

THURSDAY, DECEMBER 2, 1976



register
federal

highlights

CHARTER FLIGHTS

CAB adopts special regulations establishing new class designated as advance booking; effective 1-1-77..... 52865

COAL MINE HEALTH AND SAFETY

Interior/MESA sets public hearing on proposed mandatory standards for training and retraining of coal miners; hearing 1-5 thru 1-7 and 1-10 thru 1-12-77..... 52890

COMPRESSED GAS PACKAGES

DOT/MTB extends comment filing date to 2-1-77 on merits of color coding..... 52891

CRUDE OIL

DOT issues decision on Trans-Alaska pipeline petition for waiver of girth weld regulations..... 52933

ENERGY CONSERVATION

Community Services Administration adopts rules on emergency programs; effective 12-2-76..... 52876

FREEDOM OF INFORMATION

FTC amends procedures to be followed by non-Federal government agencies requesting records; effective 12-2-76..... 52867

MOTOR VEHICLE LIGHTING

DOT/NHTSA proposal revising mounting height requirements for clearance and identification lamps; comments by 1-13-77..... 52892

OUTER CONTINENTAL SHELF

Interior/BLM makes protraction diagrams available to public..... 52909

PAROLE RELEASE, SUPERVISION AND PRISONER RECOMMITMENT

Justice intent to consider adoption of regulations governing youth offenders and juvenile delinquents; comments by 1-24-77..... 52889

PRIVACY ACT OF 1974

International Trade Commission proposes additional routine uses to its system of records; comments by 12-15-76..... 52921

NASA implements changes to regulations; effective 11-22-76..... 52866

RURAL HOUSING LOANS

USDA/FmHA proposes regulation regarding moratoriums on interest and principal payments; comments by 12-31-76..... 52888

CONTINUED INSIDE

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/FAA—Standard instrument approach procedures; Ft. Leonard Wood, Mo., et al..... 45820; 10-18-76
 Standard instrument approach procedures; recent changes and additions; various States..... 46433; 10-21-76
 FCC—FM broadcast stations; table of assignments; Indiana.... 47931; 11-1-76

HEW/FDA—Colistimethate sodium for injection; revocation for certifying 48100; 1-2-76
 Registration of producers of drugs and listing of drugs in commercial distribution; revision of times for annual registration..... 48097; 11-2-76

Vancomycin hydrochloride; revision of working standard stock solution concentration..... 48099; 11-2-76
 Labor/ETA—Public Employment Service System; services for veterans..... 48249; 11-2-76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **LIST OF PUBLIC LAWS**.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

federal register

Phone 523-5240



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INFORMATION AND ASSISTANCE

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FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	202-783-3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202-523-5022
Scheduling of documents for publication.	523-5220
Copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5286
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-5282
Code of Federal Regulations (CFR)...	523-5266
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents...	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5237
Slip Laws	523-5237
U.S. Statutes at Large	523-5237
Index	523-5237
U.S. Government Manual	523-5230
Automation	523-5240
Special Projects	523-5240

HIGHLIGHTS—Continued

MEETINGS—

Executive Office of President: President's Committee on Science and Technology, 12-16-76	52900
Interior/BLM: Salmon District Multiple Use Advisory Board, 1-12-77	52910
VA: Educational Allowances Station Committee, Des Moines, 12-28-76	52949

CHANGED MEETINGS—

FEA: Natural Gas Transmission and Distribution Advisory Committee, 12-10-76	52905
NRC: Reactor Safety Study Working Group of the Reactor Safeguards Advisory Committee, 1-4-77	52922

contents

AGRICULTURAL MARKETING SERVICE

Rules	
Grapefruit grown in Ariz. and Calif.	52887
Oranges (navel) grown in Ariz. and Calif.	52886

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Forest Service.	
----------------------------------------------------------------------------------	--

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices	
Procurement list, 1976, proposed additions; correction	52900

CIVIL AERONAUTICS BOARD

Rules	
Accounts, records, and memoranda for air carriers, preservation:	
Charters, advance booking; charter operators, preservation of records	52865
Charters, advance booking; editorial changes	52865

CIVIL SERVICE COMMISSION

Rules	
Allowances and differentials: Nonforeign areas, cost of living rates and area listing; correction	52857

COAST GUARD

Notices	
Equipment, construction, and materials; approval	52929

COMMERCE DEPARTMENT

See Maritime Administration.	
------------------------------	--

COMMUNITY SERVICES ADMINISTRATION

Rules	
Community Action Programs: Emergency Energy Conservation Programs; reporting requirements (Energy Data Form)	52876

DELAWARE RIVER BASIN COMMISSION

Notices	
Public hearing	52897

DRUG ENFORCEMENT ADMINISTRATION

Rules	
Schedules of controlled substances:	
Exempt chemical preparations	52867

ELECTRONIC FUND TRANSFERS, NATIONAL COMMISSION

Notices	
Revised notice of meeting	52922

EXECUTIVE OFFICE OF THE PRESIDENT

Notices	
Meetings: President's Committee on Science and Technology	52900

FARMERS HOME ADMINISTRATION

Proposed Rules	
Account servicing: Routine; moratorium on payments	52888
Notices	
Disaster and emergency areas: Michigan	52897

FEDERAL AVIATION ADMINISTRATION

Rules	
IFR altitudes (2 documents)	52858, 52861
Restricted areas	52858
Transition areas (6 documents)	52857, 52858

FEDERAL COMMUNICATIONS COMMISSION

Rules	
Experimental broadcast services: Remote pickup broadcast stations	52879
Notices	
Cable television: Proposed rulemaking notices, mailing to all systems, denial of request	52903
Revision of rules regarding leapfrogging, carriage of local independent signals, and non-network programming exclusivity	52903
Petitions for rulemaking filed, granted, denied, etc.	52901
Satellite stations, construction, etc.; applications	52902
Hearings, etc.: Bedford Improved TV, Inc.	52900
Henderson All-Channel Cablevision, Inc.	52902

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules	
Interest on deposits: Keogh (HR 10) plans; withdrawal penalty exception; correction	52857

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices	
Disaster areas: Maryland	52903

FEDERAL ENERGY ADMINISTRATION

Notices	
Meetings: Natural Gas Transmission and Distribution Advisory Committee, change in date and place	52905

FEDERAL INSURANCE ADMINISTRATION

Rules	
Flood Insurance Program, National; flood elevation determinations, etc.	

Florida	52868
Iowa	52873
New Jersey	52869
New York	52874
North Carolina	52874
Ohio	52871
Pennsylvania (5 documents)	52970, 52872, 52875, 52876
Rhode Island	52868
Texas	52869
Virginia; correction	52868
Wisconsin	52871

FEDERAL MARITIME COMMISSION

Notices	
Freight forwarder licenses: Carlos Edmundo Plazas, et al.	52897

FEDERAL POWER COMMISSION

Notices	
Hearings, etc.:	
Cities Service Gas Co.	52905
Columbia Gas Transmission Corp.	52905
El Paso Alaska Co.	52906
El Paso Electric Co.	52906
Kansas Power and Light Co.	52907
Pacific Interstate Transmission Co.	52907
South Texas Natural Gas Gathering Co.	52907
Transcontinental Gas Pipe Line Corp.	52907
Tucson Gas and Electric Co.	52908

FEDERAL TRADE COMMISSION

Rules	
Procedures and practice rules: Freedom of information requests	52867

FISCAL SERVICE

Notices	
Surety companies acceptable on Federal bonds: Puritan Insurance Co.; name change	52949

FISH AND WILDLIFE SERVICE

Rules	
Fishing:	
Iroquois National Wildlife Refuge, N.Y.	52886
Monomoy National Wildlife Refuge, Mass.	52885
Seney National Wildlife Refuge, Mich.	52885
Hunting:	
Lake Alice National Wildlife Refuge, N. Dak. (4 documents)	52884, 52885
Public access, entry, use, and recreation:	
Block Island National Wildlife Refuge, R.I.	52883
Cabeza Prieta National Wildlife Refuge, Ariz., et al.	52881
Ninigret National Wildlife Refuge, R.I.	52883
Sachuest Point National Wildlife Refuge, R.I.	52884
Salt Meadow National Wildlife Refuge, Conn.	52883
Trustom Pond National Wildlife Refuge, R.I.	52884

CONTENTS

FOREST SERVICE	
Notices	
Environmental statements; availability, etc.: Walova-Whitman National Forest, Grande Ronde Planning Unit, Oreg.	52897
HEALTH, EDUCATION, AND WELFARE DEPARTMENT	
<i>See</i> Health Resources Administration.	
HEALTH RESOURCES ADMINISTRATION	
Proposed Rules	
Grants: Medical facilities, public, construction and modernization; correction	52891
HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT	
Notices	
Applications, etc.: Bishop Coal Co. Brushy Fork Mining Corp. Christopher Coal Co. Clinchfield Coal Co. J & M Coal Co. Jim Walter Resources, Inc. Jones & Laughlin Steel Corp. (2 documents) Mid-Continent Coal and Coke Co. (2 documents) Permac, Inc. Plateau Mining Co. Scotts Branch Co. Smith Coal Co. Twin Ridge Coal Co. Virginia Pocahontas No. 5 Mining Co. (3 documents) Westmoreland Coal Co.	52911 52911 52912 52913 52913 52914, 52915 52915, 52916 52917 52917 52918 52918 52919 52920 52921
HOUSING AND URBAN DEVELOPMENT DEPARTMENT	
<i>See</i> Federal Disaster Assistance Administration; Federal Insurance Administration.	
INTERIOR DEPARTMENT	
<i>See</i> Fish and Wildlife Service; Hearing and Appeals Office; Land Management Bureau; Mining Enforcement and Safety Administration.	
INTERNATIONAL TRADE COMMISSION	
Notices	
Privacy Act; system of records: Additional routine uses	52921
INTERSTATE COMMERCE COMMISSION	
Rules	
Railroad car service orders: Hopper cars, return	52880
Proposed Rules	
Motor carriers: Exemptions; agricultural cooperatives	52893
Notices	
Agreements under section 5a, applications for approval, etc.: Car service rules, mandatory; exemptions (7 documents)	52951 52950, 52951
Fourth section applications for relief	52951
Hearings, assignment	52950
Motor carriers: Transfer proceedings (2 documents)	52952
Petitions, applications, finance matters (including temporary authorities), railroad abandonment, alternate route deviations, and intrastate applications	52953
JUSTICE DEPARTMENT	
<i>See</i> Drug Enforcement Administration; Parole Commission.	
LAND MANAGEMENT BUREAU	
Notices	
Airport leases: Alaska	52908
Applications, etc.: Wyoming (2 documents)	52910, 52911
Meetings: Salmon District Multiple Use Advisory Board	52910
Opening of public lands: Oregon Washington (2 documents)	52909 52910
Protraction diagrams filing, availability: Alaska	52909
Withdrawal and reservation of lands, proposed, etc.: Nevada	52908
MANAGEMENT AND BUDGET OFFICE	
Notices	
Clearance of reports; list of requests (2 documents)	52927, 52928
MARITIME ADMINISTRATION	
Notices	
Applications, etc.: American Eagle Tanker Corp. et al	52898
Sea Transport Corp. et al	52898
MATERIALS TRANSPORTATION BUREAU	
Proposed Rules	
Compressed gases in cylinders; color coding system of identification; inquiry; extension of time	52891
MINING ENFORCEMENT AND SAFETY ADMINISTRATION	
Proposed Rules	
Coal mine health and safety: Surface and underground mines; training and retraining of miners; hearings	52890
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
Rules	
Privacy Act; implementation	52866
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION	
Rules	
Motor vehicle safety standards: Incorporation by reference, address changes	52880
Proposed Rules	
Motor vehicle safety standards: Lamps, reflective devices, and associated equipment	52892
Notices	
Motor vehicle safety standards; exemption petitions, etc.: Prevost Car, Inc.; bus window retention and release Sebring Vanguard, Inc.; occupant crash protection	52933 52933
NATIONAL TRANSPORTATION SAFETY BOARD	
Notices	
Safety recommendations and accident reports, availability, responses, etc.	52926
NUCLEAR REGULATORY COMMISSION	
Notices	
Meetings: Advisory Committee on Reactor Safeguards, Reactor Safety Study Working Group, postponed	52922
Natural Resources Defense Council; Extension of comment period	52926
Regulatory guides; issuance and availability (2 documents)	52926
Applications, etc.:	
Carolina Power and Light Co. (2 documents)	52922
Commonwealth Edison Co.	52922
Florida Power and Light Co. (2 documents)	52923
Georgia Power Co.	52923
Houston Lighting and Power Co., et al	52924
Northeast Nuclear Energy Co., et al (2 documents)	52924
Portland General Electric Co.	52925
Public Service Co., N.H.	52925
Virginia Electric and Power Co.	52925
Wisconsin Electric Power Co.	52926
PAROLE COMMISSION	
Proposed Rules	
Prisoners, youth offenders, and juvenile delinquents; parole, release, supervision, and recommitment	52889
PENSION BENEFIT GUARANTY CORPORATION	
Proposed Rules	
Plan assets, allocation; correction	52890
POSTAL SERVICE	
Notices	
Environmental statement, draft, Rochester Management Sectional Center	52928

CONTENTS

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:

Fourth Street Capital Corp. 52929

License surrenders, Atlantic Small
Business Investment Corp., et
al 52929

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal
Aviation Administration; Ma-
terials Transportation Bureau;
National Highway Traffic Safety
Administration.

Notices

Pipeline, trans-Alaska crude oil;
girth weld regulations, waiver
petition 52933

TREASURY DEPARTMENT

See Fiscal Service.

VETERANS ADMINISTRATION

Notices

Meetings:

Station Committee on Educa-
tional Allowances 52949

"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 46527, Oct. 21, 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.

5 CFR	21 CFR	42 CFR
591	52857 1308	52867 PROPOSED RULES:
7 CFR	24 CFR	124 52891
907	52886 1916 (5 documents)	52868, 52869 45 CFR
909	52887 1917 (10 documents)	52870-52876 1061 52876
PROPOSED RULES:	28 CFR	47 CFR
1861	52888 PROPOSED RULES:	74 52879
12 CFR	2	49 CFR
329	52857 29 CFR	571 52880
14 CFR	PROPOSED RULES:	1033 52880
71 (7 documents)	52857, 52858 2608	52890 PROPOSED RULES:
73	52858	172 52891
95 (2 documents)	52858, 52861 30 CFR	571 52892
249 (2 documents)	52865 PROPOSED RULES:	1047 52893
1212	52866 75	52890 50 CFR
16 CFR	77	26 (6 documents) 52881-52884
4	52867	32 (4 documents) 52884, 52885
		33 (3 documents) 52885, 52886

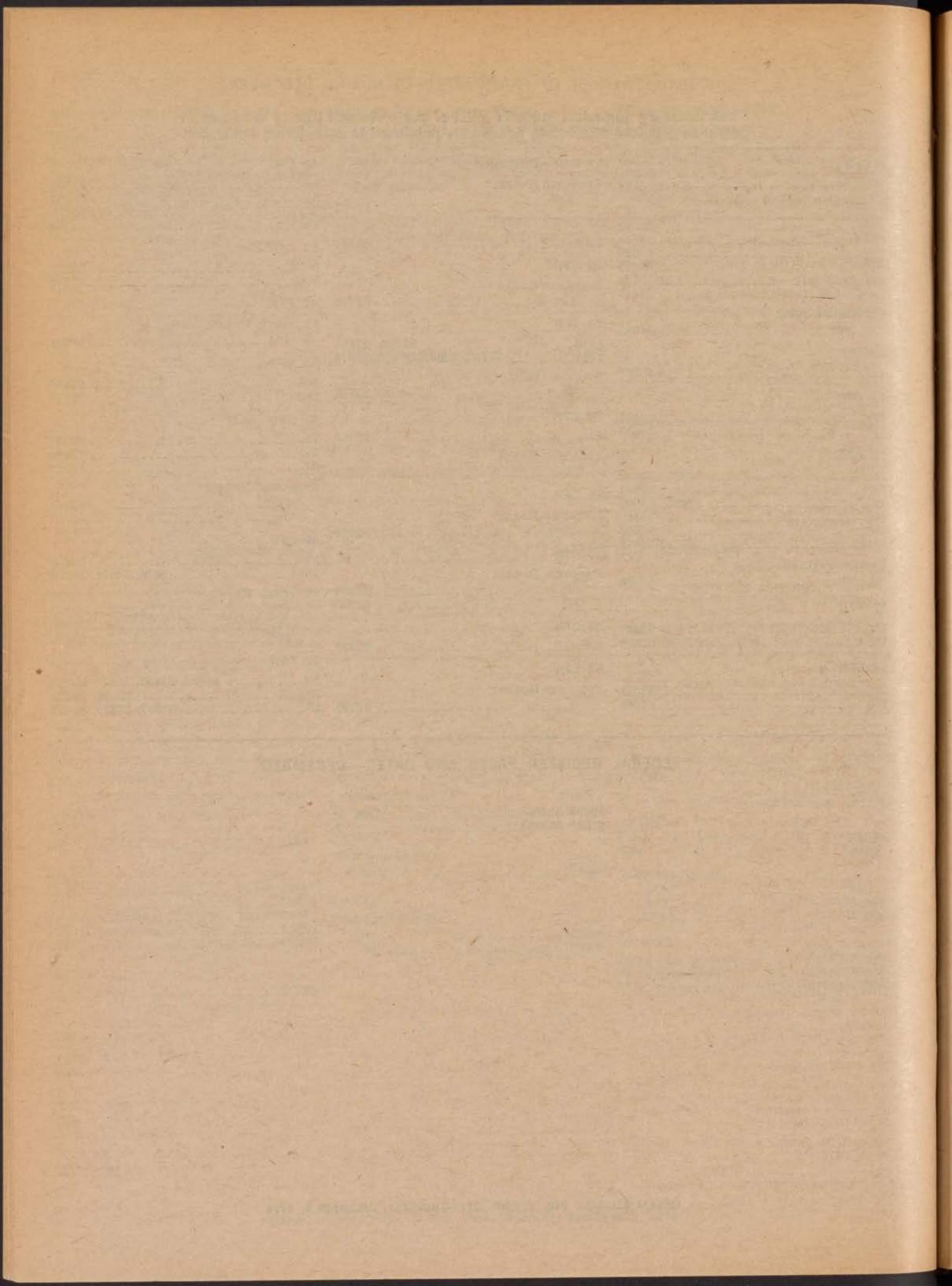
CUMULATIVE LIST OF PARTS AFFECTED DURING DECEMBER

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 December.

