; (2) Between Elizabethton, Tenn., and Blowing Rock, N.C.: From Elizabethton, Tenn., over U.S. Highway 19–E to its intersection with North Carolina Highway 194, thence south over North Carolina Highway 194 to its intersection with U.S. Highway 221, thence over U.S. Highway 221 to Blowing Rock, N.C., and return over the same route, serving all intermediate points; (3) Between Linville and Boone, N.C.: From Linville, N.C., over North Carolina Highway 105 to its intersection with U.S. Highway 321, thence over U.S. Highway 321 to Boone, N.C., and return over the same route, serving all intermediate points; (4) Between Boone, N.C., and Trade, Tenn.: From Boone, N.C., over U.S. Highway 421 to its intersection with North Carolina Highway 194, thence over North Carolina Highway 194 to the North Carolina-Virginia State Line, thence over an unnumbered highway in Virginia to U.S. Highway 58, thence over U.S. Highway 58 to its intersection with Virginia Highway 91, thence over Virginia Highway 91 to the Virginia-Tennessee border, thence over Tennessee Highway 91 to its intersection with U.S. Highway 421, thence over U.S. Highway 421 to Trade, Tenn., and return over the same route serving all intermediate points; (5) Between Elk Park and Warrensville, N.C.: From Elk Park, N.C., over U.S. Highway 19–E, to its intersection with North Carolina Highway 194, thence over North Carolina Highway 194 to its intersection with U.S. Highway 421, thence over U.S. Highway 421 to its intersection with North Caroliona Highway 88, thence over North Carolina Highway 88 to Warrensville, N.C., and return over the same route serving all intermediate points; and (6) Between Elizabethton and Mountain City, Tenn.: From Elizabethton, Tenn., over Tennessee Highway 91 to its intersection with U.S. Highway 421, thence over U.S. Highway 421 to Mountain City, Tenn., and return over the same route, serving all intermediate points, and serving all other points in Carter and Johnson Counties, Tenn., as off-route points.

NOTE.—If a hearing is deemed necesary, the applicant requests it be held at Johnson City, Tenn.

No. MC 139306 (Sub-No. 7), filed July 22, 1976. Applicant: DEL R. STANAGE AND JOE R. STANAGE doing business as STANAGE TRANSPORTATION, 121 Indiana Springs Road, Hot Springs, Ark. 71901. Applicant's representative: Del R. Stanage (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet*, broken glass, in bulk, in dump vehicles, (1) between Little Rock, Ark.; Paris, Tex.; Logan, Ohio; Reform, Ala.; and Salina, Kans.; and (2) between Fairmont, W. Va., and Owensboro, Ky., on the one hand, and, on the other, Little Rock, Ark.; Paris, Tex., Reform, Ala.; and Salina, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 139420 (Sub-No. 12) filed July 14, 1976. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen novelty confections and dietetic frozen desserts*, from Grand Forks, N. Dak., to points in Idaho, Montana and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak. or Minneapolis, Minn.

No. MC 139432 (Sub-No. 7), filed July 12, 1976. Applicant: SUNRISE TRANSPORTATION, INC., 9850 East Highway 120, Manteca, Calif. 95336. Applicant's representative: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and liquid feed supplement*, in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at Stockton, Calif., to points in Curry, Josephine, Jackson, Klamath, Lake, Harney, Malheur, Coos, Douglas, Lane, Deschutes, Crook, Wheeler, and Grant Counties, Oreg., under a continuing contract or contracts with Cargill, Inc.

NOTE.—Applicant holds common carrier authority in MC 119912 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or San Diego, Calif.

No. MC 139495 (Sub-No. 138) (Amendment), filed April 1, 1976, published in the FEDERAL REGISTER issue of May 13, 1975, republished as amended this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW, Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds; and water treating compounds* (except in bulk) from the plantsite and storage facilities of Calgon Corporation located at or near Frisco, Pa. to Hayward, and City

of Industry, Calif.; Denver, Colo.; Atlanta, Ga.; New Orleans, La.; Duluth, Minn.; St. Louis, Mo.; Charlotte, N.C.; Bayport and Houston, Tex.; Salt Lake City, Utah; Seattle, Wash. and Bluefield, W. Va.

NOTE.—The purpose of this republication are to (1) delete activated carbon and lavatory fixtures from the commodity description and (2) delete parts (1), (3) and (4) from the territorial description and (3) to add Denver, Colo., Duluth, Minn. and City Industry, Calif. as destination points in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139743 (Sub-No. 5) (Correction), filed June 23, 1976, published in the FEDERAL REGISTER issue of August 5, 1976, as MC 13974, republished as corrected this issue. Applicant: GEORGIA CARPET EXPRESS, INC., P.O. Box 1680 (Tibbs Road), Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St., NW, Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and carpet samples*, from the plantsites and warehouse facilities of Salem Carpet Mills, Inc., located at or near Ringgold, Ga., and Normandy Carpets, Inc., located at or near Dalton, Ga., to points in California.

NOTE.—The purpose of this republication is to change docket number MC 139743 Sub-No. 5 in lieu of MC 13974 Sub-No. 5 which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140033 (Sub-No. 15), filed July 19, 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: *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 commodities in bulk, in tank vehicles), from the plantsite of Maverick Beef Packers, Inc., at or near Eagle Pass, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Antonio or Dallas, Tex.

No. MC 140581 (Sub-No. 4), filed July 21, 1976. Applicant: TOMMY HAGWOOD, an individual, doing business as HAGWOOD ENTERPRISES, Route 1, Box 222-A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in truckaway service, between Oakland, Calif., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140743 (Sub-No. 9) (Amendment), filed March 29, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as amended this issue. Applicant: GORSKI BULK TRANSPORT, INC., 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from the ports of entry on the International Boundary line between the United States and Canada, located in Michigan, Montana, New York and North Dakota, to Cincinnati, Ohio, restricted to traffic originating at Calgary, Alberta, Canada.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Cincinnati, Ohio; or Detroit, Mich.

No. MC 141172 (Sub-No. 1), filed June 24, 1976. Applicant: RETTA TRUCKING CO., INC., 3 Pleasantville Road, Ossining, N.Y. 10562. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sauces*, from the facilities of Saucy Susan Products, Inc., in the Village of Briarcliff Manor (Westchester County), N.Y., to points in Connecticut and New Jersey; (2) *glass*, from Port Allegheny, Pa., to the facilities of Saucy Susan Products, Inc., in the Village of Briarcliff Manor (Westchester County), N.Y., under a continuing contract or contracts in (1) and (2) above with Saucy Susan Products, Inc.; and (3) *sauces and mustard*, from the facilities of Aunt Millie's Sauces, Inc., in the Hamlet of Hawthorne (Westchester County), N.Y., to points in Connecticut and New Jersey, under a continuing contract or contracts with Aunt Millie's Sauces, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141485 (Sub-No. 1), filed July 13, 1976. Applicant: CLIFFORD RAY RUTLAND, doing business as CLIFF RUTLAND TRUCKING, Rural Route No. 1, Independence, Kans. 67301. Applicant's representative: Laurel D. McClellan, 430 North 7th, P.O. Box 478, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feeds and feed ingredients*, from Republic, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Nebraska, New Mexico, North Carolina, New York, Oklahoma, Tennessee, Texas, Utah, and Wyoming; (2) *feed ingredients*, from Hutchinson and Pittsburg, Kans., Danville, Springfield, and Decatur, Ill., and Stuttgart, Ark., to Republic, Mo.; (3) *feed bags*, from Memphis, Tenn., to Republic, Mo., under a continuing contract, or contracts, in (1) through (3) above, with American Agri Products, Inc., located at Republic, Mo.; (4) animal feeds, from Ava and Republic, Mo., Parsons, Kans., Washington, Okla., and Denver, Colo., to points in Alabama, Arizona, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Nebraska, New Mexico, North Carolina, New York, Oklahoma, Tennessee, Texas, Utah, and Wyoming; (5) *feed ingredients*, from Hutchinson and Pittsburg, Kans., Danville, Springfield, and Decatur, Ill., and Stuttgart, Ark., to Republic, Mo.; (6) *feed bags*, from Memphis, Tenn., to Ava and Republic, Mo.; and (7) *feed bags*, from Ava and Republic, Mo., to Washington, Okla., Denver, Colo., Wills Point, Tex., Parsons and Bonner Springs, Kans., Hubbard, Iowa, Beemer, Nebr., and St. George, Utah, under a continuing contract, or contracts, in (4) through (7) above, with Super Sup Equine Products, Inc., located at Springfield, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Joplin or Kansas City, Mo.

No. MC 141550 (Sub-No. 3), filed July 14, 1976. Applicant: HOPPY LINES, INC., 420 Devonshire Drive, Brea, Calif. 92621. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Chlorinated *paraffin*, in packages and containers, from Santa Fe Springs and Anaheim, Calif., to points in Colorado, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Washington, and Wyoming; and (2) *coal tar* and *petroleum resin*, in packages and containers, from Neville Island, Pa., to points in California; (1) and (2) above are under a continuing contract, or contracts, with Neville Chemical Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 141804 (Sub-No. 19), filed July 19, 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: *Such merchandise* as is dealt in by retail stores (except foodstuffs and commodities in bulk), (1)

from points in New Jersey, New York, and Hanover County, Va., to points in California and Texas; (2) from Arlington, Tex., to points in California and (3) from points in New Jersey and New York, to points in Hanover County, Va., restricted in (1), (2), and (3) to the transportation of traffic originating at the named origins, and destined to the facilities of Best Products Co., Inc., in the described destination area.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Nashville, Tenn.

No. MC 141957 (Sub-No. 1) (Correction), filed May 7, 1976, published in the FEDERAL REGISTER issue of June 17, 1976, republished as corrected this issue. Applicant: EUGENE NAVARRO, doing business as MIAMI CRATING CO., 5522 NW. 72nd Avenue, Miami, Fla. 33178. Applicant's representative: Richard B. Austin, Ste. 214, Palm Coast II Bldg., 5255 NW. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, crated or in containers, and *commodities* which by reason of their size and weight do not require the use of special equipment, from applicant's warehouse facilities at or near Miami, Fla., to Miami, Fla., restricted to traffic having a subsequent movement by water.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 142038 (Sub-No. 1), filed July 16, 1976. Applicant: DARIO GUERRA, doing business as DARIO GUERRA TRANSFER, 1040 Biscayne Blvd., Miami, Fla. 33132. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 NW. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular 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), in shipper-owned trailers, between Port Everglades, the Port of Miami, and points in Dade County, Fla., restricted to traffic having an immediately prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 142055 (Sub-No. 3), filed July 19, 1976. Applicant: THOMAS H. PRESLEY, doing business as PRESLEY'S TRUCKING SERVICE, P.O. Box 46, Shuqualak, Miss. 39361. Applicant's representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and structural tile*, (1) between the plant and facilities of Delta-Shuqualak Brick & Title Company, Inc., at or near Shuqualak, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas; and (2) between the plant and facilities of Delta Brick & Title Company, Inc., at or near Indianola, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas, under a continuing contract or contracts with Delta Brick & Title Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 142145 (Sub-No. 2), filed July 22, 1976. Applicant: LINDSAY TRANSFORTATION, INC., Lindsay, Nebr. 68644. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and parts, equipments, materials, and supplies*, used in irrigation systems, their shipment or their installation, from the facilities utilized by Lindsay Manufacturing Co., Inc., at or near Amarillo, Tex., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials, and supplies*, utilized in the manufacture of irrigation systems, from points in the United States (except Alaska and Hawaii), to the facilities of Lindsay Manufacturing Co., Inc., at or near Amarillo, Tex., restricted to a transportation service to be performed under a continuing contract or contracts with Lindsay Manufacturing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 142172 (Sub-No. 2), filed July 16, 1976. Applicant: CAR TRUCK SHUTTLE SERVICE LIMITED, 1209 North Service Road, Oakville, Ontario, Canada. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in driveaway service, from the ports of entry on the International Boundary line between the United States and Canada, at or near Buffalo, N.Y., to Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 142221, filed June 14, 1976. Applicant: McAULEY TRUCKING COMPANY, INC., P.O. Box 626, North State Street, Ellsworth, Maine 04605. Applicant's representative: Robert S. Briggs, One Merchants Plaza, Bangor, Maine 04401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beams (spools) and boxes of yarn, fibre, and raw materials* used in the manufacture thereof, between the plantsite of McAuley Textile Corporation, located in Ellsworth, Maine, and Fall River, Hudson, Mass., Ellenboro, Kinston, Rocky Mount, and Roxboro, N.C., Norwood, N.J., Woonsocket, R.I., Camlen, Greenville, and La France, S.C., Kingsport, Tenn., and Nitro, W.Va.; and (2) *empty beams (spools)*, between the points named in (1) above to the plantsite of McAuley Textile Corporation located in Ellsworth, Maine.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine, or Boston, Mass.

No. MC 142284 (Sub-No. 1), filed July 21, 1976. Applicant: AIR COURIERS INTERNATIONAL, INC., 4131 N. 36th Street, Suite No. 1, Phoenix, Ariz. 85018. Applicant's representative: Jeremy Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers*, used or useful in the conduct of insurance business, between the facilities of American Home Assurance Company, located at New York, N.Y., and the facilities of American Home Assurance Company, located at Manchester, N.H., under a continuing contract, or contracts, with American Home Assurance Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142296, filed July 19, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4615 North Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel and component parts* used in the manufacture thereof, between the plantsite and warehouse facilities of Munsingwear, Inc., located at or near Memphis, Tenn., on the one hand, and, on the other, Los Angeles and San Francisco, Calif., under a continuing contract with Munsingwear/Vassarette.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Minneapolis, Minn.

No. MC 142313, filed July 16, 1976. Applicant: JAMES SWETT, doing business as L. J. TRANSPORT, 1403 South 6th, Mt. Vernon, Wash. 98273. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen horsemeat, and horsemeat products*, from points in Washington, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), together with ports of entry on the International Boundary line between the United States and Canada, located in Michigan, New York, and Washington, under contract with Florence Packing; Florence Meat Sales; and Northwest Processor, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 142315, filed July 23, 1976. Applicant: MEISLER CARTAGE, INC., 1103 East Franklin Street, Evansville,

Ind. 47711. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk, in tank vehicles and in dump vehicles), between points in Illinois, Indiana, and Kentucky, on the one hand, and, on the other, Evansville, Ind., restricted to the transportation of shipments having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.; Chicago, Ill.; or Washington, D.C.

No. MC 142319, filed July 19, 1976. Applicant: STRAUSS TRUCKING, LTD., 54 Matsunaye Drive, Medford, N.Y. 11763. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass, wood and metal store, office, and restaurant fixtures, equipment and showcases*, uncrated, from Copiague and New York, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; and (2) *used glass, wood and metal store, office, and restaurant fixtures, equipment and showcases, uncrated*, from the destination points named in (1) above to New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

PASSENGER APPLICATIONS

No. MC 61016 (Sub-No. 43), filed May 24, 1976. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers* in special operations, from points in Amherst, Hadley, Northampton, Easthampton, Holyoke, Williamnsett, Chicopee, Springfield, Ludlow, Longmeadow, East Longmeadow, Wilbraham, Palmer, Brimfield, Sturbridge, Southbridge, and Dudley, Mass., to the site of Plainfield Greyhound Park, Plainfield, Conn., and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Springfield, Mass.

No. MC 126986 (Sub-No. 9), filed July 22, 1976. Applicant: DUFOUR BROTHERS, INC., 115 South Street, Pittsfield, Mass. 01201. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip and one-way special and charter operations, between points in Berkshire County, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsfield, Mass.

No. MC 135283 (Sub-No. 7), filed July 21, 1976. Applicant: McGILL'S TAXI AND BUS LINES, INC., doing business as, ASHEBORO COACH CO., 151 Sunset Avenue, P.O. Box 626, Asheboro, N.C. 27203. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Alamance, Anson, Chatham, Davidson, Guilford, Hoke, Lee Montgomery, Moore, Orange, Randolph, Richmond, Robeson, Scotland, Stanly, and Union Counties, N.C., and High Point, N.C., and points in its Commercial Zone, and extending 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 Greensboro or Asheboro, N.C.

BROKER APPLICATION

No. MC 130393, filed July 7, 1976. Applicant: RIDGE TRAVEL AGENCY, INC., 151 East Center Street, Sebring, Fla. 33870. Applicant's representative: S. Harrison Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Sebring, Lake Placid, and Avon Park, Fla., by motor vehicle, rail, water or air carriers, in the transportation of *Passengers*, individual and in groups, and *their baggage*, in special and charter operations, in sightseeing and pleasure tours, between points in the United States, including Alaska and Hawaii, restricted to tours originating at and destined to points in Highlands County, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sebring, Fla.

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-12718 (Amendment) (FLORIDA TRANSPORT GROUP, INC.—CONTROL—TARPON TRANSPORTATION, INC.), published in the January 14, 1976, issue of the FEDERAL REGISTER, on page 2148. By amendment filed August 12, 1976, applicants seek to modify the original transaction by substituting as vendee FLAMINGO TRANSPORTATION, INC., of Miami, FL. FLAMINGO TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Florida.

No. MC-F-12859. (COPPER FREIGHT LINES, INC., d/b/a COPPER FREIGHT LINES—PURCHASE—AURORA DELIVERY, INC., d/b/a AURORA DELIVERY), published in the August 12, 1976, issue of the FEDERAL REGISTER on page 34159. Application filed August 10, 1976, for temporary authority under Section 210a(b).

No. MC-F-12875. (Correction) (DELTA LINES, INC.—PURCHASE (PORTION)—(B) RINGSBY TRUCK LINES, INC. AND (BB) RINGSBY-PACIFIC LTD., published in the July 22, 1976, issue of the FEDERAL REGISTER on pages 30247 and 30248. Notice should include under (BB) General Commodities, with exceptions, as a *common carrier* over irregular routes between Tacoma, Wash., on the one hand, and, on the other, points in Pierce, Thurston, Lewis, Mason, and Grays Harbor Counties, Wash.

No. MC-F-12891. (Correction) (AAA TRUCKING CORPORATION OF CALIFORNIA — PURCHASE — RELIABLE DELIVERY SERVICE, INC.), published in the July 29, 1976, FEDERAL REGISTER. Correct Title is as follows: BONSCO, INC. and AAA TRUCKING CORPORATION OF CALIFORNIA—PURCHASE—RELIABLE DELIVERY SERVICE, INC. (ASSIGNEE, CREDIT MANAGERS ASSOCIATION OF SOUTHERN CALIFORNIA, INC.)

No. MC-F-12921. Authority sought for control by OSBORNE GROUP, INC., (controls motor carriers), 125 University Avenue, Berkeley, CA., 94710, of WASHINGTON - OREGON LUMBER FREIGHTERS, INC., 2000 E. Columbia Way, Building 54, Vancouver, Washington 98661, and for acquisition by GENE OSBORNE, 604 Lander, Reno, NV., 89502, of control of WASHINGTON-OREGON LUMBER FREIGHTERS, INC., through the acquisition by GENE OSBORNE. Applicants' attorney: Earle V. White, 2400 SW Fourth Avenue, Portland, OR., 97201. Operating rights sought to be controlled: *General commodities*, with exceptions as a *common carrier* over regular routes between Klickitat, Wash., and Portland, Oreg., serving the intermediate point of Lyle, Wash., the intermediate and off-route points on Wah-

kiacus, Wash., the site of the State Fish Hatchery on the Klickitat River (approximately 15 miles north of Klickitat), and the site of the J. Neil Lumber Company's Reload Station (approximately ten miles north of Klickitat); between junction U.S. Highway 830 and Bridge of the Gods (south of Stevenson, Wash.) and Portland, Oreg., serving no intermediate points; *solidified carbon dioxide (dry ice)*, as a *common carrier* from Klickitat Springs over regular and irregular routes, over unnumbered highway to the Columbia River, thence across the Columbia River to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 395, thence over U.S. Highway 395 to Wallula, Wash., and thence over irregular routes to points in Washington east of the Columbia River, and return with no transportation for compensation except as otherwise authorized, over irregular routes to Wallula, thence over the above-specified regular route to Klickitat Springs; *sugar, salt, and cement*, as a common carrier over irregular routes from the Dalles, Oreg., to points in Benton, Klickitat, and Yakima Counties, Wash.; scrap *metal* from points in Skamania and Yakima Counties, Wash., to Portland, Oreg.

Building materials and plumbing supplies, from the Dalles and Portland, Oreg., to points in Skamania and Yakima Counties, Wash.; *household goods* as defined by the Commission, between points in Klickitat County, Wash., and all other points within 25 miles of Klickitat, Wash., on the one hand, and, on the other, points in Oregon; *livestock*, between points in Klickitat County, Wash., on the one hand, and, on the other, points in Oregon; *livestock and wool*, between points in Benton, Yakima, and Franklin Counties, Wash., on the one hand, and, on the other, points in Wasco, Hood River, Morrow, Gilliam, Umatilla, and Multnomah Counties, Oreg.; *lumber, lumber products, and fruit*, between points in Yakima, Skamania, and Klickitat Counties, Wash., on the one hand, and, on the other points in Oregon; *lumber and box shooks*, between points in Klickitat County, Wash., on the one hand, and, on the other, points in that part of Idaho south of Nez Perce, Lewis, and Clearwater Counties, Idaho; *agricultural commodities, farm machinery, wool, livestock, lumber*, and *box shooks*, between points in Skamania and Klickitat Counties, Wash., on the one hand, and, on the other, points in Walla Walla, Columbia, Garfield, and Asotin Counties, Wash.; *Agricultural commodities, forest products, paper products, feed, Flour, farm machinery, road building machinery, fertilizer, wool, box shooks, building material, plumbing supplies and fixtures*, and *materials* and *supplies* used or useful in the preparation, packing, and shipment of fruit, between points in Klickitat County, Wash.; and between points in Klickitat County, Wash., on the one hand, and, on the other, points in Wasco, Hood River, Multnomah Counties, Oreg.; *agricultural commodities, feed, farm machinery* and *implements*, and *forest products*, between points in Skamania and Yakima Counties, Wash., on the one hand, and, on the other, points in Columbia, Washington, Marion, Yamhill, Clackamas, Multnomah, Hood River, Wasco, Sherman, Gilliam, Deschutes, Jefferson, Wheeler, Crook, Morrow, and Umatilla Counties, Oreg.; *sand, gravel, contractors' equipment, fuel oil, mineral water, and solidified carbon dioxide*, between Klickitat, Wash., on the one hand, and, on the other, Portland and the Dalles, Oreg., and points on U.S. Highway 30 between Portland and the Dalles, and those in Hood River County, Oreg.

Mineral water and solidified carbon dioxide, between Klickitat Springs, Wash., on the one hand, and, on the other, Portland and the Dalles, Oreg., and points on U.S. Highway 30 between Portland and the Dalles, and those in Hood River County, Oreg.; *nursery stock*, between points in Skamania, Klickitat, and Yakima Counties, Wash., on the one hand, and, on the other, points in Wasco and Multnomah Counties, Oreg.; *lumber*, between points in Washington, with restrictions: from White Sulphur Springs, Mont., and points within ten miles thereof, to points in Idaho, Wyoming, North Dakota, and South Dakota, points in Nebraska on and west of U.S. Highway 81, and points in Adams, Arapahoe, Boulder, Clear Creek, Denver, Jefferson, Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma Counties, Colo., from points in Oregon and Washington, to points in Rio Arriba and San Juan Counties, N. Mex., Colorado, Wyoming, Arizona and Nevada, from points in Yamhill, Washington, Tillamook, and Union Counties, Oreg., to points in Idaho and Utah, between points in Oregon, on the one hand, and, on the other, points in Washington, from points in Multnomah, Clackamas, Polk, Marion, Douglas, Linn, Benton, Lane, Deschutes, and Jefferson Counties, Oreg., to points in Idaho and Utah; and *rejected shipments of lumber*, from points in Idaho and Utah, to points in Multnomah, Clackamas, Polk, Marion, Douglas, Linn, Benton, Lane, Deschutes, and Jefferson Counties, Oreg.; *stone*, from Ash Fork and Williams, Ariz., and points within 35 miles of each, to points in Oregon and Washington, from the site of Kifer quarry approximately five miles northwest of Kettle Falls, in Ferry County, Wash., the site of Matson quarry approximately 15 miles west of Addy, Wash., and from quarry sites located in Stevens County, Wash., between the Columbia and Kettle Rivers north of the confluence of said rivers near Kettle Falls, to points in Oregon; *lumber, and box shooks*, from Klickitat, Wash., to Sacramento, Fresno, and Los Angeles, Calif.

Solidified carbon dioxide (dry ice) from Klickitat Springs, Wash., to points in Oregon (except Portland and the Dalles, points on U.S. Highway 30 between Portland and the Dalles, and those in Hood River County); *box shook*, from Klickitat, Wash., to Salinas, Calif; *laminated wood products* and *connecting hardware items*, from Tacoma, Wash., to points in Arizona, Nevada, Utah, and New Mexico, and points in California in and south of San Luis Obispo, Kern, and San Bernardino Counties; *lumber, chipboard hardboard, particleboard*, and *fiberboard*, (except gypsum board, paperboard, and pulpboard), from Alameda, Contra Costa, Del Norte, Humboldt, Lassen, Mendocino, Modoc, San Francisco, San Mateo, Santa Clara, Santa Cruz, Shasta, Siskiyou, and Sonoma Counties, Calif., to points in Oregon and Washington; *feed, feed ingredients, and fertilizer* (except liquid, in bulk), from Gabbs, Nev., and points in California, to points in Oregon and Washington; *Urea*, from Cheyenne, Wyo., to points in Oregon and Washington; *spent grain*, from Golden, Colo., to points in Utah, Idaho, Oregon, and Washington; *Brewers yeast*, in bags, from Denver and Golden, Colo., to points in Utah, Idaho, Oregon, and Washington; *meat meal and blood meal*, from points in Colorado to points in Idaho, Utah, Oregon, and Washington; *dehydrated alfalfa, pellets*, from Silt, Colo., to points in Idaho, Utah, Oregon, and Washington; *wood flour*, in bales and packages, from Grants Pass, Oreg., and points in Linn County, Oreg. to points in Contra Costa and Los Angeles Counties, Calif.

Lumber, from points in Washington to points in Utah and those in Idaho in and south of Adams, Valley, Lemhi, Clark, and Fremont Counties, Idaho, restricted against service from points in Whitman, Garfield, Asotin, and Columbia Counties, Wash., to points in Adams and Valley Counties, Idaho, from points in Washington to Sacramento, Fresno, and Los Angeles, Calif., from points in Wallowa, Union, Umatilla, Grant, Wheller, Morrow, Gilliam, Sherman, Wasco, Hood River, Clackamas, Multnomah, Washington, and Columbia Counties, Oreg., to Sacramento, Fresno, and Los Angeles, Calif., from points in Wallowa, Union, Umatilla, Grant, Wheeler, Morrow, Gilliam, Sherman, Wasco, Hood River, Clackamas, Multnomah, Washington, and Columbia Counties, Oreg., to Sacramento, Fresno, and Los Angeles, Calif., from points in Yamhill and Marion Counties, Oreg., to Los Angeles, Calif.; *lumber*, from points in and north of Malheur, Harney, Deschutes, Linn, Benton, and Lincoln Counties, Oreg., to Sacramento, Fresno, and Los Angeles, Calif. OSBORNE GROUP, INC., holds no authority from this Commission. However, GENE OSBORNE is the owner of all of the issued and outstanding stock of OSBORNE GROUP, INC. OSBORNE GROUP, INC., holds all of the stock of OSBORNE HIGHWAY EXPRESS, a motor carrier, who under MC-136762 and subs thereunder is authorized to operate as a common carrier in California, Nevada, Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12922. Authority sought for purchase by RISS INTERNATIONAL CORPORATION, 903 Grand Aver.ue, P.O. Box 2809, Kansas City, MO., 64142, of a

portion of the operating rights of O'DONNELL'S EXPRESS., 5 Davis Street, Presque Isle, ME., 04767, and for acquisition by REPUBLIC INDUSTRIES, INC., and ROBERT B. RISS, both of 903 Grand Ave., Kansas City, MO., 64142, of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 84 State St., Boston, MA., 02109, and Ivan E. Moody, Box 2809, Kansas City, MO., 64142. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Boston, Mass., and Attleboro, Mass., serving all intermediate points; between Boston, Mass., and Blackstone, Mass., serving all intermediate points; between Boston, Mass., and New Bedford, Mass., serving all intermediate points; Between Boston, Mass., and Webster, Mass., serving all intermediate points, and the off-route point of Barre, Mass.; between Providence, R.I., and Woonsocket, R.I. serving all intermediate points; between Providence, R.I., and Bristol, R.I., serving all intermediate points; between Providence, R.I., and Westerly, R.I., serving all intermediate points; between Lowell, Mass., and Providence, R.I., serving no intermediate points; between Lawrence, Mass., and Woonsocket, R.I., serving no intermediate points; between Boston, Mass., and Westerly, R.I., serving all intermediate points; between New Bedford, Mass., and Providence, R.I., serving all intermediate points; between Boston, Mass., and Providence, R.I., serving all intermediate points; Between Haverhill, Mass., and the Massachusetts-Connecticut State line serving all intermediate points, with restrictions.

General commodities, with exceptions, as a common carrier over irregular routes between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, except those within 15 miles of the State House in Boston, and those in Middlesex and Essex Counties, Mass., between Boston, Mass. and points within 12 miles of Boston, on the one hand, and, on the other, points in Rhode Island; *chemicals, shoes, shoe supplies, building materials, manufactured products, lubricating oils*, and *waste materials, except in bulk*, in *tank vehicles*, between points in Massachusetts, except those within 15 miles of the State House in Boston, and those in Middlesex and Essex Counties, Mass. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Texas, Oklahoma, Colorado, Michigan, Iowa, Illinois, Nebraska, Massachusetts, New Jersey, Pennsylvania, West Virginia, Ohio, Maryland, the District of Columbia, New York, Kentucky, Indiana, Connecticut, Virginia, Delaware, Florida, North Carolina, South Carolina, Wisconsin, Minnesota, Vermont, Maine, New Hampshire, Georgia, Alabama, Mississippi, Louisiana, Tennessee, South Dakota, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-200 (Sub. No. 282) is a directly related matter.

No. MC-F-12924. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA., 94027, with six carriers, namely (A) COLUMBIA RIVER TRUCK CO., INC. (MC-31307 Sub No. 1), (B) GARY WILLIAM MILLER DBA COTTAGE GROVE-EUGENE FREIGHT COMPANY, P.O. Box 586, Old Highway 99th, Cottage Grove, OR., 97424, (MC-4312), (C) LONGVIEW MOTOR TRANSPORT, INC., P.O. Box 1366, Longview, WA., 98632, (MC-22426 Sub No. 67), (D) REDDAWAY'S TRUCK LINE, INC., P.O. Box 708, Oregon City, OR., 97045, (MC-65895 Sub No. 3), (E) REEDSPORT MOTOR FREIGHT, INC., P.O. Box 24, Reedsport, OR., 97467, (MC-7183), and (F) SANDY TRUCK LINE, INC., P.O. Box 207, Sandy, OR., 97055, (MC-29447), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in (A) Camas, Fisher, Washougal, Washington; (B) between Cottage Grove, Oregon and Eugene, Oregon serving the points of Goshen, Creswell, Walker, Saginaw, and Cottage Grove; (C) all points between Oak Point, Washington and Naselle, Washington on Washington Highway 4 (formerly U.S. Highway 830) to the junction of Washington State Highway 401 (formerly Washington Highway 12B) and the off route points of Naselle, Altoona, Deep River Camp, Crown-Willamette Camp and Puget Island, Oak Point Cathlamet, Skamokawa, Grays River, Nasalle, Roseburg, Deep River Camp, Crown-Willamette Camp, and Puget Island, Washington, (D) points between Canby, Oregon and Woodburn, Oregon located on U.S. Highway 99E serving the following named points: Canby, Aurora, Woodburn, and Hubbard, (E) between Elkton, Oregon and Reedsport, Oregon serving named points on Oregon Highway 38 and Winchester Bay on U.S. Highway 101, Winchester Bay Scottsburg, Reedsport, and Elkton, and (F) all points located on U.S. Highway 26 between Gresham, Oregon and Government Camp, Oregon excluding Gresham, Oregon, Sandy Alder Creek, Brightwood, Wemme, Welches, Rhododendron, Government Camp, and Zigzag.

Applicants' representatives: G. T. West, Vice President-Traffic, 175 Linfield Drive, Menlo Park, CA., 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, OR., 97028. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

No. MC-F-12926. Authority sought for purchase by SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410, of a portion of the operating rights of INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, UT 84110, and for acquisition by CLYDE M. FULLER, P.O. Box 2171, Fort Oglethorpe, GA 30742, of control of such rights through the purchase. Applicants' attorneys: Patrick E. Quinn, P.O. Box 82028, Lincoln, NE 68501 and Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Operating rights sought to be transferred: *Paper* and *paper products, plastic* and *plastic articles, fabricated metal products, waste* and *scrap materials*, and *equipment, materials*, and *supplies* used in the manufacture of the above commodities (except commodities in bulk), as a *common carrier* over irregular routes between the facilities of Container Corporation of America in Washington, Oregon, and California, on the one hand, and, on the other, points in that part of the United States in and east of Montana, Wyoming, Colorado, New Mexico, and Texas, with restriction. Vendee is authorized to operate as a *common carrier* in all the States in the United States including District of Columbia but excluding Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12927. Authority sought for purchase by JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764, of a portion of the operating rights and property of TRANS-AMERICAN FREIGHT LINES, INC., Represented by HAROLD O. LOVE, RECEIVER, 5650 Foremost Drive, S.E., Grand Rapids, MI 49506, and for acquisition by H. JONES, 10 East Emma Avenue, Springdale, AR 72664, of control of such rights and property through the purchase. Applicants' attorneys: James B. Blair, 111 Holcomb Street, Springdale, AR 72764 and A. David Millner, 167 Fairfield Road, Fairfield, NJ 07006. Operating rights and property sought to be purchased: *General commodities*, with exceptions as a *common carrier* over regular routes, between Chicago, Ill., and Jefferson, Iowa, serving all intermediate points on westbound traffic, restricted to pick-up, and all intermediate points on eastbound traffic, restricted to delivery; between Chicago, Ill., and Lincoln, Nebr., serving all intermediate points on westbound traffic, restricted to pick-up, and all intermediate points on eastbound traffic, restricted to delivery, and Omaha, Nebr., and Council Bluffs, Iowa, without restriction; and over irregular routes, *malt beverages*, from Mankato and St. Paul, Minn., to Lincoln, Beatrice, and Grand Island, Nebr.; *empty containers*, from Lincoln, Beatrice and Grand Island, Nebr., to Mankato and St. Paul, Minn., and points on the regular routes noted above; *canned goods*, from points in Illinois, Minnesota, and Iowa to Omaha, Lincoln, Beatrice, Fremont, Grand Island, and Hastings, Nebr., and from points in Illinois to Des Moines and Council Bluffs, Iowa

Dairy products, dressed poultry, and *eggs*, from Fremont, Grand Island, Hastings, Wahoo, and Lincoln, Nebr., and Harlan, Clarinda, and Logan, Iowa, to

Chicago, Ill.; *dairy products*, from Geneva, Hartington, Wakefield, Fairmont, and Tecumseh, Nebr., to Chicago, Ill.; *hides, pelts, tallow*, and *trimmings*, from Hastings, Grand Island, Fremont, Lincoln, Beatrice and Omaha, Nebr., to Chicago and Waukegan, Ill., and from points in Colorado to Lincoln, Nebr.; *farm machinery* and *parts*, and *binder twine* from Chicago, Rock Falls, Canton, Springfield, Peoria, Rock Island, Moline, and East Moline, Ill., and Davenport and Waterloo, Iowa, to Omaha and Lincoln, Nebr., and return with no transportation for compensation except as otherwise authorized, to the specified origin points; and *general commodities*, with exceptions, between Chicago, Sterling, and Rock Island, Ill., and Omaha, Nebr., on the one hand, and, on the other, Sioux City, Denison, Dedham, Woodbine, Audubon, Carroll, Arcadia, Breda, Templeton, Coon Rapids, and Manning, Iowa. Vendee is authorized to operate as a *common carrier* in All the United States except Alaska and Hawaii. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12929. Authority sought for purchase by CRST, INC., 3930–16th Avenue S.W., P.O. Box 68, Cedar Rapids, IA 52406, of a portion of the operating rights and property of CHI-FLI, INC., 3611 South Normal Avenue, Chicago, IL 60605, and for acquisition by HERALD A. and MIRIAM G. SMITH, both of 536 Valley Brook Drive–S.E., Cedar Rapids IA and also by PAUL R. and REBECCA F. SHAWVER of 2314 Blake Blvd., Cedar Rapids, IA, of control of such rights through the purchase. Applicants' attorneys: Robert E. Konchar, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, IA 52406 and H. Neil Garson, 1400 North Uhle Street, Arlington, Va. 22201. Operating rights sought to be transferred: *General commodities* (except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment) as a *common carrier* over irregular routes between Chicago, Ill., and Gary, Hammond, and Whiting, Ind., on the one hand, and, on the other, Louisville, Ky., and points in Indiana. Vendee is authorized to operate as a *common carrier* in all the States in the United States including District of Columbia, but excluding Alaska and Hawaii. Application has been filed for temporary authority under Section 210a(b).