5 CFR		17 CFR—Continued		40 CFR	
591	52857	PROPOSED RULES:		50	52686
		230	52701	51	52692
7 CFR				53	52692
401	52643	21 CFR		136	52779
907	52886	1308	52867		
909	52887			41 CFR	
989	52645	23 CFR		3-16	52676
999	52646	PROPOSED RULES:		3-50	52676
1464	52647	Ch. I	52703		
PROPOSED RULES:		24 CFR		42 CFR	
1861	52888	1916	52868, 52869	PROPOSED RULES:	
12 CFR		1917	52668, 52669, 52870-52876	124	52891
329	52857	PROPOSED RULES:		45 CFR	
13 CFR		1917	52703-52705	1061	52876
107	52647	28 CFR		1800	52677
315	52648	42	52669	47 CFR	
14 CFR		PROPOSED RULES:		73	52677
71	52857, 52858	2	52889	74	52879
73	52858	29 CFR		97	52685
95	52858, 52861	PROPOSED RULES:		PROPOSED RULES:	
249	52865	2608	52890	15	52705
253	52658	30 CFR		95	52709
1212	52866	PROPOSED RULES:		49 CFR	
PROPOSED RULES:		75	52890	571	52880
399	52698	77	52890	1033	52695, 52696, 52880
16 CFR		32 CFR		PROPOSED RULES:	
4	52867	890	52672	172	52891
13	52659, 52660	37 CFR		571	52892
17 CFR		PROPOSED RULES:		1047	52893
239	52662	1	52705	50 CFR	
270	52668		33	26	52696, 52697, 52881-52881
				32	52884, 52885
				33	52697, 52885, 52886

FEDERAL REGISTER PAGES AND DATES—DECEMBER

<i>Pages</i>	<i>Date</i>
52643-52855	Dec. 1
52857-52975	2



rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 591—ALLOWANCES AND DIFFERENTIALS

Cost of Living Allowance and Post Differential—Nonforeign Areas

Correction

In FR Doc. 76-34219 appearing at page 51579 in the **FEDERAL REGISTER** of Tuesday, November 23, 1976, the following correction should be made:

On page 51582, first column, in Appendix B in the table, the first entry "American Samoa" * * * the effective date should read "June 8, 1975".

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PARTS 329—INTEREST ON DEPOSITS

Keogh (HR 10) Plans

Correction

In FR Doc. 76-34054 appearing at page 50804, in the issue of Thursday, November 18, 1976 the following correction should be made:

On page 50804, middle column, fourth paragraph, seventh line, first word should read "IRAs".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 76-EA-60]

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

Designation of Transition Area

On page 43185 of the **FEDERAL REGISTER** for September 30, 1976, the Federal Aviation Administration published a proposed rule which would designate a Easton, Pa., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT December 30, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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

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

§ 71.181 [Amended]

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by designating an Easton, Pa. transition area as follows:

EASTON, PA.

"That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°44'32" N., 75°14'35" W. of Easton Airport, Easton, Pa.; within an 8-mile radius of the center of the airport, extending clockwise from a 248° bearing from the airport to a 060° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 060° bearing from the airport to a 095° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 095° bearing from the airport to a 129° bearing from the airport; within 5 miles each side of the Allentown, Pa., VORTAC 085° radial, extending from 12 miles east of the VORTAC to 20.5 miles east of the VORTAC. This transition area is effective from sunrise to sunset, daily."

[FR Doc. 76-35144 Filed 12-1-76; 8:45 am]

[Airspace Docket No. 76-EA-61]

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

Alteration of Transition Area

On page 43185 of the **FEDERAL REGISTER** for September 30, 1976, the Federal Aviation Administration published a proposed rule which would alter the Hornell, N.Y., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT December 30, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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

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

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Hornell, N.Y., transition area as follows:

Delete all after "from a 290° bearing to a 319° bearing from the airport."

[FR Doc. 76-35146 Filed 12-1-76; 8:45 am]

[Airspace Docket No. 76-SO-89]

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

Designation of Transition Area

On September 20, 1976, a notice of proposed rulemaking was published in the **FEDERAL REGISTER** (41 FR 40499), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the New Smyrna Beach, Fla., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 24, 1977, as hereinafter set forth.

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

RULES AND REGULATIONS

NEW SMYRNA BEACH, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of New Smyrna Beach Airport (lat. 29°03'15" N., long. 80°56'54" W.); excluding that portion that coincides with the Daytona Beach transition area.

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

Issued in East Point, Ga., on November 15, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 76-34837 Filed 12-1-76; 8:45 am]

[Airspace Docket No. 76-SO-84]

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

Alteration of Transition Area

On September 20, 1976, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (41 FR 40498), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Titusville, Fla., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 24, 1977, as hereinafter set forth.

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

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Titusville-Cocoa Airport (lat. 28°30'42" N., long. 80°48'00" W.); within an 8.5-mile radius of Kennedy Spaceport (lat. 28°36'53" N., long. 80°41'41" W.).

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

Issued in East Point, Ga., on November 15, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 76-34838 Filed 12-1-76; 8:45 am]

[Airspace Docket No. 76-SO-102]

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

Alteration of Transition Area

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

The Naples transition area is described in § 71.181 (41 FR 440). In the description, extensions are predicated on the 041° and 228° bearings from the Naples RBN. The Naples RBN is being relocated on the airport which will result

in a change in the final approach course bearings. It is necessary to alter the description to reflect the change in bearings. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. February 24, 1977, as hereinafter set forth.

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

*** 041° and 228° bearing from the Naples RBN *** is deleted and *** 051° and 221° bearings from the Naples RBN (lat. 26°09'20" N., long. 81°46'26" W.) *** is substituted therefor.

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

Issued in East Point, Ga., on November 15, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 76-34839 Filed 12-1-76; 8:45 am]

[Airspace Docket No. 76-WE-28]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to subdivide Restricted Area R-4808 Las Vegas, Nev., and to designate a portion of R-4808 as a joint use restricted area. The area encompassing airspace at or above 14,500 feet MSL is included in the continental control area.

The changes will not alter the external dimensions nor the present altitude designation. The using agency will remain the same as will the time of designation and scheduled activities. The joint use change will provide more flexible airspace management and increase the release of airspace when it is not in use by the using agency.

Since subdivision of a restricted area is a minor amendment upon which the public is not particularly interested and the action results in increased availability of airspace to the public, notice and public procedure thereon are deemed unnecessary.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

1. Section 71.151 (41 FR 345) is amended as follows: "R-4808S Las Vegas, Nev." is added.

2. In § 73.48 (41 FR 681) the description of "R-4808 Las Vegas" is deleted and the following is added:

R-4808N LAS VEGAS, NEV.

Boundaries. Beginning at Lat. 36°41'00" N., Long. 115°56'00" W.; to Lat. 36°41'00" N., Long. 116°14'45" W.; to Lat. 36°46'00" N., Long. 116°26'30" W.; to Lat. 36°51'00" N.,

Long. 116°26'30" W.; to Lat. 36°51'00" N., Long. 116°33'30" W.; to Lat. 37°16'00" N., Long. 116°34'00" W.; to Lat. 37°16'00" N., Long. 116°00'00" W.; to Lat. 37°28'00" N., Long. 116°00'00" W.; to Lat. 37°06'00" N., Long. 115°35'00" W.; to Lat. 37°06'00" N., Long. 115°35'00" W.; to Lat. 37°06'00" N., Long. 115°56'00" W.; to point of beginning, Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, United States Energy Research and Development Administration, Las Vegas, Nev.

R-4808S LAS VEGAS, NEV.

Boundaries. Beginning at Lat. 36°46'00" N., Long. 116°26'30" W.; to Lat. 36°41'00" N., Long. 116°14'45" W.; to Lat. 36°41'00" N., Long. 116°26'30" W.; to point of beginning, Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center. Using agency. Manager, United States Energy Research and Development Administration, Las Vegas, Nev.

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

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

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 76-34840 Filed 12-1-76; 8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16289; Amdt. No. 95-268]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective on December 1, 1976.

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

LEROY A. KEITH,
Acting Chief,
Aircraft Programs Division.

RULES AND REGULATIONS

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RULES AND REGULATIONS

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§95.7024 JET ROUTE NO. 24 is amended to delete:

FROM	TO	MEA	MAA
Hill City, Kans. VORTAC	Salina, Kans. VORTAC	18000	45000

§95.7024 JET ROUTE NO. 24 is amended by adding:

FROM	TO	MEA	MAA
Kiowa, Colo. VORTAC	Hugo, Colo. VORTAC	18000	45000
Hugo, Colo. VORTAC	Hays, Kans. VORTAC	18000	45000
Hays, Kans. VORTAC	Salina, Kans. VORTAC	18000	45000

§95.7030 JET ROUTE NO. 30 is amended to delete:

FROM	TO	MEA	MAA
Joliet, Ill. VORTAC	Ft. Wayne, Ind. VORTAC	18000	45000
Ft. Wayne, Ind. VORTAC	Appleton, Ohio VORTAC	18000	45000

§95.7030 JET ROUTE NO. 30 is amended by adding:

FROM	TO	MEA	MAA
Joliet, Ill. VORTAC	Appleton, Ohio VORTAC	18000	45000

§95.7036 JET ROUTE NO. 36 is amended by adding:

FROM	TO	MEA	MAA
Mullen Pass, Mont. VORTAC	Great Falls, Mont. VORTAC	18000	45000
Great Falls, Mont. VORTAC	INT 073 M rad Great Falls VORTAC & 280 M rad Miles City VORTAC	18000	45000
INT 073 M rad Great Falls VORTAC & 280 M rad Miles City VORTAC	Dickinson, N.D. VORTAC	#28000	45000

#MEA is established with a gap in navigation signal coverage.

§95.7063 JET ROUTE NO. 63 is amended to read in part:

FROM	TO	MEA	MAA
Tunica INT, N.Y.	Kennedy, N.Y. VORTAC	24000	45000

§95.7136 JET ROUTE NO. 136 is amended by adding:

FROM	TO	MEA	MAA
Spokane, Wash. VORTAC	Mullen Pass, Mont. VORTAC	18000	45000
Mullen Pass, Mont. VORTAC	Billings, Mont. VORTAC	31000	45000

§95.7151 JET ROUTE NO. 151 is amended by adding:

FROM	TO	MEA	MAA
Whitehall, Mont. VORTAC	Billings, Mont. VORTAC	18000	45000

§95.7154 JET ROUTE NO. 154 is amended by adding:

FROM	TO	MEA	MAA
Sacramento, Calif. VORTAC	Battle Mountain, Nev. VORTAC	29000	45000

§95.7158 JET ROUTE NO. 158 is amended by adding:

FROM	TO	MEA	MAA
Molad City, Ida. VORTAC	Casper, Wyo. VORTAC	37000	45000
Casper, Wyo. VORTAC	Rapid City, S.D. VORTAC	18000	45000
Rapid City, S.D. VORTAC	Aberdeen, S.D. VORTAC	18000	45000

§95.7174 JET ROUTE NO. 174 is amended to read in part:

FROM	TO	MEA	MAA
Hyannis, Mass. VORTAC	Herin INT, Mass.	18000	45000

RULES AND REGULATIONS

§95.7178 JET ROUTE NO. 178 is added to read:			
FROM Fort Wayne, Ind. VORTAC	TO Appleton, Ohio VORTAC	MEA 18000	MAA 45000
§95.7196 JET ROUTE NO. 196 is added to read:			
FROM Bryce Canyon, Utah VORTAC	TO Meeker, Colo. VORTAC	MEA 33000	MAA 45000
§95.7197 JET ROUTE NO. 197 is added to read:			
FROM Gunnison, Colo. VORTAC	TO Goodland, Kans. VORTAC	MEA 32000	MAA 45000
Goodland, Kans. VORTAC	Wolbach, Neb. VORTAC	18000	45000
Wolbach, Neb. VORTAC	Sioux Falls, S.D. VORTAC	18000	45000
§95.7198 JET ROUTE NO. 198 is added to read:			
FROM Linden, Calif. VORTAC	TO Mina, Nev. VORTAC	MEA 23000	MAA 45000
Mina, Nev. VORTAC	Wilson Creek, Nev. VORTAC	18000	45000
Wilson Creek, Nev. VORTAC	Meeker, Colo. VORTAC	33000	45000
§95.7199 JET ROUTE NO. 199 is added to read:			
FROM Wilson Creek, Nev. VORTAC	TO Delta, Utah. VORTAC	MEA 18000	MAA 45000
Delta, Utah VORTAC	Meeker, Colo. VORTAC	33000	45000
§95.7200 JET ROUTE NO. 200 is added to read:			
FROM Linden, Calif. VORTAC	TO INT 004 M rad Linden VORTAC & 029 M rad Sacramento VORTAC	MEA 18000	MAA 45000
INT 004 M rad Linden VORTAC & 029 M rad Sacramento VORTAC	Battle Mountain, Nev. VORTAC	29000	45000
§95.7201 JET ROUTE NO. 201 is added to read:			
FROM Myton, Utah VORTAC	TO INT 040 M rad Myton VORTAC & 068 M rad Rock Springs VORTAC	MEA 29000	MAA 45000
INT 040 M rad Myton VORTAC & 068 M rad Rock Springs VORTAC	Scottsbluff, Neb. VORTAC	18000	45000
§95.7202 JET ROUTE NO. 202 is added to read:			
FROM Fairfield, Utah VORTAC	TO Rock Springs, Wyo. VORTAC	MEA 20000	MAA 45000
Rock Springs, Wyo. VORTAC	Casper, Wyo. VORTAC	18000	45000
§95.7203 JET ROUTE NO. 203 is added to read:			
FROM Billings, Mont. VORTAC	TO Great Falls, Mont. VORTAC	MEA 18000	MAA 45000
§95.7204 JET ROUTE NO. 204 is added to read:			
FROM Dupree, S.D. VORTAC	TO Miles City, Mont. VORTAC	MEA 18000	MAA 45000
Miles City, Mont. VORTAC	Great Falls, Mont. VORTAC	18000	45000

§95.7509 JET ROUTE NO. 509 is added to read:

FROM	TO	MEA	MAA
U.S. Canadian, Border	Houlton, Me. VOR	18000	45000
Houlton, Me. VOR	U.S. Canadian Border	18000	45000

§95.7524 JET ROUTE NO. 524 is added to read:

FROM	TO	MEA	MAA
Levit INT, N.Y.	U.S. Canadian Border	18000	45000

§95.7553 JET ROUTE NO. 553 is amended to read:

FROM	TO	MEA	MAA
Peck, Mich. VORTAC	U.S. Canadian Border	18000	45000

§95.7561 JET ROUTE NO. 561 is added to read:

FROM	TO	MEA	MAA
Presque Isle, Me. VORTAC	U.S. Canadian Border	18000	45000

§95.7570 JET ROUTE NO. 570 is amended to read:

FROM	TO	MEA	MAA
Albany, N.Y. VORTAC	U.S. Canadian Border	18000	45000

§95.7582 JET ROUTE NO. 582 is amended to read:

FROM	TO	MEA	MAA
Presque Isle, Me. VORTAC	U.S. Canadian Border	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT	FROM	TO	CHANGEOVER POINT DISTANCE FROM
Dubois, Ida. VOR	Dubois, Wyo. VOR	68	Dubois
Dunoir, Wyo. VOR	Boysen Reservoir, Wyo. VOR	15	Dunoir
Dunoir, Wyo. VOR	Riverton, Wyo. VOR		
Via Salter.	Via Salter	15	Dunoir

[FR Doc.76-35143 Filed 12-1-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-976, Amdt. 25, Docket No. 28852]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS, AND MEMORANDA

Preservation of Records By Advance Booking Charter Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 1, 1976.

Effective: January 1, 1977.

Adopted: September 1, 1976.

By Notice of Proposed Rulemaking EDR-294/SPDR-42/ODR-12, 41 FR 7417 (February 18, 1976) the Board proposed adoption of a new Special Regulation (14 CFR Part 371) establishing a new class of charter to be designated as an Advance Booking Charter. At the same time, the Board proposed various implementing amendments to other of its Economic Regulations, including Part 249 (14 CFR Part 249). By SPR-110, issued September 1, 1976 the Board adopted its proposal to authorize Advance Booking Charters, and, for the reasons set forth therein, has decided to adopt the proposed amendments to Part 249. Accordingly, in consideration of the foregoing, the Board hereby amends Part 249 of its Economic Regulations (14 CFR Part 249) effective January 1, 1977, as follows:

by an authorized representative of the Board:

(1) All receipts and statements of travel agents and all other documents which evidence or reflect deposits made by each charter participant;

(2) All receipts and statements of travel agents and all other documents which evidence or reflect commissions received, paid to, or deducted by travel agents in connection with the charter or series of charters; and

(3) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the charter or series of charters.

(Secs. 204(a), 402 and 407 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 757, and 766; 49 U.S.C. 1324, 1372, and 1377.)

By the Civil Aeronautics Board,

PHYLLIS T. KAYLOR,
Secretary.

NOTE.—The records maintenance requirements in Section 249.9(a) have been approved by the U.S. General Accounting Office under number B-180226 (RO295).

[FR Doc.76-35455 Filed 12-1-76;8:45 am]

[Reg. ER-977, Amdt. 26, Docket No. 28852]
PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS, AND MEMORANDA

Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 27, 1976.

Effective: January 1, 1977.

Adopted: October 27, 1976.

By notice of proposed rulemaking EDR-294/SPDR-42/ODR-12, 41 FR 7417 (February 18, 1976) the Board proposed adoption of a new Special Regulation (14 CFR Part 371), establishing a new class of charter to be designated an Advance Booking Charter (ABC), along with various implementing amendments to other regulations, including Part 249 (14 CFR Part 249). By SPR-110, 41 FR 37763 (September 8, 1976) the Board adopted its ABC proposal, and simultaneously issued rules adopting the proposed implementing amendments, including ER-976, amending Part 249.

However, by inadvertence, the text of the amendment to § 249.9(a), as set forth in ER-976, did not accurately reflect the language of the proposed amendment set forth in EDR-294/SPDR-42/ODR-12. The purpose of this amendment is to make the appropriate editorial correction.

This editorial amendment is issued by the undersigned pursuant to delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on January 1, 1977. Procedures for review of the amendment are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends § 249.9 of its Economic Regulations (14

RULES AND REGULATIONS

CFR 249.9 by revising paragraph (a) as follows:

§ 249.9 Period of preservation of records by tour operators, study group charterers, overseas military personnel charter operators, and travel group charter operators.

(a) Every tour operator (as defined in § 249.2) conducting a tour or series of tours pursuant to Part 378 or Part 378a of this chapter or every charter operator (as defined in § 249.2) conducting a charter or series of charters pursuant to Part 371 of this chapter shall retain for two years after completion of a tour or a series of tours, or of a charter or series of charters, true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each charter participant or tour participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received by, paid to, or deducted by travel agents in connection with the tour or series of tours, or with the charter or series of charters; and

(3) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the tour or series of tours, or with the charter or series of charters.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (49 U.S.C. 1324, 1377).)

By the Civil Aeronautics Board.

JAMES C. SCHULTZ,
General Counsel.

[FR Doc. 76-35457 Filed 12-1-76; 8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1212—PROTECTION OF PERSONAL PRIVACY

Privacy Act Regulations

The National Aeronautics and Space Administration (NASA) published on page 43200 of the *FEDERAL REGISTER* of September 30, 1976, a Notice of Proposed Rulemaking setting forth proposed changes to regulations implementing the Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896. Public comment was invited and interested persons were given until November 15, 1976, to submit comments regarding the proposed changes. No such comments were received.

Therefore, pursuant to the authority vested by section 203(c) of the National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473(c), and 5 U.S.C. 552a, the proposed changes to NASA's regulations implementing the

Privacy Act and amending 14 CFR Chapter V Part 1212 are hereby adopted as proposed.

Effective date: These changes are effective as of November 22, 1976.

Dated: November 23, 1976.

DUWARD L. CROW,
Associate Deputy Administrator.

§ 1212.500 [Amended]

1. Add the following paragraphs (d) and (e) at the end of § 1212.500:

(d) Copies of all current NASA system notices as well as a copy of these regulations shall be maintained for public access and inspection in each NASA information center (see 14 C.F.R. Part 1206, Subpart 4 for the location of NASA information centers). An individual may address any inquiries concerning NASA systems of records and Privacy regulations to the appropriate NASA information center at the address set forth in 14 CFR Part 1206, Subpart 4.

(e) Responses to requests made in accordance with this section should normally be made within 10 working days of receipt of the request by the appropriate system manager. If this is not possible, the request should be acknowledged within the 10-day period and the individual informed as to when he may expect a response.

§ 1212.506 [Amended]

2. Add the following paragraph (d) at the end of § 1212.506:

(d) In the event a request for access to a record under this subpart is denied for any reason or access is not granted within 30 working days of receipt of the request, the individual shall have the right to appeal. Such an appeal shall be filed and processed under the provisions of §§ 1212.603-607 of this Part. In any determination by a system manager denying an individual's request for access made under this section, the individual shall be informed in writing of—

(1) The reasons for the refusal; and
(2) The procedures to be followed to request a review of the refusal by the Administrator or his designee, including the mailing address (see § 1212.603).

3. Add the following § 1212.701 under Subpart 7:

§ 1212.701 Systems of Records for which exemptions apply.

Exemptions have been invoked, in accordance with § 1212.700 for the following NASA systems of records:

(a) Inspections Division Case Files (NASA 101DCF)

(1) *Sections of the Act from which exempted.* The Inspections Division Case Files system of records is exempt from all sections of the Privacy Act (5 U.S.C. 552a) EXCEPT the following: (b) relating to conditions of disclosure; (c) (1)

and (2) relating to keeping and maintaining a disclosure accounting; (e) (4) (A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e) (6), (7), (9), (10) and (11) relating to agency requirements for maintaining systems; and (i) relating to criminal penalties.

(2) *Reasons for exemption.* The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and this Subpart 7 for the reason that the Inspection Division of the Office of Inspections and Security, NASA, is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j) (2).

(b) Security Records System (NASA 10SECR)

(1) *Sections of Act from which exempted.* The Security Records System is exempt from the following sections of the Privacy Act (5 U.S.C. 552a): (c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G), (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction, and information as to the categories of sources of records; and (f) relating to developing agency rules for gaining access and making corrections.

(2) *Reasons for exemption.* The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(k) and this Subpart 7 for the following reasons:

(A) Personnel Security Records contained in the system of records which are compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, Federal contracts, or access to classified information are exempt under the provisions of 5 U.S.C. 552a(k) (5), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(B) Criminal Matter Records are contained in the system of records and are exempt under the provisions of 5 U.S.C. 552a(k) (2) to the extent they constitute investigatory material compiled for law enforcement purposes.

(C) The system of records includes records subject to the provisions of 5 U.S.C. 552(b) (1) (required by Executive order to be kept secret in the interest of national defense or foreign policy), and such records are exempt under 5 U.S.C. 552a(k) (1).

[FR Doc. 76-35435 Filed 12-1-76; 8:45 am]

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE
COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Public Records, Confidential Information, and Freedom of Information Act Requests

On February 21, 1975, the Federal Trade Commission published in the **FEDERAL REGISTER** (40 CFR 7628) its revised rules relating to requests for disclosure of records. On May 29, 1975, the Commission published (40 FR 23278) certain amendments to the provision governing requests from Congressional committees and federal government agencies. In order to clarify and expedite the procedure to be followed by non-federal government agencies in requesting Commission records, the Commission, pursuant to 15 U.S.C. 41 et seq. and 5 U.S.C. 552, amends § 4.11(b) by revising paragraph (2), as follows:

§ 4.11 Requests for disclosure of records.

(b) *Requests from government agencies and congressional committees.* * * *

(2) Requests from agencies of the federal government should be addressed to the liaison officer for the requesting agency or, if there is none, to the General Counsel for determination. Requests from non-federal agencies should be addressed to the General Counsel. If it is determined that the records are not exempt under 5 U.S.C. 552(b), the request shall be granted. If it is determined that the records are exempt, the matter shall be forwarded to the Commission for final determination.

Effective date: This amendment is effective December 2, 1976.

By direction of the Commission dated November 24, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 76-35380 Filed 12-1-76 8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human

being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation for such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by, and in accordance with, Regulations of the Department of Justice (Title 28 of the Code of Federal Regulations, Part O), the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Becton, Dickinson & Co. Schwarz/Mann Division.	1-cocaine [benzoyl-4- ³ H(n)]	Glass vials or ampules: 10 ml, 3 ml, 1 ml.	May 20, 1976
Bio-Rad Labs.	Human Thyroid Stimulating Kit	Kit: 200 tests, 100 tests, 50 tests.	July 21, 1976
Do.	Iodine-125 TSH	Vial: 10 cc.	Do.
Do.	Rabbit Anti-TSH	do	Do.
Do.	Immobilized Goat Anti-Rabbit Gamma Globulin	do	Do.
Do.	Barbital Buffer	do	Do.
Do.	Barbital Buffer Powder	Plastic bottle: 250 cc.	Do.
Do.	Quantimmune Radioimmunoassay T-4 Tracer, Iodine-125	Vial: 10 cc.	Do.
Do.	T-4 Competitive Binding Reagent, Iodine-125	Bottle: 385 ml.	Do.
RF Labs.	Barbital/ANS Buffer	Polyethylene vial: 4 oz.	Aug. 30, 1976
Hoffmann-La Roche, Inc.	Abuscreen™ Radioimmunoassay for Cocaine Metabolite Positive Urine Control	Glass vial: 100 ml, 6 ml.	Feb. 6, 1976
INC Medical Diagnostics Products.	RIA-TEK T4 Kit	Kit: 100 tests.	Apr. 20, 1976
Do.	L-Thyroxine Standard "3"	Vial: 1 ml.	Do.
Do.	L-Thyroxine Standard "6"	do	Do.
Do.	L-Thyroxine Standard "12"	do	Do.
Do.	L-Thyroxine Standard "24"	do	Do.
Do.	125 I-Thyroxine (125I T4) /ANS	Vial: 10 ml.	Do.
Do.	Rabbit Anti-Thyroxine Serum (T-4 First Antibody)	do	Do.
Do.	RIA-TEK T3 Kit	Kit: 100 tests.	Do.
Do.	Sterile 1 percent Normal Rabbit/Sodium Barbital Buffer	Vial: 50 ml.	Do.
Do.	Goat Anti-Rabbit Serum (T-3 Second Antibody)	Vial: 5 ml.	Do.
Lederle Labs.	Urine Chemistry Control (Human) Level II	Vial: 25 ml.	July 6, 1976
Nuclear Diagnostics, Inc.	TETRIA-STAT™ Reagent, catalog Nos. 6098R, 6042R.	Bottle: 105 ml, 45 ml.	July 1, 1976
Do.	TETRIA-STAT™ Buffer catalog No. 6098B.	Bottle: 310 ml.	Do.
Utak Labs.	Toxicology Serum Control-Dried, catalog Nos. 44610, 44612, 44632, 44635, 44636, 44637, 44642, 44645, 44646, 44647, 44658.	Bottle: 10 ml.	May 24, 1976
Do.	Toxicology Urine Control-Dried, catalog Nos. 44650, 44651, 44652, 44653.	Bottle: 1 oz.	Do.
E. R. Squibb & Sons, Inc.	Angiotensin I Adsorbeon Charcoal Tablets, List No. 09402.	Amber polystyrene vial: 210 tablets per vial.	May 26, 1976

b. By amending § 1308.24(i) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Abbott Labs.	CEP Agarose Plates, NDC 0074-9023-12, NDC 0074-9023-32.	Foil pouch: 4 1/4 by 4 in, 6 1/2 by 5 1/2 in.	Mar. 24, 1975
Hoffmann-La Roche, Inc.	Abuscreen™ Radioimmunoassay for Cocaine Metabolite Positive Urine Control	Glass Vial: 500 ml, 6 ml.	Feb. 6, 1976

Effective date: This order is effective December 2, 1976. Any person interested may file written comments on or objections to the order on or before January 26, 1977. If any such comments or objections raise significant issues regarding

any findings of fact or conclusions of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed.

RULES AND REGULATIONS

Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: November 22, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 76-35355 Filed 12-1-76; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of City of Alexandria, Virginia, Base Flood Elevation; Correction

The notice of changes made in determinations of the City of Alexandria, Virginia, base flood elevations published on Wednesday, October 6, 1976, in 41 FR 44037 is hereby corrected to read:

On June 25, 1976, at 41 FR 26418, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Alexandria, Virginia.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Alexandria. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 515519A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration

must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Dayton L. Cook, Director, Department of Transportation and Environmental Services, City of Alexandria, 125 North Royal Street, Alexandria, Virginia 22314.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Alexandria Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Alexandria map.

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

Issued: November 11, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc. 76-35464 Filed 12-1-76; 8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of City of Pensacola Beach, Santa Rosa Island Authority, Florida Base Flood Elevations

On June 25, 1976, at 41 FR 26405, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Pensacola Beach, Florida.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Pensacola Beach. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125138A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must

develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. John Cowley, General Manager, City of Pensacola Beach, Santa Rosa Island Authority, P.O. Box 9008, Pensacola Beach, Florida 32561.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Pensacola Beach Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Pensacola Beach, Florida map.

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

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc. 76-35460 Filed 12-1-76; 8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Narragansett, Rhode Island, Base Flood Elevations

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Narragansett.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Narragansett. These modified elevations are currently in effect and amend the Flood Insurance

Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 445402B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Donald Martin, Town Manager, Town Hall, 66 Rodman Street, Narragansett, Rhode Island 02882.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Narragansett Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Narragansett map.

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

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc. 76-35462 Filed 12-1-76; 8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Oyster Creek, Texas, Base Flood Elevations

On June 25, 1976, at 41 FR 26418, the Federal Insurance Administrator pub-

lished a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Brazoria County, which became the Village of Oyster Creek in November, 1974.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Oyster Creek. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 481255B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Village Secretary, Village of Oyster Creek, 310 Elm Street, Oyster Creek, Texas 77541.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Oyster Creek Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Oyster Creek map.

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

Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35463 Filed 12-1-76; 8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Township of Wayne, New Jersey, Base Flood Elevations

On June 25, 1976, at 41 FR 26412, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Wayne, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Wayne, New Jersey. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345327A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Honorable Newton E. Miller, Mayor, Township of Wayne, 475 Valley Road, Wayne, New Jersey 07470.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be

RULES AND REGULATIONS

printed. The numerous changes made in the base flood elevations on the Wayne Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Wayne map.

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

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35461 Filed 12-1-76; 8:45 am]

[Docket No. FI-2224]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of McKees Rocks, Allegheny County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of McKees Rocks, Allegheny County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the second floor in the Borough Building, Bell and Linden Streets, McKees Rocks.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Ohio River	Pitt & L.E. RR.	726	2,045	(1)
	River Ave.	726	760	(1)
	Downstream corporate limit	725	30	(1)
Chartiers Creek	Upstream corporate limit	734	70	(1)
	Wind Gap Rd.	733	75	(1)
	McKee St. (extended)	729	950	(1)
	Carson St.	785		(1)

¹ Corporate limits.

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35325 Filed 12-1-76; 8:45 am]

[Docket No. FI-2447]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Leesport, Berks County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Leesport, Berks County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain man-

agement measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 222 Spring Garden Street, Leesport.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Southeast corporate limits	281	40	760
	Apple St. (extended)	283	300	220
	East Wall St.	284	560	50
	Shackamaxon St. (extended)	286	380	(1)
	Arlington Dr. (extended)	287	650	
	Northwest corporate limits	288	800	(1)

¹ Corporate limits.

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35326 Filed 12-1-76; 8:45 am]

[Docket No. FI-2280]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Bellbrook, Greene County, Ohio

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Bellbrook, Greene County, Ohio under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the

City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the City Building, 15 East Franklin Street, Bellbrook.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Sugar Creek	Periwinkle Dr. (extended)	789	190	(1)
	Corporate limits	777	130	(1)
	do	776	480	(1)
Little Sugar Creek	Corporate limits (north)	812	85	350
	State Highway 725	785	70	60
	Maple St. (extended)	782	80	140
	Corporate limits (south)	775	(1)	210
Possum Run	Corporate limits (west)	910	230	15
	Bellevue Dr	894	80	20
Brewster's Run	Little Sugar Creek Rd.	808	80	130
	Corporate limits (west)	883	205	120
Little Miami River bypass (outside corporate limits).	Plantation Trail	878	140	5
	Lakeman Dr	863	170	370
	Portage Path	843	120	125
	Marcia Dr	833	100	210
	Barnett Dr	827	110	145
	Brookwood St	774	(1)	2,210
	State Highway 725	774	(1)	430
Hess Rd. (extended)	Hess Rd. (extended)	774	(1)	700
	(North) Belair Circle (extended)	775	(1)	300

¹ Corporate limits.

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35324 Filed 12-1-76; 8:45 am]

[Docket No. FI-2449]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Oshkosh, Wis.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final deter-

minations of flood elevations for the City of Oshkosh, Wisconsin under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or indi-

RULES AND REGULATIONS

viduals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Oshkosh, Wisconsin 54701.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Fox River	Congress St.	750	1,000	30
	Wisconsin Ave.	749	0	0
	Main St.	749	0	0

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35330 Filed 12-1-76; 8:45 am]

[Docket No. PI-2224]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Wilkes-Barre, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Wilkes-Barre, Luzerne County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management

measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the main entrance of City Hall, North Washington and East Market Streets, Wilkes-Barre.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Con Rail bridge near Gordon Ave.	546	210	(1)
	West Market Street Bridge	548	110	(1)
	North Street Bridge	549	200	(1)
	Corporate limits	551	370	(1)
Solomon Creek	Waller Street Bridge	540	730	1,750
	Barney Street Bridge	541	940	1,930
	Reagent Street Bridge	542	740	2,530
	Franklin Street Bridge	543	680	2,500
Mill Creek	Strauss Lane Bridge	555	240	110
	Sidney Street Bridge	557	15	15
	Mill Street Bridge	568	20	20
	Mayock Street Bridge	587	25	(1)
Laurel Run	Corporate limits	598	50	(1)
	Con Rail bridge	600	10	20
	Con Rail bridge near Railroad St.	568	10	20
	Mill Street Bridge	575	10	15
	Goyer Street Bridge	580	20	20

¹ Corporate limit.