NOTE.—No. MC 114273 Sub-No. 253 is a directly related matter.

No. MC–F–12931. Authority sought for control by ALLIED VAN LINES, INC., d.b.a. ALLIED VAN LINES, 25th Avenue and Roosevelt Road, Broadview, IL., 60153, of BLODGETT FURNITURE SERVICE, INC., 3801–36th Street, S.E., Grand Rapids, MI., 49508, of control of such rights through the transaction. Applicants' attorneys: L. C. Major, Jr. and Russell R. Sage, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA., 22312. Operating rights sought to be controlled: *New furniture, new and used uncrated furniture, and damaged or defective shipments of new furniture, refrigerators, ranges, laundry equipment (including washers and driers, and freezers, new uncrated and various other specified commodities* as a common carrier over regular and irregular routes, from, to, and between specified points in all the States in the United States (except Alaska & Hawaii), with certain restrictions, as more specifically described in Docket No. MC–35890 and Sub numbers thereunder. This notice does not purport to be a complete discription of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety thereof. Vendee is authorized to operate as a *common carrier* in all the States in the United States including Alaska and Hawaii. Application has been filed for temporary authority under section 210a (b).

No. MC–F–12932. Authority sought for merger by IML FREIGHT, INC., 2175 South 3270 West, P.O. Box 30277, Salt Lake City, UT., 84115, with B & F TRANSFER COMPANY, also of Salt Lake City, UT., 84115, address, and for acquisition by GATES CORPORATION, 999 South Broadway, Denver, CO., 80209, of control of such rights through the merger. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL., 60603. Operating rights sought to be merged: *General commodities* with the usual exceptions, over regular routes, as *a common carrier* in the State of Ohio, generally between Wooster and Akron, Wooster and Cleveland, Wooster and Ashland, serving intermediate points; general commodities over a network of regular routes between Wooster, Ohio, on the one hand, and, on the other, all points in the State of Ohio. Vendee is authorized to operate as a *common carrier* in Arizona, California, Colorado, Connecticut, the District of Columbia, Idaho, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Utah, Washington, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

NOTE.—By order served July 23, 1974, IML FREIGHT, INC., was granted control of B & F TRANSFER COMPANY.

No. MC–F–12933. Authority sought for purchase by PAUL MARCKESANO AND SONS, CO., INC., 36 Ferris Street, Brooklyn, N.Y. 11231, of the operating rights of ALCO MOTOR TRUCKING CORP., 303 Washington Street, Jersey City, N.J., 07302, and for acquisition by LOUIS MARCHESANO, 1038 Commack Rd., Brentwood, N.Y., JAMES MARCHESANO, 537 Livingston St., Bklyn, N.Y., IRVING BELSON, 1161 E. 56 St., Bklyn, N.Y., ANTHONY MARCHESANO, 1650 E. 32 St., Bklyn, N.Y., BLAISE MARCHESANO, 24 Swallow Lane, Levittown, N.Y., JOHN MARCHESANO, 10 Lenox Ave., Lynbrook, N.Y., PAUL MARCHESANO, JR., 1509 Meadowbrook Rd., N. Merrick, N.Y., and MICHAEL MARCHESANO, 4100 43 Ave., L.I. City, N.Y., of control of such rights through the purchase. Applicants' attorneys: Hylan Cooper, 450 7th Ave., New York, N.Y., 10001, and Morton E. Kiel, Suite 6193 5 World Trade Center, New York, N.Y., 10048. Operating rights sought to be transferred: *Paper and paper products*, as a *common carrier* over irregular routes, between points and places in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points and places in Bergen, Passaic, Essex, Hudson, Union, Middlesex, and Morris Counties, N.J., between Newark, N.J., and Port Newark, N.J., on the one hand, and, on the other, points and places in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and those in Bergen, Passaic, Essex, Hudson, Union Middlesex, and Morris Counties, N.J., between points and places in the New York, N.Y., Commercial zone, as defined by the Commission in 1 M.C.C. 665; *paper, paper products, and flocking material*, between points in that part of the New York, N.Y., Commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203 (b)(8) of the Act (the "exempt" zone), on the one hand, and, on the other, points in Warren, Hunterdon, Sussex, and Somerset Counties, N.J., and Westchester, Nassau, and Suffolk Counties, N.Y., with restrictions. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12936. Authority sought for purchase by UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, IL., 61738, of the operating rights of CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond Street, Peoria, IL., 61603, and for acquisition by WALTER W. UNZICKER, also of El Paso, IL., 61738, of control of such rights through the purchase. Applicants' attorney: Michael J. Oqborn, P.O. Box 82028, Lincoln, NB., 68501. Operating rights sought to be transferred: Meats, meat products, and packinghouse products as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, as a *common carrier* over irregular routes from Peoria, Illinois to points In Illinois, those in Indiana on and north and west of a line beginning at the Illinois-Indiana State Line, and extending along U.S. Highway 36 to junction U.S. Highway 231, thence along U.S. Highway 231 to Crawfordsville, Indiana, thence along Indiana Highway 43 to junction U.S. Highway 421 to Reynolds, Indiana, thence

along U.S. Highway 421 TO Lake Michigan, including Crawsfordsville, LaFayette and Michigan City, Indiana, and points in Iowa on and east of a line beginning at the Mississippi River, and extending south along U.S. Highway 52 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 13, thence along Iowa Highway 13, to Cedar Rapids, Iowa, and thence along U.S. Highway 218 to the Mississippi River, including Iowa City and Keokuk, Iowa; and empty containers or other articles used in transporting the above specified commodities, from points in the above described destination territories to Peoria, Illinois, meats, meat products, and meat by products, as described in Section A of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Cedar Rapids, Iowa to points in that part of Indiana on and north and west of a line beginning at the Illinois-Indiana State Line, and extending along U.S. Highway 36 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 43 at Crawfordsville, Indiana.

Thence along Indiana Highway 43 to junction U.S. Highway 421 at Reynolds, Indiana, thence along U.S. Highway 421 to Lake Michigan, including Crawfordsville, Lafayette, and Michigan City, Indiana, and points in Illinois (except Chicago, Illinois, and points in Illinois in the Chicago, Illinois Commercial Zone, as defined by the Commission), with no transportation for compensation on return except as otherwise authorized, from Peoria, Illinois to points in Iowa and Wisconsin, from Waterloo, Iowa to points in Illinois (except Chicago, Illinois) and points in Lake, Porter, Jasper, LaPorte, Newton, Pulaski, Starke, St. Joseph, Elkhart, and Marshall Counties, Indiana, meat, meat products, meat by-products, 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 hides and commodities in bulk), from the plantsite of George A. Hormel & Co. at or near Bureau, Illinois to points in Indiana, Ohio and to those points in Iowa on and east of U.S. Highway 69, meats, meat products, and meat by-products, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and dairy products except commodities in bulk, in tank vehicles, from Chicago, and Rochelle, Illinois to points in Muscatine, Scott, Clinton, Linn, Johnson, Cedar, Jones, Jackson, Dubuque, Delaware, Buchanan, Black Hawk, and Beton Counties, Iowa, and Rock Island, Mercer, Henry, Whiteside, Bureau and Stark Counties, Illinois, meats, meats products, and meat by-products 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 hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc. Beardstown, Illinois and the warehouse site of United States Cold Storage Corporation, East Peoria, Illinois, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, frozen and prepared foods, from the warehouse site of United States Cold Storage Corporation, East Peoria, Illinois to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, from the plantsite and storage facilities of Oscar Mayer & Co., Inc. at Davenport, Iowa to points in Indiana (except points within the Chicago, Illinois Commercial Zone as defined by the Commission), Michigan, and Ohio.

From the plantsite and storage facilities utilized by Wilson & Co., Inc. at or near Logansport, Indiana to St. Louis, Missouri and to points in Iowa and Illinois, from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Monmouth, Illinois to points in Indiana, Michigan and Ohio, with restrictions; meats, meat products, and meat by-products, 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), in vehicles equipped with mechanical refrigeration, from the plantsite of Rath Packing Company at Columbus Junction, Iowa to points in Illinois, and Indiana, restricted to the transportation of shipments originating at the named plantsite and destined to points in Illinois and Indiana, meats, with or without other ingredients, in hermetically sealed containers, from the plantsite of Armour-Dail, Inc. at Fort Madison, Iowa, to points in Illinois and Ohio, restricted to traffic originating at the named plantsite and destined to the respectively named destination states, meats, meat products, meat by-products, 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 hides and skins and commodities in bulk), from points in Illinois and Indiana, to the plantsite of Armour-Dial, Inc. at Fort Madison, Iowa, restricted to traffic destined to the named plantsite, from Davenport, Iowa to points in Illinois, such merchandise as is dealt in by wholesale and retail grocery and food business houses (except commodities in bulk), from the facilities of United Facilities, Inc. at or near Galesburg, Illinois, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin, restricted to the transportation of traffic originating at the named origin and destined to the named destinations, meats, meat products, meat by-products, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Waterloo, Iowa, and Peoria, Illinois to points in Vigo and Clay Counties, Indiana, foodstuff (except commodities in bulk).

From the plantsite and warehouse facilities utilized by George A. Hormel & Co. at or near Beloit, Wisconsin to points in Illinois, Indiana, Iowa, Missouri, Minnesota, Ohio, and Kentucky, restricted to the transportation of traffic originating at the named origin and destined to the specified destinations, meats, meat products, meat by-products, foodstuff, and canning plant materials, equipment and supplies (except hides and commodities in bulk), from points in Minnesota, Iowa, Illinois, Indiana, Missouri, and Ohio to the plantsite and warehouse facilities utilized by George A. Hormel & Co., at or near Beloit, Wisconsin, restricted to the transportation of traffic originating at the specified origin points and destined to the named destination, meats, meat products, meat by-products 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 hides and commodities in bulk), from the plantsite and cold storage facilities utilized by Wilson & Company, Inc., at Cedar Rapids, Iowa, to Boscobel, Darlington, Dodgeville, Lancaster, Platteville and Spring Green, Wisconsin, meat products, and meat by-products, 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, hides, skins, pieces thereof, and tannery products and by-products, from Waterloo, Iowa and and Peoria, Illinois to points in Indiana, fresh meats and packinghouse products 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/or cold storage facilities utilized by Wilson & Company, Inc. at Cedar Rapids, Iowa to Bloomington, Columbus, Crawfordsville, Elkhart, Frankfort, Greencastle, Indianapolis, Kokomo, Lafayette, Lebanon, Marion, Mishawaka, Muncie, and South Bend, Indiana, meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), 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, from the plantsite and warehouse facilities of Wilson & Co., Inc. at Cedar Rapids, Iowa to points in Indiana, and to those points in Wisconsin, on, south, and west of Interstate Highway 90 (except Beloit, Janesville, and Madison, Wisconsin), and meats, meat products, and meat by-products (except commodities in bulk) as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766.

From Waterloo, Iowa and Peoria, Illinois to points in Indiana, meats, meat products, meat by-products 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 hides and commodities in bulk, from the plantsite and/or cold storage facilities utilized by Wilson & Company, Inc., at Cedar Rapids, Iowa to St. Louis, Missouri and points in Missouri located in St. Louis, Missouri Commercial Zone, meats, meat products, meat byproducts and articles distributed by meat packinghouses (except hides and commodities in bulk), 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, from the facilities of Wilson & Company, Inc. at Cedar Rapids, Iowa, to points in Illinois within the commercial zone of Chicago, Illinois, to points in Missouri within the commercial zone of St. Louis, Missouri, general commodities, with exceptions, from the facilities of S. C. Johnson & Son, Inc., at Waxdale and Racine, Wisconsin, to points in Illinois, Indiana, Iowa and Missouri, from the storage facilities and customers of The Dry Storage Corporation in the Chicago, Illinois Commercial Zone to that portion of Iowa bounded on the west by Route 169 and by the State line to the North, South and East, such merchandise, as is dealt in by wholesale, retail and chain grocery food business (except commodities in bulk), from Hammond, Indiana to points in Illnois; Waterloo and Cedar Rapids, Iowa; and those points in Iowa on and east of U.S. Highway 218, restricted to the transportation of shipments originating at the facilities of Lever Brothers Company and destined to the above-named destinations.

From the plantsites, storage and/or warehouse facilities of the Kroger Co., located in St. Louis, and Hazelwood, Missouri, to the stores and warehouse of the Kroger Co., located in Illinois, restricted to traffic originating and destined to the above-named plants; frozen foods, from Noblesville, Indiana to points in Illinois; points in that part of Wisconsin bounded on the south by the Wisconsin-Illinois State line and extending northerly from Beloit, Wisconsin along Wisconsin Highway 213 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 12, including all of Madison, Wisconsin, thence northerly along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan; points in that part of Iowa bounded on the east by the Wisconsin-Illinois-Iowa State lines and extending westerly from Dubuque, Iowa along U.S. Highway 52 to junction Iowa Highway 136, thence along Iowa Highway 136 to junction U.S. Highway 151, thence westerly along U.S. Highway 151 to Cedar Rapids, Iowa, thence southerly along U.S. Highway 218 to the Iowa-Missouri State line, including all of Cedar Rapids, and Iowa City, Iowa; and that part of Missouri bounded on the east by the Missouri-Illinois State line and extending along Missouri Highway 47 westerly and southerly to junction Missouri Highway 21A, thence easterly along Missouri Highway 21A to the Missouri-Illinois State line, soybeans products, in containers, from the facilities of Central Soya Company, Inc. at Gibson City, Illinois to points in Illinois, with restrictions. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii) including the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12937. Authority sought for purchase by SUNVAN CALIFORNIA, INC. (non-carrier), 100 West Harrison Plaza, Seattle, WA., 98119, of the operating rights and property of BORIS M. PETROFF, an individual, dba, TRANSWORLD VAN LINES, 1520 West 11th Street, Long Beach, CA., 90813, and for acquisition by SUNVAN INTERNATIONAL, INC., and W. E. FALLON, both of Seattle, WA., 98119, address, of control of such rights and properties through the purchase. Applicants' attorney: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Operating rights sought to be transferred: *Used household goods*, as a *common carrier*, over irregular routes between points in Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif.; *household goods*, between San Francisco and Oakland, Calif., on the one hand, and, on the other, Fresno, Lemoote, Merred, Monterey, Sacramento, San Luis Obispo, Santa Barbara, Santa Clara and Stockton, Calif.; between points in the Los Angeles Harbor Commercial Zone as defined by the Commission and San Diego, Calif., on the one hand, and, on the other, points in Alameda, Contra Costa, Fresno, Kings, Merced, Monterey, Sacramento, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano and Tulare Counties, Calif., with restrictions. SUNVAN CALIFORNIA, INC., holds no authority from this Commission. However, SUNVAN INTERNATION, INC., a non-carrier, is the parent company. Subsidiary carrier companies of SUNVAN INTERNATIONAL, INC., are as follows: (1) SUNPAK MOVERS, INC., is a regulated freight forwarder, Permit No. FF-322, authorized to forward used house hold goods, unaccompanied baggage and used automobiles between points in the United States (including Hawaii but excluding Alaska). It also holds C.A.B. air freight forwarder authority and is a non-vessel operating common carrier by water under jurisdiction of the Federal Maritime Commission. (2) SUNVAN HAWAII, INC. is a motor carrier of household goods operating between points in Hawaii, under MC-118498. (3) SUNVAN WASHINGTON, INC. is a motor carrier of household goods operating between points in five counties in the State of Washington, under MC-133356. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12938. Authority sought for purchase by COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J., 07051, of the operating rights of SCHERER FREIGHT LINES, INC., a subsidiary of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE, c/o Arthur S. Olick, 39th Floor, 630 Fifth Avenue, New York, N.Y., 10020, and for acquisition by R. E. COOPER, JR., 23 South Essex Ave., Orange, N.J., 07051, of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 371 Seventh Ave., New York, N.Y. 10001, and Fritz R. Kahn, Suite 1100, 1660 L St., NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities* as a *common carrier* over regular routes between Chicago, Ill., and Milwaukee, Wis., from Chicago over Illinois Highway 21 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Milwaukee County Highway "A", thence over Milwaukee County Highway "A" to Milwaukee, Wis., with restrictions. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Washington, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—ASSOCIATED TRANSPORT, INC., owns all of the stock of SCHERER FREIGHT LINES, INC., which holds interstate operating authority under certificates issued in Docket No. MC-21571 and various sub numbers thereof.

No. MC-F-12941. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, of the operating rights of TERMINAL TRANSPORTATION COMPANY, 701 N. Beach Street, Philadelphia, PA 19123, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Building, 601 California Street, San Francisco, CA 94108, of control of such rights through the purchase. Applicants' attorneys: R. C. Stetson, 175 Linfield Drive, Menlo Park, CA 94025, Eugene T. Lipfert, 1660 L Street, N.W., Washington, D.C. 20036, and Mervin J. Hartman, 1100 Western Savings Bank Bldg., Philadelphia, PA 19107. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, articles of unusual dimensions, household goods as defined by the Commission, commodities in bulk, and commodities contaminating to other lading, as a *common carrier* over irregular routes between points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Vineland, Milville, Minotola, Landisville, Newfield, Clayton, Glassboro, Malaga, Woodbury, Runnemede, Bridgeton, Pitman, Iona, and Franklinville, N.J. Vendee is authorized to operate as a *common carrier* in all the States in the United States including District of Columbia and Alaska but excluding Hawaii, Maine, and Vermont.

Application has been filed for temporary authority under Section 210a(b).

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 96979 (Sub-No. 2), filed June 28, 1976. Applicant: T–J MOTOR LINES, INC., Ridge Hill Road, Assonet, Mass. 02702. Applicant's representative: Louis A. Perras, Jr., 45 Chace Road, E. Freetown, Mass. 02717. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular 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 which because of size or weight require the use of special equipment), between points in Massachusetts on and east of a line beginning at the intersection of Massachusetts Highway 19 and the Massachusetts-Connecticut Boundary Line, thence along Massachusetts Highway 19, to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 31, thence along Massachusetts Highway 31 to junction Massachusetts Highway 2, thence along Massachusetts Highway 2 to junction Massachusetts Highway 13, thence along Massachusetts Highway 13 to junction Massachusetts Highway 225, thence along Massachusetts Highway 225 to junction Massachusetts Highway 40, thence along Massachusetts Highway 40 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Massachusetts Highway 110, thence along Massachusetts Highway 110 to junction Massachusetts Highway 1A, thence along Massachusetts Highway 1A to Salisbury Beach, Mass.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(a) finance proceeding in MC–F 12723, published in the FEDERAL REGISTER issue of January 14, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Providence, R.I. or Boston, Mass.

No. MC 110325 (Sub-No. 74) (Correction), filed May 21, 1976, published in the FR issues of June 24, 1976 and July 15, 1976, and republished as corrected this issue. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, Calif. 90019. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between the junction of U.S. Highway 70 and U.S. Highway 27, south of Rockwood, Tenn., (except Rockwood) and Knoxville, Tenn., serving no intermediate points and serving the junction of U.S. Highway 70 and U.S. Highway 27 for purposes of joinder only: (a) From the junction of U.S. Highway 70 and U.S. Highway 27 over U.S. Highway 70 to Knoxville, Tenn., and return over the same route; and (b) From the junction of U.S. Highway 70 and U.S. Highway 27 over U.S. Highway 70 to Kingston, Tenn., thence over Interstate Highway 40, to Knoxville, restricted against either picking up or delivery of any traffic at any point on U.S. Highway 27 south of Rockwood, Tenn., including Chattanooga, Tenn.; (2) Between Nashville, Tenn. and Sparta, Tenn., serving the intermediate and off-route points of Campaign, Rock Island, Quebeck, Doyle, McMinnville, and Walling, Tenn.; From Nashville over Tennessee Highway 1 (U.S. Highway 70–S) to Sparta and return over the same route; (3) Between Sparta, Tenn., and Cookeville, Tenn., serving all intermediate points; From Sparta over Tennessee Highway 42 to Cookeville, and return over the same route; (4) Between Sparta, Tenn. and Spencer, Tenn., serving all intermediate points: From Sparta over Tennessee Highway 111 to Spencer, and return over the same route.

(5) Between Nashville, Tenn. and Cookeville, Tenn., serving no intermediate points: (a) From Nashville over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to Cookeville; and (b) From Nashville over Interstate Highway 40 to Cookeville, and return over the same route; (6) Between Chattanooga, Tenn. and Monterey, Tenn., serving all intermediate points between Crab Orchard, Tenn., including Crab Orchard, and Monterey, Tenn.: From Chattanooga over U.S. Highway 27 to the junction of U.S. Highway 27 and U.S. Highway 70 (Rockwood Junction), thence over U.S. Highway 70 to Crossville, Tenn., thence over U.S. Highway 70 N to Monterey, and return over the same route; (7) Between Crossville, Tenn. and Sparta, Tenn., serving all intermediate points: From Crossville over U.S. Highway 70 to Sparta, and return over the same route; (8) Between Crossville, Tenn. and Jamestown, Tenn., serving all intermediate points: From Crossville over U.S. Highway 127 to Jamestown and return over the same route; (9) Between McMinnville, Tenn. and Morrison, Tenn., serving all intermediate points and the plant site of the Carrier Air Conditioning Corporation: From McMinnville over Tennessee Highway 55 to Morrison, and return over the same route; (10) Between Livingston, Tenn. and Cookeville, Tenn., serving all intermediate points: From Livingston oyer Tennessee Highway 42 to Cookeville, and return over the same route; (11) Between Nashville, Tenn. and Memphis, Tenn., serving no intermediate points and restricted against any service between Chattanooga, Tenn. and Memphis, Tenn.: From Nashville over Interstate Highway 40, and return over the same route; (12) Between Knoxville, Tenn. and Bristol, Tenn., serving all intermediate points between Surgoinsville, Tenn. and Bristol, Tenn., including Surgoinsville, and those intermediate points lying within two miles of U.S. Highway 11–W between Surgoinsville, Tenn. and Kingsport, Tenn.: From Knoxville over U.S. Highway 11–W to Bristol, and return over the same route; (13) Between Knoxville, Tenn. and Bristol, Tenn., serving all intermediate points between Johnson City, Tenn. and Bristol, Tenn., including Johnson City, Tenn.: From Knoxville over U.S. Highway 11–E to Bristol, and return over the same route; (14) Between Knoxville, Tenn. and Bristol, Tenn., serving no intermediate points, and serving all points in Tennessee otherwise authorized to be served in routes (12)–(20) inclusive hereof as off-route points: From Knoxville over Interstate Highway 81 to Bristol, and return over the same route.

(15) Between Kingsport, Tenn. and Erwin, Tenn., serving all intermediate points: From Kingsport over U.S. Highway 23 to Erwin, and return over the same route; (16) Between Elizabethton, Tenn. and Bristol, Tenn., serving all intermediate points: From Elizabethton over U.S. Highway 19–E to the junction of U.S. Highway 19, thence over U.S. Highway 19 to Bristol, and return over the same route; (17) Between Elizabethton, Tenn. and Johnson City, Tenn., serving all intermediate points: From Elizabethton over U.S. Highway 321 to Johnson City, and return over the same route; (18) Between Bristol, Tenn. and Kingsport, Tenn., serving all intermediate points: From Bristol over Tennessee Highway 126 to Kingsport, and return over the same route; (19) Between Blountville, Tenn. and the junction of U.S. Highway 23 and Tennessee Highway 75, serving all intermediate points: From Blountville over Tennessee Highway 75 to the junction of U.S. Highway 23, and Tennessee Highway 75 and return over the same route; (20) Between Blountville, Tenn. and Bluff City, Tenn.,

serving all intermediate points: From Blountville over Tennessee Highway 37 to Bluff City, and return over the same route; (A) Serving the plant site of Firestone Tire & Rubber Company in Rutherford County, near Nashville, Tenn., as an off-route point in connection with carrier's otherwise authorized regular route operations.

(B) Alternate routes for operating convenience only: 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 Sparta, Tenn. and Nashville, Tenn. in connection with carrier's authorized regular route operations serving no intermediate points: From Sparta over U.S. Highway 70, and return over the same route; (2) Between Chattanooga, Tenn. and Nashville, Tenn., in connection with carrier's authorized regular route operations, serving no intermediate points: (a) From Chattanooga over U.S. Highway 64 to junction Interstate Highway 24, thence over Interstate Highway 24 to Nashville and return over the same route; (b) From Chattanooga over Interstate Highway 24 to Nashville and return over the same route; (3) Between Chattanooga, Tenn. and Knoxville, Tenn., in connection with carrier's authorized regular route operations, serving no intermediate points: From Chattanooga over Interstate Highway 75 to Knoxville, and return over the same route; (4) Between Chattanooga, Tenn. and Memphis, Tenn., in connection with carrier's authorized regular route operations, serving no intermediate points: From Chattanooga over Interstate Highway 24 to the junction of U.S. Highway 64, thence over U.S. Highway 64 to Memphis, and return over the same route; (5) Between Sparta, Tenn. and Chattanooga, Tenn., in connection with carrier's authorized regular route operations, serving no intermediate points: (a) From Sparta over Tennessee Highway 111 to junction Tennessee Highway 8, thence over Tennessee Highway 8 to junction U.S. Highway 127, thence over U.S. Highway 127 to Chattanooga, and return over the same route, and (b) From Sparta over Tennessee Highway 111 to junction Tennessee Highway 30, thence over Tennessee Highway 30 to junction U.S. Highway 127, thence over U.S. Highway 127 to Chattanooga, and return over the same route; (6) Between Chattanooga, Tenn. and McMinnville, Tenn., in connection with carrier's authorized regular route operations, serving no intermediate points.

(a) From Chattanooga over U.S. Highway 64 to junction Interstate Highway 24, thence over Interstate Highway 24 to junction Tennessee Highway 55, thence over Tennessee Highway 55 to McMinnville, and return over the same route; and (b) From Chattanooga over Interstate Highway 24 to junction Tennessee Highway 55, thence over Tennessee Highway 55 to McMinnville, and return over the same route; (7) Between McMinnville, Tenn. and Nashville, Tenn., in connection with carrier's authorized regular route operations, serving no intermediate points: From McMinnville over Tennessee Highway 55 to junction Interstate Highway 24, thence over Interstate Highway 24 to Nashville, and return over the same route; (8) Between Sparta, Tenn. and Nashville, Tenn., in connection with carrier's authorized regular route operations, serving no intermediate points: From Sparta over Tennessee Highway 42 to the junction of Interstate Highway 40, thence over Interstate Highway 40 to Nashville, and return over the same route; (9) Between Cookeville, Tenn. and Monterey, Tenn., in connection with carrier's authorized regular route operations, serving no intermediate points: From Cookeville over Interstate Highway 40 to Monterey, and return over the same route; (10) Between Livingston, Tenn. and Jamestown, Tenn., in connection with carrier's regular route operations, serving no intermediate points: From Livingston over Tennessee Highway 52 to Jamestown, and return over the same route; (11) Between Livingston, Tenn. and Monterey, Tenn., in connection with carrier's regular route operations, serving no intermediate points: From Livingston over Tennessee Highway 42 to junction Tennessee Highway 84; thence over Tennessee Highway 84 to Monterey, and return over the same route.

(12) Between Monterey, Tenn. and Clarkrange, Tenn., in connection with carrier's regular route operations, serving no intermediate points: From Monterey over Tennessee Highway 62 to Clarkrange, and return over the same route; (13) Between Sparta, Tenn. and Monterey, Tenn., in connection with carrier's regular route operations, serving no intermediate points: From Sparta over Tennessee Highway 84 to Monterey, and return over the same route; (14) Between Crossville, Tenn. and Chattanooga, Tenn. in connection with carrier's regular route operations, serving no intermediate points: From Crossville over U.S. Highway 127 to Chattanooga, also from Crossville over U.S. Highway 127 to junction Tennessee Highway 68, thence over Tennessee Highway 68 to junction U.S. Highway 27, thence over U.S. Highway 27 to Chattanooga, and return over the same route; (15) Between McMinnville, Tenn. and Nashville, Tenn. in connection with carrier's regular route operations, serving no intermediate points: From McMinnville over Tennessee Highway 56 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to Nashville, and return over the same route; (16) Between McMinnville, Tenn. and Spencer, Tenn., in connection with carrier's regular route operations, serving no intermediate points: From McMinnville over Tennessee Highway 30 to Spencer, and return over the same route; (17) Between Spencer, Tenn. and Chattanooga, Tenn., in connection with carrier's regular route operations, serving no intermediate points: From Spencer over Tennessee Highway 111 to junction Tennessee Highway 8, thence over Tennessee Highway 8 to junction U.S. Highway 127, thence over U.S. Highway 127 to Chattanooga, and return over the same route; (18) Between Crossville, Tenn. and Knoxville, Tenn., in connection with carrier's regular route operations, serving no intermediate points: From Crossville over U.S. Highway 70 to junction Interstate Highway 40, thence over to Interstate Highway 40 to Knoxville, and return over the same route.

(19) Between Crossville, Tenn., and Nashville, Tenn., in connection with carrier's regular route operations, serving no intermediate points: From Crossville over U.S. Highway 127 to junction Interstate Highway 40, thence over Interstate Highway 40 to Nashville, and return over the same route; (20) Between Nashville, Tenn., and Knoxville, Tenn. in conection with carrier's regular route operations, serving no intermediate points: From Nashville over Interstate Highway 40 to Knoxville, and return over the same route. (C) Irregular routes: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Spencer, Tenn., and Fall Creek Falls State Park, Tenn., serving all points within ten miles of the boundary of said Park, except Dunlap and Pikeville, Tenn., and points on U.S. Highway 127 between Dunlap and Pikeville.

NOTE.—The purpose of this republication is to correct applicant's requested authority, which was published in error. Applicant seeks to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12843, published in the FEDERAL REGISTER issue of June 10, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Memphis, Tenn., or Washington, D.C.

No. MC 138991 (Sub-No. 16) filed July 26, 1976. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Columbus, Ohio and Newark, N.J., to Rochester, N.Y.; (2) *macaroni, spaghetti, and egg noodle products*, from Rochester, N.Y., to points in Connecticut, Illinois, Maryland, Massachusetts, the Lower Peninsula of Michigan, Minnesota, Ohio, Pennsylvania, Rhode Island, West Virginia and Wisconsin; and (3) *malt beverages* (except imported malt beverages), from Brooklyn, N.Y., to Rochester, N.Y.

NOTE.—The purpose of this application is to convert a Permit to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12900 published in the FEDERAL REGISTER issue of August 12, 1976. If a hearing is deemed necessary, the applicant requests it be held at Rochester or Buffalo, N.Y.

ABANDONMENT APPLICATIONS

FINDINGS

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 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB–1(Sub-No. 10)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY—ABANDONMENT BETWEEN IRVINGTON AND BENNINGTON, NEBRASKA

NOTICE OF FINDINGS

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 report and order entered on May 25, 1076, a finding, which is administratively final, was made by the Commission, Division 3, 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 and North Western Transportation Company of its branch line beginning at milepost 7.7 near Irvington, Nebraska, and extending in a northwesterly direction to the end of the line at milepost 14.2 at Bennington, Nebraska, a distance of 6.5 miles all within Douglas County, Nebraska. A certificate of abandonment will be issued to the above-named railroad 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–6 (Sub-No. 14)]

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN SAUK CENTRE AND LONG PRAIRIE, IN TODD AND STEARNS COUNTIES, MINNESOTA

FINDINGS

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 initial decision and order served July 13, 1976, to which no exceptions were filed, it was found 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 Burlington Northern Inc. of its line of railroad extending from milepost 0.00 near Sauk Centre, Minn., in a northerly direction to milepost 17.78 near Long Prairie, Minn,. a distance of 17.78 miles in Todd and Stearns Counties, Minnesota. A certificate of abandonment will be issued to the Burlington Northern, Inc., 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 Case" 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–8 (Sub-No. 2)]

DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, ABANDONMENT BETWEEN MONTROSE AND RIDGWAY, MONTROSE AND OURAY COUNTIES, COLO.

FINDINGS

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 initial decision and order served July 15, 1976, to which no exceptions were filed, it was found 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 Renver and Rio Grande Western Railroad Company of its branch line of railroad sometimes known as the Ridgway Branch between milepost 352.64 at or just south of Montrose, Colo., and the end of said line at or near Ridgway, Colo., milepost 377.56, a total of about 24.92 miles of running track plus about 1.69 miles of yard and other tracks, in Montrose and Ouray Counties. A certificate of abandonment will be issued to the Denver & Rio Grande Western 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:

(a) 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 in 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-55 (Sub-No. 4)]

SEABOARD COAST LINE RAILROAD COMPANY ABANDONMENT BETWEEN RAVENEL AND DRAINAGE, IN CHARLESTON COUNTY, SOUTH CAROLINA

FINDINGS

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 June 25, 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 Seaboard Coast Line Railroad Company of its line of railroad extending from railroad milepost MAB-406.41 near Ravenel in a southerly direction to railroad milepost AMB-409.38 near Drainage, a distance of 2.97 miles in Charleston County, South Carolina. A certificate of abandonment will be issued to the Seaboard Coast Line 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-57 (Sub-No. 1)]

SOO LINE RAILROAD COMPANY ABANDONMENT BETWEEN RAPID RIVER AND EBEN JUNCTION IN DELTA AND ALGER COUNTIES, MICHIGAN

FINDINGS

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 initial decision and order served July 15, 1976, to which no exceptions were filed, it was found 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 Soo Line Railroad Company of its branch line between Rapid River in Delta County, Michigan, and Eben Junction in Alger County, Michigan, beginning at milepost 348.69 at Rapid River and extending in a northerly direction to the end of the line at milepost 379.23 at Eben Junction, a distance of 30.54 miles. A certificate of abandonment will be issued to the Soo Line 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 as 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.