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35328 Filed 12-1-76; 8:45 am]

[Docket No. FI-2256]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the County of Scott, Iowa

The Federal Insurance Administrator in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for Scott County, Iowa under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the County must adopt flood plain manage-

ment measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board in the lobby of the Scott County Courthouse, 412 West 4th Street, Davenport, Iowa.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Spencer Creek	Upstream corporate limits	659	360	230
	East 67th St	648	270	100
	Wells Ferry Rd	592	140	190
	East Valley Dr	580	310	290
Black Hawk Creek	175 ft upstream of I-280	703	10	1,200
	200 ft downstream of I-280	672	30	1,080
Duck Creek	County road	692	300	210
	County trunk	683	230	370
	I-280	676	540	230
Mississippi River	Downstream corporate limits	674	570	400
	Upstream corporate limit	585	(1)	200
	Bowkers Lane (extended)	583	(1)	130
	Downstream corporate limit and city of Le Claire	582	(1)	130
	Upstream corporate limit	579	(1)	630
	Lock and dam No. 14	578	(1)	500
	South Spencers Rd. (extended)	576	(1)	1,200
	Downstream corporate limit and city of Bettendorf	575	(1)	2,370
	Upstream corporate limit and city of Buffalo	564	(1)	200
	Unnamed road	563	(1)	1,480
Downstream Muscatine County and Scott County.		563	(1)	930

¹ Corporate limit.

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35321 Filed 12-1-76; 8:45 am]

RULES AND REGULATIONS

[Docket No. FI-2448]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation for the Town of Belhaven, N.C.**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Belhaven, North Carolina under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the

Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Belhaven, North Carolina 27810.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level
Pungo River and Pamlico Creek.	Entire town, except the 300 northernmost feet of U.S. Route 261.	7

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35323 Filed 12-1-76; 8:45 am]

[Docket No. FI-2167]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation for the Town of Conklin, Broome County, N.Y.**

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Conklin, Broome County, New York under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the

Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Hall Community Center, Conklin Road, Conklin.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	South corporate limits	867	40	(1)
	Route 304 bridge	861	50	(1)
	Powers Rd.	857	1,980	(1)
	River Blvd.	853	2,700	(1)
	Kirkwood Street Bridge	852	1,320	(1)
	North corporate limits	849	260	(1)
	Brady Hill Rd.	1,047	20	20
Little Snake Creek	Murphy Rd. (extended)	980	270	40
	Steward Rd. (extended)	998	70	130
	Snake Creek and Con Rail bridge	865	280	1,060
Snake Creek	South corporate limits	894	700	560
	Route 7A bridge	865	90	850

(1) Corporate limits.

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35322 Filed 12-1-76; 8:45 am]

[Docket No. FI-2215]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Jenkins, Luzerne County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Jenkins, Luzerne County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent

with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Commissioner's Room, Jenkins Township Volunteer Hose Company Building, 2 Second Street, Port Griffith, Pittston, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Corporate limits	558	100	—
	Coal St. (extended)	558	70	—
	Market St. (extended)	557	50	—
	8th St.	556	480	—
	Corporate limits	554	760	—

Source of flooding	Location	Area (square feet)
Mill Creek Reservoir Reservoir on Gardner Creek.	Adjacent to southern boundary in central portion of township. Near southern boundary, east of northwest extension of Pennsylvania Turnpike.	4,608,000 844,300

RULES AND REGULATIONS

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35327 Filed 12-1-76; 8:45 am]

[Docket No. FI-2446]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Loyalsock, Lycoming County, Pa.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Loyalsock, Lycoming County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the

Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Loyalsock Township Building, 2501 East Third Street, Williamsport.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Lycoming Creek	Upstream corporate limit	574	560	(1)
	Route 15	569	1,040	(1)
	Hayes Lane	555	1,310	(1)
	Liberty Dr.	550	1,560	(1)
	Route 15	538	100	(1)
	Downstream corporate limit	536	5	(1)
West Branch Susquehanna River	Upstream corporate limit	527	80	(1)
	Tinsman Ave. (extended)	526	320	(1)
Loyalsock creek	Canfields Lane (extended)	524	2,570	(1)
	Upstream corporate limit	566	(1)	50
	Konklin Rd. (extended)	538	(1)	240
	Route 220	529	(1)	76
	Con Rall	524	(1)	50

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35329 Filed 12-1-76; 8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF SPECIFIC PROGRAMS

Emergency Energy Conservation Programs (CSA Instruction 6143-2)

On August 16, 1976 CSA adopted CSA Instruction 6143-1a (§ 1061.30-1 through § 1061.30-14) which contains agency program policy for the Emergency Energy Conservation Program authorized under section 222(a)(12) of the Com-

munity Services Act of 1974. Section II of that Instruction, (§ 1061.30-13) Reporting Requirements, established a uniform data collection and reporting system for all energy conservation activities and required submission of the Energy Data Form.

The purpose of this subpart is to set forth in detail the procedures CSA grantees must follow in completing and submitting quarterly the required Energy Data Form (CSA Form 488). This regulation in no way changes program policy published in CSA Instruction 6143-1a or

the reporting requirements as outlined in § 1061.30-13. (Part 11 of CSA Instruction 6143-1a).

This regulation is effective immediately as the reporting requirements have already been published in the FEDERAL REGISTER (July 15, 1976) and were adopted only after a 30 day comment period had elapsed.

Effective date: December 2, 1976.

ROBERT C. CHASE,
Deputy Director.

A new Subpart (§ 1061.31-1 through 1061.31-6) is added to read as set forth below.

Subpart—Emergency Energy Conservation Programs (CSA Instruction 6143-2)

Sec.

1061.31-1 Applicability.

1061.31-2 Definitions.

1061.31-3 Purpose.

1061.31-4 Policy.

1061.31-5 General Instructions.

1061.31-6 Detailed Instructions for Completing Form 488 (EDF).

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart—Emergency Energy Conservation Program (CSA Instruction 6143-2)

§ 1061.31-1 Applicability.

This subpart is applicable to all grantees (or administering agencies) receiving financial assistance under Title II, section 222(a)(12) of the Community Services Act of 1974 when such assistance is administered by the Community Services Administration.

§ 1061.31-2 Definitions.

(a) "Elderly" means persons who are sixty years of age or older.

(b) "Seasonal Farmworker" shall mean a person who during the preceding twelve months worked at least 25 days in farm work and worked less than 150 consecutive days at any one establishment. "Seasonal Farmworker" includes both migratory and nonmigratory farmworkers, but does not include nonmigratory individuals who are full-time students or supervisors or other farmworkers.

(c) "Migrant farmworker" shall mean a seasonal farmworker who performs or has performed during the preceding twelve months agricultural labor which requires travel such that the worker is unable to return to his/her domicile (accepted place of residence) within the same day.

(d) "Handicapped" means those individuals who meet the definition of "handicapped" individuals as defined in section 7(6) of the Rehabilitation Act of 1973, as amended, or who are under a disability as defined in section 1614(3)(A) or 223(d)(1) of the Social Security Act or in section 102(7) of the Developmental Disabilities Services and Facilities Act of 1970, as amended, or who are receiving benefits under Chapter 11 or 15 of Title 38, United States Code.

(e) "Indian Tribe" means any tribe, band, nation, or other organized group or community of Indians including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92-203; 85 Stat. 688) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.

§ 1061.31-3 Purpose.

The purpose of this subpart is to require grantees who conduct projects under section 222(a)(12) to periodically submit CSA Form 488 Energy Data Form. This form will accomplish the following:

(a) It will provide CSA with a quarterly picture of grantee provision of services through eligible activities in Energy programming, as defined in CSA Instruction 6143-1a, with data on services to significant populations, indication of known universe of need, and an estimate of planned activities for the next quarterly reporting period;

(b) It will provide a quarterly financial profile of grantee energy programming including all relevant financial data needed to assess the grantee's fiscal position.

§ 1061.31-4 Policy.

Each grantee conducting projects under Section 222(a)(12) of the Community Services Act shall submit CSA Form 488, Energy Data Form, to CSA on a quarterly basis.

§ 1061.31-5 General instructions.

(a) *When to Report.* CSA Form 488 (EDF) shall be submitted quarterly based on the grantee's program year, and in conjunction with the submission of CSA Forms 315 and 315a. For example, if the program year starts on February 1, EDF reports would be prepared for the quarters ending April 30, July 31, and October 31, and would be due in the appropriate offices 20 days after each of the quarterly ending dates.

(b) *Reporting delegate agency (administering agency) data.* Each delegate or administering agency shall submit a completed CSA Form 488 to its grantee who, in turn, shall submit a consolidated report to the funding office(s) as required above.

(c) *Number of copies to prepare.* Each grantee shall prepare sufficient copies of CSA Form 488 (EDF) for each quarter of a program year to make the distribution shown below.

(d) *Where to send reports.* (1) Each grantee shall submit 2 copies of CSA Form 488 to the funding office from which support for its program is derived.

(2) Grantees receiving support from more than one funding office, shall send 2 copies to each.

(3) Timely and accurate completion of the Energy Data Form shall be a factor in assessing grantee capability and performance in energy programming.

§ 1061.31-6 Detailed instructions for completing CSA Form 488 (EDF).

(a) Section I: Identifying information.

(1) *Name of grantee (or administering agency).* Self-explanatory.

(2) *Staff assigned to energy.* Enter the numbers of full and part-time staff engaged in energy programming during the quarterly reporting period. Include subsidized labor, such as CETA or Title X workers, but not volunteers.

(3) *Quarter ending (month and year).* Enter the appropriate number of the month ending the quarter, and last 2 digits of the calendar year. (For example, a report for the quarter ending April 30, 1976 should be identified as: 04/76.)

(4) *Grantee No.* Enter five-digit number assigned by CSA to each agency. It should not include action numbers or fund source code letters.

(5) *State.* State identification should be reported as the two-letter postal abbreviation.

(6) *Service area.* If the geographical area in which energy activities are carried out is the same as the CAA-coverage area, check the space in front of that phrase. If, in addition you provide energy services to some non-CAA areas, that

space should be checked, and the non-CAA areas should be listed.

(b) *Section II: Services.* (1) The ability to report the specialized information requested in the following categories depends on the accuracy of a grantee's intake system. Many grantees have devised locally efficient in-take forms that provide us this kind of information. If, however, you have not devised such a system, you may wish to take advantage of other grantees' experience and use the Optional Core Intake Form derived from that experience. Such forms can be supplied by your Regional energy Coordinator.

(2) *Total services.* Enter the total numbers served for each of the eligible activities carried out by the project during the reporting period. (For example, a grantee operating a weatherization project component and a crisis intervention service would enter the total number of houses weatherized, e.g. 100, in the block (A) and the total number of clients served in the crisis intervention component in block (B) e.g. 20. If no other energy activities were carried out, no other numbers would appear in this horizontal row.)

SECTION II.	SERVICES						
	CATEGORY	WEATHERIZATION	CRISIS INTERVENTION	CONSTRUCTION AND ASSISTANCE	TRANSPORTATION	ALTERNATE ENERGY	PROGRAM SUPPORT
I. TOTAL SERVICES	100	20					
A. ELDERLY							
B. MIGRANT/ INDIAN							
C. HANDICAPPED							
D. OWNER							
E. RENTER							
L. APPLICATIONS/ REQUESTS ON FILE	900						
J. ACTIVITIES PLANNED NEXT QUARTER	250						

Under Total Services you will find five categories of special populations to whom the services may have been provided. The categories are not mutually exclusive, so they may add up to more than the total services figure. If, for instance, a household served had residents that were both elderly and handicapped, that household would appear in both 1.A. and 1.C.

(3) *Applicants on file.* Report on the number of requests for services of each type accumulated by the project, but not yet served. (If, for example, the 100 houses weatherized this quarter were the first 100 to be done out of a total of 1000 requests, the applicants on file, but not yet served would remain at 900.)

(4) *Activities planned next quarter.* Estimate of services planned for the upcoming quarter in each of the eligible activity areas carried out by the grantee. (This figure should be a reasonable and realistic estimate of the planned activities for the subsequent quarter's effort, and should bear a logical relationship to the anticipated expenditures shown on CSA Form 315. For example, a grantee anticipating the addition of Title X workers during the next quarter might

show a substantial increase in planned weatherization activities, while a grantee facing the onset of winter might plan that fewer units could be weatherized. In either case, the estimate of services planned should be as accurate as the current situation permits.)

(5) *Section III: Financial information.* Report on each category of funds expended during the reporting period by source of funds to carry out the services shown in Section II. For example, if the weatherization of 100 houses is shown in Section II, the sources of funds for that activity should appear in the Section III column under weatherization. Suppose the total amount spent to weatherize those 100 houses was as follows:

\$10,000 of Section 222(a)(12) money.
\$10,000 in FmHA loans.
\$5,000 of Title X labor.
\$5,000 of CETA labor.
\$1,000 HCD Title I.
\$500 local United Fund contribution.

Each of these \$ amounts should appear as an identified source of funds in the weatherization column of Section III, as shown below:

RULES AND REGULATIONS

52879

SECTION IV.		IN-KIND CONTRIBUTIONS			
VOLUNTEERS		MATERIALS		OTHER SERVICES	
PERSON HRS.	SOURCE	VALUE	KIND	VALUE	KIND

COMMENTS

1976 (Memorandum Opinion and Order, FCC 76-1007, adopted October 29, 1976), pending action on the petition for reconsideration.

4. The Notice of Proposed Rule Making herein, released September 18, 1974, looked toward amendments in nearly all aspects of Part 74, Subpart D, concerning Remote Pickup Broadcast Stations. One proposal was to reduce bandwidth of certain channels in the 450 MHz band, thus increasing the number of frequencies available in this service. There was no proposal for any reallocation of the frequencies from the Remote Pickup Broadcast Service to other services.

5. Thereafter, on November 8, 1974, NABER filed a petition for rule making, RM-2475, in which it sought, among other things, a reallocation of frequencies here involved from the Remote Pickup Broadcast Service to the Business Radio Service. Specifically, NABER requested that they be reduced from 100 kHz to 25 kHz and that the resulting total of 78 frequencies be allocated on the basis of 30 to the Remote Pickup Broadcast Service, 30 to the Business Radio Service and 18 to a "reserve" for future use based on a demonstrated need.

6. NABER requested that its proposal be consolidated in the instant proceeding "which in part makes recommendations for allocation of the same 450 MHz frequencies." NABER also requested that "the Commission issue a Notice of Proposed Rule Making to amend Parts 2, 74 and 91 of the Rules in accordance with the proposals set forth herein;" and, in addition, that "the Commission defer action on that portion of Docket No. 20189 which affects the frequencies involved herein (450-451 and 455-456) so that the proposals can be considered along with the relevant proposals in that docket."

7. NABER filed a comment in the instant proceeding and incorporated by reference its Petition for Rule Making, RM-2475. NABER repeated in its comment the requests for action set forth in its petition.

8. The Report and Order herein held that the matter of reallocation of frequencies from the Remote Pickup Broadcast Service to other services, as proposed by NABER, was outside the scope of this proceeding and should be addressed in a separate proceeding.

9. In its petition for reconsideration, NABER contends that the Commission action in retaining all split channels in the Remote Pickup Broadcast Service and proceeding with the licensing of stations on those channels prior to resolving the frequency allocation issues raised by its rule making petition, RM-2475, para. 5 *supra*, is prejudicial to any future action on that petition. NABER asserts that the Commission should defer action in this proceeding until it has considered NABER's petition for rule making.

10. The National Association of Broadcasters (NAB) filed, on September 27, 1976, an opposition to the petition for reconsideration concluding that "Inasmuch as the FCC has not yet made a final decision on the petition for reconsideration, the NAB does not believe that it is appropriate to file an opposition to the petition for rule making."

STATEMENT TO RECIPIENTS OF FEDERAL FUNDS: No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations.

[FR Doc.76-35155 Filed 12-1-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20189; RM-1735; FCC 76-1065]

**PART 74—EXPERIMENTAL, AUXILIARY,
AND SPECIAL BROADCAST, AND OTHER
PROGRAM**

Adopted: November 17, 1976.

Released: November 29, 1976.

By the Commission: Commissioner Fogarty absent; Commissioner White not participating.

In the matter of amendment of Part 74, Subpart D (Remote Pickup Broadcast Stations) of the Commission's Rules and Regulations.

1. The National Association of Business and Educational Radio (NABER) timely filed on August 18, 1976, a Petition for Reconsideration and a Motion for Stay of the Commission's Report and

Order, released on July 12, 1976, herein, amending, in its entirety, Subpart D of Part 74 of the Commission's Rules and Regulations for remote pickup broadcast stations.

2. NABER claims prejudice from the Commission's issuing the Report and Order herein before acting on NABER's petition for rule making filed on November 8, 1974 (RM-2475) to reallocate certain frequencies from the Remote Pick-up Broadcast Service to the Business Radio Service, which the Commission held was outside the scope of this proceeding and should be addressed in a separate proceeding.

3. The Motion for Stay was granted to the extent that the effective date of the Report and Order was postponed from August 31, 1976, to November 1, 1976 (Memorandum Opinion and Order, FCC 76-810, adopted August 27, 1976) and from November 1, 1976, to November 22,

RULES AND REGULATIONS

much as the Commission has allocated considerable spectrum to meet land mobile's long term needs and inasmuch as NABER's latest proposal is groundless and demonstrably unfeasible, NABER's Petition for Reconsideration can be viewed as no more than a final, futile attempt to prevent the inevitable." (No other oppositions were filed.)

11. In its reply to the opposition (filed October 7, 1976), NABER contends that "NAB fails to show that deferral of final action in Docket No. 20189 with respect to channel bandwidth and frequency allocation until the Commission acts on NABER's Petition for Rule Making will prejudice NAB members." NABER asserts that "Where one of several competing proposals for use of frequencies will prejudice the rights of other parties, grant of even interim authority is justified only if it is *** imperatively necessary *** *Community Broadcasting Co. v. F.C.C.*, 107 U.S. App. D.C. 95, 104, 274 F. 2d 753, 762." and that "NAB has demonstrated no imperative necessity for making additional remote pickup channels available at once."

12. In a separate action, the Commission has considered the NABER petition for rule making, RM-2475, and has denied the petition on its merits (Memorandum Opinion and Order, FCC 76-1064, adopted November 17, 1976).