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(c)(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 CARRIER OF PROPERTY

No. MC-76032 (Deviation No. 33), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223, filed August 12, 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 20 and Ohio Highway 11 near Ashtabula, Ohio over Ohio Highway 11 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 76, thence over In-

terstate Highway 76 to junction Interstate Highway 71 near Wadsworth, Ohio, thence over Interstate Highway 71 to junction Interstate Highway 70 near Columbus, Ohio, thence over Interstate Highway 70 to Indianapolis, Ind. and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 20 and Ohio Highway 11 near Ashtabula, Ohio, over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 127, thence over U.S. Highway 127 to junction Ohio Highway 2, thence over Ohio Highway 2 to the Ohio-Indiana state line, thence over Indiana Highway 37 to Ft. Wayne, Ind., thence over U.S. Highway 24 to Huntington, Ind., thence over Indiana Highway 9 to junction U.S. Highway 36, thence over U.S. Highway 36 to Indianapolis, Ind., and return over the same route.

No. MC-85850 (Sub-No. 7) (Deviation No. 3), NEYLON FREIGHT LINES, INC., c/o Jones Truck Lines, Inc., 610 E. Emma Ave., Springdale, Ark. 72764, filed August 6, 1976. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to junction Iowa Highway 2, thence over Iowa Highway 2 to Lincoln, Nebr., and return over the same routes 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 Kansas City, Mo., over U.S. Highway 73 to Hiawatha, Kans., thence over U.S Highway 36 to junction Kansas Highway 15E, thence east over U.S. Highway 36 to Marysville, Kans., thence over U.S. Highway 77 to Lincoln, Nebr., 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-1515 (Deviation No. 710), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed August 3, 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 deviation routes as follows: From junction unnumbered highway and U.S. Highway 1 north of West Palm Beach, Fla., over unnumbered highway to junction Interstate Highway 95, thence over Interstate Highway 95 to Fort Lauderdale, Fla., with the following access routes: (1) From West Palm Beach, Fla., over city streets to junction Interstate Highway 95, and (2) From Pompano Beach, Fla., over city streets to junction Interstate Highway 95, and return over the same routes 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 junction unnumbered highway and U.S. Highway 1 north of West Palm Beach, Fla., over U.S. Highway 1 to Fort Lauderdale, Fla., and return over the same route.

No. MC-1515 (Deviation No. 711) (Cancels Deviation Nos. 668 and 696), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed August 2, 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 deviation routes as follows: (1) From Savannah, Ga., over Interstate Highway 16 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 17 near Richmond Hill, Ga., (2) From junction Interstate Highway 95 and U.S. Highway 17 near Richmond Hill, Ga., over Interstate Highway 95 to junction U.S. Highway 17 near South Newport, Ga., with the following access route: From junction Interstate Highway 95 and Georgia Highway 38 over Georgia Highway 38 to junction U.S. Highway 17, and (3) From junction Interstate Highway 95 and U.S. Highway 17 near South Newport, Ga., over Interstate Highway 95 to Jacksonville, Fla., with the following access routes: (a) From junction Interstate Highway 95 and Georgia Highway 251 over Georgia Highway 251 to junction U.S. Highway 17, (b) From junction Interstate Highway 95 and Georgia Highway 99 over Georgia Highway 99 to junction U.S. Highway 17, (c) From Brunswick, Ga., over U.S. Highway 25 to junction Interstate Highway 95, (d) From Brunswick, Ga., over U.S. Highway 84 to junction Interstate Highway 95, and (e) From Woodbine, Ga., over unnumbered highway to junction Interstate Highway 95 and return over the same routes 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 Savannah, Ga., over U.S. Highway 17 to Jacksonville, Fla., 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. A 56643, filed July 26, 1976. Applicant: E AND M TRUCKING, INC., doing business as DELLA ROSA TRUCKING, P.O. Box 150, 3555 Pacheco Blvd., Martinez, Calif. 94553. Applicant's representative: John Paul Fischer, 256 Montgomery Street, San Francisco, Calif. 94104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Petroleum products chemicals, catalysts, empty containers, and roofing materials*, between all points and places in the Counties of Contra Costa, Alameda, San Francisco, Santa Clara, and Solano, and between the above named counties, on the one hand, and the City of Stockton, California, on the other. Restriction No. 1: Service to or from the above named points shall be restricted to the transportation of shipments having a prior or subsequent movement by water. Restriction No. 2: The above captioned authority is restricted against the transportation of petroleum products, in containers, over irregular routes from Avon and Martinez, California to Richmond, Point Richmond, Point San Pablo, Oakland, Alameda, and San Francisco, California, and empty containers for petroleum products, over irregular routes from Richmond, Point Richmond, Point San Pablo, Oakland, Alameda, and San Francisco, California, to Avon and Martinez, California, in interstate commerce. 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. A 56662, filed August 2, 1976. Applicant: SOUTHERN CALIFORNIA MOTOR DELIVERY, INC., 8023 East Slauson Avenue, Montebello, Calif. 90640. Applicant's represent-

ative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) Livestock; (c) Liquids, compressed gases, comodities 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; (d) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) Logs; (g) Fresh fruits and vegetables; (h) Articles of extraordinary value; and (i) Automobiles, trucks, busses, and trailer coaches and campers). 1. Between all points and places in the Los Angeles Basin Territory, as described in Note A:

NOTE A

Los Angeles Basin Territory (Revised) 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 No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 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 to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; southwesterly along Mill Creek Road to the county road known as Bryant Street 3.8 miles north of Yucaipa; southerly along Bryant Street to the San Bernardino-Riverside County line; west, north and west along the San Bernardino-Riverside County line to Iowa Street; southerly along Iowa Street to U.S. Highway 395; southeasterly along U.S. Highway 395 to Nuevo Road, approximately 1 mile north of Perris; easterly along Nuevo Road through Nuevo and northeasterly and northerly through Lakeview; easterly along Ramona Expressway and Boulevard to the City of San Jacinto; southerly along San Jacinto Street to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet.

Southerly, westerly, and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego county boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. 2. Between all points and places, inclusively, on and within 25 miles of points on the following routes: (a) U.S. Highway 101 between Paso Robles and Los Angeles; (b) State Highway 99 and Interstate Highway 5 between Fresno and Los Angeles; (c) Interstate Highway 5 between Los Angeles and San Diego; and (d) Interstate Highway 15 and U.S. Highway 395 between Riverside and San Diego. Restriction: Transportation under the proposed authority shall be restricted against the transportation of shipments which had an immediate prior or will have an immediate subsequent movement by a regulated freight forwarder or a common carrier by air, motor or water.

In performing the service, applicant proposes to use any and all streets, roads, highways, and bridges necessary or convenient for the performance of the service. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to 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.

New Hampshire Docket No. DT 76–74, filed June 9, 1976. Applicant: ROSS EXPRESS, INC., P.O. Box 42, Route 3, Penacook, N.H. 03301. Applicant's representative: .Grenville Clark III and Charles A. DeGrandpre, 40 Stark Street, Manchester, N.H. 03104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except Class A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious and contaminating to other lading), over regular and irregular routes as authorized in New Hampshire Property Carrier Certificate of Public Convenience and Necessity No. 3, described in Note A.

NOTE A

REGULAR ROUTE COMMON CARRIER

Transportation of general commodities with the exception of Household Goods over the following specified routes, in either direction, as follows: 1. From Nashua to Colebrook, via U.S. Highway Route No. 3, and between Franklin and Ashland, via N.H. Highway Routes Nos. 127 and 3B. 2. Between Colebrook and Errol via N.H. Highway Route No. 26. 3. Between Errol and West Ossipee, via N.H. Highway Route No. 16. 4. Between West Ossipee and Meredith, via N.H. Highway Route No. 25.

5. Between Meredith, N.H. and New Hampton, N.H. via New Hampshire Highway Route No. 104. 6. Between Boscowen and West Lebanon, N.H. via U.S. Highway Route No. 4. 7. Between West Lebanon and Littleton, via N.H. Highway Route No. 10. 8. Between Littleton and Concord, via Interstate Highway No. 93. 9. Between Concord and Salmon Falls, via U.S. Highway Route No. 4 and N.H. Highway Routes Nos. 155 and 4. 10. Between Epson Traffic Circle and Wolfeboro, via N.H. Highway Route No. 28. 11. Between Salmon Falls and Alton, via unnumbered highway to Somersworth; thence via N.H. Highway Route Nos. 16A, 16, and 11 to Alton. 12. Between Concord and Keene, via N.H. Highway Route No. 9. 13. Between Hopkinton and Claremont, via N.H. Highway Route No. 103. 14. Between Potter Place and Newport, via N.H. Highway Route No. 11. 15. Between Newport and Marlow, via N.H. Highway Route No. 10. 16. Between Marlow and Clarmont, via N.H. Highway Routes Nos. 123 and 12. 17. Between Keene and Hampton, via N.H. Highway Route No. 101. 18. Between Seabrook and Durham, via U.S. Highway Routes Nos. 1 and 4. 19. Between Durham and Exeter, via N.H. Highway Route No. 108.

20. Between U.S. Highway Route No. 4 and N.H. Highway Route No. 101, via N.H. Highway Route 125. 21. Between Manchester and Salem, via N.H. Highway Route No. 28. Service is authorized to all intermediate points on the above numbered routes.

IRREGULAR ROUTE COMMON CARRIER

Transportation of *general commodities*, with the exception of Household Goods, as above described, between points and places in New Hampshire. Interstate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place assigned for October 5, 1976, at 10 a.m. at the offices of the New Hampshire Public Utilities Commission, 26 Pleasant Street, Concord, N.H. 03301. Requests for procedural information should be addressed to the New Hampshire Public Utilities Commission, 26 Pleasant Street, Concord, N.H. 03301, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5317 (Sub-No. 1), filed July 19, 1976. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydur Court, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, and articles requiring special equipment), (1) From Memphis, Tenn., via U.S. Highway 51, to the Obion County Line, thence via any and all high-

ways and roads in Obion and Weakley Counties, Tenn., serving all points in said Counties (but serving no intermediate points between Memphis and the said Obion County Line), and return over the same route. (2) From Memphis, Tenn., via Interstate Highway 40 to junction with U.S. Highway 45, near Jackson, Tenn., thence via U.S. Highway 45 to its junction with U.S. Highway 45E, thence via U.S. Highway 45E to the Weakley County Line, thence via any and all highways and roads in Weakley and Obion Counties, Tenn., serving all points in said Counties (but serving no intermediate points between Memphis and the said Weakley County Line), and return over the same route. Restriction: Restricted against tacking with the carrier's present authority. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for September 28, 1976, at 9:30 a.m., in the Governor's Room, Biltimore Motel, Union City, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Room CI–III, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-24937 Filed 8-25-76;8:45 am]

[Notice No. 129]

ASSIGNMENT OF HEARINGS

AUGUST 23, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 98327 (Sub-No. 17), System 99, A Corporation, now being assigned continued hearing November 2, 1976 (4 days) at San Francisco, California; in a hearing room to be later designated.

MC 141742, Flowers Transportation, Inc., now being assigned November 8, 1976 (1 week) at San Francisco, California; in a hearing room to be later designated.

MC 43269 (Sub-No. 61), Wells Cargo, Inc., now bein gassigned November 15, 1976 (1 week) at Las Vegas, Nevada; in a hearing room to be later designated.

MC 141620, Van Bus Delivery, dba United Van Bus Delivery now assigned September 13, 1976 at St. Paul, Minnesota is now cancelled, application dismissed.

MC 49692 (Sub 50), Henry Edwards, dba Henry Edwards Trucking Company now assigned September 13, 1976 at Memphis, Tennessee and will be held in the Holiday Inn-Rivermont, 200 West Georgia.

MC–C–8733, Cango Corporation, McNair Transport, Inc., Robertson Tank Lines, Inc., Chemical Leaman Tank Lines, Inc., Croendyke Transport, Inc. and Western Commercial Transport, Inc. Investigation and Revocation of Certificates, now assigned September 21, 1976, at Dallas, Tex. is canceled.

MC 75320 (Sub 186), Campbell Sixty-Six Express, Inc. now being assigned October 13, 1976 (8 days) at St. Louis, Missouri and will be held in Court Room 3, 5th Floor, 1114 Market Street.

MC 126305 Sub 13, 14, 22, 24, 25, 28, 29, 30, 31, 37, 39, and 40; Boyd Brothers Transportation Co., Inc., now being assigned October 13, 1976 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-25075 Filed 8-25-76;8:45 am]

[No. 36342]

COLORADO INTRASTATE FREIGHT RATES AND CHARGES—1976

Petition for Investigation

Present: Dale W. Hardin, Commissioner, to whom this matter has been assigned for action.

By joint petition authorized under section 13(3) of the Interstate Commerce Act, filed April 5, 1976, petitioners, eleven common carriers by railroad[1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Colorado, request that this Commission institute an investigation of their Colorado intrastate freight rates and charges on recyclable materials, under sections 13 and 15a of the Interstate Commerce Act, among others, wherein they will seek an order authorizing them to increase such rates and charges in the amounts presently applied on interstate traffic, currently the subject of the investigation in Ex Parte No. 305–RE, Increased Freight Rates and Charges, 1975—Recyclable Materials.

By tariff filed October 17, 1975, with the Public Utilities Commission of the State of Colorado, petitioners sought to increase their rail freight rates and charges on Colorado intrastate traffic of recyclables by 10 percent, effective November 12, 1975, to correspond to the recent 10-percent increase in the rail freight rates and charges on interstate traffic of recyclables, which 10-percent increase is presently the subject of the investigation in Ex Parte No. 305–RE, *supra*. Following suspension of said tariff, the Colorado Commission, by decision No. 88281, dated February 25, 1976, authorized petitioners to file a tariff increasing their rail freight rates and charges on Colorado intrastate traffic of recyclables, but only by 4 percent.

Petitioners contend that present interstate rail freight rates on recyclable materials moving from, to, and within Colorado are just and reasonable and that the proposed intrastate rail freight rates on recyclable materials will not exceed a just and reasonable level; that transportation conditions for intrastate traffic of recyclable materials in Colorado are not more favorable than for interstate traffic of recyclable materials; that recyclable traffic moving under present Colorado intrastate rail freight rates and charges fails to provide its fair share of earnings; and, that the present Colorado intrastate rail freight rates and charges on recyclable materials create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Colorado and interstate or foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of sections 13(4) and 15a of the Interstate Commerce Act, among others, to the extent that they do not include all of the recent 10-percent increase in interstate rail freight rates and charges on recyclable materials, which increase is the subject of the investigation in Ex Parte No. 305–RE, *supra*.

Under sections 13(4) and 13(5) of the Interstate Commerce Act, this Commission is directed to institute an investigation, into the lawfulness of intrastate rail freight rates and charges, upon filing of a petition by the railroads pursuant to section 13(3) of the Act, after the appropriate State agency has reached a final decision or has failed to act within 120 days after a carrier by railroad has filed with such appropriate state body a change in an intrastate rate, fare or charge for the purpose of adjusting such rate, fare, or charge to the rate charged on similar traffic moving in interstate or foreign commerce. This Commission may act not withstanding the laws or constitution of any State, or the pendency of any proceeding before any State court or other State authority.

Wherefore, and good cause appearing therefor;

It is ordered, That the petition be, and it is hereby, granted; and that an investigation, under sections 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Colorado intrastate rail freight rates and charges on recyclable materials in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons and localities in intrastate commerce and those in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full 10-percent increase in interstate rail freight rates and

[1] The Atchison, Topeka and Santa Fe Railway Company; Burlington Northern, Inc.; Chicago, Rock Island and Pacific Railroad Company; The Colorado and Southern Railway Company; The Colorado and Wyoming Railway Company; The Denver and Rio Grande Western Railroad Company; The Great Western Railway; Missouri Pacific Railroad Company; San Luis Central Railroad; Southern San Luis Valley Railroad Company; and Union Pacific Railroad Company.

charges on recyclable materials, which increase is the subject of the investigation in Ex Parte No. 305–RE, *supra;* and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered, That all common carriers by railroad operating in the State of Colorado, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423,, on or before 15 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners herein: that the State of Colorado be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Colorado and The Public Utilities Commission of the State of Colorado, Denver, Colorado; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of August, 1976.

By the Commission, Commissioner Hardin.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–25074 Filed 8–25–76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 23, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43220—*Joint Rail-Water Container Rates—Hoegh Lines.* Filed by Hoegh Lines, (No. 1), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in The Federation of Malaysia and The Republic of Singapore. Grounds for relief—Water competition.

FSA No. 43221—*Joint Rail-Water Container Rates—The Shipping Corporation of India, Ltd.* Filed by The Shipping Corporation of India, Ltd., (No. 1), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in The Federation of Malaysia and The Republic of Singapore. Grounds for relief—Water competition.

FSA No. 43222—*Joint Rail-Water Container Rates—Maritime Company of The Philippines.* Filed by Maritime Company of The Philippines, (No. 101), for itself and interested rail carriers. Rates on general commodities, from and to rail and water terminals on the U.S. Atlantic and Gulf Coast Seaboard, and ports and terminals in Hong Kong, Japan, and The Philippines. Grounds for relief—Water competition.

FSA No. 43223—*Joint Rail-Water Container Rates—Baltic Shipping Company.* Filed by Baltic Shipping Company, (No. 104), for itself and interested rail carriers. Rates on general commodities, between railroad terminals at U.S. Pacific Coast ports, and ports in Continental Europe, United Kingdom, Black Sea, Scandinavia, Denmark, and the U.S.S.R. Grounds for relief—Water competition.

Tariff—Baltic Shipping Company tariff No. 3, I.C.C. No. 3, F.M.C. No. 28. Rates are published to become effective on September 19, 1976.

FSA No. 43224—*Joint Rail-Water Container Rates—Black Sea Shipping Company.* Filed by Black Sea Shipping Company, (No. 2), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Pacific Coast ports, to ports in the Mediterranean. Grounds for relief—Water competition.

Tariff—Black Sea Shipping Company Eastbound tariff No. 2, I.C.C. No. 2, F.M.C. No. 10. Rates are published to become effective on September 19, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–25073 Filed 8–25–76;8:45 am]

[Notice No. 20]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76626, filed July 12, 1976. Transferee: GEORGE R. MURPHY, doing business as Murphy & Excavating Co., Route No. 1, Marietta, Ohio 45750. Transferor: Ohio Valley Motor Freight, Inc., 504 Peoples Bank Building, Marietta, Ohio 45750. Applicants' representative: William A. Fields, Attorney at Law, 217 Second Street, Marietta, Ohio 45750. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC–114718, MC–114718 (Sub-No. 9), and MC–114718 (Sub-No. 11), issued December 10, 1971, September 29, 1964, and December 17, 1965, respectively, as follows: Ferro alloys, in bulk, in dump vehicles, from Alloy, W. Va., to points in Ohio and Pennsylvania; ferro alloys and silicon metals, from Graham, W. Va., to specified points in Ohio, and Pennsylvania; agricultural commodities, from points in Washington County, Ohio, to Uniontown, Pittsburgh, and Sharon, Pa.; safes, from Marietta, Ohio, to points in Fayette, Washington, Greene, and Westmoreland Counties, Pa.; general commodities, with exceptions, radially, between points in Washington County, Ohio, and points in Wood and Pleasants Counties, W. Va.; heavy machinery, and machinery, materials, supplies, and equipment, used in the oil and gas industry, radially, between points in Washington County, Ohio, and points in that part of West Virginia on and west of U.S. Highway 19 and on and north of U.S. Highway 60 and points in Ohio; livestock, radially,

between points in Washington County, Ohio and Pittsburgh, Pa., household goods, radially, between points in Washington County, Ohio, and points in Illinois, Indiana, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan; tricalcium phosphate, (bond ash), from Riveview, Ohio, to points in Illinois, Missouri, North Carolina, Pennsylvania, and Wisconsin; and ferro chrome, from Baltimore, Md., and Newport News, Va., to points in Michigan, Ohio, Pennsylvania, and West Virginia, from Philadelphia, Pa. to points in Michigan, Ohio (except Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties), Pennsylvania, and West Virginia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76645, filed July 2, 1976. Transferee: MAX KAFER EXPRESS, INC., 262 West 37th Street, New York, N.Y. 10018. Transferor: Rutgers Express, Inc., 189 Townsend Street, New Brunswick, N.J. 08901. Applicants' representative: S. Michael Richards/Raymond A. Richards, Registered I.C.C. Practitioners, 44 North Avenue, Webster, N.Y. 14580. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-40896 issued February 12, 1976, as follows: Wearing apparel, cut and uncut goods, trimmings, buttons, clips, clasps, and other articles used in the manufacture of wearing apparel which is being transported or is to be transported, cutlery, resin, unfinished cutlery, paper compounds, handles, chests, and such other articles and ingredients used in the manufacture and sale of cutlery, between Englishtown, N.J., and New York, N.Y., and all intermediate points other than Woodbridge, N.J.; and also off-route points in Monmouth and Ocean Counties, N.J.; and wearing apparel between Orange, N.J., and Elizabeth, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76672, filed July 22, 1976. Transferee: JERRY D. LANDING, doing business as Jerry Landing Moving Service, 260 N. Main Street, St. Clair, Mo. 63077. Transferor: Herb Whitworth Moving & Storage Co., A Corporation, 3344 Greenwood Blvd., Maplewood, Mo. 63143. Applicants' representative: Charles R. Preslar, President, 3344 Greenwood Blvd., Maplewood, Mo. 63143. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-126852, issued October 2, 1973, as follows: Uncrated new household furniture, household furnishings, household appliances, and pianos, from St. Louis, Mo., and points in St. Louis County, Mo., to points in that part of Illinois south of a line beginning at the Illinois-Iowa State line, near Burlington, Iowa, and extending along U.S. Highway 34 to junction Illinois Highway 116, thence south and east along Illinois Highway 116 to junction U.S. Highway 24 at Peoria, Ill., thence east along U.S. Highway 24, to the Illinois-Indiana State line. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76687, filed July 30, 1976. Transferee: Clinton Shrum, doing business as Ambassador Coaches, 212 "A" Street N.W., Miami, OK 74354. Transferor: Missouri, Kansas and Oklahoma Coach Lines, Inc., doing business as M. K. & O. Lines, 321 S. Cincinnati Street, Tulsa, OK 74103. Transferee's representative: Robert A. Miller, Attorney-at-Law, 2505 City-Nat'l Bank Tower, Oklahoma City, OK 73102. Transferor's representative: John L. Arrington, Jr., Attorney-at-Law, 510 Oklahoma Natural Bldg., Tulsa, OK 74119. Authority sought for purchase by transferee of that portion of the operating rights of transferor as set forth in Certificate No. MC-36364, issued June 15, 1972, as follows: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Coffeyville, Kans., and Tulsa, Okla., serving all intermediate points, from Coffeyville over U.S. Highway 169 to Collinsville, Okla., thence over U.S. Highway 75 to Tulsa, and return over the same route. Incidental charter operations in interstate or foreign commerce may be conducted. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76698, filed August 10, 1976. Transferee: Sebring Transport, Inc., 2101 Davis Street, San Leandro, CA 94577. Transferor: Senna Trucking Co., Inc., 2101 Davis St., San Leandro, CA 94577. Applicants' representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, CA 94903. Authority sought for purchase by transferee of that portion of the operating rights of transferor, as set forth in Certificate of Registration No. MC-111313 (Sub-No. 1), issued June 20, 1975, as follows: General commodities, and other specified commodities, between the San Francisco Territory, California. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76699, filed August 10, 1976. Transferee: King Delivery, Inc., 5600 W. Arbor Vitae, Los Angeles, Calif. 90045. Transferor: Swift Transportation Company, 14719 South San Pedro St., Gardena, Calif. 90247. Applicants' representative: LeRoy R. Davis, Attorney-at-Law, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC-99497 (Sub-No. 4), issued April 29, 1964, and those set forth in Certificate of Registration No. MC-10381 (Sub-No. 3), issued to S & M Freight Lines and acquired by transferor herein pursuant to No. MC-F-12654, as follows: General commodities, with specified exceptions, between specified points in California. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76705, filed August 12, 1975. Transferee: Lane Truck Lines, Inc., 120 Newby Court, Rocky Mount, N.C. 27801. Transferor: Bundy Truck Line, Inc., Gatesville, N.C. 27938. Applicants' representative: Ralph McDonald, Attorney-at-Law, P.O. Box 2246, Raleigh, N.C. 27602. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC-115056 (Sub-No. 2), MC-115056 (Sub-No. 13), MC-115056 (Sub-No. 14), MC-115056 (Sub-No. 15), and MC-115056 (Sub-No. 16), issued July 6, 1961, February 14, 1963, June 25, 1964, April 15, 1966, and August 6, 1968, respectively as follows: Lumber, wooden boxes, box shooks, wooden pallets, fiberglass swimming pools, pickle products, glass jars, jar caps, cans, barrels, spices, and sugar, from, to, or between points in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, West Virginia, Connecticut, Ohio, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Illinois, Texas, Minnesota, Michigan, Kentucky, Tennessee, Louisiana, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-25072 Filed 8-25-76;8:45 am]

[Notice No. 109]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 23, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available

for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1328 (Sub-No. 21TA), filed August 13, 1976. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool and wool products*, from Rock Wool Industires, Inc., Missouri Division, at Cameron, Mo.; Pueblo, Colorado Division; and Belton, Texas Division, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract with Rock Wool Industires, Indiana Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rock Wool Industries, Indiana Division, P.O. Box D, Alexandria, Ind. 46001. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 93903 (Sub-No. 11TA), filed August 16, 1976. Applicant: ANDERSON'S TRUCKING CORPORATION, P.O. Box 709, Englishtown, N.J. 07726. Applicant's representative: Nathaniel H. Yohalem, Sutton Metro Park, Woodbridge, N.J. 07095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete poles, light and/or telephone poles, connectors, grout and other accessories* used in the installation thereof, between East Brunswick, N.J., and points in Connecticut, Delaware, the District of Columbia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Interpace Corporation, 260 Cherry Hill Road, Parsippany, N.J. 07054. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 107496 (Sub-No. 1041TA), filed August 5, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Waukegan, Ill., to points in Indiana and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Admixtures Corporation, 5909 North Rogers Ave., Chicago, Ill. 60646. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109891 (Sub-No. 28TA), filed August 13, 1976. Applicant: INFINGER TRANSPORTATION COMPANY, INC., P.O. Box 7398, 2811 Carner Ave., Charleston Heights, S.C. 29405. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum No. 2 fuel oil*, in bulk, in tank vehicles, from Duke Power Company plantsites at or near Pelzer (Anderson Cy.) and Chappels (Newberry Cy.), S.C., to Duke Power Company, at or near Gliffside (Rutherford Cy.), N.C.; Mt. Holly (Gaston Cy.), N.C.; Spencer (Rowan Cy.), N.C.; Terrell (Catawba Cy.), N.C.; and Belmont (Gaston Cy.), N.C., for 180 days. Supporting shipper: Duke Power Company, P.O. Box 1339, Charlotte, N.C. 28232. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 320, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 110410 (Sub-No. 17TA), filed August 10, 1976. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker St. NW., Atlanta, Ga. 30313. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, (a) between Atlanta, Ga., on the one hand, and, on the other, points in Florida on and east of Florida Highway 83, and U.S. Highway 331; and (b) between points in Florida on and east of Florida Highway 83, and U.S. Highway 331, for 180 days. Supporting shippers: There are approximately 22 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: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 110525 (Sub-No. 1163TA), filed August 13, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., P.O. Box 200, 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: *Anhydrous aluminum chloride*, in bulk, or in sealbins, from Aluminum Co., of America plantsite near Palestine, Tex., to Mobile, Ala.; Baton Rouge, La.; Carville, La.; St. James, La.; Baltimore, Md.; Hamilton, Miss.; Picayune, Miss.; Gulfport, Miss.; Sugar Creek, Mo.; Bound Brook, N.J.; East Hanover, N.J.; Ashtabula, Ohio; West Elizabeth, Pa.; Memphis, Tenn.; Institute, W. Va., and ports of entry on the International Boundary line between the United States and Canada located at Port Huron, Mich., for furtherance in foreign commerce, for 180 days. Supporting shipper: Aluminum Company of America, 1501 Alcoa Bldg., Pittsburgh, Pa. 15219. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 675TA), filed August 16, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their 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. Restrictions: (1) No service shall be provided for the transportation of packages weighing more than 50 pounds, and each package or article shall be considered a separate and distinct shipment; (2) No service shall be provided for 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; and (3) No transportation of shipments shall be provided to or from the premises of any shipper for whom applicant or any of its subsidiaries perform contract carrier service, for 180 days. Supporting shippers: There are approximately 30 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114569 (Sub-No. 146TA), filed August 13, 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: *Frozen foods*, from Fairwater and Beaver Dam, Wis., and their commercial zones, to points in Pennsylvania, New York, New Jersey, Delaware and Maryland, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Acme Markets, Inc., 124 N. 15th St., Philadelphia, Pa. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 119555 (Sub-No. 12TA), filed August 10, 1976. Applicant: OIL AND INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, 640 12th Ave., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: D. S. Vincent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from the United States-Canada International Boundary line at or near Port Huron, Marine City and Sault Ste. Marie, Mich., and Noyes, Minn., to Detroit, Mich., on shipments originating at Berthierville, Quebec, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M. Luc Madore, Superintendent, Quality Control, Blending & Maturing, Melchers Distilleries Limited, 555 Montcalm St., P.O. Box 100, Berthierville, Quebec, Canada, JOK 1A0. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 123778 (Sub-No. 31TA), filed August 13, 1976. Applicant: JALT CORP., in that part of New York on, east, and doing business as United Newspaper Delivery Service, 75 Cutters Dock Road, P.O. Box 398, Woodbridge, N.J. 07095. 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: *Magazines and advertising matter*, shipped with magazines, from Old Saybrook, Conn., to points in New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 11 to Syracuse, thence along New York Highway 5 to Schenectady, and thence along New York Highway 7 to the New York-Vermont State line, and to Wilmington, Del., Baltimore, Md., and the District of Columbia, under a continuing contract with Curtis Circulation Company, for 180 days. Supporting shipper: Curtis Circulation Company, 21 Henderson Drive, W. Caldwell, N.J. 07006. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 127598 (Sub-No. 2TA), filed August 12, 1976. Applicant: HARRY M. MOWREY, 6597 Rollymead, Cincinnati, Ohio 45243. Applicant's representative: John F. Fulcher, 239 Crescent Lane, Cliffside Park, N.J. 07010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except frozen poultry and poultry products), *dairy plant equipment* (except articles because of size, shape or weight requiring the use of special equipment), *materials and supplies*, between Louisville, Ky., on the one hand, and, on the other, points in Michigan, points in Indiana on and north of U.S. Highway 36, points in Ohio on and north of U.S. Highway 30, and those in West Virginia on the east of U.S. Highway 220, under a continuing contract with Breakstone Sugar Creek Foods, Division of Kraftco Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John F. Fulcher, General Traffic Manager, Breakstone Sugar Creek Foods, Division of Kraftco Corporation, 800 7th Ave., New York, N.Y. 10019. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Bldg., Cincinnati, Ohio 45202.

No. MC 128133 (Sub-No. 14TA), filed August 2, 1976. Applicant: H. H. OMPS, INC., Route 7, P.O. Box 295, Winchester, Va. 22601. Applicant's representative: S. Harrison Kahn, Investment Bldg., Suite 733, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from New Alexandria, Pa., to Winchester, Leesburg, and Front Royal, Va., in bulk, in pneumatic equipment, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crider & Shockey, Inc., P.O. Box 767, Winchester, Va. 22601. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 134262 (Sub-No. 11TA), filed August 12, 1976. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. 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: *Fertilizer and fertilizer ingredients* (except anhydrous ammonia and liquids in bulk), from points in Brazos County, Tex., to points in North Dakota, under a continuing contract with Farmers Feed & Supply, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H. G. Heusinkveld, President, Farmers Feed & Supply, Inc., Boyden, Iowa 51234. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 134282 (Sub-No. 14TA), filed August 10, 1976. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and materials and supplies* used in the installation thereof, from the plantsite of the Flintkote Company, at Ennis, Tex., to points in Kansas, New Mexico and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Company, 480 Central Ave., East Rutherford, N.J. 07073. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 138510 (Sub-No. 7TA), filed August 12, 1976. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave., at Aloe St., Pomona, N.J. 08240. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated furniture and laminated furniture parts*, uncrated, for the account of International Wood Products, Inc., from Pleasantville, N.J., to Tampa, Orlando and Miami, Fla.; Mocksville, N.C.; Memphis, Tenn.; Houston and Dallas, Tex.; Phoenix, Ariz.; New York City, Amityville and Buffalo, N.Y.; Pittsburgh, Pa.; Chicago, Ill.; Laurel, Md.; Louisville, Ky.; and the District of Columbia, under a continuing contract with International Wood Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipiper: International Wood Products, Inc., P.O. Box 142, Cologne, N.J. 08213. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 139313 (Sub-No. 4TA), filed August 10, 1976. Appicant: P. KRIMBEL, doing business as Krimbel Trucking Co., 3554 McReynolds Ave., 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: (1) *Wine, champagne, brandy* and (2) *beer*, from (1) Modesto, Lodi, San Jose, Calif.; and (2) San Francisco, Los Angeles and Orange Counties, Calif.; to Everett, Seattle and Bellevue, Wash., under a continuing contract with K & L Distributors, Inc., and E & J Gallo Winery, for 180 days. Supporting shippers: K & L Distrib-

utors, Inc., P.O. Box 1969, Bellevue, Wash. 98009. E & J Gallo Winery, Modesto, Calif. Send protests to: Claud W. Reeves, District Supervisor, Suite 500, 211 Main, San Francisco, Calif. 94105.