13. Consideration of the petition for rule making is dispositive of NABER's ground for its petition for reconsideration.

14. In view of the foregoing, it is ordered, That, pursuant to Section 1.429 of the Commission's Rules and Regulations and Section 405 of the Communications Act of 1934, as amended, NABER's Petition for Reconsideration is granted to the extent indicated above and in all other respects is denied.

15. The effective date of the rules promulgated by the Report and Order in this proceeding was postponed from August 31, 1976, to November 22, 1976, pending action on NABER's Petition for Reconsideration (see para. 3, *supra*). Such action having been taken, the effective date of the said rules is November 22, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-35445 Filed 12-1-76;8:45 am]

Title 49—Transportation

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Change of Addresses

This amendment updates the addresses given for the Society of Automotive Engineers, Inc., and the United States of America Standards Institute in § 571.5 of 49 CFR Part 571.

Since this amendment is for the purpose of correcting inaccurate addresses and does not affect any substantive rights, notice and public procedure are not required and the amendment is made effective upon issuance.

In consideration of the foregoing, § 571.5 of Title 49 of the Code of Federal Regulations (49 CFR 571) is amended in part to read as follows:

§ 571.5 Matter incorporated by reference.

(b) * * *

(1) *Standards of the Society of Automotive Engineers (SAE)*. They are published by the Society of Automotive Engineers, Inc. Information and copies may be obtained by writing to: Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

(2) * * *

(3) *Standards of the United States of America Standards Institute*. They are published by the United States of America Standards Institute. Information and copies may be obtained by writing to: United States of America Standards Institute, 1430 Broadway, New York, New York 10013.

Effective date: December 2, 1976.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407) delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on November 24, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-35232 Filed 12-1-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. No. 1237]

PART 1033—CAR SERVICE

Regulations For Return of Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of November, 1976.

It appearing that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the

opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of 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:

§ 1033.1237 Service Order 1237: Regulations For Return of Hopper Cars.

(a) 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) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

The Baltimore and Ohio Railroad Company Reporting Marks: B&O

Bessemer and Lake Erie Railroad Company Reporting Marks: B&LE

The Chesapeake and Ohio Railway Company Reporting Marks: C&O

Consolidated Rail Corporation

Reporting Marks: BA-BWC-CNJ-1 CR-DL&W-EL-ERIE-LV-NHNYC-PC-P&E-FRR-RDG-TOC

Louisville and Nashville Railroad Company Reporting Marks: L&N-NC-MON

Norfolk and Western Railway Company Reporting Marks: ACY-N&W-NKP-P&WV-VGN-WAB

The Pittsburgh and Lake Erie Railroad Company Reporting Marks: P&LE

(2) Carriers named in paragraph (1) above are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by the Director or Assistant to the Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by the Director or Assistant to the Director.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

(d) The term hopper cars, as used in this order, means freight cars having a mechanical designation listed under the heading "Class 'H'—Hopper Car Type" in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401 issued by W. J. Trezise, or reissues thereof.

¹ Addition.

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

(f) Effective date. This order shall become effective at 11:59 p.m., November 30, 1976.

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

(Secs. 1, 12, 15, and 17(2), 24 Stat. 373, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered. That a copy of this 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 Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-35533 Filed 12-1-76; 8:45 am]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Cabeza Prieta National Wildlife Refuge, Ariz., et al.

The following special regulations are issued and are effective on January 1, 1977.

§ 26.34 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA

CABEZA PRIETA NATIONAL WILDLIFE REFUGE

The Cabeza Prieta National Wildlife Refuge, Arizona, is open to public access, use, and recreational activities from January 1 through December 31, 1977, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area. For purposes of protecting human safety as well as the fragile environment of the 940,000-acre Cabeza Prieta National Wildlife Refuge, all entry into the refuge is subject to the possession of a valid permit issued by the Refuge Manager or his designated assistant. Such permit may be obtained at the offices of the U.S. Fish and Wildlife Service located at 356 W. First Street,

Yuma, Arizona or at 1611 2nd Avenue, Ajo, Arizona, between the hours of 8 a.m. and 5 p.m., Mondays through Fridays (except holidays).

One permit will be required for each vehicle entering the refuge, the driver of which must apply in person to receive the permit and a copy of the public use regulations. Each person entering the refuge by means other than motorized vehicles is also required to possess an entry permit, obtainable as required for vehicular entry.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

KOFA GAME RANGE

The Kofa Game Range, Arizona, is open to public access, use, and recreational activities from January 1 through December 31, 1977, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area. For purposes of protecting wilderness values and the fragile desert environments of the 660,000-acre Kofa Game Range, all motorized vehicular travel is restricted to designated routes of travel. Maps delineating such routes may be obtained at the office of the U.S. Fish and Wildlife Service, 356 W. First Street, Yuma, Arizona between the hours of 8 a.m. and 5 p.m., Mondays through Fridays (except holidays).

Camping on the Kofa Game Range is limited for each person to 14 days during any 12-month period. Recreational (non-commercial) rockhounding, including digging with simple hand tools, is permitted only in the designated area known as Crystal Hill, described as follows:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 18 W.,
Sec. 2, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{4}$ and S $\frac{1}{2}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{4}$ and S $\frac{1}{2}$;
Secs. 9 and 10;
Sec. 11, W $\frac{1}{2}$;
Sec. 14, NW $\frac{1}{4}$;
Sec. 15, N $\frac{1}{2}$.

The areas described aggregate 3,684.39 acres.

On the remainder of the Kofa Game Range outside the designated Crystal Hill area, collecting of rocks or minerals, or both, is restricted to materials that are exposed and collectible without the use of tools. Digging, including the use of simple hand tools, is prohibited except in the designated area known as Crystal Hill.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

ARIZONA AND CALIFORNIA

CIBOLA NATIONAL WILDLIFE REFUGE

The Cibola National Wildlife Refuge, Arizona and California, is open to public access, use, and recreational activities from January 1 through December 31, 1977, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area, and the following special conditions:

(1) Camp fires are permitted only in designated areas. All other open fires are prohibited.

(2) Waterskiing is permitted only on the Colorado River.

(3) All motorized vehicles, including motorcycles, are permitted only on developed roads. Driving off roads or on roads closed by sign or barrier is prohibited.

(4) Carrying, possessing, or discharging firearms on the refuge is prohibited, except that legal firearms may be used during open hunting seasons in designated areas.

(5) Wildlife observation, photography, and hiking are permitted.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

HAVASU NATIONAL WILDLIFE REFUGE

The Havasu National Wildlife Refuge, Arizona and California, is open to public access, use, and recreational activities from January 1 through December 31, 1977, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area, and the following special conditions:

(1) Waterskiing is permitted only on the channelized segment of the Colorado River except for that portion of the river called "Topock Gorge" which is designated by buoys as being "Closed to Waterskiing". The north buoy line is located between the I-40 highway bridge and the A.T. & S.F. Railroad bridge. The south buoy line is located on an imaginary line between a point 200 yards south of the southern entrance to Jops Landing on the Arizona shoreline and a point 200 yards south of the southern entrance to Clear Bay on the California shoreline.

(2) The observer of a person in tow behind a boat shall continuously observe the person(s) being towed and shall display a flag immediately after the towed person(s) falls into the water and during the time preparatory to skiing while the person(s) is still in the water. Such flag shall be a bright or brilliant orange or red color, measuring no less than 12 inches on each side, mounted on a handle, and displayed as to be visible in every direction.

(3) Camping is restricted to tent and boat camping along the Arizona shore-

RULES AND REGULATIONS

line below the buoy line designating the southern entrance to Topock Gorge. Camping is also prohibited at Mesquite Bay.

Recreational vehicles and tent camping is permitted at Five Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days.

(4) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on the Bill Williams River and within the harbors of Five Mile Landing and Catfish Paradise.

(5) All wheeled vehicles, including motorbikes, are permitted on developed roads and parking areas only. Driving off roads or roads closed by sign or barrier is prohibited.

(6) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs.

(7) Fires may be built only in areas where camping is allowed.

(8) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting, hiking or camping.

(9) Additional attachments to mobile homes and travel trailers located at refuge concessions must be limited to cabanas, awnings, or similar types of shades that are easily removable, portable and not permanently fixed to the ground. They may be equipped with windbreaks of a similar portable nature that do not completely enclose the sides, but may not be utilized for regular living or sleeping space or to house household equipment other than lounge furniture.

(10) Residents are required to maintain their trailers and lots in a neat, orderly and hazard-free condition. Trailer slabs, porches, and cabanas are not to be used for permanent living space, or for storage of household goods or other miscellaneous items with the exception of lounge furniture.

No storage will be allowed under the mobile home, travel trailer or porch area. The interior of the mobile home, travel trailer, storage shed or storage yard are the only authorized storage areas.

(11) Concession operators and tenants will maintain their facilities and residences in accordance with Title 25, Housing and Community Development; Chapter 5, Mobile Home Parks, Special Occupancy Trailer Parks and Campgrounds; California Administration Code; State of California.

(12) All trailers, attachments and other structures on the lots must be capable of being removed within 24 hours of notice. All tires must remain on the mobile home or travel trailers at all times.

(13) The mooring of unattended boats is allowed only at designated boat slips at Five Mile Landing and Catfish Paradise concessions.

(14) Concession residents who are in violation of refuge regulations may be barred from living on or using refuge lands and facilities.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

IMPERIAL NATIONAL WILDLIFE REFUGE

The Imperial National Wildlife Refuge, Arizona and California, is open to public access, use, and recreational activities from January 1 through December 31, 1977, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area, and the following special conditions:

(1) An area on the west end of Martinez Lake, consisting of approximately 175 acres, and an area of approximately 1,400 acres in the north end of Ferguson Lake, shall be closed to public entry during the periods January 1 through March 1, 1977, inclusive, and October 1 through December 31, 1977, inclusive.

(2) Waterskiing and towing of any device with a person(s) aboard, for recreational purposes is permitted only on certain sections of the main stream (channel) of the Colorado River where designated by signs. In general, these open areas are the main stream of the Colorado River in the Martinez and Ferguson Lakes area and adjacent to the Picacho State Recreational Area. Backwaters are closed to waterskiing.

(3) The minimum altitude of aircraft flying over the refuge shall be 2,000 feet above ground level.

(4) Boating is permitted in all waters of the refuge except where prohibited by appropriate signs and in those areas closed to public entry.

(5) Blocking of boat ramps or routes of public access is prohibited.

(6) Hiking, sightseeing, and photography are permitted except in those areas closed to public entry.

(7) The removal or disturbance of sand, gravel or rock is prohibited.

(8) Camping; i.e., overnight camping, is prohibited. It has been determined that camping is detrimental to the accomplishment of refuge wildlife ecological objectives.

(9) The removal or disturbance of deadwood is prohibited.

(10) Pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The Bosque del Apache National Wildlife Refuge, New Mexico, is open to public

access, use, and recreational activities from January 1 through December 31, 1977, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area, and the following special conditions:

(1) Vehicular access to designated roads on the Bosque del Apache National Wildlife Refuge will be only through the headquarters entrance. Refuge headquarters is located on State Highway 1, eight miles south of San Antonio, New Mexico.

(2) The refuge is open to visitation during the period from one-half hour before sunrise to one-half hour after sunset.

Portions of the Bosque del Apache National Wildlife Refuge have been included in the National Wilderness System under the Wilderness Act of 1964. Boundaries of these areas are appropriately posted with "Wilderness Area" signs. The following special conditions apply to the wilderness areas:

(1) Fires will be limited to camp stoves.

(2) Entry will be by foot only.

(3) Only backpack-type camping is permitted.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

The Salt Plains National Wildlife Refuge, Oklahoma, is open to public access, use, and recreational activities from January 1 through December 31, 1977, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area, and the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals from April 1 through October 15, 1977, inclusive, and only on Saturdays, Sundays and holidays.

(2) For the purpose of collecting selenite crystals, vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(3) Each individual may collect for his personal use up to a maximum of 10 pounds plus one selenite crystal or selenite crystal cluster per day.

(4) Digging for selenite crystals will be confined to areas posted for such activity.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

SEQUOYAH NATIONAL WILDLIFE REFUGE

The Sequoyah National Wildlife Refuge, Oklahoma, is open to public access, use, and recreational activity from January 1 through December 31, 1977, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations and all official signs posted in the area, and the following special conditions:

(1) An area of approximately 2,200 acres, south of Vian Creek and east of the refuge tour road, shall be closed, as posted, to all public access during the periods January 1 through March 31, 1977, inclusive, and October 1 through December 31, 1977, inclusive. This land is set aside to provide an area of minimum disturbance for waterfowl and other wildlife during the winter months.

(2) Some refuge roads may be closed to vehicle entry from January 1 through March 31, 1977, inclusive, and October 1 through December 31, 1977, as posted, to prevent disturbance of wintering and migrating waterfowl.

(3) Sightseeing, nature observation, photography and hiking are permitted.

(4) Picnicking is permitted only at the Vian Creek Recreation Area. Picnic fires may be built at the recreation area only in the fire grills provided or in camp stoves or charcoal grills.

(5) Overnight camping is not permitted except for youth conservation groups supervised by adults. Permits must be obtained in advance from the Refuge Manager, Sequoyah National Wildlife Refuge, 412 N. Maple, Sallisaw, Oklahoma.

(6) Firearms are prohibited except during authorized hunting seasons when only shotguns are permitted. Firearms being transported in a motor vehicle must be unloaded and dismantled or cased. Possession of any firearm on the refuge at night or in refuge areas closed to hunting is prohibited. Long bows and arrows are permitted only as authorized in current refuge hunting and State fishing regulations.

(7) Boating is permitted in accordance with Federal and State regulations.

(8) Waterskiing is prohibited in all refuge waters.

(9) Pets must be kept in a vehicle or on a leash. Dogs may be used for hunting in accordance with refuge hunting regulations.

(10) Pecan picking is limited to one gallon per person per day.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, N. Mex.

NOVEMBER 22, 1976.

[FR Doc. 76-35385 Filed 12-1-76; 8:45 am]

PART 26—PUBLIC ENTRY AND USE

Salt Meadow National Wildlife Refuge, Connecticut

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

CONNECTICUT

SALT MEADOW NATIONAL WILDLIFE REFUGE

Foot entry to the refuge is permitted during daylight hours, by advance reservation only, for the purpose of environmental education studies, hiking, nature study, and photography. Entrance permits may be obtained for specific dates, by mail from the Refuge Manager, Ninigret National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813. Motor vehicles are limited to the designated parking areas. Pets are not permitted on the refuge unless authorized in the entrance permit.

Information about the refuge, which comprises approximately 180 acres, is available from the Refuge Manager or from the Regional Director, U.S. Fish and Wildlife Service, 1 Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

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

NOVEMBER 26, 1976.

[FR Doc. 76-35386 Filed 12-1-76; 8:45 am]

PART 26—PUBLIC ENTRY AND USE

Block Island National Wildlife Refuge, Rhode Island

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

RHODE ISLAND

BLOCK ISLAND NATIONAL WILDLIFE REFUGE

Entry by foot or motor vehicle on designated roads and trails is permitted during daylight hours for the purpose of nature study, photography, hiking, shell collecting, shell fishing, and surf fishing. Surf and shell fishing shall be in accordance with all state and local regulations.

The refuge area, comprising 28 acres, is delineated on maps available from the Refuge Manager, Ninigret National Wildlife Refuge, P.O. Box 307, Charles-

town, Rhode Island, 02813, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

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

NOVEMBER 26, 1976.

[FR Doc. 76-35387 Filed 12-1-76; 8:45 am]

PART 26—PUBLIC ENTRY AND USE

Ninigret National Wildlife Refuge, Rhode Island

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

RHODE ISLAND

NINIGRET NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from sunrise to sunset on designated routes unless prohibited by posting for the purpose of nature study, photography, and sightseeing. Pets are permitted if on a leash not over 10 feet in length.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Access along designated routes on the refuge for surf fishing and shell fishing is permitted. Surf and shell fishing shall be in accordance with all state and local regulations.

Fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge. Camping, tents, floating devices, and nudity are not permitted on the refuge. Nudity is defined as intentional failure by persons over 10 years of age to cover with fully opaque covering their own genitals, pubic areas, rectal area or female breasts below a point immediately above the top of the areola when in a public place.

Over-the-sand vehicles, snowmobiles, air cushion, all terrain or other similar vehicles are not permitted on the refuge except for emergency and law enforcement purposes.

A map of the refuge is available from the Refuge Manager, Ninigret National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813 or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26,

RULES AND REGULATIONS

and are effective through December 31, 1977.

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

NOVEMBER 24, 1976.

[FR Doc. 76-35388 Filed 12-1-76; 8:45 am]

PART 26—PUBLIC ENTRY AND USE

Sachuest Point National Wildlife Refuge,
Rhode Island

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

RHODE ISLAND

SACHUEST POINT NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from sunrise to sunset on designated routes unless prohibited by posting, for the purpose of nature study, photography, and wildlands observation. Motor vehicle use is restricted to designated routes and parking areas. Pets are permitted if on a leash not over 10 feet in length.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Access along designated routes on the refuge for surf fishing and shell fishing is permitted. Surf and shell fishing shall be in accordance with all state and local regulations.

Fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge. Camping, tents, floating devices and nudity are not permitted on the refuge.

Nudity is defined as intentional failure by persons over 10 years of age to cover with fully opaque covering their own genitals, public areas, rectal area or female breasts below a point immediately above the top of the areola when in a public place.

Over-the-sand vehicles, snowmobiles, air cushion, all terrain, or other similar vehicles are not permitted on the refuge except for emergency and law enforcement purposes.

The refuge area, comprising approximately 228 acres, is delineated on maps available from the Refuge Manager, Ninigret National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813 or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26 and are effective through December 31, 1977.

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

NOVEMBER 26, 1976.