No. MC 139533 (Sub-No. 2TA), filed August 13, 1976. Applicant: ALEX K. SCHERER, 22 Oak Lane, Ottawa, Ill. 61350. Applicant's representative: Alex K. Scherer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, from North Pekin, Ill., to points in Iowa, Minnesota, Missouri and Wisconsin, for 180 days. Supporting shipper: First Miss Inc., Ralph S. Cramer, Supervisor of Rates, P.O. Box 328, Ft. Madison, Iowa 52627. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 139658 (Sub-No. 13TA), filed August 13, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke*, in bulk, in dump trucks, (1) from points in Etowah, Jackson, DeKalb, Marshall, Blount, Cullman, Cherokee, Madison, Morgan, Cleburn, Saint Claire, and Jefferson Counties, Ala., on the one hand, and on the other, to points in Tennessee; and (2) from Dade, Walker, Chattooga, Floyd, Bartow, Gordan, Murray, Whitefield, Catoosa, Gilmer, and Pickens Counties, Ga., on the one hand, and, on the other, to points in Alabama and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Birmingham Coal & Coke Company, Inc., 4363 1st Ave., N., Birmingham, Ala. 35222. Cotham Smith & Smith Realty Co., 151 Lamar St., Macon, Ga. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 142113TA, filed June 2, 1976, published in the FEDERAL REGISTER of June 21, 1976, republished in the FEDERAL REGISTER of June 23, 1976, and republished as corrected this issue. Applicant: CHESTER A. RICHMOND, doing business as, RICHMOND CARTAGE, P.O. Box 337, Craigsville, W. Va. 26205. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurrican, W. Va. 25526. 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), Between Charleston, W. Va., and Marlinton, W. Va.: From Charleston, W. Va., over U.S. Highway 119 to junction with Interstate Highway 79, thence over Interstate Highway 79 to junction with U.S. Highway 19 at Sutton, W. Va., thence over U.S. Highway 19 to junction with West Virginia Highway 41, thence over West Virginia Highway 41 to junction with West Virginia Highway 20, thence over West Virginia Highway 20 to junction with West Virginia Highway 39, thence over West Virginia Highway 39 to junction U.S. Highway 219, thence over U.S. Highway 219 to Marlinton, W. Va., and return over the same routes, serving all intermediate points on the above described route between Sutton and Marlinton, W. Va. (except Sutton), and all off-route points in Greenbriar, Nicholas, Pocahontas, and Webster Counties and those in Randolph County on and south of U.S. Highway 33. Applicant intends to interline at Charleston, W. Va. with existing carriers, for 180 days. Supporting shipper: There are approximately 24 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof may be examined at the field office named below. Send protest to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 141655 (Sub-No. 3TA), filed August 13, 1976. Applicant: TRANSPHOS, INC., 410 Ware Blvd., Suite 713, Tampa, Fla. 33619. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste lime past*, in bulk, in dump vehicles, from Birmingham and Mobile, Ala., to Bartow, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Union Carbide Corporation, 270 Park Ave., New York, N.Y. 10017, CF Chemicals, Inc., P.O. Box 1480, Bartow, Fla. 33830. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

By the Commission.

ROBERT L. OSWALD,
Secretary

[FR Doc.76-25076 Filed 8-25-76;8:45 am]

FINANCE APPLICATION

The following application seeks 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 against the granting of the requested authority must be filed with the Commission on or before September 27, 1976. 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.

ACQUISITION INVOLVING BOTH A WATER CARRIER AND MOTOR CARRIER

No. MC-F-12925. (Correction) (SEA-WHEELS, INC.) (formerly PENBROOK HAULING COMPANY, INC.)—Purchase (Portion)—(DAILY EXPRESS, INC.), published in the August 19, 1976, issue of the FEDERAL REGISTER, on page 35133. Prior notice should read as follows: "General commodities with exceptions, in containers or in *Trailers having an immediately prior or subsequent movement* by water"

By the Commission.

GORDON H. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-25256 Filed 8-25-76;8:45 am]

federal register

THURSDAY, AUGUST 26, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES

Proposed Revisions to Program Regulations

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 228]

SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES

Proposed Revisions to Program Regulations

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare.

Various sections of the regulations for the title XX program which were published in the FEDERAL REGISTER on June 27, 1975 (40 FR 27352) have been amended during the first program year to ease problems encountered by State agencies. The revisions, published on October 3, 1975, February 9, April 2, and May 19, 1976 primarily: (1) Extended the period of time allowed the States to determine individual eligibility of persons who had been receiving services on the basis of group eligibility under titles IV–A and VI; (2) first extended the period of time allowed the States to establish the individual recipient basic data file, and then rescinded the requirement for the file; (3) liberalized the definition of family and permitted States to use the declaration method or any other method of their choice for determining eligibility on an individual basis; and (4) removed limitations on the services that could be provided to prevent or remedy neglect, abuse or exploitation of children or adults.

The amendments proposed here, however, reflect the first comprehensive review of the regulations since the program began on October 1, 1975. Because of the Department's desire to be open in the rulemaking process and to seek advice from a range of individuals and organizations who are interested in an efficient and effective public social service program, a new process was initiated in the development of these proposals. Between April and June, 1976, advice was sought on an early draft of these regulations from 51 State agencies, and 175 national public and private organizations. In addition to the consideration given to 458 written comments that resulted from that effort, a series of meetings was held with representatives of these groups and others such as the National Association of Counties, National Conference of State Legislatures, National League of Cities, National Governor's Conference, National Association of Social Workers Coalition, and the American Public Welfare Association. Again, comments were received and considered in arriving at these proposals.

Generally, the purposes of the amendments are: To clarify the intent of some aspects of the existing regulations; to eliminate or simplify administrative requirements on States and reduce the possibility of their incurring fiscal sanctions (especially in the preparation and publication of their comprehensive annual services plan); to provide a method for correcting deficiencies in the services plans; to provide specificity where it was requested (as in new and revised definitions and in the provisions dealing with staff training and amendments to the final services plan); and to relieve the States of complicated systems for costing out services and training.

The basis for the amendments is the Department's wish to enhance the ability of the States to focus on the delivery of services to eligible individuals and avoid undue administrative burdens and unnecessary costs. The amendments are aimed at reducing operational difficulties which States have encountered during the 1st year of the program.

The major proposed changes are summarized as follows.

DEFINITIONS

Four definitions in § 228.1 are affected: (1) The term "remedial care' 'is replaced by the broader term "medical and remedial care" to be used in determining when such care is an allowable cost under title XX as an integral but subordinate part of a service. This responds to requests for a definition of what a medical service is. (2) The definition of "family" is revised for clarification. (3) The definition of "other public agencies" has been added and includes Indian tribes so that they may have the same advantages as providers of services that public agencies do. This change reflects more accurately the true nature of their status in the social services delivery context. This new interpretation also results in revising § 228.54 to delete Indian tribes as non-profit, private agencies and include them as public agencies in § 228.53. (4) The definitions of "room" and "board" are moved from § 228.41 to § 228.1 in order to place in one section all definitions of terms that reoccur in the regulations.

COMPREHENSIVE ANNUAL SERVICES PROGRAM PLAN

Section 228.20 to revised to: (1) Change its heading from "general" to "conditions for FFP"; and (2) clarify when Federal financial participation (FFP) begins for expenditures under a final services plan.

Section 228.24 is revised to require the State agency to include in its annual services plan the operational definition of family it is using in the title XX program. This is necessary because an April 2, 1976 amendment to the regulations, retroactive at State option to October 1, 1975, gave the State several options for defining family. Also added are requirements for additional information in the services plan: (1) If the State wishes to limit services to eligible persons with certain characteristics, it would be required to describe the limiting characteristics in sufficient detail to meaningfully inform the public. In this way, there should be as little misunderstanding as possible about who is eligible for services, and (2) similarly, to inform the public, the State would be required to specify any variations in fee schedules, based on geographic area.

Section 228.25 is revised to delete the requirement that foster care services must be available in a services plan in every geographic area under title XX to all children who are eligible for foster care under Aid to Families with Dependent Children (AFDC). The deletion is made because the requirement for foster care services and the possibility of losing FFP for not providing them are in title IV of the Social Security Act and not in title XX. However, § 228.26(f) requires that the services plan describe the foster care services, if any, provided, to such AFDC children under title XX; and is further revised to clarify what is required for the description of a service in the services plan, and to delete paragraph (e) (inclusion of other services) as superfluous.

Section 228.27 is revised to specify the reason for, and nature of, estimates of expenditures to be included in the annual services plan to clarify that only information applicable to title XX expenditures is necessary.

Section 228.28 is revised, for purposes of clarity, to redefine program resources in terms of Federal title XX funds and State and local appropriated funds and other funds to be used in the program.

Section 228.29 is revised to add a requirement for a description of steps taken to involve various public, private, and governmental groups or individuals in the development of the services program. This is intended to encourage States to involve such groups in title XX planning and subsequently to inform the public, when it reads the services plan, of the extent to which such groups had participated in the development of the services plan.

Section 228.31, "Needs Assessment," and § 228.32, "Planning, Evaluation and Reporting," are revised to give the States more flexibility as to the information they provide on these areas in their services plans. The effect is to free the States from possible fiscal sanctions if they fail to address each and every item as was previously required.

Section 228.33, renamed "The public review process," brings together, for purposes of clarity, all requirements relating to publication of the proposed and final services plans, the content of the display advertisements for each plan and of the summary of the proposed plan, the comment periods, and the handling of public comments and public access. Issuance of a press release prior to publication of the final services plan is made optional in the belief that States will use press releases in any case but that SRS would be reluctant to impose a fiscal sanction if States did not. However, since some have commented that relaxation of the requirements might be detrimental to the public review processes, comments is especially invited on the desirability of these proposed changes.

Section 228.34 now contains the requirements that the State submit to the SRS Regional Commissioner its proposed services plan, display advertisement and other documentation related to the publication of the plan, within 5 days of its

publication; commits the Regional Commissioner to review these materials and notify the State within 10 days following receipt of them of his/her findings (either that the plan meets the requirements or that it is deficient and must be corrected); and specifies what constitutes deficiencies. This change is necessary to answer questions frequently put to SRS about the nature of such deficiencies and to formalize procedures which evolved from experience following issuance of the first proposed and final services plans by the States.

Section 228.35 now deals with how to correct deficiencies in the proposed and final services plans and to the display advertisements of each. Essentially, State must republish in newspapers information that was incorrect initially so that the public will be accurately informed about the content of the services plan. This new material responds to requests from States for guidance about how to correct errors in the services plans so that FFP will not be lost.

The material regarding amendment of the final services plan (now § 228.36) has been revised to specify when the services plan must be amended, to describe the public review process for amendments, and to list the materials to be submitted to the Regional Commissioner. The original requirements were criticized as being too vague and non-specific as to when an amendment was needed and the public review process required to implement it. Now it is clear that amendments to the plan are necessary only when significant changes in a State's services program are planned and that, as a minimum, amendments are required when such changes as deletion or addition of services, revisions in fee schedule or changes in categories of eligible individuals will occur.

LIMITATIONS: SERVICES

Section 228.40 is revised to delete all the material in the present paragraph (b) which defines when medical or remedial care can be considered integral but subordinate to a service, and to eliminate the need for the complex computations to determine amounts payable for such care. In addition to including in its services plan a description of the service of which medical care is integral but subordinate, the State would only be required to document that the medical or remedial care is necessary in the specific case to meet the objective of the service and not merely to correct a medical condition. This change is for the purpose of simplifying administrative procedures. Because there is concern that the liberalization of this requirement may lead to indiscriminate use of medical care, SRS believes documentation is necessary. Comments are solicited on efficient and effective ways of documenting that medical care is integral but subordinate.

Section 228.41 is revised to: (1) Change the time limit on Federal financial participation (FFP) in room or board from a period of 6 consecutive months in any 12 month period to 6 consecutvie months for any one placement; (2) define "placement"; (3) delete the percentage formula for determining when room or board is subordinate to a service; and (4) require the State to document for each case that board or room is necessary to meet the objective of the service and not merely to provide food or shelter. By changing the time frame within which FFP is available in room and board, SRS believes it has now more accurately reflected the statutory requirement which speaks of "a period of not more than six consecutive months." The addition of the definition of placement makes clear the circumstance to which the period of six months applies. Administrative simplicity is the goal of eliminating the percentage formulas. But as in the liberalition of § 228.40, concern remains that indiscriminate charging of board or room to title XX does not follow. Thus, documentation is again seen as essential. Comments are also solicited, therefore, on efficient and effective ways of documenting that board or room is integral but subordinate.

Section 228.44 is revised to clarify what SRS means by the inherent and intrinsic responsibilities of "institutions" for which FFP is not available under title XX. SRS believes this carries out the intent of Congress to provide certain "in reach" social services but not to finance, with title XX funds, aspects of institutional operations which are the responsibility of the States. This section also clarifies the nature of a separate juvenile correctional facility as distinct from a prison and clarifies the availability of FFP for services provided therein.

Section 228.45 is revised to permit a foster caregiver qualified by experience to give special services without further training. This was added because the regulation was unclear and it was mistakenly interpreted by the States to mean that even experienced persons had to receive training before they could give special services.

Section 228.46 is revised to eliminate the requirement that there be "clear and present" danger of abuse, neglect, or exploitation. The change was necessary to eliminate an incorrect interpretation by the States—that the situation had to be critical before services could be provided.

Section 228.47 is revised to permit the title XX agency to accept a bill (as well as a receipt of payment) for a service that has already been rendered to an individual, as a basis for giving him the money to pay for the service. By doing so, SRS seeks to eliminate what may be a hardship for the recipient—that is, requiring him to pay for the service out of his own pocket before the State can make an expenditure for which FFP is available. However, SRS wishes to make clear that money can be given to a recipient only for a service which has already been provided to him with prior State agency approval.

LIMITATIONS: FINANCIAL

Section 228.51 is revised to delete from paragraphs (a) and (b) the parenthetical phrase "less fees collected" in order to underscore the possibility for a State to expand the particular service for which the fee was collected as well as any other service under the services plan. (See § 228.62(e)).

Section 228.55 is revised to delete the words "of child-bearing age" after "individuals" to clarify that family planning services are available to males also.

LIMITATIONS: INDIVIDUALS SERVED, ELIGIBILITY AND FEES

Section 228.60 is reorganized for clarity and revised to make it possible for States to use the median incomes promulgated by the Secretary throughout their program year instead of having to use two different sets of median incomes if their program year does not coincide with the Federal fiscal year. Added are:

(1) The option for States to establish different income levels for different geographic areas (to provide for additional State flexibility and difference in standards of living in the State); (2) a reference to discretionary fees for individuals below the 80 percent level (to alert the user of the regulation to the location of that provision); and (3) requirements for notifying applicants (orally or in writing) regarding their eligibility within 15 days after the agency has made a decision (to assure prompt notification of eligibility) and for entering the date of such notification in the case record. A statement is added to make clear that no application is required for information and referral services.

Section 228.61 is revised to: (1) Clarify that eligibility is determined on an individual basis only; (2) define the "declaration method" of determining eligibility; (3) set forth the conditions for FFP vis-a-vis proper and improper determination or redetermination of eligibility; (4) define "proper determination of eligibility"; (5) provide that an individual who wishes to keep confidential a service (such as services to drug addicts or alcohol abusers) for which the provider determines eligibility, may request and be entitled to have any outside contacts, necessary to determine eligibility, made by the title XX agency rather than the provider agency; (6) give the States the option of redetermining eligibility on an annual basis (rather than every 6 months) for persons whose income is derived exclusively from pensions or Social Security benefits (to ease burdens on elderly individuals); and (7) clarify the nature of the State agency's responsibility for continuous monitoring of its method(s) for determining eligibility.

Changes (3) and (4) in § 228.61 regarding determination of eligibility are designed to establish and make clear that for purposes of FFP, a determination of eligibility that was correctly made on the basis of information available to the agency at the time of the determination will be a proper basis for Federal matching even though subsequent information may prove that the information on which the eligibility determination was based was in error.

SRS believes this is in line with its policy enunciated throughout these regulations; namely, to encourage the States to use their limited Federal dollars under this program to the greatest extent possible on service delivery and not for administrative costs.

Change (5) in § 228.61 deals only with a phase of confidentiality concerned with determination of eligibility by a provider. All other aspects of and requirements for confidentiality regarding applicants for and recipients of title XX services are covered in § 205.50 which contains provisions for safeguarding information on all persons served under Social Security Act programs administered by the Social and Rehabilitation Service. Preparatory to revising § 205.50 to reflect more clearly the Department's views on privacy for individuals under these programs, SRS staff has met with representatives of State and local agencies in the areas of social services, medical and financial assistance, and has canvassed State legal staff for their input. A Notice of Intent will be published in the FEDERAL REGISTER in the near future to invite public comment on all issues pertinent to confidentiality and privacy in SRS programs. After the conclusion of the public participation activities, SRS will assess the results and develop a proposed regulaton covering title XX and other SRS programs.

Change (7) in § 228.61 regarding State responsibility for monitoring its eligibility determination method(s) is necessary to respond to questions and to avoid confusion about this area of program administration.

This section intends to make clear that the State must continuously monitor the method(s) it uses for determining eligibility for the purpose of making sure that such method(s) result in correct determinations. The State must test its method(s), for example, the declaration method, by going behind some eligibility determinations made by that method and ascertaining whether those determinations are correct. In doing this, if the State finds erroneous determinations, it must take action to eliminate such errors.

The States' responsibility for developing method(s) that achieve the desired result, that is, eligible individuals in accordance with the services plan, is an essential part of implementing its responsibility under § 228.6(e) for establishing and maintaining standards for the determination of eligibility.

Section 228.62 is revised to: (1) Permit the State to vary fees for services in different geographic areas (to allow for differences in cost of living); (2) clarify that fees imposed must be reasonably related to the family's gross monthly income because it is a statutory requirement; (3) deny FFP in the costs of any service for which any fee or charge other than those specified in the regulation is imposed (to prevent the imposition of "unauthorized" fees); and (4) to clarify an optional method for handling fees collected by provider agencies. This option for handling fees emphasizes the States' flexibility in the use of fees to support selected programs. Although as currently written there is no prohibition against the use of fees to expand a particular program, the wording of the regulation seemed to imply that fees collected by a provider agency could only be used to reduce the cost and, thereby, the amount of expenditures subject to Federal participation.

The change in language in these proposals makes clear the State option to authorize a provider to use fees to expand the program under terms of the contract. Because fees collected are income from a program supported in part by Federal funds, such fees may not be used to generate additional Federal participation. Thus, program expansion under this option is limited to the amount of fees collected. Additionally, any amount of fees collected and not used for expansion under this option must be deducted from the total expenditures for which FFP is claimed.

Section 228.64 is revised to reflect the May 19, 1976 revocation of § 228.63 which had required an individual recipient basic data file.

In § 228.65(a)(1), which currently reads ". . . provided to an individual under 18, harmed or threatened with harm by a person responsible for the individual's health or welfare," the limiting phrase "by a person responsible for the individual's health or welfare" has been deleted. States would thus be free to provide services to prevent or remedy neglect, abuse, or exploitation without regard to the kind of person who actually (or potentially) harms the child.

PURCHASE OF SERVICE

Section 228.70, renamed "Procurement standards," is revised to require that purchase of services contracts specify that the provider will impose no fees other than those specified in the regulations and established by the State in accordance with prescribed criteria (to prevent imposition of unauthorized fees); and permit the State agency to purchase services from an individual provider (one with no direct service employees or subcontractors) without a written contract, provided that the State's statute of frauds does not preclude the State agency from enforcing its unwritten contract with the provider, and that the agency documents such contract. The latter change is made to reduce administrative requirements on the individual provider.

TRAINING AND RETRAINING

Subpart H—Training and Retraining—has been extensively reorganized and rewritten.

Within SRS, the question is now being raised whether this regulation should be combined with the one on training under title I, IV–A, X, XIV, XVI (AABD) or XIX. One school of thought favors a self-contained title XX regulation to the greatest extent possible for ease of State use and in view of some basic differences with other SRS programs. Another school of thought prefers one regulation covering training for all SRS support programs under title XX and the other six titles of the Social Security Act. Comments by States and the public are solicited on the desirability of a separate title XX training regulation or one combining training for all programs for which SRS is responsible.

Section 228.80 is now called "Conditions for FFP." It describes the kind of training which may be provided, and when FFP may be claimed for training expenditures.

The requirement that State agencies file with SRS their training plans for each program year was deleted from this section because it was considered needlessly burdensome to States. While SRS believes that careful planning of training is essential to sound program management, it is thought that States can be encouraged and assisted in such planning without mandating submittal of a training plan to SRS.

Section 228.81 is revised to: (1) Include the training of provider agency personnel who are determining eligibility for title XX services (as well as those who are providing the title XX services); (2) identify provider agency service delivery and eligibility determination personnel who may be trained; (3) expand the circumstances under which foster caregivers providing special services may be trained; and (4) provide FFP for training of foster caregivers whose homes provide a resource to the title XX agency in its own directly operated foster care services program for eligible children and adults.

Regarding the changes in § 228.81, training provider eligibility workers is a logical outcome of permitting providers to determine eligibility of persons applying to them for services.

In reference to the training of foster caregivers, the present regulation permits training only of those who will provide special services. Under past and present law and regulations, other foster caregivers, although undeniably necessary to the provision of services to children and adults, have not been eligible for training because their function was defined in terms that would preclude training—they were not "staff of the agency" or defined as "providers of services." However, since foster caregivers are necessary to enable the title XX agency to have a foster care program, they are seen as "directly related to the provision of services" and thus meet the training eligibility requirements under title XX.

Section 228.82 is revised to delete the requirement that specified categories of students shall be included in the classroom program of instruction funded under grants to educational institutions, and to substitute a requirement that such grants contain specific objectives and be evaluated as a condition for continued funding. This provides an alternative for an administratively infeasible requirement.

Section 228.83 is revised to: (1) Revoke the provision for disallowance of Federal funds when less than 90 percent of the persons preparing for employment

with the title XX agency (and whose training was funded under title XX) report for employment following such training by either the title XX agency, a public or private title XX provider agency, or a title XX agency in another State (experience has shown that all the foregoing are administratively infeasible requirements); (2) substitute procedures to be followed by the student and the State agency by requiring simply that the student accept employment if offered by the agency within six months after completion of his training and, if not employed, keep the agency informed of his employment status for one year; and that the State agency offer employment to the student unless precluded by circumstances beyond its control. (SRS believes this alternative is a reasonable way to facilitate increased numbers of qualified staff in State services programs); and (3) clarify that any funds received by the State from students who fail to meet their commitment to accept employment and, instead, repay all or part of funds provided to them by the State to defray the costs of their training, shall be subtracted from the State's total expenditures for training before FFP is claimed.

Section 228.84 is revised to exclude FFP from dependency allowances of provider agency employees in training programs of 8 consecutive weeks or longer. The availability of FFP for such costs under the present regulation was an inadvertent error. Dependency allowances are ancillary to salaries; and since salaries are not eligible for FFP under title XX, SRS believes that it is unreasonable to include dependency allowances. Eight weeks refer to the length of a semester in a tri-semester system and is generally accepted as the least amount of time in which a full course of study can be completed.

A second revision to § 228.84 adds the provision of FFP in the training costs for activities of staff development personnel of provider agencies who are conducting title XX training under the contract. The same costs are covered as those for staff development personnel of the State agency: Salaries, fringe benefits, travel and per diem. This policy was inadvertently omitted in the present regulation. SRS believes that provider agencies and State agencies should both be able to train their own staff in title XX eligibility or service delivery where they have the capability to do so.

GENERAL PROVISIONS

In Subpart I—General Provisions—§ 228.90 is revised to permit FFP in: (1) Costs of transportation (tokens or tickets) and medical examinations (not available to the individual under title XVIII or XIX) which are necessary for the development of a services plan for him; and (2) costs of administrative support activities furnished by private organizations and individuals. These changes are included for administrative convenience.

In addition to the substantive amendments discussed in the foregoing, extensive editorial, technical, and clarifying changes have been made in all reprinted sections, including such things as recoding, insertion of paragraph titles where they weer lacking, and more detailed references to other documents.

Prior to the adoption of the proposed amendments, consideration will be given to any written comments, suggestions, or objections thereto received by the Administrator, Social and Rehabilitation Service, P.O. Box 2366, Washington, D.C. 20013, on or before October 12, 1976. Comments received will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–235–0950).

(Catalog of Federal Domestic Assistance Program No. 13.771, Social Services for Low Income and Public Assistance Recipients.)

It is hereby certified that the economic and inflationary effects of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: August 9, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: August 13, 1976.

MARJORIE LYNCH,
Acting Secretary.

1. The Table of Contents to Part 228, Title 45 of the Code of Federal Regulations is revised to read as follows:

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

Subpart A—Scope and Definitions

Sec.
228.0 Scope of program.
228.1 Program definitions.

Subpart B—State Plan Requirements, Reports, Maintenance of Effort, Compliance

228.5 State plan requirements.
228.6 Appropriate State agency.
228.7 State financial participation.
228.8 Statewide operation.
228.9 Merit system.
228.10 Safeguarding information.
228.11 Residency requirements.
228.12 Standards for institutions or foster homes.
228.13 Standards for child day care services.
228.14 Fair hearings.
228.15 Amendments to State plan.
228.16 Submittal of State plan and amendments for approval by the Secretary.
228.17 Reports and maintenance of records.
228.18 Maintenance of effort.
228.19 Noncompliance.

Subpart C—Comprehensive Annual Services Program Plan

228.20 Conditions for FFP.
228.21 Establishment of program year.
228.22 Services plan.
228.23 Program goals and objectives.
228.24 Individuals to be served.
228.25 Availability of services by geographic area.
Sec.
228.26 Services.
228.27 Estimates of individuals to be served and expenditures.
228.28 Program resources.
228.29 Program coordination and utilization.
228.30 Organizational structure.
228.31 Needs assessment.
228.32 Planning, evaluation and reporting.
228.33 The public review process.
228.34 Regional review of proposed and final services plans.
228.35 Correction of proposed and final services plans.
228.36 Amendments to final services plan.

Subpart D—Limitations: Services

228.39 General.
228.40 Minor medical and remedial care.
228.41 Room or board.
228.42 Child care standards.
228.43 Educational services.
228.44 Services to individuals living in hospitals, skilled nursing facilities, intermediate care facilities (including hospitals or facilities for mental diseases or for the mentally retarded), or prisons.
228.45 Special services provided by foster family homes.
228.46 Emergency shelter.
228.47 Payments to recipients for services.

Subpart E—Limitations: Financial

228.50 Services and individuals covered in the services plan.
228.51 Matching rates.
228.52 Allotments to States.
228.53 Public sources of State's share.
228.54 Private sources of State's share.
228.55 Family Planning Services.
228.56 Fifty Percent Rule.

Subpart F—Limitations: Individuals Served, Eligibility and Fees

228.60 Persons eligible.
228.61 Determination and redetermination of eligibility.
228.62 Fees for services.
228.63 [Reserved].
228.64 Information and referral services.
228.65 Services directed at the goal of preventing or remedying neglect, abuse or exploitation of children or adults unable to protect their own interests.
228.66 Monthly gross income.

Subpart G—Purchase of Service

228.70 Procurement standards.
228.71 Rates of payment.

Subpart H—Training and Retraining

228.80 Conditions for FFP.
228.81 Who may be trained.
228.82 Grants to educational institutions.
228.83 Financial assistance to students.
228.84 Activities and costs matchable as training expenditures.
228.85 Activities and costs not matchable as training expenditures.
228.86 Phase-in of training requirements.

Subpart I—General Provisions

228.90 Expenditures for which Federal financial participation is available.
228.91 Expenditures for which Federal financial participation is not available.

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

Subpart A—Scope and Definitions

2. Section 228.1 is amended by revising the following definitions to read as follows:

§ 228.1 Program definitions.

As used in this Part:

Act means the Social Security Act.

Administrator means the Administrator of the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare.

Categories of individuals means groupings of persons on the basis of common characteristics such as recipient status (AFDC, SSI, Medicaid), income level, age, physical or mental condition, or any other characteristic that the State specifies in its comprehensive annual services plan.

Family means one or more adults and children, if any, related by blood, or law, and residing in the same household. Where adults, other than spouses, reside together, each may be considered a separate family by the State. Emancipated minors and children living under the care of individuals not legally responsible for that care may be considered one-person families by the State.

Fiscal year means the Federal fiscal year unless otherwise specified.

FFP means Federal financial participation.

Geographic area means any identifiable area encompased within the State.

Indian tribal council means the official Indian organization administering the government of an Indian reservation.

Indian tribe means any Indian tribe band, nation, or other organized group or community, including any Alaska Native region, village or group as defined in the Alaska Native Claims Settlement Act (85 Stat. 883), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Medical or remedial care means care directed toward the correction or amelioration of a medical condition which has been diagnosed as such by a licensed medical practitioner operating within the scope of medical practice as defined by State law, and which care is provided by or under the direct supervision of such a medical practitioner or other licensed health professional.

Monthly gross income means the monthly sum of income received from sources identified by the U.S. Census Bureau in computing median income. (See 228.66.)

Other public agencies means State and local public agencies other than the State agency, and Indian Tribes.

Room means shelter only; and board means 3 meals a day or any other full nutritional regimen.

* * * * *

Subpart B—State Plan Requirements, Reports, Maintenance of Effort, Compliance

3. In § 228.6, paragraph (f) and the introduction text of paragraph (e) are revised to read as follows:

§ 228.6 State agency.

* * * * *

(e) *Authority and responsibility of the agency.* There shall be maintained within the State agency the authority and responsibility for:

* * * * *

(f) *Administrative support agreements.* In carrying out the responsibilities under paragraph (e) of this section, the State agency may enter into agreements in accordance with the procurement requirements of 45 CFR Part 74, Subparts P and Q, with public or private entities to provide administrative support. A local agency administering the program under the supervision of the State agency may also enter into such agreements.

Subpart C—Comprehensive Annual Services Program Plan

4. Section 228.20 is revised to read as follows:

§ 228.20 Conditions for FFP.

(a) The State's final services plan shall meet all requirements of this Subpart and of § 228.50; if it does not (except for family planning services provided pursuant to § 228.26(g)), there will be no FFP in expenditures for services under the services plan.

(b) FFP will be available in expenditures under the final services plan for services that are provided:

(1) No earlier than 90 days after a proposed services plan has been published and made available for public review and any corrections necessary to bring such proposed plan into compliance with all requirements of §§ 228.21 through 228.33 have been published, with 45 days for public comment; and

(2) No earlier than the date of publication of a final services plan that meets all requirements of §§ 228.21 through 228.35 (if applicable).

5. Section 228.21 is revised to read as follows:

§ 228.21 Establishment of program year.

The State shall establish the beginning of the fiscal year or the fiscal year of the State government as the beginning of the State's services program year.

6. Section 228.22 is revised to read as follows:

§ 228.22 Services plan.

(a) The State agency shall prepare and publish in both proposed and final form a Comprehensive Annual Service Program Plan (hereinafter in this Part referred to as the sevices plan) prior to the beginning of each services program year. The proposed and final services plans shall meet all requirements of this Subpart.

(b) The final services plan shall also include an explanation of differences between the proposed and final services plans and the reasons therefor, and a summary of the public comments.

7. Section 228.24 is revised to read as follows:

§ 228.24 Individuals to be served.

The proposed and final services plans shall:

(a) Specify which of the categories of individuals described in § 228.60 will be provided services in the forthcoming program year; describe the income levels for eligibility, and include the Statewide definition of family in accordance with § 228.1;

(b) If the State limits services to individuals with certain characteristics, describe the limitations imposed for each category in sufficient detail to enable individuals to know if they are likely to meet the eligibility requirements, e.g., female-headed families whose income is not more than 80 percent of the median income; mentally retarded SSI recipients, and alcohol abusers whose income does not exceed 50 percent of the median income;

(c) Specify which of the categories to be served will be charged a fee;

(d) Include the fee schedule, specifying any variations by service or by geographic area, as permitted under § 228.52; and

(e) Specify whether information and referral services, and services to prevent or remedy neglect, abuse or exploitation will be provided without regard to income.

8. Section 228.25 is revised to read as follows:

§ 228.25 Availability of services by geographic area.

For the purpose of delivering services described in the service plan, the State agency may divide the State into geographic areas, but only if such geographic areas encompass the entire State, including Indian reservations. The State shall consider, in defining geographic areas, the boundaries of planning areas of other human services programs. If the State chooses to establish such geographic areas, the services plan shall:

(a) Describe those geographic areas;

(b) Provide that the services described in § 228.26(e) will be available to eligible individuals in every geographic area; and

(c) Where different services are made available to a category of individuals in different geographic areas, provide that the services furnished in a geographic area will be available to all eligible individuals in that category who reside in that area.

9. Section 228.26 is revised to read as follows:

§ 228.26 Services.

The services plan shall: (a) Describe each discrete service in as much detail as necessary to enable a reasonably prudent person to understand what is included in the service. For purposes of this paragraph, services such as "child welfare services" "services to alcoholics" or "protective services" are not discrete services but rather clusters of services, each of which shall be separately described. If medical or remedial care or room or board as described in §§ 228.40 and 228.41 are part of a service, the plan shall so specify in describing that service.

(b) Specify the method of delivery for each service, i.e., directly by the State agency, by a provider (public or private), or both;

(c) Indicate the relationship of each service to one or more of the program goals and one or more of the program objectives specified in § 228.23;

(d) Specify the categories of individuals in each geographic area to whom each service will be provided.

(e) Include among the services to be provided in each geographic area:

(1) At least three services for SSI recipients;

(2) At least one service directed at each of the program goals specified in § 228.23.

(f) Describe the foster care services required under section 408 of the Act to be provided to all recipients of AFDC–FC, if such services are available under title XX;

(g) Describe any family planning services that will be provided pursuant to section 402(a)(15) of the Act. Failure to include such family planning services will not constitute a deficiency in the services plan. However, failure to provide family planning services pursuant to section 402(a)(15) of the Act may result in a loss of FFP to the State under its AFDC program.

10. Section 228.27 is revised to read as follows:

§ 228.27 Estimates of individuals to be served and expenditures.

In order to provide residents of the State with information on the scope of the services program, the services plan shall include estimates of State and Federal expenditures applicable to the title XX program as follows:

(a) For each service, a list of estimated expenditures and estimated numbers of individuals to be served, by each category of eligible individuals and by each geographic area;

(b) Estimated expenditure for the forthooming program year; and

(c) A comparison of estimated aggregate non-Federal expenditures for the forthcoming program year with those of the preceding completed program year.

11. Section 228.28 is revised to read as follows:

§ 228.28 Program resources.

The services plan shall indicate how the State intends to finance its title XX program by providing an estimate of the funds to be used from the State's title XX allotment, and by separately identifying and estimating State and local appropriated funds, and the aggregate of donated and other funds to be used to meet the expenditures under the program.

12. Section 228.29 is revised to read as follows:

§ 228.29 Program coordination and utilization.

The services plan shall describe:

(a) How the planning and the provision of services under the program will be coordinated with and utilize the following programs:

(1) Under the Social Security Act:

(i) title IV–A, AFDC (including WIN);

(ii) title IV–B, Child Welfare Services;

(iii) title XVI, SSI; and

(iv) title XIX, Medical Assistance (Medicaid); and

(2) Other appropriate programs for the provision of related human services within the State—for example, programs for the aging, children, develop mentally disabled, alcohol and drug abusers; programs in corrections, public education, vocational rehabilitation, mental health, housing, medical and public health, employment and manpower.

(b) The steps taken to assure maximum feasible utilization of services under these programs to meet the needs of the low income population; and

(c) The steps taken to assure public participation in the development of the services program, including contacts with public and private organizations, officials of county and local general purpose government units, and citizen groups and individuals, including recipients of services.

13. Section 228.30 is revised to read as follows:

§ 228.30 Organizational structure.

The services plan shall describe the organizational structure of the State agency through which the program will be administered including where individuals may apply for services and have their eligibility determined, and the estimated number of volunteers or a brief description of volunteer activities.

14. Section 228.31 is revised to read as follows:

§ 228.31 Needs assessment.

The services plan shall describe the steps taken to assure that the needs of all residents of, and all geographic areas in, the State are taken into account in the development of the services plan. The description shall include the data sources used (or to be used).

15. Section 228.32 is revised to read as follows:

§ 228.32 Planning, evaluation and reporting.

The services plan shall describe the planning, evaluation, and reporting procedures and activities the State has carried out or plans to carry out in connection with its services program. Examples of these procedures and activities which may be described include the following:

(a) *Planning.* Relationship with the State budget process and the legislature; input from other State, regional and local planning units and from local general purpose governmental units; citizen organizations and individuals; relationship of needs assessment and service resources inventory to setting of program priorities and allocation of resources.

(b) *Evaluation.* Purpose, scope and timing of current and proposed evaluations, and the schedule for dissemination of evaluation results.

(c) *Reporting.* Description of planned formal reports, such as reports to elected officials or to the public (but excluding reports furnished to SRS), and the schedule for issuance.

16. Section 228.33 is revised to read as follows:

§ 228.33 The public review process.

A State's services plan does not become effective for its services program year until the public review process is completed in accordance with § 228.33, § 228.34, and § 228.35 (if applicable).

(a) *Purpose.* The purpose of the public review process is to enable the residents of each State to participate meaningfully in the State decision-making process with respect to the States' services plan.

(b) *Scope.* The public review process shall include at least:

(1) Publication of the proposed services plan and a display advertisement describing that plan, and a summary of the plan, if any, at least 90 days before the beginning of the program year, with a 45-day period for public comment;

(2) Consideration of, and public access to, comments received;

(3) Publication of any corrections required to bring the proposed services plan into compliance with the requirements of §§ 228.21 through 228.33;

(4) Publication of the final services plan and a display advertisement announcing its publication no earlier than 45 days after publication of the proposed services plan;

(5) Publication of any necessary corrections to the final plan;

(6) Publication of any proposed amendments to the final plan with a 30-day period for comments;

(7) Publication of the final amendments; and

(8) Public access to copies of the proposed and final services plans.

(c) *Approval prior to publication.* Prior to publication, the proposed and final services plans shall each be approved by the Governor or such other official as the laws of the State provide.

(d) *Retention of published services plans.* Copies of the proposed and final services plans shall be retained in specified local public offices and made available for public inspection throughout the program year.

(e) *Handling of public comments.* (1) Written comments on the proposed services plan shall be considered by the State agency if received within 45 days after publication of the display advertisement announcing publication and availability of the proposed services plan; and

(2) Such comments shall be retained for at least 3 years for inspection by the public and by Federal officials.

(f) *Display advertisement; general requirements.* (1) A display advertisement is one prepared for and published within the main news section of a newspaper; advertisements placed in the legal or classified sections of a newspaper do not meet this requirement.

(2) Such advertisement must be published in the newspaper of widest circulation (and in foreign languages or foreign language newspapers where appropriate) in each geographic area described in the proposed and final services plans.

(g) *Display advertisement for the proposed plan.* A display advertisement shall at least:

(1) Specify the beginning and ending dates of the program year;

(2) Include a brief description of the services to be offered under the services plan;

(3) Describe the categories of individuals to be served:

(i) Identify those whose eligibility is based on their status as recipients of AFDC or SSI; and

(ii) Specify the maximum dollar amount of income that a family of four can have and still be eligible on the basis of income status; and

(iii) Indicate that such dollar amount is adjusted by family size.

(4) If the State has different income levels for different services, or different income levels for different geographic areas, specify that those different income levels are described in the proposed plan and in the plan summary (if the State has published a summary);

(5) Indicate beginning and ending dates of the 45-day period for public review and comment.

(6) Specify a toll-free telephone number that can be called to obtain without charge either a copy of the proposed plan or a summary thereof; or state that such copies can be obtained by calling a specified local public agency in each county, such as the local social services agency.

(7) Identify a local public agency in each county such as the social services agency, where copies of the proposed services plan are available for public review; and for distribution to the public either free (if no summary is provided) or at a reasonable cost; and

(8) Specify the address where written comments may be sent and, if there are to be public hearings on the proposed plan, the location, date, and time for such hearings; or state that information concerning the hearings can be obtained by calling a specified toll-free number or by telephoning specified local agencies after a given date.

(h) *Summary of proposed services plan.* If the State publishes a services plan summary (to be provided free in lieu of a free copy of the entire services plan), it shall contain at least the following information:

(1) The beginning and ending dates of the program year;

(2) The categories of individuals including any limitations, who are eligible for services;

(3) The categories of individuals to whom a fee will be charged if they wish to be provided services under the services plan;

(4) Fee schedules, including any variations by service or by geographic area;

(5) A description of each discrete service to be provided under the plan;

(6) The services that will be made available to each category of individuals in each geographic area under the services plan;

(7) For each service, estimated expenditures, and estimated numbers to be served by each category of eligible individuals and by each geographic area; and

(8) Amount and sources of funds to finance the services program.

(i) *Display advertisement of the final services plan.* The display advertisement of the final services plan shall contain at least:

(1) A statement that the final services plan has been published and is available for review by the public;

(2) An explanation of any differences between the proposed and final services plans and the reasons therefore;

(3) A toll-free telephone number that can be called to obtain information about the services plan and where to apply for services; or the name of a local public agency in each county, where information regarding the services plan will be made available and where applications for services will be accepted;

(4) The name of a local public agency in each county where copies of the final services plan are available for public review and distribution to the public either free or at a reasonable cost; and

(5) The location where public comments on the proposed services plan are available for review.

18. Section 228.34 is revised to read as follows:

§ 228.34 Regional review of proposed and final services plans.

(a) *Proposed services plan.* (1) Not later than 5 working days after publication of the proposed services plan, the State shall submit to the SRS Regional Commissioner the following: 7 copies of the proposed services plan and its summary, if any; a dated copy of the display advertisement; the names of the newspapers in which the display advertisement appeared; and the geographic areas covered by those newspapers.

(2) The Regional Commissioner will review the materials submitted to determine whether all requirements of §§ 228.21 through 228.33 have been met.

(3) Within 10 working days following receipt of the materials described in paragraph (a)(1) of this section, the SRS Regional Commissioner will notify the director of the State agency in writing that those materials meet all the requirements of this Subpart, or will specify the deficiencies that must be corrected in accordance with § 228.35. For purposes of this paragraph, a display advertisement which does not meet each requirement of paragraphs (f) and (g) of § 228.33, or a proposed services plan which does not comply with each required item under §§ 228.21 through 228.32, and 228.33(c) is deficient.

(4)(i) If correction(s) to the proposed services plan or to the display advertisement announcing the proposed services plan is necessary, the State shall submit to the SRS Regional Commissioner no later than 5 working days after publication of such correction(s), the following:

(A) For correction(s) to the proposed services plan, 7 copies of the corrected pages and one dated copy of the display advertisement announcing the correction(s). (The State shall file the corrected pages in the proposed services plan.)

(B) For correction(s) to the display advertisement announcing the proposed services plan, one dated copy of the display advertisement containing the correction(s) to the original display advertisement.

(ii) Within 5 working days of receipt of the materials submitted pursuant to paragraph (a)(4)(i) (A) and (B) of this section, the SRS Regional Commissioner will notify the director of the State agency in writing that the correction meets the requirements of §§ 228.21 through 228.32, 228.33(c), and 228.35; and that the State is free to publish its final services plan following expiration of the 45-day comment period; or will specify the additional correction that must be made in accordance with § 228.35.

(b) *Final services plan.* (1) Not later than 5 working days after publication of the final services plan, the State shall transmit to the SRS Regional Commissioner: 7 copies of such plan; a dated copy of the display advertisement; and a statement containing the date of publication of the final services plan; the names of newspapers where the display advertisement appeared; and the geographic areas in the services plan covered by those newspapers;

(2) The Regional Commissioner will review the materials submitted to determine whether all requirements of §§ 228.21 through 228.33 have been met;

(3) Within 5 working days following receipt of the materials described in paragraph (b)(1) of this section, the SRS Regional Commissioner will notify the director of the State agency in writing that the final services plan meets all the requirements of §§ 228.21 through 228.33, or will specify the deficiencies that must be corrected in accordance with § 228.35. For purposes of this paragraph (b)(3), a display advertisement that does not meet all requirements of § 228.33(i), or a final services plan that does not comply with each requirement of §§ 228.21 through 228.32, and 228.33(c) is deficient.

(4)(i) If correction(s) to the final services plan or to the display advertisement announcing the final services plan is necessary, the State shall submit to the SRS Regional Commissioner no later than 5 working days after publication of such correction(s), the following:

(A) For correction(s) to the final services plan, 7 copies of the corrected pages and one dated copy of the display advertisement announcing the correction(s). (The State shall file the corrected pages in the final services plan.)

(B) For correction(s) to the display advertisement announcing the final services plan, one dated copy of the display advertisement containing the correc-

tion(s) to the original display advertisement.

(ii) Within 5 working days of the receipt of the materials specified in paragraph (b)(4)(i)(A) and (B) of this section, the SRS Regional Commissioner will notify the State agency in writing that the correction(s) meets all the requirements of §§ 228.21 through 228.32, 228.33(c) and 228.35; and that the final services plan is in effect; or specify the additional corrections that are required before the plan can become effective.

19. Section 228.35 is revised to read as follows:

§ 228.35 Correction of proposed and final services plans and display advertisements.

(a) A display advertisement which is deficient shall be corrected by publication of correct information for each deficient item in a display advertisement in all newspapers in which the original display advertisement appeared.

(b) A deficient proposed or final services plan shall be corrected by publishing the following information in a display advertisement in all newspapers in which the original advertisement apeared:

(1) The items being corrected;

(2) A statement that corrected pages for insertion in the plan are available without charge; and

(3) A toll-free number or the address of the local public office where corrected pages may be obtained.

(c) For correction of a proposed services plan, the display advertisement shall contain the information specified in paragraph (b) of this section and also indicate the beginning and ending dates of the new 45-day comment period on the corrected plan, and the method for submitting comments.

20. Section 228.36 is added to read as follows:

§ 228.36 Amendments to final services plan.

(a) Amendments to the final services plan are necessary at least when:

(1) Changes are to be made in the program year;

(2) Geographic areas are to be realigned; or

(3) Any of the following changes are to be made, whether applicable Statewide or only in particular geographic areas:

(i) Specific services are to be added or deleted;

(ii) Fees are to be changed, or the charging of fees is to be initiated or discontinued; or

(iii) The categories of individuals to be served are to be changed.

(b) Any amendment to a final services plan shall be prepared by the State agency and approved, published, and made generally available to the public by the Governor or such other official as the laws of the State provide in the following manner:

(1) The proposed amendment shall be published in a display advertisement in the newspaper of widest circulation (and in foreign languages or foreign language newspapers, where appropriate) in each geographic area in which the change has impact, and shall provide for a public comment period of at least 30 days. The display advertisement shall contain at least:

(i) A description of the proposed changes and the reasons therefor, and the proposed effective date of the changes which shall be no earlier than 30 days after publication of the proposed changes;

(ii) The method for public comment and where comments will be received; and

(iii) The beginning and ending dates of the 30 day period for public comment.

(2) No earlier than 30 days following the publication of the proposed amendment, the final amendment shall be published as a display advertisement in each newspaper in which the proposed amendment was published. This display advertisement shall contain at least:

(i) A description of the final amendment of the services plan;

(ii) The effective date of the amendment; and

(iii) An explanation of the differences, if any, between the proposed and final amendments and the reasons therefor.

(c) The effective date of an amendment shall be no earlier than the date of publication of the final amendment.

(d) Not later than 5 calendar days following publication of the final amendment, the State agency shall submit to the SRS Regional Commissioner 7 copies of the final amendment and a dated copy of the display advertisements which announced the proposed and final amendments.

Subpart D—Limitations: Services

21. Section 228.40 is revised to read as follows:

§ 228.40 Minor medical and remedial care.

(a) FFP is not available for medical or remedial care, other than family planning services, except when it is an integral but subordinate part of a service described in the services plan, and the medical or remedial care is not available to the individual under the State's approved title XIX plan and to the extent the individual or the provider is not eligible to receive payment under title XVIII for the provision of the service to the individual.

(b) Medical and remedial care is deemed to be an integral but subordinate component of a service if it is included in the description of that service in the State's services plan, and the State documents for each case that the medical or remedial care is necessary to achieve the objective of that service and not merely to correct a medical condition.

22. Section 228.41 is revised to read as follows:

§ 228.41 Room or board.

(a) FFP is not available for room or board under a services plan, except when provided in emergency shelter under § 228.46, or as an integral but subordinate part of another service and then only for a period of not more than six consecutive months for any one placement.

(b) Room or board is deemed to be as an integral but subordinate component of a service if it is included in the description of that service in the State's services plan and the State documents, for each case that the room or board is necessary to achieve the objective of that service and not merely to provide food or shelter.

(c) Room or board under this Part shall not be considered an integral but subordinate part of a service when provided to an individual in a foster family home or other facility such as a foster care institution or other facility whose primary purpose is to provide board, room and care or supervision.

(d) As used in this section, the term *placement* means an uninterrupted period of time during which an individual takes up, or is placed in, residence in a facility other than his usual place of residence, for the purpose of undergoing a specific regimen of services or treatment according to a prescribed plan.

23. Section 228.44 is revised to read as follows:

§ 228.44 Services to individuals living in hospitals, skilled nursing facilities, intermediate care facilities (including hospitals or facilities for mental diseases or for the mentally retarded), or prisons.

(a) FFP is available for services to individuals living in hospitals, skilled nursing facilities, intermediate care facilities (including any such hospitals or facilities for mental diseases or for the mentally retarded), or prisons only under the following conditions:

(1) The services provided are separately identifiable in the services plan (generalized descriptions such as "services to nursing home patients" or "services to increase socialization skills" are unacceptable under this provision).

(2) Such services are provided by other than the facility in which the individual is living. This requirement is not met if the services are provided by:

(i) Staff or contractors who are under the professional direction or direct supervision of the facility; the facility exercises control of the employment, tenure or compensation of such staff or contractors or makes assignments or alters the service regimen provided by them; or

(ii) Staff of like facilities under reciprocal arrangement.

(3) Such services are also provided to individuals who:

(i) Are not living in a hospital, skilled nursing facility, intermediate care facility (including any such hospitals or facilities for mentaly retarded), or prison; and

(ii) Are residents of any part of a geographic area that is within the catchment area of such facility.

(b) FFP is not available for:

(1) Inherent responsibilities of a facility including but not limited to the pro-

vision of food, clothing, shelter, general supervision and care; or

(2) Activities that are intrinsic to the purpose of such facility including but not limited to training in self care medical or psychiatric treatment, psychological or rehabilitative services, or detention functions.

(c) For purposes of this section:

(1) *"Prison"* means any State or local correctional institution or facility for the confinement of individuals charged with or convicted of criminal offenses. The term does not include separate juvenile correctional facilities nor community-based residential service facilities, such as half-way houses.

(2) *Separate juvenile correctional facility* means one that is located in a separate building or buildings; is served by separate day-to-day operational staff; and provides a separate and distinct program of services.

(3) *Skilled nursing facility (SNF)* means an institution primarily engaged in providing to inpatients skilled nursing care and related services for patients requiring medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled or sick persons.

(4) *Intermediate care facility (ICF)* means an institution which provides on a regular basis, health related care and services to individuals who do not require the degree of care which a hospital or SNF is designed to provide, but who because of their mental or physical condition require health related care and services above the level of room or board which can be made available to them only through institutional facilities.

(5) *Hospital* means an institution which is primarily engaged in providing by or under the supervision of physicians, to inpatients diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(d) Services in separate juvenile correctional facilities may be provided by staff of the facility. However, FFP is not available for inherent responsibilities and intrinsic activities as defined in paragraph (b) of this section.

24. Section 228.45 is revised to read as follows:

§ 228.45 Special services provided by foster family homes.

(a) A foster family home is a home licensed or approved by appropriate State or local authority or an Indian tribal council, in accordance with § 228.12, to provide board and care including parenting for children and oversight for adults.

(b) *Special services provided by foster family homes.* FFP is not available for activities described under paragraph (a) of this section, but is available for special services provided by a foster family home to an individual living in that home, only upon documentation, by an appropriately qualified professional person who is other than the placement worker, that:

(1) The individual requires an identified special service because of a health (physical or mental) condition, an emotional or behavioral problem; and

(2) The caregivers are capable, by virtue of special training, or experience, of providing the needed service.

(c) Nothing in this section precludes the provision of any other service in the services plan to eligible individuals living in foster family homes when provided by other than the foster family.

25. Section 228.46 is revised to read as follows:

§ 228.46 Emergency shelter.

(a) FFP is available for emergency shelter as a protective service to any child, including runaways, only under the following conditions:

(1) The child is in danger of abuse, neglect or exploitation;

(2) The need for emergency shelter is documented bp personnel authorized by State law to place children, or by an Indian tribal council; and

(3) Emergency shelter is provided for not in excess of 30 days in any 12 month period, which may be consecutive or may accumulate over more than one stay.

(b) Emergency shelter may be provided in facilities such as foster family homes, institutions, and group homes.

26. Section 228.47 is revised to read as follows:

§ 228.47 Payments to recipient for services.

FFP is available in cash payments made to a recipient for a service already rendered to him, upon presentation of a bill for, or presentation of a receipt of payment for, such service if he was eligible under the services plan for the service at the time it was provided and if the purchased service:

(a) Is identified in the services plan;

(b) Was authorized by the State agency prior to its purchase and meets applicable standards, if any; and

(c) Was secured by the individual within a period of time and at a cost which were approved by the State agency.

Subpart E—Limitation: Financial

27. Section 228.51 is revised to read as follows:

§ 228.51 Matching rates.

(a) *Seventy-five percent FFP.* FFP is available at the 75 percent rate for service costs and for personnel training and retraining directly related to the provision of services under the services plan.

(b) *Ninety percent FFP.* Notwithstanding paragraph (a) of this section, FFP is available at the 90 percent rate for costs of family planning services provided under the services plan.

28. In § 228.52, paragraphs (a), (e) and (f) are revised as follows:

§ 228.52 Allotments to States.

(a) *Basic Limitation.* The amount of Federal funds payable to the 50 States and the District of Columbia under this Part for any fiscal year with respect to expenditures for services under the services plan (other than expenditures for personnel training or retraining directly related to the provision of services) may not exceed the allotment set forth in this section.

* * * * *

(e) *Date of Expenditure.* For purposes of this section, expenditures for services are ordinarily considered to be incurred on the date on which the State or local agency makes payment or the date to which the expenditure was allocated, pursuant to the cost principles of Subpart Q of 45 CFR Part 74 and the cost allocation procedures of 45 CFR 205.150. In the case of local administration, the date of expenditures by the local agency governs. In the case of purchase of services from another public agency, the date of expenditure by such other public agency governs. Different rules may be applied with respect to a State, either generally or for particular classes of expenditures, only upon justification by the State to the Administrator and approval by him. In reviewing State requests for approval, the Administrator will consider generally applicable State law, consistency of State practice, particularly in relation to periods prior to October 1, 1975, and other factors relevant to the purposes of this section.

(f) *Procedures for making grants to States.* See 45 CFR Part 201.

29. Section 228.53 is revised to read as follows:

§ 228.53 Public sources of State's share.

(a) *Funds available for matching.* Public funds used by the State or local agency for its services programs, including administrative functions, may be considered as the State's share in claiming FFP only where such funds are:

(1) Appropriated directly to the State or local agency; or

(2) Funds of another public agency (including Indian tribes) which are:

(i) Transferred to the State or local agency and are under its administrative control; or

(ii) Certified by the contributing public agency as representing expenditures for services eligible for FFP under this Part; or

(iii) Representing value, as determined in accordance with 45 CFR 74.53(b) and (c), and Appendix C, Part II, B.11 of 45 CFR 74, of goods or property provided by a public agency even if the agency does not incur any current expenditures for such goods or property during the period of their use in the services program.

(b) *Funds not available for matching.* Notwithstanding paragraph (a) of this section, public funds used by the State or local agency for its services programs may not be used as the State's share in claiming FFP where such funds are:

(1) Federal funds not authorized by Federal law to be used to match other Federal funds; or

(2) Used to match other Federal funds.

30. Section 228.54 is revised to read as follows:

§ 228.54 Private sources of State's share.

(a) *Funds available for matching.* Funds donated from private sources for services or administrative functions may be considered as State funds in claiming FFP only where such funds are:

(1) Transferred to the State or local agency and under its administrative control;

(2) Donated to the State, without restrictions as to use, other than restrictions as to the services, administration or training with respect to which the funds are to be used imposed by a donor who is not a sponsor or operator of a program to provide those services, or the geographic area in which the services with respect to which the contribution is used are to be provided; and

(3) Not used to purchase services from the donor unless the donor is a nonprofit organization and it is an independent decision of the State agency to purchase services from the donor.

(b) For purposes of this Part, a voluntary federated fund-raising organization is not considered to be a sponsor or operator of a service facility, and member agencies are considered separate autonomous entities so long as control by interlocking board membership or other means does not exist.

31. Section 228.55 is revised to read as follows:

§ 228.55 Family planning services.

(a) For purposes of this Part, family planning services means counseling, educational and medical services (including diagnosis, treatment, drugs, supplies, devices and related counseling furnished, prescribed by, or under the supervision of a physician) to enable individuals (including minors) voluntarily to limit their family size or to space their children.

(b) Where a State authorizes sterilization as a family planning service, it must comply with the provisions of 45 CFR 205.35.

Subpart F—Limitations: Individuals Served, Eligibility and Fees

32. Section 228.60 is revised to read as follows:

§ 228.60 Persons eligible.

(a) *Categories of individuals.* FFP is available only for services to individuals included in the categories identified in the services plan who are determined to be eligible under the provisions of this section and of § 228.61.

(1) *Income maintenance status.* The following individuals are eligible on the basis of income maintenance status:

(i) Recipients of AFDC; and

(ii) Those persons whose needs were taken into account in determining the needs of AFDC recipients; and

(iii) Recipients of SSI benefits or State supplementary payments.

(2) *Income status.* Individuals other than those described in paragraph (a)(1) of this section, are eligible if the family's monthly gross income is less than 115 percent (or, at State option, a lower percentage) of the median income of a family of four in the State adjusted for size of family, subject to the limitations set forth in § 228.62.

(b) *Median income.* (1) On or before December 1 of each year, beginning with calendar year 1975, the Secretary will promulgate the median income for a family of four for each State and for the 50 States and the District of Columbia.

(c) *Income levels.* (1) The State shall use the lower of its median income, or the median income for the 50 States and the District of Columbia, to establish income levels to be used throughout its ensuing program year for the purposes of eligibility determination and imposition of fees for services.

(2) A State may establish an income level:

(i) At a lower level than 115 percent of the median income;

(ii) At different levels for different services under the services plan:

(iii) At different levels for different categories of individuals;

(iv) At different levels in different geographic areas; or

(v) At different levels for different sizes of families within the limits for eligibility and fees set forth in paragraph (c)(4) of this section.

(3) A State shall not establish an income level which is in excess of 115 percent of the median income.

(4) All median income figures used for eligibility at the 115 percent level and the imposition of fees above the 80 percent level in accordance with this paragraph shall be adjusted by family size according to the following percentages of the State median income for a family of four:

(i) One person—52 percent.

(ii) Two person family—68 percent.

(iii) Three person family—84 percent.

(iv) Four person family—100 percent.

(v) Five person family—116 percent.

(vi) Six person family—132 percent.

(vii) For each additional family member above six persons, add 3 percentage points to the percentage for a family of six.

(5) For discretionary fees, applicable to families who are at or below the 80 percent level or are eligible on the basis of income maintenance status, see § 228.62(b).

(d) *Services without regard to income.* Notwithstanding paragraphs (a) and (b) of this section, information or referral services under § 228.64 or services directed at the goal of preventing or remedying neglect, abuse, or exploitation of children or adults under § 228.65 may, if included in the services plan, be provided to all individuals who need them.

(e) *Responsibility of State agency.* (1) FFP is available, with respect to expenditures, only for services provided to categories of individuals identified in the services plan who are eligible when the service is delivered and such service is included in the State's services plan.

(2) Each individual wishing to do so shall be assured the opportunity to apply for services without delay. The application shall be in writing in a form prescribed by the agency, dated and signed by the applicant. When information needed to establish eligibility is included in an application, or on a different form, the applicant shall certify that the information is correct. The application may be filed by the applicant himself or his authorized representative, or where the applicant is incompetent or incapacitated or in an emergency, by some one acting responsibly for him, including agency staff.

(i) When protective services are provided without regard to income under conditions specified in § 228.65, a dated agency record that documents the circumstances of actual or potential abuse, neglect, or exploitation of a child or adult, may be considered an acceptable alternative to the written application for that individual.

(ii) A written application is not required for information and referral services.

(3) A decision shall be made on all applications within time standards established by the State agency pursuant to § 228.6, but not to exceed 30 calendar days from the date of application.

(4) The agency shall notify applicants about their eligibility within 15 calendar days after it makes a decision. The date of each notification shall be entered in the case record. Applicants found to be eligible shall be notified orally or in writing; those found to be ineligible shall be notified in writing unless the requested service is provided to them through another funding source.

(5) At the time of application for services, each applicant shall be given information about the right to request and obtain a fair hearing, in accordance with § 228.14.

(6) FFP is not available for services provided prior to the date of request for information and referral services, or the date on which the application for other services is signed, or the need for protective services is documented in accordance with paragraph (e)(2)(i) of this section.

(7) Standards and methods for determination of eligibility will be consistent with the objectives of the program, will respect the rights of individuals under the United States Constitution, the Social Security Act, title VI of the Civil Rights Act of 1964, and all other relevant Federal and State requirements.

33. In § 228.61, paragraphs (a), (b), (d), (e), (f), and (g) are revised to read as follows:

§ 228.61 Determination and redetermination of eligibility.

(a) *Methods of determining (or redetermining) eligibility.* (1) States may establish any method or methods, including a declaration method, for determining individual eligibility in accordance with § 228.60 and § 228.66.

(i) *Declaration method* means acceptance of an individual's statements re-

garding the source and amount of his family's gross monthly income, and the income maintenance status (as described in § 228.60(a)(1)) of any member of the family.

(2) States may use one method for determining eligibility for all services, categories of individuals and geographic areas, or they may use different methods for different services, different categories of individuals and different geographic areas.

(3) States shall have available for Federal review a written description of the method(s) they have established for determining and redetermining eligibility.

(b) *Conditions for FFP.* Regardless of the method chosen for determination or redetermination of eligibility:

(1) An individual properly determined to be eligible on the basis of information available to the agency at the time of determination shall be deemed to be eligible until the end of the month in which he is determined to be ineligible;

(2) FFP is available in the cost of services provided prior to the actual date of an initial determination of eligibility only if such determination is made within 30 days of the date of application and the individual is properly determined to have been eligible when the services were initiated.

(3) FFP is available in the cost of services provided to a recipient in any month if such recipient was properly determined to be eligible for such service for any part of such month.

(4) When a recipient of services was improperly determined to be eligible, FFP is not available in the cost of services provided during the period of improperly determined eligibility.

A proper determination of eligibility is a determination which is based on a correct assessment of the information available to the agency at the time of such determination, provided that all information necessary to make a determination is available; a proper redetermination is one which meets those criteria and, in addition, is made within the time limits established by paragraph (b) of ths section.

* * * * *

(d) *When redetermination shall be made.*

Redetermination of eligibility shall be made:

(1) When required on the basis of information the agency has obtained about anticipated changes in the individual's situation;

(2) Promptly, not to exceed 30 days, after information is obtained about changes which have occurred in the individual's circumstances that may make him ineligible; and

(3) Periodically, but not less frequently than every 6 months except that for individuals whose family gross monthly income at the time of determination is derived exclusively from pensions or social security benefits, redetermination may be made at 12-month intervals.

(e) *Who makes the determination.* Determinations of eligibility shall be made by the State agency, or, pursuant to written contract in accordance with Subpart G, by a provider of services.

(f) *Outside contacts.* (1) When the provider agency determines eligibility, it shall inform the applicant or recipient that, if it is necessary to contact outside sources (including employers) and the applicant or recipient wishes to keep the service confidential, he is entitled to request that such contacts be made by the State agency; and

(2) The State agency, upon notification of the individual's request, shall make the outside contacts and relay the information to the provider.

(g) *State monitoring of eligibility process.* Whether the determination of eligibility is made by the State or the provider, the State shall establish and implement a continuous monitoring procedure to test the ability of its method(s) for determining eligibility to correctly make those determinations and shall, where erroneous determinations are disclosed, take action designed to eliminate such errors. A monitoring procedure under this paragraph may include the use of statistically valid samples. Periodic reports on the State agency's monitoring procedures, findings, and actions under this paragraph will be required pursuant to § 228.17(b).

34. In § 228.62 paragraphs (a), (c), and (d) are revised and paragraphs (e) and (f) are added to read as follows:

§ 228.62 Fees for services.

(a) *Mandatory fees.* FFP is available for a service provided to an individual whose eligibility is based on income status if his family's monthly gross income exceeds 80 percent of the median income of a family of four in the State or the median income of a family of four in all States, whichever is less, and does not exceed 115 percent of the median income of a family of four in the State, adjusted as to family size, only if a fee or other charge, based on a fee schedule in accordance with paragraph (c) of this section, is imposed.

* * * * *

(c) *Criteria for fees.* (1) Fees established by the State agency:

(i) May be different for different services;

(ii) May be different for different geographic areas;

(iii) Shall be reasonably related to the individual's income; and

(iv) Shall not exceed the cost of the service.

(2) Where several services are provided concurrently to an individual, the total fees imposed shall not exceed the amount reasonably related to his income.

(d) *Methods of collection.* The State agency shall:

(1) Establish methods for the collection of any fee or other charge imposed; and

(2) Maintain evidence of a reasonable effort to collect such fee or charge.

(e) *Disposition of fees collected.* Fees collected from service recipients may, at State option:

(1) If provided for in the purchase of service agreement, be retained by the provider and used to expand the service under that contract; or

(2) Be used to reimburse the provider, if the contract so specifies, for costs above the negotiated rate when it is lower than his normal charge for the service. Any amount remaining after such reimbursement to the provider for these costs shall be deducted from the amount of expenditures for which FFP is claimed; or

(3) Be deducted from service expenditures before FFP is claimed.

(f) FFP is not available in the costs of any service for which the State agency imposes any fees or other charges which do not meet the requirements in § 228.24 (c) and (d) and paragraph (c) of this section.

§ 228.63 [Reserved]

35. Section 228.63 is deleted and reserved.

Section 228.64 is revised to read as follows:

§ 228.64 Information and referral services.

FFP is available: (a) Only for information about services provided under title XX and related service programs, brief assessment (but not diagnosis and evaluation) to facilitate appropriate referral, and referral to and follow-up with those community resources which provide or make available such services; and (b) Only when provided by an agency that has information and referral as a specific recognized function and that has a staff with identifiable tasks relating to information and referral.

36. In § 228.65, paragraph (a)(1) is revised to read as follows:

§ 228.65 Services directed at the goal of preventing or remedying neglect, abuse, or exploitation of children or adults unable to protect their own interests.

(a) FFP is available without regard to income for services directed at the goal of preventing or remedying neglect, abuse or exploitation of children and adults unable to protect their own interests, only as follows:

(1) With respect to children, only when provided to or in behalf of an individual under the age of 18 who is harmed or threatened with harm through nonaccidental physical or mental injury, sexual abuse (as defined by State law); or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter. For purposes of this section, runaways are presumed to be harmed or threatened with harm by virtue of their status.

* * * * *

Subpart G—Purchase of Service

37. Section 228.70 is revised to read as follows:

§ 228.70 Procurement standards.

FFP is available in the costs of purchased services only if they are secured in accordance with relevant provisions of Subpart P of 45 CFR 74, and the requirements of this Subpart.

(a) *Written contracts.* The State agency executes a written contract in accordance with requirements under this Part and 45 CFR 74.159 with the agency, individual, or organization from which services are purchased. In addition to the applicable requirements of § 74.159, the contract shall:

(1) Include all terms of the contract in one instrument, be dated, and be executed by authorized representatives of all parties to the contract prior to the date of implementation;

(2) Have a definite effective and termination date;

(3) Contain a detailed description of the services to be provided and of the methods, including subcontracting, to be used by the provider in carrying out its obligations under the contract;

(4) If eligibility determinations are to be made by the provider, contain a statement to that effect and criteria in accordance with Subpart F which shall be used by the provider for such determinations; and specify that the provider will inform individuals of their right to fair hearings in accordance with § 228.14;

(5) Provide for a stated number of units of service at a specific dollar rate, or for a specific dollar amount, or for costs to be determined in accordance with acceptable cost allocation methods;

(6) Specify the method and source of payment to the provider, including collection and disposition of fees, if applicable;

(7) Specify that no fees shall be imposed by the provider other than those set by the State in accordance with § 228.62 and described in the services plan;

(8) Include a statement that the provider meets applicable State or Federal standards as specified in this part;

(9) Specify the locations of facilities to be used in providing services;

(10) Provide that the provider will comply with the requirements of the Civil Rights Act of 1964, and for safeguarding information in accordance with § 228.10;

(11) Provide that any subcontracts permitted by the contract shall be subject to the requirements of this Part; and that the provider is responsible for the performance of any subcontractor;

(12) Specify requirements for fiscal and program responsibility, billing, records, controls, reports, and monitoring procedures; and

(13) Provide for access to financial and other records pertaining to the program by State and Federal officials.

(b) The requirements of this section may be satisfied by a simple printed contract form so long as all items described in paragraph (a) of this section are contained therein.

(c) The provisions of this section do not apply when services are obtained directly by the recipient and payment is made to him. (See § 228.47.)

(d) A written contract is not required for purchase of services from an individual provider who has no direct service employees or subcontractors provided:

(1) The State's statute of frauds does not preclude the agency from enforcing its unwritten contract with the provider; and

(2) The State agency maintains documentation of the terms of the unwritten contract including all applicable items specified in paragraph (a) of this section.

38. Section 228.71 is revised to read as follows:

§ 228.71 Rates of payment.

(a) FFP is available for expenditures for services only where the rates of payment for services do not exceed the amounts reasonable and necessary to assure the quality of service, and where services are purchased from other public agencies, are in accord with cost principles of Appendix C of 45 CFR Part 74 and are reasonably assignable to such services. The State agency shall maintain and make available for Federal review records which describe and support the rates of payment and the methods used to establish and maintain such rates.

(b) Public Health Service grant funds from programs specified in 42 CFR Part 50 of the Health Services Funding regulation (as well as any matching funds required to earn those grant funds) which have been made available under a grant to a health service project, if not required to be used to finance cost of services to individuals eligible for services under title XX, shall not be deemed by the State agency to be available to reduce the costs otherwise subject to reimbursement under title XX. This precludes double Federal payment for the same individuals.

Subpart H—Training and Retraining

39. Section 228.80 is revised to read as follows:

§ 228.80 Conditions for FFP.

FFP is available in expenditures for personnel training and retraining that is directly related to the services program if the State meets all requirements of this Subpart. The training may include in-service training, and short and long-term training at educational institutions. FFP in such training expenditures may be clamied inside or outside the State's allotment for services and is available at the 75 percent rate. FFP shall be available for training expenditures no earlier than the date on which FFP is available for the provision of services under the final services plan in accordance with § 228.20.

40. Section 228.81 is revised to read as follows:

§ 228.81 Who may be trained.