[FR Doc. 76-35389 Filed 12-1-76; 8:45 am]

PART 26—PUBLIC ENTRY AND USE

Truston Pond National Wildlife Refuge,
Rhode Island

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

RHODE ISLAND

TRUSTON POND NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from sunrise to sunset on designated routes unless prohibited by posting for the purpose of nature study, photography, and wildlands observations. Pets are permitted if on a leash not over 10 feet in length.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Access along designated routes on the refuge for surf fishing and shell fishing is permitted. Surf and shell fishing shall be in accordance with all state and local regulations.

Fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge. Camping, tents, floating devices and nudity are not permitted on the refuge. Nudity is defined as intentional failure by persons over 10 years of age to cover with fully opaque covering their own genitals, public areas, rectal area or female breasts below a point immediately above the top of the areola when in a public place.

Over-the-sand vehicles, snowmobiles, air cushion, all terrain, or other similar vehicles are not permitted on the refuge except for emergency and law enforcement purposes.

A map of the refuge is available from the Refuge Manager, Ninigret National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813 or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26 and are effective through December 31, 1977.

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

NOVEMBER 26, 1976.

[FR Doc. 76-35390 Filed 12-1-76; 8:45 am]

PART 32—HUNTING

Lake Alice National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on December 2, 1976.

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

NORTH DAKOTA

LAKE ALICE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Lake Alice National Wildlife Refuge, North

Dakota, is permitted one-half hour before sunrise to 1:00 P.M. C.D.T. each day from October 2 through October 30 and from one-half hour before sunrise to 2:00 P.M. C.S.T. each day from October 31 through December 12, 1976; and the hunting of ducks and coots is permitted one-half hour before sunrise to sunset each day from October 2 through November 28 and from December 4 through December 5, 1976; and the hunting of common snipe (Wilson's) is permitted one-half hour before sunrise to sunset each day from September 18 through November 21, 1976; but only on the area designated by signs as open to public hunting. This open area, comprising 3,167 acres, is delineated on a map available at the Wetland Management Office, Devils Lake, North Dakota, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following conditions:

1. Vehicles must stay on established roads and trails.

2. Retrieving zones will be designated by signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1976.

JAMES L. NELSON,
Acting Project Leader, Devils
Lake Wetland Management
District.

[FR Doc. 76-35391 Filed 12-1-76; 8:45 am]

PART 32—HUNTING

Lake Alice National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on December 2, 1976.

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

NORTH DAKOTA

LAKE ALICE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse is permitted on the Lake Alice National Wildlife Refuge, North Dakota, from sunrise to sunset September 18 through December 12, 1976, and the hunting of gray partridge (Hungarian) is permitted from sunrise to sunset September 18 through November 21, 1976; and the hunting of pheasants is permitted from sunrise to sunset October 16 through November 21, 1976; and the hunting of tree squirrels is permitted from sunrise to sunset October 2 through December 31, 1976; and the hunting of fox is permitted from one-half hour before sunrise to sunset October 9, 1976 through February 28, 1977; and the hunting of jack rabbits, cottontail rabbits, badger, skunks, raccoons and coyotes is permitted from one-half hour before sunrise to sunset August 27, 1976 through February 28, 1977; but only on the area designated by signs as open to public hunting. This open area, comprising 3,167 acres of the total refuge area

is delineated on a map available at the Wetland Management Office, Devils Lake, North Dakota 58301, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse, gray partridge, pheasants, tree squirrels, foxes, rabbits, badgers, raccoons, skunks, and coyotes subject to the following special conditions:

1. Hunting is by foot travel only. All vehicles must remain on established roads and trails.

2. All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

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 August 31, 1977.

JAMES L. NELSON,
Acting Project Leader, Devils
Lake Wetland Management
District.

[FR Doc. 76-35392 Filed 12-1-76; 8:45 am]

PART 32—HUNTING

Lake Alice National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on December 2, 1976.

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

NORTH DAKOTA

LAKE ALICE NATIONAL WILDLIFE REFUGE

Public hunting of deer with guns on the Lake Alice National Wildlife Refuge, North Dakota, is permitted from 12:00 noon C.S.T. November 12, 1976 to sunset that day and from sunrise to sunset each day from November 13 through November 21, 1976, only on the area designated by signs as open to hunting. This open area, comprising 3,167 acres, is delineated on a map available at the Wetland Management Office, Devils Lake, North Dakota, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with guns subject to the following conditions.

1. Hunting is by foot travel only. Vehicles must remain on established roads and trails only.

2. All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

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.

JAMES L. NELSON,
Acting Project Leader, Devils
Lake Wetland Management
District.

[FR Doc. 76-35393 Filed 12-1-76; 8:45 am]

PART 32—HUNTING

Lake Alice National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on December 2, 1976.

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

NORTH DAKOTA

LAKE ALICE NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Lake Alice National Wildlife Refuge, North Dakota, is permitted from 12:00 noon C.D.T. August 27, 1976 until sunset that day, and from one-half hour before sunrise to sunset each day from August 28 through November 7, 1976 and from 12:00 noon C.S.T. November 22, 1976 until sunset that day and from one-half hour before sunrise to sunset each day from November 23 through December 12, 1976, only on the area designated by signs as open to hunting. This open area, comprising 3,167 acres, is delineated on a map available at the Wetland Management Office, Devils Lake, North Dakota, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

(1) Hunting is by foot travel only. Vehicles must remain on established roads and trails only.

(2) All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1976.

JAMES L. NELSON,
Acting Project Leader, Devils
Lake Wetland Management
District.

[FR Doc. 76-35394 Filed 12-1-76; 8:45 am]

PART 33—SPORT FISHING

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period January 1, 1977 through December 31, 1977.

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

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing in tidal and fresh waters is permitted 24 hours per day from the shorelines of the Monomoy National Wildlife Refuge, Chatham, Massachusetts. Boats may be beached on the refuge and wilderness areas. No boats will be permitted on the fresh water ponds. Sport fishing shall be in accordance with all applicable State regulations.

A map of the refuge is available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Newton, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

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

NOVEMBER 24, 1976.

[FR Doc. 76-35395 Filed 12-1-76; 8:45 am]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on December 2, 1976.

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Michigan is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Stream and ditches, open only during the regular State trout fishing season, are:

(a) Driggs River from Highway M-28 south to the Diversion Ditch.

(b) Walsh Creek and Ditch from Highway M-28 south to C-2 Pool.

(c) Creighton River—entire length through refuge.

(2) Manistique River, entire length through refuge, open from January 1, 1977 through December 31, 1977.

RULES AND REGULATIONS

(3) Pools are open to fishing, daylight hours only, as follows:

(a) All Pools—January 1, 1977 through February 28, 1977.

(b) Show Pools (located west of Highway M-77 one-half mile north of the Headquarters entrance road) from Memorial Day (May 30, 1977) through Labor Day (September 5, 1977).

(c) C-3 Pool—July 1, 1977 through Labor Day (Sept. 5, 1977).

(4) Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

(5) Snowmobiles, All-Terrain Vehicles or motorized bikes are not allowed on the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

JOHN R. FRYE,
Refuge Manager,
Seney National Wildlife Refuge.

NOVEMBER 23, 1976.

[FR Doc. 76-35396 Filed 12-1-76:8:45 am]

PART 33—SPORT FISHING

Iroquois National Wildlife Refuge, N.Y.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all posted waters designated by signs as open. Sport fishing is permitted in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) All areas, except the Feeder Canal and Oak Orchard Creek areas, are closed to fishing from April 1 through July 14, 1977 and from October 1 through November 30, 1977.

(2) With the exception of ice fishing, fishing on refuge impoundments will be limited to posted areas on dikes and roads. No wading or swimming is permitted.

(3) No boats or other flotation devices will be permitted, except that boats without motors may be used on Oak Orchard Creek from Knowlesville Road to a wire two miles westward. Firearms are not permitted in boats.

(4) Leaving boats, structures, or other equipment overnight on the refuge is not permitted.

(5) Refuge is only open during daylight hours.

All fishing areas are delineated on maps available at Refuge Headquarters, RFD #1, Casey Road, Basom, New York

14013 or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplements the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

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

NOVEMBER 26, 1976.

[FR Doc. 76-35397 Filed 12-1-76:8:45 a.m.]

Title 7—Agriculture

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

[Navel Orange Regulation 389]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 3-9, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.689 Navel Orange Regulation 389.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the

quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is fairly active for size 88's and larger, but weak for size 113's and smaller.

Prices f.o.b. averaged \$4.61 a carton on a reported sales volume of 487 cartons last week, compared with \$4.95 per carton on sales of 360 cartons a week earlier.

Track and rolling supplies at 171 cars were up 70 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 30, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 3, 1976, through December 9, 1976, are hereby fixed as follows:

- (i) District 1: 1,348,000 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 102,000 cartons.

(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: December 1, 1976.

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

[FR Doc. 76-35753 Filed 12-1-76; 12:25 pm]

[Grapefruit Reg. 42]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Quality and Size Requirements

During the period December 5, 1976, through August 31, 1977, this regulation sets a minimum grade of U.S. No. 2, as herein modified, and a minimum diameter of 3-6/16 inches for the handling of grapefruit grown in California and Arizona, except that initial handlers may handle grapefruit smaller than 3-6/16 inches in diameter directly to destinations in states other than California, Arizona, Florida and Texas, providing that grapefruit so handled to destinations in Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah shall measure not smaller than 3-4/16 inches in diameter. The establishment of such requirements under Marketing Order 909 is necessary to provide the market with fruit of acceptable quality in the interests of producers and consumers.

Findings. (1) On November 17, 1976, notice of proposed rulemaking was published in the *FEDERAL REGISTER* (41 FR 50695), regarding a proposed regulation to be made effective pursuant to marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of fresh grapefruit 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). No comments regarding the proposal were received. The regulation was recommended by the Administrative Committee established pursuant to the said marketing order.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Administrative Committee and other available information, it is hereby found that the limitation of handling of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation establishes minimum grade and size requirements for the handling of grapefruit. The regulation is based upon an appraisal of the crop and prospective market conditions

as required in § 909.51 of said marketing order. Grapefruit is reported to be of good quality this year, and average size is reported to be larger than last year. This regulation is necessary during such period to prevent the handling of grapefruit of lower grades and smaller sizes than those herein specified, so as to provide fruit of acceptable quality in the interests of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 553), because the time intervening between the date when information upon which this 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. Shipments of grapefruit in volume are expected on or about effective time hereof; the recommendation and supporting information for regulation during the period December 5, 1976, through August 31, 1977, were promptly submitted to the Department after an open meeting of the Administrative Committee on October 14, 1976; notice of the proposed regulation was published in the November 17, 1976, issue of the *FEDERAL REGISTER*, and no objections were received either to the regulation or to the proposed effective time; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth, so as to provide minimum quality requirements for the handling of such grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 909.342 Grapefruit Regulation 42.

(a) **Order.** (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period December 5, 1976, through August 31, 1977, no handler shall handle from the State of California or the State of Arizona to any point outside thereof except Mexico:

(i) Any grapefruit which do not meet the requirements for the U.S. No. 2 grade which for purpose of this section shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and including as a part of the fairly well formed requirement, the requirement that the fruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the tolerance provided for the U.S. No. 2 grade, the following tolerances, by count, shall be allowed for the defects listed:

(a) 10 percent for fruit which is not at least fairly well colored;

(b) 10 percent for defects other than color, but not more than one-twentieth of this amount, or one-half of 1 percent shall be allowed for decay and not more than one-half, or 5 percent, shall be allowed for any single defect caused by broken skins, sunburn, scars, or peel that is more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3-1/16 inches in diameter: *Provided*, That such diameter requirement shall not apply to individual packages containing 10 pounds or less in a lot and individual packages containing more than 10 pounds in a lot may contain not to exceed 10 percent of grapefruit of a size smaller than 3-1/16 inches in diameter, if the lot as a whole does not contain more than 5 percent of such size:

Provided, further, That in determining the percentage of grapefruit in any lot which are smaller than 3-1/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3-1/16 inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3-1/16 inches in diameter directly to a destination in Zones 4, 5, or 6 and if the grapefruit is so handled to Zone 4, the grapefruit does not measure less than 3-1/16 inches in diameter: *Provided*, That such diameter requirement shall not apply to individual packages containing 10 pounds or less in a lot and individual packages containing more than 10 pounds in a lot may contain not to exceed 10 percent of grapefruit of a size smaller than 3-1/16 inches in diameter, if the lot as a whole does not contain more than 5 percent of such size: *Provided, further*, That in determining the percentage of grapefruit in any lot which are smaller than 3-1/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3-1/16 inches in diameter and smaller.

(b) As used herein, "handler", "grapefruit", "handle", "Zone 4", "Zone 5", and "Zone 6" shall have the same meaning as when used in said amended marketing order; the terms "U.S. No. 2", "fairly well colored", "slightly colored", and "fairly well formed" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925-51.955; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

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

Dated: November 29, 1976, to become effective December 5, 1976.

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

[FR Doc. 76-35472 Filed 12-1-76; 8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1861]

[FmHA Instruction 451.1]

ACCOUNT SERVICING POLICIES

Notice of Proposed Rulemaking Moratorium on Payments, Sections 502 and 504 Rural Housing Loans

Notice is hereby given that the Farmers Home Administration has under consideration certain revisions and additions to § 1861.10 of Subpart A of Part 1861, Title 7, Code of Federal Regulations (37 FR 13703; 39 FR 25312). These revisions propose to authorize a moratorium on principal and interest payments and cancellation of interest accrued during such moratorium to borrowers who, due to circumstances beyond their control, are unable to continue making payments of such principal and interest when due without unduly impairing their standard of living. While numerous editorial changes are being made by these amendments to § 1861.10, the principal revisions and additions follow:

A. Paragraph (a) (2) definition of "unduly impaired standard of living" is broadened and paragraph (a) (4) has been deleted. The term "family" has been removed from "Definitions."

B. Paragraphs (b) (1) (i) (C) and (D) have been deleted. The requirements of these paragraphs are contained in Form FmHA 451-22, "Request for Moratorium on Payments (Sections 502-504 RH Loans)," which is available at any FmHA office.

C. Paragraph (b) (1) (ii) (B) has been revised to provide the granting of interest credits as one of the alternatives used before granting a moratorium.

D. Paragraphs (b) (1) (iii), (b) (1) (iv), (b) (1) (v) and (b) (2) have been redesignated (b) (2), (b) (3), (b) (4) and (b) (5) respectively, and are revised as follows:

1. To authorize County Supervisor approval or disapproval of an application for moratorium subject to concurrence of the District Director; to restructure the distribution of Form FmHA 451-22, reflecting approval or disapproval of application for moratorium; to provide notification to borrower of the action taken on application for moratorium within 15 days after receipt in County Office; and to provide notification to borrower of the right to appeal a denial for moratorium.

2. To allow a retroactive period of up to 30 days for the effective date of the moratorium under certain conditions, and to authorize more than one moratorium, subject to approval of the State Director.

E. Paragraph (d) has been revised and redesignated as new paragraph (e), and provides for procedure to follow in handling cancellations of interest at the expiration of the final moratorium period.

F. A new paragraph (d) is added to provide for appeal by the borrower upon adverse action taken on the application for moratorium.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed revisions and additions to this Subpart to the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Agriculture Building, Washington, D.C. 20250 on or before December 31, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m. to 4:45 p.m.).

As proposed § 1861.10 is revised to read as follows:

S 1861.10 Moratorium on principal and interest payments on sections 502 and 504 loans.

A moratorium on principal and interest payments may be granted on sections 502 and 504 RH loans, under section 505 of the Housing Act of 1949, upon determination that, due to circumstances beyond the borrower's control, the borrower is unable to continue making scheduled payments without unduly impairing his or her standard of living. Cancellation of interest accrued during the moratorium period may also be authorized in cases of extreme hardship.

(a) *Definitions.* As used in this paragraph:

(1) "Scheduled payments" means the amount of monthly or annual installment required by the promissory note as this amount may be modified by any outstanding Interest Credit Agreement, Supplementary Payment Agreement, Additional Partial Payment Agreement, or other written agreements.

(2) "Unduly impaired standard of living" means that condition whereby the borrower, due to present illness or serious injury to the borrower or dependent members of the borrower's household which are now being treated, or a sudden or substantial reduction of income such as that resulting from present unemployment, due to circumstances beyond his control, is unable to pay his normal living expenses and scheduled payments as provided by the loan documents.

(3) "Extreme hardship" means that condition as described in paragraph (a)

(2) of this section, which has continued until interest accruing on the loan causes the amount of monthly or annual payments required on the unpaid balance of the debt to exceed the borrower's repayment ability after the debt has been reamortized over the remaining term of the loan unless all or part of the interest which has accrued during the moratorium period is cancelled.

(b) *Policy guidelines in granting moratorium.* (1) Moratorium on principal and interest payments on an RH account may be granted provided:

(i) The borrower: (A) Has exercised due diligence in an effort to pay scheduled payments, real estate taxes, and property insurance premiums when due, and has complied with other conditions of the loan documents; and

(B) Requests a moratorium on payments in accordance with paragraph (c) of this section and appropriately documents the conditions causing his unduly impaired standard of living.

(ii) The county supervisor: (A) Has verified the accuracy of the information received with the letter requesting a moratorium on payments from the borrower; and

(B) Has determined after using all other alternatives such as granting all authorized interest credits, that a moratorium on payments is still necessary and the family is eligible for such moratorium on payments.

(2) The County Supervisor is authorized to approve or disapprove an application for a moratorium subject to the concurrence of the District Director. The recommendations relative to a moratorium are made on Form FmHA 451-23, "Recommendations—Moratorium (Sections 502-504 RH Loans)" which is available in all FmHA offices. The reasons and justification for approval or disapproval of the moratorium will be noted or attached as additional information. An original and three copies will be prepared. If the moratorium is granted, the original will be sent to the borrower, one copy will be retained in the County Office file, and one copy accompanied by a copy of Form FmHA 451-22 "Requests for Moratorium on Payments (Sections 502-504 Rural Housing Loans)," will be sent to the Finance Office. If the moratorium is denied, the notification letter to the borrower will include the reasons for the denial and the following statement: "If you wish further consideration, you may submit the reasons why you believe the application should be approved to the State Director and request that he further consider your application for a moratorium on payments. He is _____."

The borrower will be notified by letter of the action taken within 15 days after his application for a moratorium has been received in the County Office.

(3) A moratorium may be granted for 6 months. Immediately before the end of each 6-month period or sooner if the County Supervisor becomes aware of facts that substantially change the borrower's repayment ability, the justification for a moratorium will be reviewed by the County Supervisor and terminated or extended for another 6-month period if the facts so warrant. The extension will be accomplished by distributing new instruments as outlined in paragraph (b) (2) of this section prior to the expiration of the current moratorium. The moratorium will not be effective prior to the date the application for a moratorium was received in the County Office, except that the moratorium may be retroactive for up to but not more than the previous 30 days if the circumstances for which the moratorium is to be granted existed during the earlier period of time. No moratorium may be extended beyond a date more than 3 years from the date of the initial moratorium. In no event will a borrower be allowed more than a single moratorium, plus any extensions thereof, during the life of the loan, unless prior authorization is received from the State Director. At the end of the moratorium period and any extensions thereof, the borrower's account (as modified by any interest credit or interest cancellation assistance), will be reamortized or processed in the same manner as other FmHA accounts in accordance with § 1861.9.

(4) Interest will accrue during the moratorium at the rate shown on the promissory note or, when appropriate, the reduced interest rate applicable to the Interest Credit Agreement in effect.

(5) Cancellation of any part or all of the interest which accrued during the moratorium plus any extension thereof, will be granted only in cases of extreme hardship, as defined in paragraph (a) (3) of this section. A request for cancellation will be made in accordance with paragraph (e) of this section.

(c) *Letter of request for moratorium.* The County Supervisor will provide the borrower who wishes to apply for a moratorium on payments with four copies of Form FmHA 451-22, "Request for Moratorium on Payments (Sections 502-504 RH Loans)." The borrower, assisted by County Office personnel, will complete the applicable spaces on the form and sign and return all copies to the County Supervisor. The County Supervisor will forward a copy of the completed form together with the original and two copies of Form FmHA 451-23, for the concurrence of the District Director. The District Director will indicate his determination of Form FmHA 451-23 and return all the forms to the County Supervisor. The County Supervisor will distribute the copies in accordance with paragraph (b) (2) of this section.

(d) *Borrower's appeal for review of adverse action.* The borrower may appeal to the State Director for review of adverse action taken by the County Super-

visor on his application for moratorium. On receipt of a request for review from a borrower, the State Director will assign a member of his staff to investigate and make recommendations to him on the appeal. The State Director, on receipt of the report from his staff member, will make a determination on the appeal. He will notify the borrower in writing, of his decision and also inform the District Director and the County Supervisor of the action to be taken on the application. If the application is disapproved, the State Director will indicate the reasons for disapproval and will include the following statement in his letter to the borrower: "If you wish to have the decision on your application reviewed, you may write to the Administrator explaining why you believe your application for a moratorium should be approved. His address is: Administrator, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C. 20250." On receipt of a request from a borrower that the decision of the State Director be reconsidered, the Administrator will obtain a comprehensive report on the application for a moratorium from the State Director. In making his decision, the Administrator will consider this information together with any additional information that may be provided by the borrower and will notify the borrower by letter (copy to the State Director) of his decision. If the decision is adverse to the borrower, the Administrator will indicate in his letter to the borrower the reasons for disapproval of his request.

(e) *Action at the expiration of the final moratorium period.* At the expiration of the final moratorium period, the County Supervisor will:

(1) If he determines that the borrower can make scheduled payments on the balance owed without cancellation of part or all of the interest which accrued during the moratorium, submit to the Finance Office, a copy of a completed Form FmHA 451-37, "Additional Partial Payment Agreement," or the original of a completed Form FmHA 451-21, "Request for Reamortization of Real Estate Loan," and a copy of a new promissory note if these last two forms were prepared to establish a new repayment schedule. The date shown for "period ending" on Form FmHA 451-21 for a section 502 RH loan will be no later than 33 years from the date the loan was closed. The "period ending" date for a section 504 RH loan will be no later than 10, 15, or 20 years from the date the loan was closed, depending on the terms of the loan as allowed by the provisions of Subpart B of Part 1822 of this Chapter. Otherwise, reamortization of direct or insured loans will be handled in accordance with the provisions of § 1861.9.

(2) If he determines that the borrower is unable to make the scheduled payments on the balance owed without cancellation of part or all of the interest which accrued during the moratorium, forward a completed Form FmHA 451-23 in an original and three copies to the District Director. The District Director will complete his part of the form and

submit it along with the County Supervisor's recommendations to the State Director for his consideration and return to the County Office. If the State Director approves the request for cancellation of interest accrued during the moratorium, the County Supervisor will mail to the Finance Office Form FmHA 451-21, a copy of the new promissory note, and a copy of the approved cancellation of interest form, or if cancellation of interest was not considered or disapproved, he will proceed as in paragraph (e) (1) of this section.

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

Date: November 23, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration,
[FR Doc. 76-35438 Filed 12-1-76; 8:45 am]

DEPARTMENT OF JUSTICE

Parole Commission

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS

Youth Offenders and Juvenile Delinquents

Pursuant to the authority of 28 C.F.R. Chapter I, Part O, Subpart V and 18 U.S.C. § 4203(a)-(1), 90 Stat. 220, notice is hereby given that the Parole Commission intends to consider adoption of certain regulations listed below governing parole, release, supervision and recommitment of prisoners, youth offenders and juvenile delinquents.

All interested persons who wish to make comments or suggestions in connection with these proposed regulations should send written statements to the United States Parole Commission, Federal Home Loan Bank Board Building, 320 First Street, Northwest, Washington, D.C. 20537, Attention: Rulemaking Committee. All comments and suggestions should be received by January 24, 1977.

§ 2.10(b) (Proposed regulation). It has been proposed that a prisoner who receives a sentence for civil contempt of court shall not receive credit toward the service of any other term he is serving until the sentence of contempt is lifted. Such a policy appears to be dictated by the consideration that a sentence of civil contempt would otherwise have no effect on prisoners already serving fixed term sentences. The text of the proposed rule is as follows:

2.10(b) *The imposition of a sentence of imprisonment for civil contempt shall interrupt the running of any sentence of imprisonment being served at the time the sentence of civil contempt is imposed, and the sentence or sentences so interrupted shall not commence to run again until the sentence of civil contempt is lifted.*

§ 2.10(c) (Proposed regulation). It has also been proposed that a person committed under the Youth Corrections Act, 18 U.S.C. § 5010, or a person committed

PROPOSED RULES

under the Narcotic Addict Rehabilitation Act, 18 U.S.C. § 4253, shall not receive credit toward the service of the sentence for any period during which that person has been in bail release, escape, or absconder status. This provision would be an exception, along with the proposed § 2.10(b) above, to the general rule that such sentences are served uninterruptedly from the date of conviction (18 U.S.C. § 5017(c)) and equates absconding from a parolee's district of supervision with escape from imprisonment. The text of the proposed rule is as follows:

2.10(c) Service of the sentence of a committed youth offender or a person committed under the Narcotic Addict Rehabilitation Act commences to run from the date of conviction and is interrupted only when such prisoner or parolee (1) is on bail pending appeal; (2) is in escape status; (3) has absconded from his or her district of parole supervision; or (4) comes within the provisions of subsection (b) of this section.

§ 2.20 (offense severity examples). In the proposed rules published at 41 FR 19325 (May 12, 1976), at § 2.20 (Paroling policy guidelines), the previously used offense example of "organized vehicle theft" ("high" severity category), was changed to read "vehicle theft for resale". This change was overlooked in the final publication of those rules at 41 FR 37316 (September 3, 1976). The Commission intends that this error be corrected and therefore proposes that *vehicle theft for resale* be substituted for "organized vehicle theft" in the "high" offense severity category.

§ 2.20 (proposed salient factor score revision). Finally, it has been proposed that the salient factor score at § 2.20 be revised. The proposed scoring system drops two items: education (the weakest of the items in predictive value) and living arrangements (an item sometimes difficult to score reliably), and modifies several others. The predictive power of the revised device appears equivalent to the device presently in use. However, the revised device appears to pose a substantial advantage in its reliability in actual field scoring (i.e., it will more accurately reflect the facts of each case in the areas selected for measurement). Thus, adoption of the proposed scoring system should provide for more consistent decision-making, with no loss of predictive power. Actual field predictive power may well increase slightly with the greater reliability in field scoring mentioned above. The proposed device is set forth below:

SALIENT FACTOR SCORE

Item A No prior convictions (adult or juvenile) ----- 3
1 or 2 prior convictions ----- 2
2 or 3 prior convictions ----- 1
4 or more prior convictions ----- 0

Item B No prior incarcerations (adult or juvenile) ----- 2
1 or 2 prior incarcerations ----- 1
3 or more prior incarcerations ----- 0

Item C Age at first commitment (adult or juvenile):
26 or older -----
18 to 25 -----
17 or younger -----
Item D Commitment offense did not involve auto theft or checks (forgery/larceny) -----
Otherwise -----
Item E Never had parole revoked or been committed for a new offense while on parole, and not a probation violator this time -----
Otherwise -----
Item F No history of heroin or opiate dependence -----
Otherwise -----
Item G Verified employment (or full-time school attendance) for a total of at least 6 mo during the last 2 yr in the community -----
Otherwise -----
Total score

Dated: November 26, 1976.

GEORGE J. REED,
Acting Vice Chairman,
United States Parole Commission.

[FR Doc. 76-35294 Filed 12-1-76; 8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2608]

PENSION PLAN

Allocation of Assets; Supplemental Notice of Proposed Rulemaking
Correction

In FR Doc. 76-31421 appearing on page 48492 in the FEDERAL REGISTER of Wednesday, November 3, 1976, on page 48493 the comment date in the last paragraph should be corrected to read, "December 3, 1976".

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 75, 77]

TRAINING AND RETRAINING OF MINERS

Notice of Public Hearing

Pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811 (a)), there were published in the FEDERAL REGISTER for July 29, 1976 (41 FR 31553 and 31556) notices proposing that Parts 75 and 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, be amended by adding a new Subpart T and a new Subpart U, respectively. The proposed amendments pertain to the training and retraining of miners.

Interested persons were afforded a period in excess of 45 days following publication within which to submit to the Administrator, Mining Enforcement and Safety Administration, written comments, suggestions and objections to

these proposed standards, stating the grounds therefor, and to request a public hearing on such objections.

Written objections were timely filed with the Administrator stating the grounds for objections and requesting a public hearing on the proposed §§ 75.2000 through 75.2010 and §§ 77.2000 through 77.2010. In accordance with section 101 (f) of the Act, a Notice of Objections Filed and Hearing Requested was published in the FEDERAL REGISTER for Subpart T of Part 75 on November 11, 1976 (41 FR 49838) and for Subpart U of Part 77 on November 15, 1976 (41 FR 50299).

Pursuant to section 101(g) of the Act notice is hereby given that a public hearing will be held beginning at 9:00 a.m. on Wednesday, January 5, 1977, and will continue if necessary through Friday January 7, 1977, in the House Chamber State Capital Building, Charleston, West Virginia. The public hearing will resume at 9:00 a.m. on Monday, January 10, 1977, and will continue if necessary through Wednesday, January 12, 1977, in the auditorium (Rm. 269), Main Post Office Building, 1823 Stout St., Denver, Colorado. The purpose of the public hearing is to receive relevant evidence on the proposed training regulations. The following issues have been raised by the written comments and objections:

GENERAL

(1) Whether the Secretary of the Interior has the authority to regulate training.

(2) Whether training regulations are necessary or justifiable.

(3) What are the anticipated costs of the regulations.

(4) Whether the assigned courses and course hours are satisfactory or necessary, for example, should cardiopulmonary resuscitation (CPR) and explosives training be mandatory for all miners and should instruction in miners' rights and fire protection be included.

(5) Whether the regulations should require miners to participate in the training course.

(6) Whether representatives of miners should have input into the development and conduct of training programs.

(7) Will MESA have the means to provide necessary assistance, and if not, what impact will that have on enforcement.

(8) Whether training received by a qualified person will satisfy the proposed mandatory training.

(9) Whether the requirements allow adequate flexibility to permit centralized training, on-the-job training, and otherwise allow training to vary according to the particular operation.

(10) Whether all experienced and inexperienced miners must first complete training before performing any work in a coal mine.

(11) Whether training for inexperienced and experienced miners should be spread over a period of weeks or concentrated in the first few days of employment.

(12) Whether there should be a provision for conducting periodic unsched-

uled emergency evacuation drills under MESA supervision.

(13) Should there be a provision for periodic review of the adequacy of training and how will the regulations be enforced.

(14) Whether special provisions for training at Accident Prevention (AP) mines should be included.

(15) Whether the regulations should require periodic upgrading of the skills of supervisory personnel.

§§ 75.2000 and 77.2000

(16) Whether the surface training regulations should exclude surface areas of underground mines.

(17) Whether small operators and independent contractors should be exempted from complying with the training regulations.

§§ 75.2001 and 77.2001

(18) Whether the terms "experienced miner," "inexperienced miner," "agent," "opening," "work stoppages," "safe operating procedures," "experienced foremen," "experienced machine or equipment operators" and "interested persons" should be defined or clarified.

§§ 75.2002 and 77.2002

(19) Should MESA "approve" training programs.

(20) Whether the time limits are sufficient for the operator to submit a training program for approval.

(21) Whether prior MESA approval should be required for changes in instructors, course materials, and time allocations in approved programs.

§§ 75.2003 and 77.2003

(22) Whether the regulations should include a brief outline of course material, a general description of teaching methods or guidelines for an acceptable program.

(23) Whether instructors should be approved by MESA, and if so, whether the criteria for approval should be set forth.

(24) Whether qualifications should be established for the company official responsible for health and safety training at the mine.

(25) Whether under §§ 75.2003(c) and 77.2003(c) the Chief of the Training Center should specify in writing his reasons for disapproving any phase or time reduction of a training program.

(26) Whether the word "reasonable" should be inserted before the word "time" in §§ 75.2003(c)(1) and 77.2003(c)(1).

(27) Whether the official responsible for health and safety training must be "at the mine."

(28) Whether an operator can proceed with phases of a training program that have been approved or whether the entire program must be approved before implementation.

§§ 75.2004 and 77.2004

(29) Whether the operator should bear the burden of proof for demonstrating that a newly hired miner has received prior training.

(30) Whether inexperienced miners should receive certificates from MESA as proof of training received.

(31) Whether the operator should be required to submit "proof" to the representative of the miners that an inexperienced miner has been trained.

(32) Whether the words "preceding initial employment" should be deleted from §§ 75.2004(c) and 77.2004(c) to eliminate any conflict as to which employees are to be given training.

(33) Whether relative to first aid and cardiopulmonary resuscitation (CPR) training the operator is liable when an instructor fails to use or misuses the proposed technique resulting in injury to the trainee miner.

(34) Whether once a miner is trained such training is sufficient although the miner changes jobs or mines.

§§ 75.2006 and 77.2006

(35) Whether training should be required for all new work assignments.

(36) Whether the acceptable work experience requirement for reassigned miners should be changed.

(37) Whether in § 77.2006(a) there is a conflict between the term "on-the-job training" and the wording "shall not perform such new work duties until the training * * * has been completed."

(38) Whether §§ 75.2006 and 77.2006 would conflict with job bidding provisions or state laws.

(39) Whether requirements for training on new machinery and for dispatchers should be written as separate regulations.

(40) Whether the proficiency test required of machine operators should be recorded and attested to by signature.

§§ 75.2007 and 77.2007

(41) Whether to include a provision to the effect that if a training program is conducted during a regular shift, miners should be compensated at regular rates; if conducted on overtime, miners should be compensated at premium rates.

(42) Whether the last two words of §§ 75.2007(b)(1) and 77.2007(b)(1), "each miner," should be changed to "job classification."

§§ 75.2008 and 77.2008

(43) Whether the reduction in amount of time for instruction provisions should be eliminated since operators may file section 301(c) petitions for modification.

(44) Whether reductions in instruction time permitted by the Chief of the Training Center should have the concurrence of the District Manager.

§§ 75.2009 and 77.2009

(45) Whether MESA's program for approving instructors should be conducted at regular intervals in the immediate region of the mine site.

(46) Should operators be given a specified time to have instructors approved before the effective date of the training program.

(47) Should MESA promptly notify the employer upon approval of an instructor.

§§ 75.2010 and 77.2010

(48) Whether the records of training should be kept by the operator at the mine or other specified location.

The Assistant Administrator, Education and Training, Mining Enforcement and Safety Administration, will conduct the hearing.

The hearing shall be conducted in an informal manner and a verbatim transcript will be maintained. All written statements, charts and other data will be received in the record. Within 60 days after completion of the hearing, the Secretary shall make findings of fact which shall be public.

It is requested that persons who desire to testify at the hearing notify the Assistant Administrator, Education and Training, Mining Enforcement and Safety Administration, Department of the Interior, Room 528, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone (703) 235-1400, no later than Friday, December 31, 1976. Copies of comments, suggestions and objections filed may be examined at, or obtained from the Assistant Administrator, Education and Training.

Date: November 26, 1976.

WILLIAM L. FISHER,

Assistant Secretary of the Interior.