FFP is available for training only the following individuals:

(a) State agency staff employed in all classes of positions which directly relate to the operation of the Title XX program;

(b) Volunteers attached to the State agency and supervised by it in relation to duties directly related to the program;

(c) Service delivery and eligibility determination personnel employed by providers only when:

(1) A purchase of service contract which includes determination of eligibility by the provider, is in effect in accordance with Subpart G;

(2) The training provided is directly related to the provision of services, or the determination of eligibility under the contract; and

(3) The provider personnel, during or immediately following the training period, participate in the provision of services or the determination of eligibility under the contract for a period of time at least equal to the period of time for which training was provided;

(d) Persons preparing for employment in the State agency in all classes of positions which directly relate to operation of the title XX program;

(e) Individual providers who are currently under contract pursuant to Subpart G including, but not limited to:

(1) Foster family caregivers who need training to enable them to provide special services (as defined in §228.45) to eligible individuals living in the home, or to prepare them to receive eligible individuals who need such services if the home is used within the period covered by the contract, or

(2) Family or in-home day care givers;

(f) Individuals who provide services paid for by the recipient, as provided in § 228.47, if training is directly related to such service, and

(g) Foster family caregivers whose homes provide a resource to the title XX agency in carrying out its directly operated foster care services program for eligible children and adults.

41. Section 228.82 is revised to read as follows:

§ 228.82 Grants to educational institutions.

(a) FFP is available in payments for training furnished under grants to educational institutions, if all conditions specified in this section are met:

(1) Grants are made: (i) For the purpose of developing, expanding, or improving training for employees of the State agency and of providers, or persons preparing for employment with the State agency; (ii) for an educational program (curriculum development, classroom instruction, and related field instruction) that is directly related to the title XX program and provision of services; and (iii) for not more than three years, renewable subject to the provisions of paragraph (b) of this section;

(2) Grants are available only to post secondary, undergraduate and graduate educational institutions and programs

that have been accredited by the appropriate institutional accrediting body recognized by the U.S. Commissioner of Education. A specialized program for which there is a specialized accrediting body shall be accredited by, have preaccreditation status from, or have applied for, accreditation by such body, (45 CFR Part 149 specifies the criteria and prodcedures for obtaining recognition as an accrediting agency or association. Lists of currently recognized accrediting bodies are published in the FEDERAL REGISTER periodically. See also "Nationally Recognized Accrediting Agencies and Associations" dated June, 1975 and published by the Office of Education).

(3) The State agency has written policies establishing conditions and procedures for such grants; and

(4) Each grant specifies objectives in terms of how the educational program is related to the title XX services program and how it is designed to meet the State agency's manpower needs.

(b) An evaluation of the educational program funded by each grant is made no later than the close of the second year of the grant. The evaluation shall be conducted by a panel consisting of representatives from the educational institution, the State agency, and the SRS Regional Office to determine whether the conditions and objectives specified in the grant are being met.

(c) If a majority, which includes equal representation from the three groups comprising the panel, finds that the educational programs are failing to meet such conditions and objectives, payment shall be terminated no later than the close of the second year of the grant.

42. Section 228.83 is revised to read as follows:

§ 228.83 Financial assistance to trainees.

(a) FFP is available for expenditures in the costs of training persons specified in § 228.81. If the following conditions are met, and within the specified limitations:

(1) State agency employees and service delivery personnel and eligibility workers of provider agencies who are in attendance full-time at training programs for 8 consecutive workweeks or longer have a legally binding commitment to continue to work in the State or provider agency for a period of time at least equal to the period for which financial assistance is granted.

(2) Persons preparing for employment in the State agency are:

(i) Selected by the State agency and accepted by the school;

(ii) Pursuing educational programs approved by the agency; and

(iii) Legally committed to work for the State agency for a period of time at least equal to the period for which financial assistance is granted if employment is offered within 6 months after training is completed. If not employed by the State agency, such persons shall keep the agency informed of their employment status for one year.

(b) *State agency responsibilities.* The State agency shall:

(1) Offer employment to the individual preparing for employment in the State agency during the 6 months following completion of the training, unless precluded by Merit System requirements, legislative cuts, position freezes, or other circumstances beyond the agency's control; and

(2) Evaluate the training programs.

(c) Any recoupment of funds by the State from trainees failing to fulfill their commitment under this section shall be treated as a refund and deducted from total training costs for the purpose of determining net costs for FFP.

43. Section 228.84 is revised to read as follows:

§ 228.84 Activities and costs matchable as training expenditures.

FFP is available in the following costs as training expenditures:

(a) *State agency employees.* (1) For State agency employees in full-time training programs of eight consecutive work weeks or longer (with no assigned agency duties); salaries (including fringe benefits), dependency allowances, travel, and education costs (that is, tuition, books, and supplies);

(2) For State agency employees in full-time training programs of less than eight consecutive work weeks: per diem, travel, and education costs;

(3) For State agency employees in part-time training programs (part of work week, evenings, mornings): Education costs.

(b) *State agency staff development personnel.* For State agency staff development personnel (including support staff), assigned full time to training functions: salaries, fringe benefits, travel and per diem. (Costs of staff spending less than full time on training for the title XX program must be allocated according to the time actually spent on such training.)

(c) *State agency training activities.* (1) For experts engaged to develop or conduct special programs: salary, fringe benefits, travel and per diem;

(2) For State agency training activities directly related to the title XX program: cost of use of space, postage, teaching supplies, and purchase or development of teaching materials and equipment—for example, books and audio-visual aids.

(d) *Persons preparing for employment.* For persons preparing for employment with the State agency: stipends, travel, and education costs.

(e) *Provider agency personnel.* FFP is available in the following costs of training provider agency personnel as training costs, provided such costs are not included in the cost of services purchased from the provider agency, and provided they are reasonably assignable to title XX training:

(1) For provider agency employees in full-time training programs of 8 consecutive work weeks or longer (with no assigned provider agency duties): travel and education costs;

(2) For provider agency employees in full-time training programs of less than 8 consecutive work weeks: per diem, travel, and education costs;

(3) For provider agency employees on part-time educational leave: education costs;

(f) *Provider agency staff development personnel.* For provider agency staff development personnel (including support staff) engaged in providing training to provider agency staff eligible for training under § 228.81(c) salaries and fringe benefits, travel and per diem.

(g) *Provider agency training activities.* (1) For experts engaged to develop or conduct special programs: salary, fringe benefits, travel and per diem.

(2) For provider agency training activities directly related to the title XX program: cost of teaching supplies and purchase or development of teaching materials and equipment—for example, books and audio-visual aids.

(h) *Individual providers.* For individual providers and foster parents in part-time training: travel and education costs.

(i) *Payments to educational institutions.* Under conditions specified in § 228.82, for curriculum development, classroom and field instruction: salaries, fringe benefits and travel of instructors; clerical assistance; teaching materials and equipment—for example, books and audio-visual aids.

Subpart I—General Provisions

44. Section 228.90 is revised to read as follows:

§ 228.90 Expenditures for which Federal financial participation is available.

(a) Federal financial participation is available only for expenditures which are identified and allocated in accordance with grant administration requirements set forth in 45 CFR Part 74, and, where appropriate, with the cost allocation provisions of 45 CFR 205.150.

(b) Under this Part, expenditures for the following are considered appropriate for the effective and efficient administration of the program:

(1) Salary, fringe benefits and travel costs of staff engaged in carrying out service work or service related work;

(2) Costs or related expenses, such as equipment, furniture, supplies, communications, and office space, transportation (such as tokens or tickets) and medical examinations, when necessary for the development of a services plan for an individual, provided such medical examination is not available to the individual under title XVIII or title XIX of the Act.

(3) Costs of State advisory committees on services, including expenses of members in attending meetings, supportive staff, and other technical assistance;

(4) Costs of agency staff attendance at meetings pertinent to the development or implementation of Federal and State service policies and programs;

(5) Cost to the agency for the use of volunteers in the program;

(6) Costs of operation of agency facilities used solely for the provision of services, except that appropriate distribution of costs is necessary when other agencies also use such facilities in carrying out their functions;

(7) Costs of administrative support activities furnished by other public agencies, private organizations, or individuals, or other units within the State agency which are properly cost allocated;

(8) Costs of technical assistance, data collection, surveys and studies performed by other public agencies, private organizations or individuals to assist the State agency in developing, planning, monitoring, and evaluating the services program; and

(9) Costs of public liability and other insurance protection.

44. Section 228.91 is revised to read as follows:

§ 228.91 Expenditures for which Federal financial participation is not available.

(a) Federal financial participation is not available under this Part in expenditures for:

(1) Carrying out any maintenance assistance payments functions or any other functions or activities which are not related to services under this Part;

(2) The purchase, construction, or major modification of any land, building or other facility, or fixed equipment. However, FFP is available in the cost of using buildings, capital improvements, and equipment, in accordance with 45 CFR 74, Appendix C, Part II, B. 11.

(3) Housing costs for families and individuals including rent, deposits, purchase, construction, major renovation or repair;

(4) Goods or services provided in-kind by a private organization; and

(5) Sabbatical leave.

[FR Doc.76-24466 Filed 8-25-76;8:45 am]

federal register

THURSDAY, AUGUST 26, 1976

PART III:

FEDERAL ENERGY ADMINISTRATION

■

MANDATORY PETROLEUM PRICE REGULATIONS

Clarifications Applicable to Domestic Crude Oil

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Clarifications to Mandatory Petroleum Price Regulations Applicable to Domestic Crude Oil

On April 13, 1976, the Federal Energy Administration ("FEA") gave notice (41 FR 16179, April 16, 1976) of a proposed rulemaking and public hearing to consider clarifications to certain technical aspects of the Mandatory Petroleum Price Regulations applicable to domestic crude oil (10 CFR Part 212, Subpart D).

The FEA did not propose in this rulemaking proceeding to alter any of the major policy decisions already reached, or now under consideration, in the three rulemaking stages to implement the crude oil pricing policies of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94–163). Rather, the purpose of the present rulemaking proceeding has been to resolve as many as possible of a variety of more technical subsidiary issues that have arisen in connection with the implementation of the EPCA. These issues include those related to the definition of "property" and "posted price;" whether a well is properly classified as an "oil well" for purposes of the stripper well lease rule; the partial rescission and modification of Ruling 1975–15, including the issue whether a property's producing patterns have been "significantly altered" for purposes of the enhanced recovery rule applicable to unitized properties (10 CFR 212.75); and whether the certification of domestic crude oil sales presently required in 10 CFR 212.131 is adequate to enable crude oil purchasers to report on the Form FEA–P124–M–O, Domestic Crude Oil Purchaser's Monthly Report, notice of which was also issued on April 13, 1976.

In this proceeding, written comments were received from more than 45 interested persons, and public hearings were held in Denver, Colorado; Dallas, Texas; and Washington, D.C., at which oral presentations were received from more than 45 interested persons. After consideration of all the written and oral presentations, the FEA has determined that certain actions should be taken at this time.

I. The Definition of "Property"

A. Outline of Common Legal Relationships in Crude Oil Production

Before discussing the purpose and intent of the crude oil pricing regulations and the definition of "property," a brief outline of the general nature of the legal relationships pursuant to which crude oil is typically produced should prove helpful in affording a better understanding of the issues involved.

Crude oil which can be commercially produced generally must be found in underground reservoirs—geological formations which have trapped a sufficient quantity of marketable crude oil to make production economically feasible. The nature of the interests which may exist in crude oil is extremely complex. In the simplest case, the owner of land in fee is generally entitled to produce and dispose of any crude oil which may be recovered by wells on that land. This right is not unqualified, however, but is subject to laws and regulations, which have been adopted in various states for conservation and other purposes, and to various legal doctrines which have evolved with respect to protection of the correllative rights of other parties, such as adjoining landowners, that may be affected by the landowner's production of crude oil.

In the typical case, however, the landowner does not exercise the right to produce crude oil which is inherent in the fee interest; rather, the various rights, powers, privileges, and immunities associated with the ownership of land in fee (and the crude oil which may be recovered therefrom) are transferred or otherwise divided among several parties. Although the nature of the interests which may be created by such transactions is virtually limitless, certain principal rights have been grouped together with sufficient frequency that they may be generally described as follows:

(a) Mineral interests,
(b) Royalty interests, and
(c) Leasehold interests.

Thus, the owner of the land may grant to others (or reserve to himself) the right to go upon the land and remove therefrom the crude oil (or other minerals) which may be found beneath the surface, thus separating this right (the "mineral interest") from the balance of rights otherwise appurtenant to the ownership of land.

The owner of the mineral interest may, in turn, execute what is generally known as an oil and gas lease, which typically conveys the right to go upon the land for the purpose of prospecting for and producing crude oil (the "leasehold interest"). Such leases are typically for a term of years, subject to extension in the event crude oil is produced from the land during the term described in the lease. In consideration for receiving such a "leasehold interest," the lessee usually agrees to deliver to the lessor free of cost a share of the crude oil produced from the land (said to be taken by the lessor "in kind"), or a share of the proceeds of such crude oil produced and sold from the land. This right, typically retained by the holder of the mineral interest, to a share of production or proceeds is described as a "royalty interest." (See generally 1 H. Williams and C. Meyers, Oil and Gas Law §§ 101, 201–202 (1975 Supp.), hereinafter cited as "Williams and Meyers.") An oil and gas lease may be described as follows:

> The basic document of the oil and gas industry is the lease which authorizes an operator, the lessee or his assignee, to enter upon described premises for the purpose of exploring for and developing the mineral resources in the premises. . . .
>
> The modern oil and gas lease is the product of conflicts between the landowner and the operator of the oil and gas interest. The operator has been desirous of securing a lease with a small capital investment, keeping the lease as long as it was productive or was valuable for speculative purposes, and at the same time, being able to terminate an unprofitable lease without liability to the lessor. The landowner has been interested primarily in obtaining royalties from the lease and therefore has pressed for immediate exploration and development operations. In lieu of exploration and development operations, the lessor has tried to secure a periodic return for the holding of the leasehold interest. However, he has also wanted to limit the time the lessee can postpone drilling by periodic payments, in order to prevent the lessee from holding the lease merely for speculation, and to assure the exploration and development of the lease within a short time. (3 Williams and Meyers § 601, at 1–2.)

B. Regulatory Background

In the April 13 Notice, FEA traced briefly the history of the two tier crude oil pricing system and the fundamental role played by the property concept under that system. To delineate further the issues addressed in this proceeding with respect to the definition of the term "property," and in order to place the comments received and the actions being taken by FEA in more adequate perspective, a more detailed review of that history is appropriate.

The two tier pricing system was proposed on July 19, 1973 (38 FR 19464, July 20, 1973), by the Cost of Living Council ("CLC") under authority of the Economic Stabilization Act of 1970, as amended. In proposing the two tier system, CLC stated:

> The Council recognizes a need to stimulate increased production and is proposing a system which allows increased production (new crude petroleum) from each producing property and an equal amount of the current production (old crude petroleum) to be sold without respect to the ceiling price rule. Adoption of this incentive plan creates a two-tier pricing system for crude oil, which requires posting of two sets of prices, one for "old oil" and one for "new oil." Postings for "old oil" can be no higher than the ceiling price and postings for "new oil" is (sic) at the buyer's discretion.
>
> A crude oil producer is required to prorate among all his "old oil" buyers the amount of "old oil" freed from ceiling limitations by the production of a like amount of "new oil." (38 FR 19467.)

The regulations proposed on July 19 did not include a definition of the term "property," but defined "base production control level" (i.e., the level above which a property's current production and sale would qualify as "new oil") as follows:

> "Base production control level" for a particular month means—
>
> (i) For a particular property on which the producer has leased production rights, the total number of barrels of domestic crude petroleum produced in the same month of 1972 from that property.
>
> (ii) For a particular property on which the producer owns production rights, the total number of barrels of domestic crude petroleum produced in the same month of 1972 from that property. (38 FR 19482.)

In adopting the two tier pricing system on August 17, 1973 (effective Au-

gust 19, 1973,) (38 FR 22536, August 22, 1973), CLC indicated:

A 2-tier price system has been adopted, providing for a ceiling on domestic crude petroleum prices but allowing new crude and an equivalent amount of old crude to be sold at prices above the ceiling. . . . (38 FR 22536.)

CLC also stated:

. . . The substantive policy changes (between the July 19, 1973 proposal and the August 17, 1973 final regulations) were publicly announced on August 10. These regulations implement those policy decisions and, in addition, incorporate numerous changes to better implement the program. (38 FR 22536.)

The August 10 public announcement referred to above was in the form of a press release issued by CLC, stating that with respect to the two tier pricing system

The Council has been very concerned that the final regulations strike a balance between constraining prices while at the same time encouraging the necessary increase in supplies which the country must have. . . .

The press release explained the two tier pricing system as follows:

Rule: A two-tier pricing system is provided. Producers will have the opportunity to sell "new oil"—that above 1972 production levels—at free market prices.

Reason: The two-tier pricing system which allows new oil to be sold at higher prices than "old oil" is expected to stimulate domestic crude oil production while maintaining price controls on oil presently being produced. The two-tier system will encourage increased investment in domestic exploration and will provide an economic incentive to allow the recovery of a larger percentage of oil in existing reservoirs. (2 Historical Working Papers on the Economic Stabilization Program August 15, 1971 to April 30, 1974, at 1259–60.)

There was no discussion of the term property in the preamble to the final regulations, but a definition of property was included in 6 CFR 150.354 of the August 17, 1973 final regulations, as follows:

"Property" is the right which arises from a lease or from a fee interest to produce domestic crude petroleum. (38 FR 22538.)

Thus, from the very inception of the two tier pricing system, producers were required to measure current monthly production and sale of crude oil from a "property" against the amount of crude oil produced and sold from that same "property" in the same month of 1972, in order to determine the amount of current crude oil production which would be subject to the ceiling price rule.

CLC did not elaborate on the rationale for the two tier price system, beyond the statements quoted above concerning the need to constrain prices while at the same time encouraging increased production. Thus, CLC perceived its statutory objective as primarily to control inflation with what was envisioned to be a short-term program under authority of the Economic Stabilization Act of 1970. That Act was scheduled to expire, as it did, eight months later, on April 30, 1974. (Thus, for example, CLC began sector-by-sector decontrol on October 25, 1973.) FEA noted in the April 13 Notice with respect to this consideration that:

Because the Economic Stabilization Program was always intended to be a temporary program, the regulations adopted pursuant to that program were designed so as to achieve the price control regulatory objectives with minimal disruption to normal business practices. Thus, a definition of property was adopted to serve two basic purposes. First, the entity was intended to be one for which producers would in their normal course of business maintain production records so that new recordkeeping or data collection by the producers would not generally be necessary and audits for compliance purposes would be facilitated. Second, the entity was designed to serve as the basic building block for the incentive system which rewarded increased or new production from a property by classifying that production as new crude oil. (41 FR 16180.)

It should be noted also that the concept of a "current cumulative deficiency" was also incorporated in the two tier pricing system from the outset. (Once new crude oil had been produced and sold from a property, and current production and sale then fell short of 1972 production and sale levels, new crude oil could not thereafter be sold from the property until enough production in excess of 1972 levels had been sold at the ceiling price even though it would otherwise have qualified as new crude oil but for the requirement to make up the cumulative deficiency.) However, the cumulative deficiency rule was not a significant factor in the early months of the two tier system, since production and sale levels in late 1973 were, in general, not significantly less than 1972 levels.

C. LEGISLATIVE BACKGROUND

The term "property" gained further significance under the crude oil pricing regulations with the advent of the statutory exemption from those regulations of the first sale of crude oil produced from stripper well leases, which was initially provided for by the Trans-Alaska Pipeline Authorization Act ("TAPAA," Pub. L. 93–153), signed by the President on November 16, 1973. The exemption was implemented by CLC by an amendment to its regulations, which was issued November 21, 1973 and made effective as of November 16, 1973 (38 FR 32494, November 26, 1973). The amendment defined "stripper well lease" to mean a "property" (as previously defined in the two tier crude oil pricing regulations) whose average daily production did not exceed the qualifying limits set by the statute. In so doing, CLC stated:

. . . For purposes of this exemption, the term "property" is described as being co-extensive with that "property" used to determine 1972 base production control levels, as measured by leases in existence in 1972. This narrow definition was adopted in order to comply with the Congressional intent expressed in the Conference Report which stated that the "Congress specifically intends that the regulations shall, among other things, prevent any 'gerrymandering' of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings" (H.R. Rep. No. 93–624). (38 FR 32495.)

On November 27, 1973, the Emergency Petroleum Allocation Act of 1973 ("EPAA," Pub. L. 93–159) was enacted, and it modified the test for stripper well lease qualification from one based on production levels during the preceding calendar month to one based on production levels during the preceding calendar year. A corresponding change in the crude oil pricing regulations was made by CLC, effective November 27, 1973 (38 FR 34464, December 14, 1973), but in all other respects the definition of stripper well lease remained as initially adopted.

Section 4(e)(2) of the EPAA provided for the stripper well lease exemption (until its repeal, effective February 1, 1976, by the Energy Policy and Conservation Act) and read, in part, as follows:

(A) The regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well.

(B) To qualify for the exemption under this paragraph, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

Neither the EPAA nor the TAPAA included a definition of the term "lease." The most extensive legislative history concerning the original stripper well lease exemption is found in the Conference Report accompanying the TAPAA.

Although the Conferees did not discuss the meaning of the term "lease," they did state:

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. . . . Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation of gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, over-reaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The sole purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to in-

sure that an administratively workable system is established which does not permit abuse. (Emphasis in original, H.R. Rep. No. 624, 93d Cong., 1st Sess. at ——— (1973).)

The TAPAA stripper well lease exemption originated with a floor amendment that was introduced by Senator Bartlett of Oklahoma. The original text of the amendment provided that:

Those oil leases whose average daily production per well does not exceed that of a stripper well of not more than ten barrels of oil per day shall be exempt from any allocation or price restraints. . . . (119 Cong., Rec. S13432 (daily ed. July 14, 1973).)

In explaining this amendment Senator Bartlett stated:

So if the stripper producer had production that did not qualify, he, of course, would not be in any position to have that production exempted from price controls. It is done on a lease basis, because normally all the wells on one lease go into one tank or on a several tank basis. So if it is from a big well, the average goes away (sic) up.

Incidentally, when subsidies were put on (stripper well production) during World War II, that went beyond just a lease basis; that was done on a field basis, because it is easier to do all the accounting that way. But in this case, it is only decided on a lease basis. (Id. at S13435, remarks of Senator Bartlett.)

It should be noted also that the sponsor of the amendment understood stripper wells typically to be operated by independent producers pursuant to a lease:

Large oil companies have few stripper wells. Because of their higher operational costs, major oil companies are forced to sell their leases to independents—who can operate these leases for a longer period. (Id. at S13432.)

The legislation which became the Emergency Petroleum Allocation Act of 1973 ("EPAA") originated in the Senate where a bill was passed on June 5, 1973, containing no stripper well provision of any kind. When the House passed a similar version of the emergency petroleum allocation measure on October 17, 1973, it contained a "stripper" exemption applicable to wells rather than to leases. In the Conference Report of November 10, 1973, a stripper well lease provision was substituted, without comment, and this provision was subsequently adopted by Congress in the final version of the EPAA without debate or comment on the meaning of "leases."

The general legislative silence on the meaning of stripper well "leases" in connection with the drafting and passage of the EPAA can therefore be explained only by the fact that this matter was decided largely in connection with the TAPAA companion measure. These two statutory stripper well lease provisions, although identical insofar as the concept of "leases" is concerned, contained certain technical differences. Because of the use of the same language in both enactments concerning "leases," however, the legislative history of the TAPAA is relevant and applicable to the meaning of stripper well "leases" under the EPAA and the implementing CLC, FEO, and FEA regulations.

D. CHANGES SINCE ADOPTION OF THE TWO TIER CRUDE OIL PRICING SYSTEM

Several important changes in circumstances have occurred since the initial definitions of "property" and "stripper well lease" were adopted. First, with the passage of time, the natural decline in the rate of production has operated to make the cumulative deficiency provision of the two tier pricing system increasingly more significant. Second, the initial emphasis of CLC on restraining prices and controlling inflation has tended to be of lesser significance compared with the need to provide effective incentives for increased domestic production of crude oil. Third, the price differential between "old crude oil" and crude oil not subject to the ceiling price limitation has increased dramatically, from modest initial levels of $5.00 per barrel or less, to amounts of $7.00 per barrel or more. The "old crude oil allocation" or "entitlements" program was instituted in response to this increased price disparity, and since November, 1974, refiners have been required to have an "entitlement" to refine a barrel of old crude oil, with those refiners having more than the national average of old crude oil generally required to purchase such entitlements from refiners having less than the national average of old crude oil. Finally, enactment of the EPCA on December 22, 1975, effectively changed the crude oil pricing program from one which was expected only to be temporary to one which would be mandatory for at least 40 months.

The amendments to the crude oil pricing regulations adopted to implement the crude oil pricing policies of the EPCA are intended to reflect these changed circumstances. Under the two tier pricing system as revised effective February 1, 1976, existing cumulative deficiencies were eliminated for all properties. Also, provisions were subsequently added to take into account the natural rate of production decline in future months, so that the level of production which must be exceeded before crude oil produced from a property may be sold at upper tier prices (the "base production control level") may be adjusted downward at six month intervals. These provisions were added to help keep the incentive of higher, upper tier prices within the reach of producers of most properties, so that measures taken to increase rates of production could realistically be expected to result in upper tier prices without regard to the time that has elapsed since the initial base production control levels were first established. Also, the "released crude oil" provisions which were included in the initial two tier pricing system as a special incentive for increased production in the short term were eliminated on a prospective basis, and base production control levels are now determined with reference to the average monthly volume of "old crude oil" produced and sold from each property in 1975.

E. GENERAL CONSIDERATIONS

Because the considerations involved with respect to past applications of the term "property" are significantly different from the considerations involved in prospective applications of the term, FEA has concluded that the clarifications that are appropriate with respect to past applications of the term are likewise different from those which are to be applied on a prospective basis. With respect to past interpretations FEA is, of course, bound to formulate those clarifications which are most consistent with the purpose and intent of the regulations in effect during that time, whereas with respect to future applications of the term, FEA enjoys greater latitude to make such prospective adjustments in the meaning of the term as will best suit the current objectives of the two tier pricing system.

In seeking at this time to clarify the meaning of a term that has been so widely applied for almost three years, FEA has sought, first, to determine the legal significance of the words used to define the term and, second, to identify and evaluate the extent to which other factors (extrinsic to the language of the definition itself) may have made it inequitable or impracticable to apply the literal meaning of that definition in certain circumstances. With this intention, and based upon the comments received in this proceeding, therefore, FEA has concluded that the literal meaning of the term "property," as defined by FEA, is generally to be understood as synonymous with the physical "tract" or "premises" as to which a working interest is established by an oil and gas lease, or by a fee interest. It has also concluded that in certain instances it is permissible to segregate the interest so described for purposes of delineating an FEA "property," while in other instances the aggregation of such interests to form a single FEA "property" is appropriate.

The conclusion that the term "property" (i.e., "the right which arises from a lease or from a fee interest to produce domestic crude petroleum") is, in the strictest sense, generally synonomous with the tract or premises as to which a right to produce exists pursuant to an oil and gas lease or a fee interest, is based in large measure on the foregoing review of the history of these concepts.

Although the evidence is not unambiguous, FEA has concluded that CLC by its definition of the term "property" intended to refer to the premises described in the oil and gas lease pursuant to which crude oil was being produced. It also appears that this is the reasonable meaning of the definition that CLC used and that the definition should have been so understood. Thus, when CLC first proposed the two tier concept, it described the productive entity with respect to which production was to be measured as "a particular property on which the producer has leased production rights." Use

of the phrase "property on which" suggests that CLC contemplated that crude oil production would be measured according to the surface acreage, or "tract," as to which a producer had obtained production rights through an oil and gas lease. (Such leases typically describe the premises by surface boundaries, although they may also delineate particular underground strata as to which rights are conferred. (See e.g., 3 Williams and Meyers, § 665).)

When the two tier pricing system was adopted, property was defined, as noted above, as "the right which arises from a lease or a fee interest to produce domestic crude petroleum." The term "lease" has been generally defined, for purposes of oil and gas law, as "[t]he instrument by which a leasehold or working interest is created in minerals. . . ." Williams and Meyers, Manual of Oil and Gas Terms at 240–241 (3d ed. 1971). "Working interest" has been defined, in turn, as "[t]he operating interest under an oil and gas lease. The owner of the working interest has the exclusive right to exploit the minerals on the land. . . ." (Id. at 511.)

Inasmuch as the lease is the basic document of the oil and gas industry, there should have been no doubt but that CLC intended by its definition of property to signify the premises described by an oil and gas lease (or by a deed, in those comparatively few instances in which the operator was also the owner of the mineral interest). FEA believes that this term, which has generally uniform historic meaning throughout the crude oil production industry, was used initially with the intention and expectation that it would provide a uniform basis for application of price controls throughout the industry and would avoid the need for taking into account the varying state regulatory concepts and internal systems of accounting.

Also relevant to the intent with which CLC used the term is that the concept of released crude oil was specifically designed as an incentive to increased production over a relatively short time. The fastest means of increasing production was through maximum exploitation by producers of tracts subject to their working interests—whether by application of enhanced recovery techniques, re-working of wells, or by re-completion of wells in new producing formations. The treatment, for example, of separate reservoirs subject to the same oil and gas lease as separate properties would have been inconsistent with the objective of the released crude oil concept to provide producers with maximum incentives to exploit to the fullest extent the tracts which were subject to their existing rights to produce crude oil.

The evidence with respect to the legislative treatment of the term "lease" is not inconsistent with this conclusion. FEA's review of the legislative history of the stripper well lease exemption indicates that the sponsor of the stripper well lease exemption used the "lease" as the unit of measurement simply because the production of several wells subject to a single lease is commonly commingled in one or more storage tanks. He proposed that the stripper well exemption be "decided on a lease basis," rather than on some other basis, solely because of the practical necessity inherent in the common collection and storage systems in use. Thus, a well-by-well measurement would not normally be possible on the one hand and, on the other hand, averaging per well production across an entire field, to the extent a field "went beyond" or was broader in scope than a lease, was presumably not desirable because it would in some cases have unnecessarily expanded the scope of the exemption to leases that were not marginal and in other cases would have unnecessarily prevented marginal leases from benefiting from the exemption. The term "lease" therefore appears to have been regarded as the most appropriate term available to describe an interest that would typically encompass more than a "well" but less than a "field." It also appears that the term was regarded to be commonly understood as no definition was included in the Act.

However, notwithstanding the strong support, both in the legislative history and elsewhere, for a literal interpretation of the definition of property, FEA has determined that the clarification of past applications of the property concept should recognize more flexibility because of a variety of circumstances under which an interpretation of the term property that was limited to the literal meaning of the language of the definition would be inequitable. Several considerations led to this conclusion.

As noted in the foregoing review of the concept of property and its significance under the two tier price system, the term "property" was first defined in regulations which were issued on August 17, 1973, and became effective on August 19, 1973. Thus, producers were required immediately (*i.e.*, by the end of August) to apply the new definition to their particular circumstances to determine whether any "new" or "released" crude oil had been produced from a property in that month. While the definition of the term appears to have been premised on the assumption that it would provide a common and easily-understood basis for delineating appropriate productive entities, comments received in this and other proceedings indicate that there have, in fact, been many differing interpretations of the meaning of the term among producers.

With respect to the extent to which differing and possibly conflicting interpretations of the term should be recognized by FEA as consistent with the regulations, it must be recognized that producers had no detailed guidance initially from CLC, FEO, or FEA with respect to the numerous questions that arose with respect to the property definition. The first ruling on the definition of property was not issued until August 29, 1975 (FEA Ruling 1975–15, 40 FR 40832, September 4, 1975). Further, when the CLC definition of property had to be adapted by producers to their particular circumstances in August, 1973, the benefits or detriments of alternative approaches, to the extent they may have been considered, would have been perceived much differently than at a later time.

It should be recognized, for example, that the two tier pricing system initially operated generally to provide an economic incentive for the aggregation of productive entities if one such entity was capable of producing significantly higher volumes of crude oil than it produced in 1972. This is because there had not yet been time for significant current deficiencies to accumulate as to most productive entities, and the increased production from one entity, if sufficient, would serve under the special release rule to release from the ceiling price rule crude oil from other productive entities only if they were treated as part of the same property. Of course, to the extent that any cumulative deficiency had accrued at that date, selective segregation of entities would have served immediately to result in all "new crude oil" from any separate entity with respect to which production was just being initiated. As a general matter, however, it seems unjust, with the benefit of hindsight, to ascribe now improper motivations to applications of the property concept which were made under considerably different circumstances nearly three years ago.

Also favoring a more flexible interpretation of past applications of the term property is the reality of several significant consequences attached to the determinations that have been made with respect to the meaning of the term "property." Volumes of "old," "new," "released," and "stripper well lease" crude oil are a function of the scope of the "property" as determined by the producer. "Old" crude oil volumes, thus determined, have been certified, and entitlements have been purchased by refiners with respect to such volumes. The costs of the crude oil and entitlements to refiners have, in turn, generally been passed through in prices charged for refined products. Revenues paid to producers have, in like manner, generally been used to pay operating costs or to initiate enhanced recovery or new exploration and development, and remitted to royalty owners, or otherwise disposed of. In addition, since February 1, 1976, the "base production control level" of each property has been defined by reference to the volume of "old crude oil" produced and sold from the property concerned during 1975.

FEA recognizes the substantial reliance that has been placed on these determinations by numerous parties, that there is no basis for concluding in general that such determinations were other than good faith attempts to comply with the regulations, and that there is a substantial need for a measure of administrative finality to attach to as many of these determinations as possible, so as to avoid substantially disruptive retroactive adjustments.

The legislative history of congressional intent with respect to the meaning of "lease" in the context of the stripper well

lease exemption is not inconsistent with the need to afford some measure of flexibility in the definition of the term "property." The Conference Report accompanying the TAPAA states that "Congress . . . intends that the regulations provide appropriate limitations and provisions in the definition of 'lease' to insure that an administratively workable system is established which does not permit abuse." This statement clearly indicates that rigid adherance to a "lease" system was not expected and that the necessity for some degree of flexibility in defining the term was acknowledged. Consistent with this intent, the regulatory definition of a stripper well lease provided for, among other understandable exercises in flexibility, inclusion of "fee interests" within the meaning of the statutory term "lease."

The strictures in the Conference Report on the subject of stripper well "gerrymandering" do not contradict this view. The only express qualification on administrative flexibility in defining "lease" would seem to be one which would be present by implication in any event (i.e., that the administrative treatment of the term "lease"—as in any other phase of administering the stripper well exemption—must not be such as to permit abuse of the exemption).

On the other hand, FEA does not regard its ability retroactively to provide for a more flexible interpretation of the term property to be unqualified. Principles of equity generally favor that those who are similarly situated receive comparable treatment. In this regard, it would be particularly inappropriate for those producers which closely adhered to the regulatory definition of the term "property" to be treated much less favorably than those producers which interpreted the term in a less formal manner. Moreover, FEA is also concerned that unwarranted departures from its regulations not be permitted and that the interests of consumers in full and fair enforcement of the price controls on crude oil be adequately protected.

Accordingly, the detailed discussion setting forth the proper clarification of past applications of the property concept in the following Section I. F. represents FEA's attempt to strike an appropriate balance between the foregoing considerations as to a literal interpretation of the term property vis-a-vis a more flexible interpretation which takes into account factors extrinsic to the language of the definition itself.

FEA believes that the clarifications adopted today are consistent with the practices that have been followed by the substantial majority of producers. However, to the extent that these clarifications would permit any producer to calculate larger volumes of "new," "released," or "stripper well lease" crude oil than were calculated and certified in prior months, no recertifications of additional volumes will be permitted. Such recertifications will be considered, if at all, only on a case-by-case basis on normal grounds of inequity or hardship through the FEA exceptions process. FEA is aware that in so affording significance to differing good faith definitions of property that have been adopted by producers, similarly situated persons will in some instances be treated differently under the regulations. This fact is, however, counterbalanced in FEA's view by the need for the greatest possible measure of administrative finality to be afforded the determinations already made as to volumes of old crude oil. Appropriate compliance actions will, of course, be taken with respect to applications of the term property which are not consistent with the clarifications set forth herein, to the extent that they have resulted in the certification of greater volumes of new or upper tier crude oil than is permitted. FEA reserves the right in such compliance actions to determine whether any misapplication of the "property" concept, which resulted in improper classification of lower tier crude oil as upper tier crude oil to a particular purchaser, also resulted in that purchaser receiving at lower tier prices other volumes of crude oil that could properly have been certified as upper tier crude oil. In such cases, and in the context of formal compliance action (i.e., by remedial order or consent order), FEA may permit the producer to recertify such amounts of crude oil mistakenly invoiced as lower tier crude oil, but only to the extent that additional funds due the producer because of such recertification do not exceed refunds due to the purchaser because of sales of crude oil by the producer at prices in excess of the appropriate ceiling prices.

F. PAST APPLICATIONS OF THE TERM "PROPERTY"

The issues with respect to past applications of the term property may, for purposes of convenience, be generally divided into three categories: (1) Those involving the delineation of the premises which are subject to a single "right to produce" pursuant to a lease or fee interest, (2) those involving the aggregation of two or more such premises, and (3) those involving the segregation of such premises subject to a single "right to produce."

(1) *The right to produce.* Ruling 1975–15 made it clear that the property concept is one that begins with "the right *to produce crude oil.*" Consistent with the discussion above of the common meaning of that term as being generally synonomous with the concept of "working interest," the analysis of property will generally begin with identifying the one or more "premises" or "tracts" described in the instrument that confers the right to produce. Generally speaking, except in those cases where the right to produce is conveyed separately with respect to separate horizontal strata, the "premises" as to which the right to produce exists will generally be described in terms of surface acreage—commonly referred to as a "tract." In those instances in which production is undertaken by the owner of the mineral interest in fee, rather than by a lessee, the instrument conveying the fee interest will similarly describe the premises typically in terms of surface acreage, also referred to as a "tract." The terms "premises" and "tract" are both used here to refer to the physical limits as to which a right to produce exists. Since "tract" implies surface acreage, whereas "premises" is not so limited (but also signifies use of three dimensional boundaries), the latter term is preferred.

Difficult issues can arise with respect to construing a lease or deed to delineate the one or more premises as to which a "right to produce" exists under that instrument. This can occur, for example, where a lease conveys a right to produce with respect to described premises, but imposes differing or special rights or obligations with respect to the development of and production from particular portions of the described premises. Generally speaking, where the rights or duties created under a single instrument are significantly different with respect to particular identified portions of a described premises, where a producer has in good faith relied upon such differences in its exploration and development activities, and where the producer has consistently and historically accounted for such portions separately, FEA will permit the lease concerned to be considered as having established more than a single "right to produce" and, consequently, more than a single property. Thus, for example, where the time within which a lessee is obligated to begin production activities varies as to specified portions of a particular tract, those portions of the tract would be subject to differing "rights to produce," and hence, could constitute separate "properties."

(2) *Segregation of premises subject to a single right to produce.* More complex issues are posed with respect to the extent to which the premises subject to a single right to produce may appropriately be subdivided to form separate "properties." As noted above, there are instances in which a single lease may create several distinct "rights to produce" with respect to specified portions of the premises described therein. And as discussed below, the aggregation (with premises subject to other rights to produce) of less than all of the premises covered by a single right to produce may result in the subdivision of the premises formerly subject to a single right to produce into at least two properties—the portion which has been aggregated and the portion which remains. There are, however, still further instances in which segregation into one or more properties of a premises subject to a single right to produce appears to have been appropriate under the existing regulations.

a. *Non-contiguous tracts.* One such instance is in the case of non-contiguous tracts. Particularly in the case of fee interests, but also in the case of certain large leases (typically old leases), a single instrument may convey a single undifferentiated right to produce with respect to multiple, non-contiguous tracts, which may be located at great distances

from one another. In all cases in which it can be shown that such non-contiguous tracts were developed and produced separately, and where they have historically and consistently been accounted for as separate properties, FEA will continue to permit them to be so regarded. The basis for this determination is principally that FEA understands this to have been a consistent and historic practice and one which was followed to conform the treatment of the atypical situation of multiple tracts subject to a single instrument to that afforded in the more typical situation of a single tract subject to a single lease.

b. *Very large tracts.* Another such instance is in the case of very large tracts which are subject to a single right to produce. Although this problem appears to exist mainly with respect to large fee interests, it also obtains with respect to certain large leases, particularly those granted many years ago by Federal and state governments. As noted above, the modern oil and gas lease typically conveys a right to produce which must be exercised within a specified period in order for production rights to be retained by the lessee. The objective of the lessor is to obtain production in a specified area within a specified time. Accordingly, most oil and gas leases confer a right to produce as to an area within which exploration and development by the lessee can reasonably be expected within a reasonable time—five years is typical.

Owners of mineral interests in fee which undertake their own exploration and development activities are not, of course, bound by any lease obligations with respect to the time within which such activities must take place. Accordingly, exploration and development of a large fee interest may take place over an extended period of time, in much the same manner as if several leases had been conveyed with respect to particular areas and time periods. Similarly, with respect to large leases, a comparable form of phased development may have taken place. Indeed, as to certain large government-granted leases, a "selection" process has been employed, whereby only with respect to those portions of the lease that are developed does the lessee retain production rights. In such cases, the right conveyed by the initial "lease" is more in the nature of a right to explore, which ripened into a right to produce those areas that the lessee has developed in a timely fashion.

In order to treat holders of large tracts subject to a single right to produce—whether by a lease or by fee interest—in a manner that is comparable to the treatment of those who hold a right to produce under the more limited typical modern oil and gas lease which covers a lesser area, FEA has concluded that separate geological formations subject to the same right to produce which have been developed and produced separately, and which have historically and consistently been accounted for separately may continue to be so regarded.

c. *Partial unitization or other aggregation of interests.* It is not uncommon for less than the total premises subject to a right to produce to be unitized or otherwise aggregated with all or portions of premises subject to other rights to produce, to form a single "property," leaving the balance of the premises formerly subject to a single right to produce not aggregated with any other such rights. The portion of the premises which is not aggregated is appropriately recognized as a property separate and apart from the portion of the premises which has been aggregated with other rights to produce.

In some cases, FEA understands that the inclusion of the so-called "Pugh" clause in a lease would operate to create a separate and distinct right to produce with respect to the non-unitized portion of the premises subject to that lease, by stating that production from the unitized portion of a lease will not serve to fulfill the lessee's production obligations with respect to the non-unitized portion. Thus, the two portions of the lease including such a clause would become separate properties by the terms of the lease itself. However, even where such a clause is not included, FEA has concluded that treatment of the non-unitized portion of the premises as a separate property is appropriate.

d. *Severance tax or royalty owner accountability.* Another instance in which segregation of a premises subject to a single right to produce is appropriate is where the production from identifiable portions of the premises is required to be measured and accounted for separately for purposes of determining severance tax liability or for purposes of accounting to royalty owners. FEA has concluded that where the payment of revenues to state tax authorities or to royalty owners requires separate accounting for production from identified portions of a premises subject to a single right to produce, and where such a portions of the premises have consistently and historically been treated as separate properties, such separate treatment may appropriately be continued.

e. *Other segregation not permitted.* The most complex and apparently controversial issue with respect to segregation of a premises subject to a single right to produce has to do with production from separate "reservoirs." FEA has studied this issue at considerable length but has been unable to find a solution which is likely to be satisfactory to all parties concerned. FEA has concluded on the basis of the review of the legislative and regulatory history and the general considerations outlined above that a premises which contains multiple reservoirs but which is subject to a single right to produce may not, simply by virtue of the existence of separate reservoirs, be treated as comprising multiple "properties."

FEA does not believe that the language of the definition of the existing term "property" can be construed to mean that production from separate reservoirs subject to the same working interest would, simply by virtue of the fact that the several reservoirs have been developed and produced separately, be regarded as production from separate properties. (Producers have been on express notice of this at least since the issuance of FEA Ruling 1975–15 on August 29, 1975.) Moreover, any producer which adopted a reservoir-by-reservoir approach to the definition of property (and, hence, to the computation of amounts of "new" and "released" crude oil) would typically have been in a position to achieve greater benefits under the price regulations over the past three years than those producers who took the approach of aggregating production from all reservoirs subject to the same right to produce, as required under the regulations. At least until February 1, 1976, any producer that treated each reservoir as a separate property automatically would have obtained "new" crude oil whenever production was obtained from a new reservoir. Producers using the lease approach, on the other hand, were required first to exceed 1972 levels of production from the lease concerned before any production from a new reservoir would be regarded as "new" crude oil. FEA has unfortunately not been able to obtain any approximation of the extent to which producers have actually adopted a reservoir-by-reservoir definition of property.

Under these circumstances, FEA has concluded that it would be inequitable to permit producers who took an expansive—and, in FEA's view, unwarranted—view of the meaning of the term property to obtain benefits that were not afforded to producers who adhered closely to the regulations. Thus, FEA has concluded that separate reservoirs which are subject to the same right to produce will generally not be treated as separate properties under existing regulations.

There are, however, instances in which for a variety of reasons, it would have been impracticable or inequitable for producers not to have treated separately production from a separate reservoir or reservoirs. Those instances of which FEA is aware have been noted above. There may well be other instances of which FEA is not aware, but which may be appropriately addressed in subsequent rulings, as they become known. The mere existence of separate reservoirs and the requirement to report separately the production from such reservoirs in itself will, however, only suffice to permit separate property treatment if the producer has applied for exceptions relief and has been permitted to use such a definition in order to avoid serious hardship or gross equity.

(3) *Aggregation of "rights to produce."* The aggregation of separate "rights to produce" pursuant to a unitization agreement was discussed in FEA Ruling 1975–15. There are, however, other circumstances under which separate rights to produce may appropriately be aggregated, pursuant to either voluntary or involuntary arrangements.

Thus, for example, various parties may hold partial undivided interests in the right to produce crude oil from a particular tract. Whether voluntarily through a joint operating agreement or other

type of agreement, or pursuant to compulsory state regulations, such undivided interests in the right to produce from a tract must typically be aggregated before production can begin. Under such circumstances, no apparent purpose would be served by requiring property delineations to be carried back to the individual partial undivided interests which have been aggregated in order to perfect the right to produce.

Another instance in which rights to produce may be aggregated occurs where the premises subject to such rights are required to be combined by a state regulatory agency as a condition to the operation of production activities. Thus, for example, in Louisiana the state regulatory agency will compel a "unit" to be formed by the owners of the tracts with respect to the surface area which overlies the portion of a reservoir that may be efficiently drained by a single well, provided the owners of at least 75 percent of the surface area agree to the formation of a unit.

Similarly, in states that maintain spacing requirements for oil wells, individual rights to produce may need to be combined, whether voluntarily or involuntarily, before a single well may be drilled and the right to produce made effective. Such aggregations of rights to produce (sometimes known as "drilling units") are also appropriately recognized as single "properties."

Generally speaking, FEA will follow a liberal policy with respect to the aggregation of rights to produce which will be permitted to be treated as a single "property," as long as a bona fide reason for the aggregation can be demonstrated by the producer.

G. *Prospective amendments to the term "property."* The issuance by FEA of Ruling 1975–15 engendered significant comment, primarily from crude oil producers urging FEA to adopt a property concept that would recognize as separate properties each producing reservior underlying a lease. Since that time, FEA has undertaken an analysis of the property concept as conceived and first implemented by the Cost of Living Council (and set forth in some detail in Part A above), and concluded preliminarily that the incentives offered under the tract-by-tract concept were better suited to the temporary program envisioned by CLC, but that in the more than two years since the two tier system was first implemented those incentives had decreased in impact or effectiveness. Accordingly, on January 6, 1976, in connection with the first stage of rulemaking proceedings to implement the crude oil pricing policy of the EPCA, FEA proposed for comment an amended definition of property (to have been applied prospectively, effective February 1, 1976) that would have recognized the existence of separate properties under the same tract, where the tract encompassed separate and distinct producing reservoirs. When final regulations were adopted on February 1, 1976, FEA rejected the proposal and generally indicated

(1) the uncertainty over the effect of such an amendment on the relative proportions of old, new, and stripper well lease crude oil; and

(2) the likelihood of enormous administrative problems associated with determining the limits of thousands of different reservoirs.

Comments submitted in connection with the first stage proceeding either did not address these concerns, or tended to confirm FEA's belief that data sufficient to make such determinations were generally unavailable.

However, after issuance of the February 1 amendments, FEA again received a significant number of inquiries and comments, urging reconsideration of the proposal to establish a property concept based upon separate reservoirs. Accordingly, as part of the continuing analysis of the property issue, FEA again reviewed this matter so as to formulate for public comment a proposed revision of the property concept. In this regard, FEA sought a concept that would optimize the incentives under the two tier system in a manner that is administratively feasible for FEA and that would facilitate compliance by crude oil producers.

The resulting proposal, as set forth in the April 13 Notice, was to afford under FEA regulations the maximum practical significance to pre-existing state regulatory concepts and historical accounting systems that have been developed within the framework of the various state regulatory concepts. With this goal in mind, FEA solicited comments in the April 13 Notice and indicated its intention to consider the adoption of retroactive amendments and the issuance of rulings, as well as the adoption of prospective amendments, to the extent that such actions were determined to be appropriate in resolving the issues under consideration. The discussion in Part F above represents the formal interpretation of FEA of the definition of property as promulgated by CLC and carried foward by FEO and FEA, and will be applied until the amendment discussed below becomes effective on September 1, 1976.

Although a number of different property concepts were discussed in the comments received in connection with this proceeding, most commenters still seem to favor reservoir-by-reservoir determinations. Under such an approach, each non-unitized reservoir or portion of a reservoir underlying each tract would constitute a separate property. Some producers have argued that this is the best approach because it would provide the greatest incentive to develop new reserves and maintain production of existing reserves. The incentive would arguably be maximized under the reservoir approach because decisions regarding the exploration for and development of crude oil reserves could be made on an individual reservoir basis without regard to the happenstance of production characteristics of other reservoirs underlying the same tract. It follows that a producer would more likely search for and develop new reserves (or increase the development of certain existing reserves) if the producer could be assured that resulting increased production would qualify as upper tier crude oil.

A property concept that follows tract boundaries, on the other hand, without regard to the separate reservoirs which may underlie the tract, may not provide appropriate incentives under the two tier pricing system. This is because increased production from one reservoir may fail to qualify as upper tier crude oil because of the requirement that tract production must exceed the BPCL and cumulative deficiency determined from all reservoirs that underlie the tract.

For example, a producer holds the right to produce crude oil from tract X under which are situated four separate and distinct reservoirs, with production figures as set forth in Table 1 below:

TABLE 1

Reservoirs	1972	1973	1974	1975	1976
A	11,000	8,000	5,000	3,000	1,000
B	7,500	5,000	4,000	3,000	2,000
C	0	0	11,000	10,000	9,000
D	0	0	0	0	
Totals	18,500	13,000	20,000	16,000	12,000

As Table 1 indicates, the incentive intended to be provided by the CLC has diminished over time. While the producer was able to respond to the short term incentive by developing production from reservoir C and thereby exceeding the property's BPCL in 1974, the continued decline in production from reservoirs A and B makes remote any incentive in 1976 or later to develop production from reservoir D. Under a reservoir-by-reservoir determination of upper and lower tier crude oil, however, production from reservoir C would continue to qualify as upper tier crude oil, as would any production from reservoir D.

The merit in a property concept that recognizes separate reservoirs (to some extent at least) is undeniable. However, an unqualified reservoir-by-reservoir concept is largely administratively infeasible. First, unitizations aside, crude oil accounting has consistently and historically had some relation to the lease because it is the lease that in the first instance describes ownership interests. Accordingly, a true reservoir-by-reservoir concept would require the establishment of reservoir BPCL's without regard to producing interests, and would force producers to determine production on a reservoir basis in the same manner as is done for unitizations, but where there is no agreement among various interest holders for that purpose. Moreover, additional problems would be encountered due to differences among various lease operators of the same reservoir.

Accordingly, the reservoir concept that FEA proposed in the January 8 Notice was one which would have recognized separate reservoirs underlying the same tract. In this way, it was thought that a system would result that benefited from the best aspects of a reservoir concept but which remained subject to the legal requirements entailed by tract concepts.

As noted above, the January 8 proposal was not adopted primarily because FEA concluded that it would be infeasible to attempt to administer a program under which FEA could not require easily understandable records from which could be determined the limits of each producing property. FEA has neither the expertise nor the resources required to monitor reservoir-by-reservoir production, and FEA auditors would not have at their disposal adequate means to confirm or deny that production had in fact resulted from two or more separate and distinct producing reservoirs.

This problem would be minimized if FEA could defer to other expert agencies to make reservoir-by-reservoir determinations. For this reason, FEA proposed in this proceeding to recognize the existence, as separate properties, of each separate and distinct producing reservoir underlying the tract, to the extent that such reservoirs have been recognized by the appropriate state regulatory body, and production is separately reported as such.

While many comments evidence a continued preference for a property definition that would recognize each reservoir regardless of state recognition, vel non, most comments indicated approval of the tentative conclusions set forth by FEA in the April 13 Notice. Therefore, effective September 1, 1976, the definition of property is amended to recognize as separate entities, each reservoir underlying a tract, to the extent that the reservoir is recognized by the appropriate state regulatory body, and production has been consistently and historically reported as such. The following guidelines are set forth to aid producers in making property determinations effective September 1, 1976.

(1) *Unitizations.* Where two or more tracts, or parts of two or more tracts, are unitized so that production is undertaken from the reservoir as a single unit, the reservoir, as unitized, constitutes the property. In most cases, the unitization of several tracts is accomplished by a unitization agreement, which describes the unitized reservoir and is submitted to the state regulatory body for prior approval. The method of determining upper tier crude oil volumes from unitized properties was addressed in Ruling 1975–15. The ruling did not, however, address an important aspect of unitization that has given rise to several questions from producers.

A unitization, as stated in Ruling 1975–15, constitutes a single property, but non-unitized production, if any, from each of the participating tracts continues to be accounted for on a tract-by-tract basis. This should mitigate some of what producers have perceived as the harshness of the requirement that unitization requires the accumulation of BPCL's from all participating tracts. The ruling is, therefore, amended by this Notice to make it clear that only that part of each tract's BPCL attributable to the unitized reservoir is accumulated to determine the new unit BPCL so that no participating tract carries into the unit an unrepresentatively high BPCL. For the non-unitized portion, if any, of each tract, the tract-by-tract rule discussed below is operative. (The allocation of a BPCL—which was formerly attributable to the entire tract—between the unitized and non-unitized portions of the tract would be made in the same manner as is discussed below with respect to implementing the reservoir-by-reservoir property definition, effective September 1, 1976.)

It has become evident during the course of this rulemaking that there has been some confusion resulting from the various meanings which may be attributed to the term "unit," which has two generally-accepted meanings: (1) The total area incorporated in a unitization agreement; and (2) the acreage allocated to a particular well. (See Williams and Meyers, Manual of Oil and Gas Terms at 484.) The rule discussed above applies to unitizations (the combining of all or parts of two or more tracts in order to operate the reservoir as a single productive unit subject to a single operating interest), and not to "spacing units," which merely define the minimum acreage allotted to a single well within the confines of a single tract. With respect to "drilling units," a term that is sometimes used to signify the forced pooling of two or more small tracts into sufficient area to meet the spacing requirement, the drilling unit will constitute the property if it is recognized as such by the state body, and production is reported as such.

(2) *Determination of base production control levels.* Because the amendment to the property definition adopted today is expected in many cases to result in a recalculation of BPCL's where the amended definition of property results in a greater number of producing properties for any producer, the following guidelines are set forth to aid producers in making those recalculations.

For each non-unitized tract, the producer should first determine how many properties are contained within that tract. If the tract produces only from one reservoir the tract constitutes the property and the BPCL, as previously calculated under FEA price regulations, remains the same. This will be true even though the producer may have reason to believe that crude oil has been produced from two or more separate reservoirs under the tract, but where no such separate recognition has been accorded the reservoirs by the state regulatory authority.

However, where the tract encompasses more than one producing reservoir, each of which has been recognized by the state regulatory authority as a separate and distinct reservoir, each may be treated as a separate property under the amendment adopted today, in which case a BPCL must be determined for each property. This should be done as follows:

(A) Reservoirs (properties) from which there was no production and sale of crude oil in 1972 will have a BPCL of zero;

(B) For reservoirs (properties) from which there was production and sale of crude oil in 1972, the producer will recompute levels of new, released, and old crude oil (since September 1, 1973) for each reservoir in order to determine revised levels of old crude oil for each reservoir in calendar year 1975. In this way, for each state-recognized reservoir (property) within the tract, the producer will be able to determine the production and sale of old crude oil in 1975, and hence a revised BPCL.

Although such calculations will need to be done for as far back as September 1973, no recertification of new crude oil is intended and none will be permitted. Such recalculations are to be done only for the purpose of establishing new BPCL's, where needed, effective September 1, 1976.

FEA is aware that the amended definition of property adopted today is likely to result, effective September 1, 1976, in the reclassification of some volumes of old crude oil as new crude oil. This will occur for some properties where the recalculation of BPCL's on a reservoir basis will result in the classification as new crude oil of some volumes that had (under the previous definition) been used each month to offset production from other reservoirs which had declined since the base year.

With respect to any amendment to the regulations that would permit an increase in the price for any volume of "old crude oil production" (as defined in section 8(b)(3) of the EPAA) after December 22, 1975, section 8(b)(2) of the EPAA requires the President to find that such amendment—

(A) Will give positive incentives for (i) enhanced recovery techniques, or (ii) deep horizon development from such properties; or

(B) Is necessary to take into account declining production from such properties; and

(C) Is likely to result in a level of production from such properties beyond that which would otherwise occur if no such amendment were made.

The FEA finds that the amendment adopted today comports with all three of the objectives set forth in section 8(b)(2). To the extent that producers elect to treat separate reservoirs as separate properties, an incentive is provided to develop new deep reservoirs which would result in all new crude oil production. Moreover, the amendment adopted today removes the disincentive some producers faced with respect to properties where declining production from existing reservoirs offset new production from other reservoirs which would otherwise have qualified for treatment as new crude oil. To the extent that this disincentive is eliminated, the amended definition of property is likely to result in production from those reservoirs which would not otherwise have occurred under the previous property definition.

II. THE DEFINITION OF "POSTED PRICE"

FEA price regulations employ historical crude oil posted prices as references for determining lower and upper tier ceiling prices, with lower tier ceiling prices determined by reference to the

highest posted price for the same grade of crude oil in the same or nearest field on May 15, 1973, plus a per-barrel increment, and with upper tier ceiling prices determined by reference to the highest posted price for the same grade of crude oil in the same or nearest field on September 30, 1975, less a per-barrel increment.

The definition of "posted price" was adopted by the Cost of Living Council on November 30, 1973, and has remained substantially unchanged since that time:

> "Posted price" means a written statement of crude petroleum prices circulated publicly among sellers and buyers of crude petroleum in a particular field in accordance with historic practices, and generally known by sellers and buyers within the field. (38 FR 33577 at 33578, December 6, 1973.)

Although FEA has until this time issued no interpretive ruling with respect to this definition, the posted price concept has served as the basis for determining lower tier ceiling prices for nearly three years.

On February 1, 1976, in connection with the first stage of rulemaking proceedings to implement the crude oil pricing policy of the EPCA, the FEA rejected its proposal (41 FR 1564, January 8, 1976) to determine upper tier ceiling prices by reference to actual transaction prices, and decided instead to determine upper tier ceiling prices with reference to highest posted prices on September 30, 1976. Most of the comments submitted in the first stage proceeding indicated that postings were prevalent in September 1975, and suggested that the use of field-wide September postings would avoid other difficulties inherent in FEA's proposal to base upper tier ceiling prices upon actual transactions (*e.g.*, the need to establish a price where there had been no production and sale of crude oil from the property concerned in September 1975).

After publication of the February 1 amendments, however, a substantial number of inquiries were received by FEA relative to the correct application of the posted price concept to the determination of upper tier ceiling prices. (To a much lesser extent, inquiries were also received relative to the posted price for purposes of determining lower tier ceiling prices. However, the problem was said to be not as prevalent with respect to lower tier ceiling prices due to the relative uniformity of crude oil prices in May 1973.) Accordingly, FEA determined that comments should be received in this rulemaking in order to determine whether any clarifications were necessary with respect to the definition of posted price. Notwithstanding the clearly expressed purpose of the rulemaking in this regard, however, a large number of written and oral comments suggested that FEA either (1) depart from the posted price concept in favor of the actual transaction approach that was specifically rejected on February 1, or (2) interpret the definition of "highest posted prices" as the "highest prevailing price," so as to include within the definition actual transaction prices that prevailed on September 30, 1975. After consideration of all the written and oral comments FEA has determined that while amendments to the current definition are unnecessary, the following clarifications should resolve any confusion that persists with respect to the posted price concept.

Prior to the implementation of price controls by CLC, the traditional and historical operation of the crude oil market included the use of posted field prices, a mechanism well known among buyers and sellers of crude oil throughout the world as

> The announced price at which a crude oil purchaser will buy the oil (of specified quality) from a field. At one time, the price was actually announced by a statement posted in the field. [More recently], the announcement is usually made in the newspapers. (*Williams and Meyers, Manual of Oil and Gas Terms* at 339.)

The general practice among principal purchasers has been periodically to issue price bulletins, which are widely circulated to the public, announcing the price that that particular purchaser would pay for a particular grade crude oil in a particular location.

It was in this context that CLC adopted the two tier pricing system in August 1973. In the Notice of Proposed Rulemaking issued on July 19, 1973, CLC indicated that the ceiling price for crude oil was to be "the price posted on May 15, 1973 for each grade of petroleum from each particular field." (38 FR 19464 at 19467, July 20, 1973.) The posted price concept was selected because the ready availability of price bulletins (which were understood to be in normal circulation in May 1973) provided a mechanism whereby producers and purchasers alike could be able to determine the ceiling price for any grade crude oil in any particular field. Moreover, the use of price bulletins avoided the enormous administrative complexity of having to establish ceiling prices that would maintain traditional gravity and quality price differentials.

Although the August 17, 1973 Subpart L Petroleum Price Regulations did not contain a definition of posted price, a definition was adopted by CLC on November 30, 1973 to make it clear "that a posted price must be a publicly circulated written offer to purchase." (Emphasis added, 38 FR 33577 at 33578, December 6, 1973.)

Although the CLC definition did not require the formality of a printed price bulletin such as is published by major purchasers, the CLC did require the formality of a "publicly circulated written offer." The requirement that the offer be in writing eliminates verbal offers, and the requirement that the written offer be publicly circulated eliminates offers (even though written) to specified producers. Accordingly, other than the published price bulletins of the type traditionally issued by major oil companies, FEA will only recognize as a "posted price" written offers to purchase only so long as they were bona fide public offers of general applicability to crude oil producers in the field. For example, a letter from a purchaser to all crude oil producers in a field or in an area would constitute a posted price if the letter was understood by producers and the purchaser to be a bona fide offer to purchase from all producers in that field or area. A written contract, of course, would not qualify as a posted price because it represents an agreement between a buyer and specific producer, not a bona fide offer to purchase from all producers.

Accordingly, in determining the "highest posted price," a producer should first determine which offers qualify as posted prices under the definition as interpreted above. The next inquiry is into which of those posted prices were on September 30, 1975 (or May 15, 1973 for lower tier ceiling prices) applicable to the particular field in question. Once that determination has been made the producer simply identifies the highest price offered among qualified postings.

With respect to determining the applicability of specific postings to particular fields, it has become clear that the principal issue relates to the use of the term "field" in the definition of posted price. Buyers and sellers alike indicated that inasmuch as "field" is not a defined term, conflicting September 30, 1975 "highest posted prices" occur in many areas of the country. Specifically, the term field has different accepted meanings and usages in various producing areas, and consequently might have been interpreted to mean an area as small as a lease, or as large as one or more entire states. However, for purposes of posting crude oil prices, crude oil producers and purchasers have generally understood the term "field" to signify a general area underlain by one or more reservoirs. For example, while some price bulletins refer specifically to named fields in which the particular price prevails, other types of bulletins specify a price for a particular grade of crude oil, which is produced over a large geographical area—perhaps even over an area of one or more states.

The problem arises where a single price bulletin was issued for an area and grade of crude oil (without specifying particular fields), while a price bulletin was issued by a competing buyer offering a higher price, but specifically limited to certain named fields which do not include all the fields within the larger area referred to in the price bulletin offering a lower price. Resolution of such disputes should be as follows: Price bulletins which specify only a geographical area and crude oil grade (e.g., "West Texas Sour") are presumed to be applicable to every field within the named area, unless a particular field is specifically excluded. However, the existence of a price bulletin stating a higher price for specifically named fields within the same area will, of course, supersede the area-wide price bulletin, for the named field only.

Finally, there should remain no question that posted prices used to establish lower tier ceiling prices, as well as posted prices for upper tier crude oil, do "not include premiums above posted prices which may have been paid for crude purchased on May 15, 1973 [or Septem-

ber 30, 1975] (38 FR 33577 at 33578, December 6, 1973)." This was made clear by CLC in November 1973 and should have been understood since that time.

III. Applicability of the Stripper Well Property Rule to Condensate Produced From Gas Wells

Prior to February 1, 1976, 10 CFR 210.32 provided an exemption from price and allocation regulations for the first sale of "crude oil, including condensates, produced from any stripper well lease. . . ." A stripper well lease was defined in § 210.32 as a

"property" whose average daily production of crude oil, including condensates, per well did not exceed 10 barrels per day during any preceding calendar year beginning after December 31, 1972.

In Ruling 1974–28 (39 FR 44414, December 24, 1974), FEA held that the stripper well lease exemption was inapplicable to condensate produced from gas wells. This issue was subsequently reconsidered in the context of a formal rulemaking proceeding, and on August 29, 1975, FEA determined that, in all respects except the applicability of the stripper well lease exemption to gas wells, Ruling 1974–28 remains interpretive of the price regulations since they were first promulgated (40 FR 40818, September 4, 1975). With respect to the treatment of gas-well condensate for purposes of the stripper well lease exemption, FEA concluded that because of the good faith treatment by producers of gas-well condensate as being eligible for treatment under the stripper well lease exemption prior to the issuance of Ruling 1974–28, FEA would not require gas-well condensate to be excluded from the scope of the stripper well lease exemption until January 1, 1975, so that the impact of Ruling 1974–28 in this respect was made prospective only.

On February 1, 1976, the stripper well lease exemption was deleted from FEA price and allocation regulations pursuant to the removal of the former exemption of the EPAA by section 401(b)(1) of the EPCA. However, FEA determined that in keeping with the congressional objectives embodied in the EPCA, crude oil produced from stripper well leases should qualify for treatment as upper tier crude oil. At that time the definition of a stripper well lease was modified to make it clear that only "crude oil (excluding condensate recovered in non-associated production)" is counted in determining whether the property qualifies as a stripper well lease.

Since the issuance of Ruling 1974–28, certain producers have indicated that some uncertainty exists as to the meaning of the term "gas-well condensate," inasmuch as different state classifications might result in wells having basically the same productive characteristics being classified as a gas well in one state and an oil well in another.

In the August 29 Notice, FEA recognized this issue and stated:

In order further to eliminate any uncertainty that might have arisen from the [original] regulatory language, conforming amendments are made today, effective January 1, 1975, to the stripper well lease exemption in 10 CFR 210.32 to reflect that the *exemption extends only to crude oil and condensate recovered in associated production.* (Emphasis added, 40 FR 40820.)

Thus, the qualification of a property as a stripper well property is only prohibited to the extent that the property consists of wells having only non-associated production of natural gas and condensates. That is, unless a well produces some crude oil, the well fails to qualify for inclusion as a producing well in the stripper well lease computations.

Therefore, if a well produces from an associated reservoir (i.e., a reservoir in which gas occurs in association with crude oil), that well may be included to determine if the property is a stripper well property only if crude oil is produced from that well. If only condensate is produced, in association with the gas, the well may not be included to determine if the property is a stripper well property. On the other hand, if a well is producing non-associated gas (i.e., free gas not in contact with crude oil in the reservoir), or only natural gas (even if from an associated gas reservoir), that well may not be included as a producing well because it does not produce crude oil.

To the extent that a single property includes wells of both types, only the wells that produce crude oil may be counted in calculating average daily production. The volumes of condensate produced from the non-associated gas wells are not properly included in the calculation of the property's average daily production.

In this rulemaking, comments were solicited on the extent to which the distinctions outlined above may be made with uniformity in various states. Notwithstanding this specific request, the thrust of most comments was to urge FEA to eliminate the distinction between condensate produced in associated and non-associated production, and to extend the stripper well property provisions to all condensate production. The FEA has rejected these suggestions but is currently considering in the context of the third stage rulemaking to implement the EPCA to adopt a stripper well property rule applicable to condensate recovered in non-associated production. (*See* 41 FR 18873, at 18876, May 7, 1976.)

With respect to the current stripper well property rule, however, the FEA has determined that the distinctions set forth in the April 13 Notice and reproduced here are valid and will continue to serve to determine which producing wells are to be counted for purposes of determining if the property is a stripper well lease.

IV. Enhanced Recovery Units

In the amendments adopted February 1, FEA promulgated a new 10 CFR 212.75 ("Enhanced recovery projects on units.") to provide an incentive for producers to implement enhanced recovery projects on unitized properties. In this regard, FEA rescinded that part of Ruling 1975–15 that required that as of the time a unit agreement becomes effective, current total production and sale of crude oil from the unit must exceed the total base production control levels for all the participating tracts before any of the unit production qualifies as new crude oil. This partial rescission of Ruling 1975–15 was intended to permit but not to require tract-by-tract calculations of upper tier crude oil volumes for tracts subject to unitization agreements to be continued even after the unitization agreement has become effective.

However, it is nevertheless clear that due to the eventual alteration of tract-by-tract producing patterns, production from the unit must at some point be treated as the aggregate of production from all the participating tracts, in order to obtain a meaningful comparison of production levels. Accordingly, in connection with the first stage of EPCA rulemaking proceedings, FEA determined that upon implementation of enhanced recovery techniques, or upon the significant alteration of producing patterns, a producer must treat the unit as a single property, if it has not already been treated as such. If the unit is an enhanced recovery property as defined in § 212.75, a unitized BPCL would be calculated. Regardless whether the unit was formed for enhanced recovery, the new rule required that the unit be treated as the property from such time as there has been a significant alteration in producing patterns.

In this rulemaking, FEA solicited comments on the appropriate manner for determining the point at which there has been a significant alteration in producing patterns. Comments received in response to the April 13 Notice included a variety of suggestions for determining when producing patterns have been significantly altered. These included (1) requiring a unitized BPCL as of the date of unitization; (2) permitting the use of an option until injection occurs; (3) permitting the use of an option for two years; and, among others, (4) permitting the use of an option for an indefinite period.

FEA has considered carefully all the suggestions contained in the comments, and has concluded that the use of any fixed date other than the effective date of unitization would be arbitrary. On the other hand, the comments submitted in connection with this rulemaking indicated the difficulty associated with attempting to develop a workable standard for determining the point at which production patterns have been significantly altered.

In response to the various comments received in this regard, FEA is today adopting a modified unitization rule intended to provide a mechanism whereby producers can determine quantities of upper and lower tier crude oil from unitized properties in a way that provides a meaningful comparison of current production and base level production, and to provide a mechanism that does not discourage the increased production of crude oil that might otherwise be obtained through unitization.

Accordingly, the rule adopted today fixes a date certain for each unitized property to be treated as a single property under FEA regulations, but provides sufficient flexibility for extending that date in those cases where the producer can establish that there is no need to depart from tract-by-tract determinations of upper and lower tier crude oil.

The rule provides that as of the effective date of unitization, the producer must (unless certain conditions are met) treat the unit as the property and determine upper tier crude oil by comparing current production and sale from the unit with the accumulated BPCL's of all of the participating properties. The effective date of unitization is appropriate because it is a well-defined date that is established by the state regulatory authority and is the date generally recognized throughout the industry and by the states for the purposes of accounting and making payments to interest owners. The use of any other date would necessarily entail the establishment of a separate system of reporting and accounting.

FEA recognizes that some producers perceived the use of this date as stated in Ruling 1975–15 as a disincentive to unitization because new crude oil produced from some of the pre-unitized properties that comprise the unit might be required after that date to be sold at old crude oil prices to compensate for other pre-unitized properties that contributed production to the unit that was significantly below their BPCL's or that had cumulative deficiencies. This result was avoided in substantial measure, however, by the elimination of all cumulative deficiencies as of the date that the unit is treated as a single property. However, because a unit BPCL is based upon the average monthly production and sale of old crude oil (with respect to non-stripper well properties) in the 12 month period immediately preceding unitization, to the extent that following unitization some pre-unitized properties were producing less than their average monthly production in the preceding 12 month period, those amounts would have to be compensated for by selling at old crude oil prices that would otherwise be new crude oil production from other pre-unitized properties.

In order to eliminate any remaining disincentive to producers of new crude oil to enter unitized properties, a special rule is adopted today which will ensure that once a unit BPCL has been established there will be no decrease in absolute volumes of new crude oil. Thus, regardless whether the unit BPCL is exceeded by current unit monthly production and sale, a mount of production from the unit will always qualify for treatment as new crude oil. This amount, referred to as "imputed new crude oil," is a number of barrels each month equal to the number of barrels of new crude oil produced and sold from each of the participating properties during the 12 month period immediately preceding the establishment of a unitized BPCL. Production and sale of "imputed new crude oil" will have no effect insofar as the "current unit cumulative deficiency" is concerned. Only when production and sale of crude oil from a unit exceeds the unit BPCL will the deficiency provision be operative, and the amount of any such deficiency will be calculated from month to month also without regard to any production and sale of "imputed new crude oil."

FEA will not prescribe the distribution of such volumes of upper tier crude oil among unit participants, but will continue to permit such determinations to be made by the parties concerned. The existing rule with respect to contribution to the unit of volumes of crude oil produced from stripper well properties remains unchanged. The new unitized BPCL rule applies to all unitizations approved by applicable governmental authority, regardless whether for enhanced recovery purposes or not. Accordingly, the former definition of "enhanced recovery project" is deleted from § 212.75. The requirement that a unit BPCL be adopted on the date of unitization contains an exception to provide the maximum flexibility to producers seeking to form and maintain unitized properties. The exception provides that notwithstanding the requirement to adopt a unitized BPCL as of the effective date of unitization, determinations of upper and lower tier crude oil volumes may continue to be made separately for properties that comprise the unit, after certification to FEA of intention to do so and only for so long as (1) injection has not begun, and (2) there has been no transfer of production allowables among participating leases. Such certifications should be made to FEA pursuant to the provisions of 10 CFR Part 210, Subpart G (Other Proceedings). Beginning with the month following the occurrences of either event the producer will be required to treat the unit as a single property.

Finally, some producers erroneously interpreted Ruling 1975–15 to require the accumulation into a unit BPCL of the entire BPCL of each property as to which any portion has been unitized, including amounts of the BPCL attributable to non-unitized portions of participating properties. This is not required, however, as FEA has pointed out above in connection with the definition of property.

The foregoing clarifications and modifications to the regulations concerning unit BPCL's should serve effectively to remove any FEA regulatory impediments to the formation of units, and thereby facilitate the enhanced recovery projects such units are typically intended to promote.

V. Miscellaneous

FEA also solicited comments in any other area of the price regulations applicable to domestic crude oil which might need clarification or amendment. Particularly in this regard, producers were asked to address the extent, if any, to which the certification requirements of 10 CFR 212.131 impose an unnecessary burden on small producers. Some small producers had indicated that this has been the case due to the nature of their relationships with their purchasers, where, for example, the purchaser (rather than the producer) may have access to the information needed to effect a valid certification. Comments were solicited to address the extent of this problem and possible alternative methods of certifying the information currently required under § 212.131.

Specifically, several first purchasers have indicated that the certification requirements of § 212.131(a)(1) are unclear with respect to the alternative one-time certification provision in cases of production from stripper well properties, since the requirement to certify a property's base production control level has no meaning for stripper well properties.

After consideration of the comments submitted in this proceeding, as well as other available information, FEA has determined that it is appropriate to amend § 212.131(a) applicable to certifications by producers, in order to provide a less complicated procedure for such certifications. Questions concerning certifications by resellers will be considered in a subsequent proceeding.

The previous certification requirements evolved over the past three years from the rule originally adopted by CLC on August 17, 1973, requiring producers which charged a price in excess of the ceiling price to certify in writing to the purchaser in each sale: (1) the ceiling price of the crude oil; (2) the amount of new crude oil; and (3) the base production control level. These certifications were required to contain a statement that the price charged for the crude oil was not greater than the price permitted under Subpart L (6 CFR 150.354, 38 FR 22536 at 22539, August 22, 1973).

These requirements were substantially continued by FEO in 10 CFR 212.74(c) (39 FR 1924, January 15, 1974) and remained unchanged until August 29, 1974 (39 FR 31622, August 30, 1974) when FEA issued amendments to lay the foundation for the implementation of the old crude oil allocation program. At that time the certification requirements were deleted from § 212.74 and appeared in a new § 212.131, which required each producer and each seller of domestic crude oil to certify in writing to the purchaser, with respect to each sale: (1) The ceiling price (in first sales), (2) the amount of stripper well lease crude oil, (3) the amount of new crude oil, (4) the amount of released crude oil, and (5) the amount of old crude oil. These certifications also were required to contain a statement that the price charged was not greater than permitted pursuant to Part 212.

FEA amended the certification requirements to "insure that old domestic crude petroleum [would] be more easily traced" in connection with the anticipated program to allocate old crude oil (39 FR 31623), and in adopting the old oil allocation program (39 FR 42246, December 4, 1974), FEA further amended § 212.131 to provide that the certification requirements as to a first sale of domestic crude oil may be satisfied by a one-time certification as to the BPCL for each month of 1972 for the particular property. The requirements remained

substantially unchanged until February 1, 1976 when FEA adopted the first stage of EPCA implementing regulations (41 FR 4931, February 3, 1976). At that time, basically three changes were made:

(1) The requirement to certify "ceiling price" was expanded to "ceiling price or prices" to account for the upper tier ceiling price rule adopted on February 1, 1976;

(2) The permissive one-time certification provision was amended to make it clear that (a) prior to February 1, 1976, the rule required a certification of the property's BPCL for each month in 1972, and (b) effective February 1, 1976, the rule required a certification of the property's BPCL (either average monthly production and sale of crude oil in 1972, or average monthly production and sale of old crude oil in 1975), and a certification of the upper and lower tier ceiling prices for the particular crude oil; and

(3) Each producer was required in the month of February 1976 to certify in writing to each purchaser for each property whether 1972 or 1975 would be used to determine the property's BPCL.

With respect to the one-time certification procedure permitted under § 212.131, then, prior to February 1, 1976, a producer could comply fully with the requirements of the rule by certifying once in writing to the purchaser (1) the monthly production and sale of crude oil from the property concerned in 1972, and (2) that the price charged for the crude oil was not in excess of the maximum price permitted under Part 212. The requirement (2) above did not necessitate the use of an actual price, but only a certification that the price charged was not unlawful.

Effective February 1, 1976, however, new written certifications were required by each producer for each purchaser from each property. The certification requirements could be satisfied by a new one-time certification containing (1) the property's BPCL (either average monthly production and sale of crude oil during 1972 or average monthly production and sale of old crude oil during 1975, selected by the producer); (2) the lower and upper tier ceiling prices; and (3) a statement that the price charged is not in excess of that permitted under Part 212. Moreover, in the month of February 1976, each producer was required to certify in writing to each purchaser from each property whether the BPCL would thereafter be based upon average monthly production and sale of crude oil in 1972 or average monthly production and sale of old crude oil in 1975.

Producers have indicated basically two problems with the one-time certification provision of § 212.131, which the amendment adopted today is designed to eliminate. First, with respect to stripper well properties, the one-time certification of the "BPCL" is confusing in that such properties are not required to compute BPCL's. Second, with respect to a nonstripper well property from which crude oil is sold to more than one purchaser, the one-time certification of the property's BPCL does not accomplish the purpose of the certification requirement, in that it does not provide the purchasers with sufficient information to determine how much of that purchaser's crude oil purchased each month is properly classified as new crude oil. Where the property's total monthly production is sold to a single purchaser, of course, that purchaser can easily determine the amount of new crude oil each month by subtracting the property's BPCL from the current monthly production and sale. Where the property's total monthly production is sold to two or more purchasers, however, none of the purchasers is able to determine the amount of new crude oil without knowing how much production was sold to other purchasers.

Finally, with respect to all properties, the requirement that the one-time certification contain the lower and upper tier ceiling prices is also confusing due to the monthly upward adjustments in the lower and upper tier ceiling prices established under the second stage rulemaking proceeding to implement the crude oil pricing policy of the EPCA (41 FR 15566, April 13, 1976). Although the monthly upward adjustments to crude oil prices established under the second stage have been temporarily discontinued (41 FR 27730, July 6, 1976) they will, of course, resume after the overrecoupment has been corrected, and a one-time certification of those ceiling prices is obviously not possible under a system of continuing adjustments.

The amendment adopted today is designed to resolve any confusion with respect to the problems discussed above, and to eliminate any unnecessary certification burden on producers by requiring (wherever possible) only a one-time certification, containing the minimum amount of information needed to ensure the efficient monitoring of crude oil prices and to maintain the necessary lower and upper tier distinction with respect to a fungible commodity. Accordingly, under the amendments adopted today, a producer of a stripper well property is required only to certify to each purchaser (1) that the property has qualified as a stripper well property, (2) the property's average daily production during the 12 month period in which it qualified as a stripper well property, and (3) the highest posted price on September 30, 1975 which forms the basis for the upper tier ceiling price of the crude oil sold from that property. With respect to nonstripper well properties from which crude oil is sold only to one purchaser, the producer is required only to ceritfy (1) the property's monthly BPCL (and whether based upon 1972 or 1975), and (2) the highest posted prices on May 15, 1973 and September 30, 1975, which form the bases for the lower and upper tier ceiling prices for crude oil sold from that property. With respect to nonstripper well properties from which crude oil is sold to two or more purchasers, the producer will, in addition to a one-time certification, of posted prices used to determine lower and upper tier ceiling price, be required in each sale to certify (1) the number of barrels of new crude oil, and (2) the number of barrels of old crude oil.

For crude oil produced from unitized properties for which the producer has determined a unit base production control level, if crude oil is sold only to one purchaser, the producer is required only to certify (1) the monthly unit base production control level, (2) the amounts, if any, of "imputed new crude oil" and "imputed stripper well crude oil," and (3) the highest posted prices on May 15, 1973 and September 30, 1975, which form the bases for the lower and upper tier ceiling prices for crude oil sold from that property. With respect to such unitized properties from which crude oil is sold to two or more purchasers, the producer will, in addition to a one-time certification of posted prices used to determine lower and upper tier ceiling prices, be required in each sale to certify (1) the number of barrels of new crude oil (and whether "actual new crude oil" or "imputed new crude oil"), (2) the number of barrels of "imputed stripper well crude oil," and (3) the number of barrels of old crude oil.

All producers are required by October 1, 1976 to render the one-time certifications in writing to the purchaser. Exceptions will be permitted, of course, for (1) those stripper well properties which qualify after September 1, 1976, in which event the one-time certification will be required within 60 days after qualification; (2) those properties from which crude oil is first produced and sold after September 1, 1976, in which event the one-time certification will be required within 60 days after crude oil has first been produced and sold; (3) those cases in which new supplier/purchaser relationships are properly established after September 1, 1976, in which event the one-time certification to that purchaser will be required within 60 days after crude oil has first been sold to that purchaser; and (4) those unitized properties for which a unit base production control level is first established after September 1, 1976, in which event the one-time certification will be required within 60 days after a unit BPCL has been established.

Finally, it should be noted that it has been the practice among many purchasers and producers for the purchaser to prepare the certification and send it to the producer for completion and authentication and return to the purchaser. FEA has no objections to this practice to the extent that it permits any large purchaser to help to relieve the certification burdens on a small producer. However, the certification responsibility must in every case rest ultimately with the producer.

Moreover, § 212.131(c) makes it clear that "[n]o firm may sell domestic crude oil unless it provides the certification required by this section." To ensure compliance with the requirements of this section, a purchaser may refuse to recognize a sale of crude oil at other than

lower tier prices until the necessary certification has been made. Indeed, the purchase of crude oil at other than lower tier prices, in the absence of a valid certification, clearly constitutes a violation of FEA regulations.

VI. FURTHER COMMENTS REQUESTED

FEA has attempted in this proceeding to undertake a comprehensive analysis of the definition of "property," as well as other technical issues that have arisen with respect to the proper application of the Mandatory Petroleum Price Regulations applicable to first sales of domestic crude oil. Nevertheless, FEA is concerned that there may remain some peripheral issues that justify further consideration. Moreover, the conclusions set forth in this Notice—although the result of FEA's thorough consideration of all the comments and data available to FEA—may engender further comment from those parties that are likely to be affected by those conclusions.

Accordingly, FEA requests further comments addressed to the resolution of the issues addressed in this Notice, or to any other issue not specifically addressed in this Notice, that might need further clarification or modification. In this regard, comments should be restricted to issues concerning the Mandatory Petroleum Price Regulations applicable to first sales of domestic crude oil. Comments should be addressed to Executive Communications, Room 3309, Federal Energy Administration, Box GQ, Washington, D.C. 20461, and should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Clarifications to the Mandatory Petroleum Price Regulations Applicable to Domestic Crude Oil: Further Comments."

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 Code of Federal Regulations is amended as follows, effective September 1, 1976.

Issued in Washington, D.C., August 20, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Wherever the term "stripper well lease" appears in Part 212, it is changed to read "stripper well property."

2. Section 212.72 is amended to read as follows:

§ 212.72 Definitions.

* * * * *

"Property" means the right to produce domestic crude oil, which arises from a lease or from a fee interest. A producer may treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil, provided that such reservoir is recognized by the appropriate governmental regulatory authority as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.

* * * * *

3. Section 212.75 is revised to read as follows:

§ 212.75 Determination of upper tier crude oil produced from unitized properties.

(a) *Rule.* With respect to each unitized property, a producer shall, as of the effective date of unitization, establish a unit base production control level.

(b) *Definitions.* For purposes of this section:

"Current unit cumulative deficiency" means the total number of barrels by which production and sale of crude oil from the unitized property was less than the unit base production control level subsequent to the first month (following the establishment of a unit base production control level for that unitized property) in which any crude oil produced and sold from that unit was eligible to be classified as actual new crude oil (without regard to whether the amount of actual new crude oil was exceeded by the amount of imputed new crude oil), minus the total number of barrels of domestic crude oil produced and sold in each prior month from that unitized property (following the establishment of a unit base production control level for that unitized property) which was in excess of the unit base production control level for that month, but which was not eligible to be classified as actual new crude oil because of this requirement to reduce the amount of actual new crude oil in each month by the amount of the current unit cumulative deficiency.

"New crude oil" means either (a) actual new crude oil, which is the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, less (1) the unit base production control level, and less (2) the current unit cumulative deficiency; or (b) imputed new crude oil, which is a number of barrels of crude oil equal to the total number of barrels of new crude oil produced and sold during the 12 month period immediately preceding the establishment of a unit base production control level for the unitized property, from all properties that constitute the unitized property, divided by 12; whichever number is greater.

"Old crude oil" means the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, less the total number of barrels of new crude oil produced and sold from the unitized property in that month, and less the total number of barrels of crude oil sold at the upper tier ceiling price pursuant to the provisions of paragraph (f) of this section.

"Significant alteration in producing patterns" means the occurrence of either (1) the application of extraneous energy sources by the injection of liquids or gases into the reservoir, or (2) the increase of production allowables for any property that constitutes the unitized property.

"Unit base production control level" means, (1) the total number of barrels of old crude oil, as defined in § 212.72, produced and sold during the 12 month period immediately preceding the establishment of a unit base production control level for the unitized property from all properties that constitute the unitized property; plus (2) the total number of barrels of crude oil produced during the 12 month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties that constitute the unitized property; divided by 365, and multiplied by the number of days in the particular month.

"Unitized property" means the right to produce crude oil that arises from a unitization agreement approved by the applicable governmental regulatory authority (or FEA).

(c) Notwithstanding the provisions of paragraph (a) above, a producer shall not be required to establish a unit base production control level for a particular unitized property, provided that the producer has (pursuant to the provisions of 10 CFR Part 205, Subpart G) certified to FEA its intention to continue to determine volumes of upper and lower tier crude oil separately for all properties that constitute the unitized property, and provided further that the unitized property has not sustained a significant alteration in producing patterns.

(d) Except as provided in paragraphs (e) and (f) below with respect to new crude oil and imputed stripper well property crude oil, no producer of crude oil from a unitized property may charge a price higher than the lower tier ceiling price (as set forth in § 212.73 of this Part) for any first sale of domestic crude oil produced and sold from the unitized property.

(e) Notwithstanding the provisions of paragraph (d) above, a producer of crude oil from a unitized property may, in any month, charge a price not to exceed the upper tier ceiling price (as set forth in § 212.74) in first sales of new crude oil produced and sold from the unitized property.

(f) Notwithstanding the provisions of paragraphs (d) and (e) above, a producer of crude oil from a unitized property may, in any month, charge a price not to exceed the upper tier ceiling price (as set forth in § 212.74) in first sales of imputed stripper well crude oil, which is a number of barrels of crude oil equal to the total number of barrels of crude oil produced during the 12 month period immediately preceding the establishment of a unit base production control level for the unitized property, from all stripper well properties that constitute the unitized property, divided by 12.

4. Section 212.131 is revised to read as follows:

§ 212.131 Certification of domestic crude oil sales.

(a)(1) *Stripper well properties.* With respect to each stripper well property, the producer shall certify in writing to

each purchaser of crude oil produced from that property:

(i) That the property concerned has qualified as a stripper well property;

(ii) The average daily production for the 12 month period during which the property qualified as a stripper well property; and

(iii) The highest posted price on September 30, 1975, for transactions in that particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

The certification required under paragraph (a)(1) of this section shall be made (i) on or before October 1, 1976, with respect to any property which qualified as a stripper well property on or before August 1, 1976; and (ii) with respect to any property which qualifies as a stripper well property after August 1, 1976, within 60 days from the date that such property qualifies as a stripper well property.

(2) *Non-stripper well properties.* (i) With respect to each sale of crude oil from a property which has not qualified as a stripper well property, the producer shall certify in writing to the purchaser the number of barrels of new crude oil and the number of barrels of old crude oil. With respect to any property which has not qualified as a stripper well property, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(2)(A) may be complied with by a one-time certification to the purchaser of the property's monthly base production control level determined pursuant to 10 CFR 212.72, and whether based upon production and sale of crude oil in 1972 or upon production and sale of old crude oil in 1975.

(ii) With respect to each property which has not qualified as a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property:

(A) the highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; and

(B) the highest posted price on September 30, 1975 for transactions in that particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

(iii) The one-time certification required under paragraph (a)(2)(ii) of this section, and the one-time certification permitted under paragraph (a)(2)(i) of this section, shall be made on or before October 1, 1975, provided that with respect to any property from which crude oil has not been produced and sold prior to August 1, 1976, the one-time certification required under paragraph (a)(2)(ii) of this section, and the one-time certification permitted under paragraph (a)(2)(A) of this section, shall be made within 60 days from the date when such crude oil is first produced and sold.

(3) *Unitized properties.* (i) With respect to each sale of crude oil from a unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing to the purchaser the number of barrels of new crude oil (and whether "actual new crude oil" or "imputed new crude oil" determined pursuant to 10 CFR 212.75(b)), the number of barrels of old crude oil, and the number of barrels of imputed stripper well crude oil (if any) determined pursuant to 10 CFR 212.75(b). With respect to any unitized property for which the producer has determined a unit base production control level, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(3)(i) may be complied with by a one-time written certification to the purchaser of (A) the monthly unit base production control level determined pursuant to 10 CFR 212.75(b); (B) the amount of imputed new crude oil (if any, determined pursuant to 10 CFR 212.75(b)); and (C) the amount of imputed stripper well crude oil (if any, determined pursuant to 10 CFR 212.75(b)).

(ii) With respect to each unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing once to each purchaser of crude oil produced from the property:

(A) the highest posted price at 6 a.m., local time May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; and

(B) the highest posted price on September 30, 1975, for transactions in that particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

(iii) The one-time certification required under paragraph (a)(3)(ii) of this section, and the one-time certification permitted under paragraph (a)(3)(i) of this section, shall be made on or before October 1, 1975, provided that with respect to any unitized property for which a unit base production control level has not been established prior to August 1, 1976, the one-time certification required under paragraph (a)(3)(ii) of this section, and the one-time certification permitted under paragraph (a)(3)(A) of this section, shall be made within 60 days from the date when such unit base production control level is established.

(4) *New purchasers.* With respect to any purchaser who has not purchased crude oil from the property (or the unitized property) concerned prior to August 1, 1976, the one-time certifications required under paragraphs (a)(2)(ii) and (a)(3)(ii) of this section, and the certifications permitted under paragraphs (a)(2)(i) and (a)(3)(i) of this section, shall be made within 60 days from the date such purchaser first purchases crude oil from that property or unitized property.

(b)(1) Each seller of domestic crude oil, other than a producer of domestic crude oil covered by paragraph (a)(1) of this section shall, with respect to each sale of domestic crude oil other than (i) an allocation sale pursuant to § 211.65 of Part 211, or (ii) a sale in which no volumes of old crude oil are deemed to have been transferred pursuant to § 211.67(g) of Part 211, certify in writing to the purchaser the amount of old crude oil included in the volume of domestic crude oil so sold. The certification shall also contain a statement that the price charged for the domestic crude oil is no greater than the maximum price permitted pursuant to this part.

(2) Each seller of domestic crude oil, other than a producer of domestic crude oil, shall make the certification required by this paragraph as soon as practicable after receipt of the required certifications from its sellers, but in no event later than 30 days following such receipt. However, if the domestic crude oil is not sold until after the expiration of the thirty-day period, the certification required by this paragraph shall be made within ten days following the sale of the domestic crude oil.

(c) With respect to each allocation sale under § 211.65 of Part 211, the seller shall certify in writing to the purchaser the amount of old crude oil deemed (under the provisions of § 211.67(f) of Part 211) to be included in the volume of crude oil so sold. Such written certification shall be made within 25 days following the month in which the crude oil so sold is delivered to or for the account of the purchaser.

(d) No firm may sell domestic crude oil unless it provides the certification required by this section. No firm may knowingly purchase domestic crude oil for which there is no certification as required by this section; provided, however, that the provisions of this paragraph do not apply to the sale of domestic crude oil to a firm under circumstances of economic or other coercion in which the buyer, because of its need for crude oil, had no reasonable alternative but to purchase the domestic crude oil for which there is no certification, and such firm promptly reports the purchase to the Federal Energy Administration for investigation.

(e) All certifications required by this section shall be in writing, either upon an invoice or billing or by separate instrument, and shall be effective only when delivered to and received by the purchaser of domestic crude oil.

[FR Doc.76-24924 Filed 8-20-76;4:06 pm]

federal register

THURSDAY, AUGUST 26, 1976

PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

■

PRIVACY ACT OF 1974

Systems of Records and Proposed Routine Uses Thereof

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Pub. L. 93–579) as prescribed in 5 U.S.C. 552a(e)(4), the following notices of systems of records that are maintained by the Department of Health, Education, and Welfare are published as set forth below. These systems are currently ongoing and were either inadvertently omitted from past publications because of administrative oversight and/or they are notices of contractor systems of records where the contracts were entered into before September 27, 1975.

Prior to the final adoption of the proposed routine uses for these notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submited in writing on or before September 27, 1976. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Ave., S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address.

Dated: August 20, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

NIH NIDR 0334.00

System name: Research studies dealing with prevention of dental caries, plaque, and gingivitus, HEW/NIH/NIDR.

Security classification: None.

System location:

Westwood Building, Rm 534
5333 Westbard Ave.
Bethesda, Md 20014
and at medical/dental facilities, clinics, etc. under contract or participating in direct operations. A list of locations is available from system manager.

Categories of individuals covered by the system: Volunteers and patients participating in research projects involving dental caries, plaque, gingivitus, and agents and/or techniques for their prevention and control.

Categories of records in the system: Individual medical/dental records of participating individuals.

Authority for maintenance of the system: 42 U.S.C. 241, 288a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
2. Appendix B Departmental Regulations (45 CFR part 5b) Item 100 - 'To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.'

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, computer tapes, or discs.

Retrievability: Name or identifier code. HEW uses: data analysis; program management; HEW user (National Institute of Dental Research) will receive data extracted by principal investigators from volunteer and patient research records concerning medical/dental measures of dental caries, plaque, gingivitus, and other oral health-related variables.

Safeguards: The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator, and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards established in accordance with Departmental standards and National Bureau of Standards guidelines (e.g., security codes) will be used limiting access to authorized personnel.

Retention and disposal: One year to indefinitely, depending on the requirements of the specific study. Records are shredded, burned or erased.

System manager(s) and address:

Chief, Biometry Section
National Caries Program
National Institute of Dental Research
Westwood Building, Rm 534
5333 Westbard Ave
Bethesda, Md 20014

Notification procedure: To determine if a file exists, write to the System Manager and provide the following information:

1. approximate dates and place of examination or treatment
2. name of the study, if known
3. an individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b.6) Federal Register, October 8, 1975, page 47411).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager, and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

Record source categories: Information provided by subject individuals and clinical investigators.

Systems exempted from certain provisions of the act: None.

NIH NIAID 0335.00

System name: Kidney Transplant Histocompatibility Study(KTHS) DHEW/NIH/NIAID.

Security classification: None.

System location: Records included in this system are located in hospitals, research foundations, and universities under contract, in the Naval Medical Research Institute, and in the National Institute of Allergy and Infectious Diseases facilities in Bethesda, Md. (See Appendix I).

Categories of individuals covered by the system: Patients who have received kidney transplants and donors of kidneys transplanted at participating institutions (See Appendix I) during the period January 1, 1974, through December 31, 1976.

Categories of records in the system: Clinical and medical records containing information on clinical examinations, laboratory findings, and related research records. For kidney recipients, a demographic profile is also included.

Authority for maintenance of the system: 42 U.S.C. 241(g) and 289c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
2. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Departmental Regulations (45 CFR Part 5b), Item 100).
3. Clinical research data are made available to authorized individuals and organizations deemed qualified to carry out specific research solely for the purpose of carrying out such research. (Appendix B, Departmental Regulations (45 CFR Part 5b) Item 101).
4. Research data may be made available to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review. (Appendix B, Departmental Regulations (45 CFR Part 5b) Item 102).
5. Certain infectious diseases are reported to state governments as required by law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, punched cards, and magnetic tapes or discs.

Retrievability: Information is retrieved by name and location of study and by transplant number. HEW Uses: Summaries of the data developed in this study will be used to study the relevance of tissue typing to the outcome of kidney transplants. The influence or organ preservation techniques and various surgical and medical therapies will be similarly studied. As a regular part of these studies, clinical research data are made available to collaborating researchers who are part of the program. These are HEW employees and/or researchers employed by the contractors.

Safeguards: The records are maintained in file cabinets in offices which are locked when not attended, with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards' guidelines, e.g., security codes will be used limiting access to authorized personnel.

Retention and disposal: Records are retained for five years to indefinitely, depending on the requirements of the study. Records are burned or erased.

System manager(s) and address:

Chief, Transplantation and Immunology Branch
National Institute of Allergy and Infectious Diseases, NIH
Westwood Building, Room 750
5333 Westbard Avenue
Bethesda, Maryland, 20016

Notification procedure: To determine if a record exists, write to the System Manager and provide the following information:

1. Full name
2. Name and location of clinical trial facility
3. Approximate dates of enrollment in the research study An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6), Federal Register, October 8, 1975, page 47411.

Record access procedures: Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager, and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

Record source categories: Information contained in these records is obtained directly from individual participants and from medical records and clinical research observations.

Systems exempted from certain provisions of the act: None.

APPENDIX I - Location of Records

National Institute of Allergy and Infectious Diseases
Westwood Building, Room 750
5333 Westbard Avenue
Bethesda, Maryland 20016

Louis D. Homer, M.D., Ph.D.
Naval Medical Research Institute
National Naval Medical Center
8901 Rockville Pike
Bethesda, Maryland 20014

And in the offices of the Kidney Transplant Histocompatibility Study Registrars at the following participating hospitals:

University of Arkansas Medical Center
4301 W. Markham
Little Rock, Arkansas 72201

Children's Memorial Hospital
2300 Children's Plaza
Chicago, Illinois 60614

Rush-Presbyterian-St. Luke's Hospital
Chicago, Illinois 60612

Billings Hospital
950 E. 59th Street
Chicago, Illinois 60637

University of Illinois Hospital
840 S. Wood
Chicago, Illinois 60612

Veterans Administration Research Hospital
333 East Huron
Chicago, Illinois 60611

Veterans Administration Hospital
Hines, Illinois 60141

Loyola University Hospital
Maywood, Illinois 60153

Memorial Hospital
Springfield, Illinois 62705

Children's Hospital
300 Longwood Avenue
Boston, Massachusetts 02115

Massachusetts General Hospital
32 Fruit Street
Boston, Massachusetts 02114

Peter Bent Brigham Hospital
721 Huntington Avenue
Boston, Massachusetts

University of Minnesota Hospital
412 Union Street, SE
Minneapolis, Minnesota, 55455

Albany Medical Center
43 New Scotland Avenue
Albany, New York 12208

Downstate Medical Center
450 Clarkson Avenue
Brooklyn, New York 11203

Buffalo General Hospital
100 High Street
Buffalo, New York 14203

Meyer Memorial Hospital
462 Grider Street
Buffalo, New York 14215

Strong Memorial Hospital
260 Crittenden Blvd.
Rochester, New York 14620

Upstate Medical Center
766 Irving Avenue
Syracuse, New York 13210

Cleveland Clinic
2050 E. 93rd Street
Cleveland, Ohio 44106

University of Oklahoma Health Sciences Center
P.O. Box 26901
Oklahoma City, Oklahoma 73190

Parkland Memorial Hospital
5201 Harry Hines
Dallas, Texas 75235

University of Texas Medical Branch
Galveston, Texas 77550

Methodist Hospital
6516 Bertner
Houston, Texas 77025

University of Texas Health Sciences Center, San Antonio
7703 Floyd Curl Drive
San Antonio, Texas 78284

Wilford Hall Hospital
Lackland Air Force Base
San Antonio, Texas 78236

University of Utah Hospital
50 North Medical Drive
Salt Lake City, Utah 84112

SSA PP RSL 0375.00

System name: Matches of Social Security Administration, Department of Defense and Veterans Administration Data Relating Earnings History to Armed Forces Training Experience.

Security classification: None.

System location:

Social Security Administration
Universal North Building
1875 Connecticut Avenue
Washington, D.C. 20009

Categories of individuals covered by the system: Samples of enlisted men who separated from active duty during fiscal 1969 after having satisfactorily completed one term of service.

Categories of records in the system: Limited Social Security Administration earnings information, Department of Defense sociodemographic and post-service data, and Veterans Administration program participation information.

Authority for maintenance of the system: Section 702 of the Social Security Act, 42 U.S.C. 902.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records stored on magnetic tape.

Retrievability: Records are indexed by social security number during the matching steps at the Social Security Administration but identifiers are not made available outside SSA.

Safeguards: Social Security Administration keeps all records in a secured building (and locked file) and all employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. Social security employees access only to particular items of Department of Defense and Veterans Administration data relevant to the matched study. All social security numbers have been removed from tapes made available outside the Social Security Administration. However, matched files containing identifiers are being maintained at Social Security for possible use in further matching of later years.

Retention and disposal: Records will be held for three years at which time the program will be reviewed for need to retain identifiers. Whenever all matching operations are complete, the identifiers will be eliminated.

System manager(s) and address:

Assistant Commissioner for Research and Statistics
Social Security Administration, Room 1121
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Notification procedure: In order to gain access to the intermediate extract files which are the only ones for which the Social Security Administration retains identifying information, the system manager would require the name of the system; the individual's Social Security Number; and, for verification purposes, name, address, date of birth, and sex.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Social Security Administration summary earnings record and Department of Defense Manpower Research and Data Analysis Center post-service file; veterans entitlement and program participation data from VA.

Systems exempted from certain provisions of the act: None. /*

[FR Doc.76-24876 Filed 8-25-76;8:45 am]

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

HERBERT HOOVER

1929	$13.30	1930	$16.00

HARRY S. TRUMAN

1945	$11.75	1949	$11.80
1946	$10.80	1950	$13.85
1947	$11.15	1951	$12.65
1948	$15.95	1952–53	$18.45

DWIGHT D. EISENHOWER

1953	$14.60	1957	$14.50
1954	$17.20	1958	$14.70
1955	$14.50	1959	$14.95
1956	$17.30	1960–61	$16.85

JOHN F. KENNEDY

1961	$14.35	1962	$15.55
		1963	$15.35

LYNDON B. JOHNSON

1963–64 (Book I)	$15.00	1966 (Book II)	$14.35
1963–64 (Book II)	$15.25	1967 (Book I)	$12.85
1965 (Book I)	$12.25	1967 (Book II)	$11.60
1965 (Book II)	$12.35	1968–69 (Book I)	$14.05
1966 (Book I)	$13.30	1968–69 (Book II)	$12.80

RICHARD NIXON

1969	$17.15	1972	$18.55
1970	$18.30	1973	$16.50
1971	$18.85	1974	$12.30

GERALD R. FORD

1974	$16.00

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402