[FR Doc. 76-35439 Filed 12-1-76; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Health Resources Administration

[42 CFR Part 124]

**PROJECT GRANTS FOR PUBLIC MEDICAL
FACILITY CONSTRUCTION AND MOD-
ERNIZATION**

Proposed Rulemaking

Correction

In FR Doc. 76-34989, appearing at page 52079 in the issue of Friday, November 26, 1976, on page 52082, column 1, in paragraph (ii), delete lines 4, 5 and 6 and substitute the following therefor: "such certificate of need program is conducted by another agency of the State, a currently effective certificate of need from such other agency which is adopted by the State Agency."

**DEPARTMENT OF
TRANSPORTATION**

Materials Transportation Bureau

[49 CFR Part 172]

[Docket No. HM-141]

**COLOR CODING OF COMPRESSED GAS
PACKAGES**

Advance Notice of Proposed Rulemaking; Postponement of Date for Filing Comments

On September 30, 1976, the Office of Hazardous Materials Operations pub-

PROPOSED RULES

lished a notice (41 FR 43188) under Docket No. HM-141 soliciting comments concerning the merits of color coding of compressed gas packages. The closing date for filing comments was November 30, 1976.

A request has been received from a potential commenter who has asked for additional time to make a presentation based on information and views to be obtained from a more complete analyses of the proposal. Since the purpose of the notice was to obtain as much information and as many viewpoints as possible, we believe that additional time should be allowed for such a purpose. In consideration of the foregoing, the date for filing comments on the notice under Docket HM-141 is changed from November 30, 1976 to February 1, 1977.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) (4) of App. A to Part 102.)

Issued in Washington, D.C., on November 26, 1976.

C. H. THOMPSON, P.E.,
Acting Director, Office of
Hazardous Materials Operations.

[FR Doc. 76-35421 Filed 12-1-76; 8:45 am]

National Highway Traffic Safety
Administration

[49 CFR Part 571]

[Docket No. 76-08; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND
ASSOCIATED EQUIPMENT

Motor Vehicle Safety Standard

This notice proposes an amendment of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, to revise mounting height requirements for clearance and identification lamps.

Motor Vehicle Safety Standard No. 108 requires motor vehicles whose overall width is 80 inches or more to be equipped with clearance lamps and identification lamps. The Standard further requires that these lamps be mounted as close as practicable to the top of the vehicle (Table II), but allows a lower mounting of the clearance lamps if the rear identification lamps are mounted at the vehicle's extreme height (S4.3.1.4). The American Trucking Associations Inc. ("ATA") has petitioned for deletion of S4.3.1.4 and any references to mounting height of clearance and identification lamps on trailers, as contained in Table II. ATA argues that the current standard results in anomalies, and that because of the wide variety of body configurations it is impossible to establish a uniformly applicable mounting height requirement for these lamps. It argues further that high lamp placement inhibits safety in inclement weather by depriving the following driver "of the aggregate effect of low-mounted identification and clearance lamps found on almost all trailers except van-type". It also argues that low-mounted lamps are more easily cleaned and likely to be maintained than higher ones, and less of a hazard since use of a ladder is not required to reach them.

Another argument advanced by ATA is that the 55 mph speed limit has reduced the differential in speeds between trucks and passenger cars which formerly may have contributed to rear-end collisions and that therefore the marking function of the lamps has lost its significance.

On the basis of information currently available, the NHTSA has decided that the ATA petition merits initiation of rulemaking. Since the arguments advanced by ATA are generally applicable to vehicles other than trailers, the proposed amendment would include any motor vehicle required by Standard No. 108 to be equipped with clearance and identification lamps. The location requirements for clearance and identification lamps were part of initial Standard No. 108, "based upon existing standards" in accordance with the mandate of section 103(h) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392 (h)). The standards were those of the Society of Automotive Engineers and the Bureau of Motor Carrier Safety, Federal Highway Administration, which prescribed that these lamps be located at the top of the vehicle. The premise for these requirements appears to have been that the height and width of over-size vehicles that are frequently slow moving should be distinctively marked in a way to alert

Interested persons are invited to submit comments on the proposal. Com-

consideration as well in that visibility of lower mounted lamps was more likely to be reduced by mud and snow in earlier times when the nation's primary and secondary road system was not as well developed as it is today. The NHTSA believes that if the height of these marker lamps serves the presumed safety purpose, the location requirements should be retained. But if not, then there is no longer a safety need to retain a design-restrictive requirement. The comments received in response to this notice will, of course, be carefully considered in reaching a final decision.

In accordance with the Secretary's directive to improve analysis and review of regulations (41 FR 16200), implementing the President's policy of regulatory reform, the NHTSA has evaluated the benefits and other impacts of the proposal. The proposed amendment, by eliminating a restriction, would impose no additional cost burden upon any regulated person.

In consideration of the foregoing, it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 be amended as follows:

§ 571 [Amended]

1. Paragraph S4.3.1.4 would be deleted.
2. In Table II, the requirements for identification lamps and clearance lamps would be revised to read:

TABLE II.—*Location of required equipment (multipurpose passenger vehicles, trucks, trailers, and buses of 80 or more inches overall width)*

Item	Location on—		Height above road surface measured from center of item on vehicle at curb weight
	Multipurpose passenger vehicles, trucks, and buses	Trailers	
Identification lamps.	On the front—3 amber lamps, as close as practicable to the top of the vehicle, at the same height, as close as practicable to the vertical centerline with lamp centers spaced not less than 6 in. or more than 12 in. apart. On the rear—3 red lamps at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 in. or more than 12 in. apart.	On the front—None. On the rear—3 red lamps at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 in. or more than 12 in. apart.	On the front—No part of the lamp or mountings shall extend below the top of the vehicle's windshield.
Clearance lamps.	On the front—2 amber lamps, to indicate the overall width of the vehicle, 1 on each side of the vertical centerline, at the same height, and as near the top as practicable. On the rear—2 red lamps to indicate the overall width of the vehicle, 1 on each side of the vertical centerline, at the same height.	On the front—2 amber lamps, to indicate the overall width of the vehicle, 1 on each side of the vertical centerline, at the same height. On the rear—2 red lamps to indicate the overall width of the vehicle, 1 on each side of the vertical centerline, at the same height.	On the rear—No requirement. On the front—No requirement. On the rear—No requirement.

ments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., 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, other drivers of the presence of a potential hazard using the road ahead. There appears to have been a practical

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: January 13, 1977.

Proposed effective date: Date of publication of amendment in the *FEDERAL REGISTER*.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1302, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on November 16, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 76-34996 Filed 12-1-76 8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1047]

[Ex Parte No. MC-75 (Sub-No. 1)]

AGRICULTURAL COOPERATIVE TRANSPORTATION EXEMPTION (MODIFICATION OF REGULATIONS)

Notice of Proposed Rulemaking

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of November, 1976.

It is ordered, That based upon the reasons set forth in the attached notice, a proceeding, be, and is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act) and sections 203 and 204 of the Interstate Commerce Act (49 U.S.C. 303 and 304).

It is further ordered, That the attached notice be, and it is hereby, adopted and incorporated by reference into this order.

It is further ordered, That the Bureau of Enforcement of this Commission, be, and it is hereby, authorized and directed to participate in this proceeding.

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by mailing a copy of this order to the Public Utilities Commission or Board of each State having jurisdiction over motor transportation, 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. (Commissioner Christian dissenting and Commissioner Corber not participating).

ROBERT L. OSWALD,
Secretary.

Commissioner Christian, dissenting: I did not join my colleagues in voting to institute this rulemaking proceeding because I strongly believe that it will not offer no material assistance in combating the very serious problems it purports to address. I am taking the unusual step of dissenting from the institution of this proceeding because I am convinced that new or changed rules are not required in this area. What is needed is the dedication of our energies to pursuing those who are abusing the exemption of section 203(b)(5) of the Interstate Commerce Act.

The notice issued today offers rules which either track the language of the

statute or make minor modifications in current regulations. Justification statements in support of the rules speak in general terms about the sham co-op problem. The statements omit rational explanations of why the rules are necessary or how they will assist in solving specific problems. In my view, our current regulations are adequate and the statute gives us the requisite authority and guidelines we need to enforce the section 203(b)(5) exemption.

By opposing the institution of this proceeding, I do not mean to imply any disagreement with the majority's perception of the difficulties the agency faces in this area. However, we must understand that regulations, old or new, do not enforce themselves. Thus, new regulations must promise some improvements before we plunge into a proceeding which diverts scarce enforcement resources from the important task of policing compliance with the law.

I believe that we can better achieve the results we are seeking by vigorously enforcing the law. Those who file false Bop 102 statements should be prosecuted under 18 U.S.C. 1001 which carries a penalty of five years in prison, a \$10,000 fine, or both. Organizations which exceed the specific percentage guidelines for non-member transportation of section 203(b)(5) should be brought before the courts where such activities may be permanently enjoined. We have specific authority in section 220(g) of the Act to inspect co-op books and records to assist us in detecting and terminating unlawful conduct.

The notice indicates that we have had modest success in terminating the transportation activities of illegal co-ops. We should strengthen this favorable record and provide a meaningful deterrent to chronic abusers of the law and our regulations.

In view of the fact that this proceeding is being instituted, I hope that interested persons will take the opportunity to suggest changes in the law or improved enforcement techniques to meet the problem. Constructive comments in these areas may salvage some benefits from an otherwise wasteful proceeding.

NOTICE OF PROPOSED RULEMAKING

• **Purpose:** The purpose of this document is to notify the public that the Interstate Commerce Commission is proposing modifications to its regulations which would, if adopted, (1) more clearly define the exemption from economic regulation accorded motor vehicles controlled and operated by agricultural cooperative associations or federations thereof, and (2) formulate new and revised requirements concerning record keeping and notice to the Commission respecting certain transportation provided in such motor vehicles.

The continued expansion of unlawful motor carrier operations by alleged agricultural cooperatives has increased our concern as to the adverse impact such unlawful operations may have on the regulated transportation industry. The regulations (49 CFR 1047.20-23) pre-

scribed to implement the provisions of Pub. L. 90-433, contrary to expectations, have not resulted in substantially better control of this situation. What was once an isolated area of concern has developed into a national problem. The number of organizations claiming the exemption has proliferated as well as has their solicitation of traffic to the detriment of the regulated transportation industry.

Twenty-seven organizations registered with the Commission in 1969 following adoption of the filing requirements of § 1047.23. During 1970, 1 filing was received, followed by 30 during 1971, 41 during 1973, 41 during 1974, and 79 in 1975. Court action brought against a number of these cooperatives has resulted in the production of evidence revealing that a significant amount of tonnage normally handled by regulated rail and motor carriers has been diverted from these two modes. It appears that substantial volumes of such commodities as glass, meat, frozen foods, soap powders, chemicals, steel products, canned foodstuffs, and drugs routinely have been transported by firms operating pursuant to the agricultural cooperative exemption. For example, in a recent proceeding, a motor carrier, operating as an alleged exempt agricultural cooperative was enjoined and restrained by a U.S. District Court from engaging in unlawful operations, and a major chemical manufacturer was likewise restrained from using its services. It was revealed that the chemical manufacturer had shipped 27,426,000 pounds of chemicals during 1974 and 13,842,000 pounds during the first 6 months of 1975 via the alleged cooperative which operated either as a carrier or broker.

Listed below is a tabulation of enforcement actions concluded by the Commission and the courts involving unauthorized motor carrier operations by alleged or sham cooperatives.

Number of enforcement actions

	Administrative	Court
Fiscal year:		
1970	3	5
1971	0	4
1972	0	5
1973	0	6
1974	1	8
1975	0	30
1976	2	19

(A detailed summary of these actions is available for public examination.) It is apparent that some action must be taken to correct the adverse effect the operations of the "sham" cooperatives are having on surface modes of regulated transportation.

Proposed regulations, and a short justification for each, are set forth in Appendix A to this notice. Briefly stated, the proposed rules will, among other things, (1) More clearly define an agricultural cooperative association and its members consistent with the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141j), (2) Revise the definition of member transportation, (3) Preclude the use of one-way trip-

PROPOSED RULES

leased vehicles in the provision of non-farm-nonmember transportation, (4) Establish record-keeping requirements regarding the provision of non-member transportation, (5) Revise Form BOP-102 (by which Notice of Intent is given to the Commission) and the requirements for the filing and amending thereof, including rules under which filings may be rejected, and (6) Provide for public notification of filings made.

No hearings will be scheduled for the receiving of testimony in this proceeding, unless a need therefor should later appear, but interested parties may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertinent to this proceeding. An original and 15 copies of such statements shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before January 31, 1977. All such statements will be considered as evidence and as part of the record in this proceeding.

By this Commission.

ROBERT L. OSWALD,
Secretary.

PROPOSED REVISIONS OF 49 CFR
PART 1047

(Proposed changes or additions are in italics and brackets.)

SECTION 1047.20 DEFINITIONS

As used in the regulations in this part, the following terms shall have the meaning shown:

(a) *Cooperative Association.* The term "cooperative association" means an association which conforms to the definition in the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141j), [and which is engaged in transportation only as an incidental and necessary adjunct to its primary business enterprise as a producer and processor of agricultural commodities. The cooperative association must be operated and controlled by and for the benefit of elected officers and directors.] Associations which do not conform to such definition are not eligible to operate under the partial exemption of section 203(b) (5) of the Interstate Commerce Act.

Justification for proposed changes or additions: The partial exemption of section 203(b) (5) was enacted with a view toward excusing from economic regulation the transportation activities of legitimate farmer cooperatives in order to foster the growth and development of such cooperatives in the public interest and in accordance with the announced purposes of the Agricultural Marketing Act. *Machinery Haulers Assn. v. Agricultural Commodity Serv.*, 36 M.C.C. 5, 13 (1961). Since the enactment of that section, and its subsequent amendment in 1968, the question of what constitutes a legitimate farmer cooperative has come before the Commission and the courts on numerous occasions. We believe that the proposed revision of this subsection in this regard, is consistent both with Commission and court decisions and with the

spirit of the Agricultural Marketing Act. See *Machinery Haulers, supra*; *Agricultural Transp. Assn. of Tex. Investigation*, 102 M.C.C. 527 (1966), affirmed *Agricultural Transportation Association of Texas v. United States*, 274 F. Supp. 528 (N. D. Tex. 1967); *Interstate Commerce Commission v. Southwest Marketing Association*, 315 F. Supp. 805 (N. D. Tex. 1970); and *Interstate Commerce Commission v. KSI Farm Lines Co-Op, Inc.*, 407 F. Supp. 145 (E. D. Wis. 1976). Additionally, the extent to which such cooperatives may engage in transportation activities and still retain their status as legitimate cooperatives has been a topic of considerable contention. On numerous occasions, the Commission has become aware of sham cooperatives which are, in reality, transportation entities which derive substantial revenues from the transportation of non-exempt traffic for non-member shippers. Such sham cooperatives exploit the considered exemption, operate as unregulated carriers, and divert revenues from regulated, properly authorized carriers.

It is clear that Congress by no means intended to sanction a cooperative association's indiscriminate and unregulated participation in for-hire transportation in open competition with regulated carriers. *Agricultural Transp. Assn. v. Florida Pub. Serv.*, 108 M.C.C. 96, 103-104 (1968). It is believed that, by appropriate revision of this subsection, the extent to which legitimate cooperatives may engage in transportation will be more clearly delineated and that potential abuses of the considered exemption will, in some measure, be forestalled. See, in addition to the above-cited cases, *Northwest Agricultural Cooperative Association, Inc. v. Interstate Commerce Commission*, 350 F. 2d 252 (9th Cir. 1965), cert. denied, 382 U.S. 1011 (1966); *Ex Parte No. MC-75 (Sub-No. 1), Implementation of P. L. 90-433—Agric. Coop. Exemption*, 108 M.C.C. 799 (1969); *Interstate Commerce Commission v. Milk Producers Marketing Company*, 405 F. 2d 639 (10th Cir. 1969); and *Munications Carriers Conference, Inc. v. American Farm Lines*, 303 F. Supp. 1078 (W. D. Okla. 1969), aff'd. 440 F. 2d 944 (10th Cir. 1971).

(b) *Federation of Cooperative Associations.* The term "federation of cooperative associations" means a federation composed of either two or more cooperative associations, or one or more cooperative associations and one or more farmers, which federation possesses no greater powers or purposes than a cooperative association as defined in paragraph (a) of this section. Federations of cooperative associations which do not conform to such definition are not eligible to operate under the partial exemption of section 203(b) (5) of the Interstate Commerce Act.

Justification: No change or addition is proposed.

(c) *Member.* The term "member", [in the case of a cooperative association, means any farmer] which has consented to be, has been accepted as, and is a member in good standing in accordance with the constitution, bylaws, or rules of

the cooperative association. [In the case of a federation of cooperative associations, the term "member" means any cooperative association] which has consented to be, has been accepted as, and is a member in good standing in accordance with the constitution, bylaws, or rules of the federation of cooperative associations.

Justification: No substantive change is contemplated. This subsection simply has been rewritten for the purposes of clarification.

(d) *Farmer.* The term "farmer" means any individual, partnership, corporation, or other business entity to the extent engaged in farming operations either as a producer of agricultural commodities or as a farm owner.

Justification: No change or addition is proposed. The term "farmer" was specifically defined as above in *Machinery Haulers, supra*, at page 19, which definition subsequently was accepted by the Commission in *Implementation of Pub. L. 90-433, supra*, and in other proceedings. We wish to emphasize, however, that a farmer qualifies as a member of a cooperative only to the extent it engages in farming operations and that the transportation of a member farmer's non-farm business traffic constitutes transportation "for non-members who are neither farmers, cooperative associations, nor federations thereof" as the terms are used in § 1047.21 herein. *A G Carriers, Inc.—Investigation of Operations*, 124 M.C.C. 250, 256 (1975).

(e) *Interstate Transportation.* The term "interstate transportation" means transportation by motor vehicle in interstate or foreign commerce as defined in Part II of the Interstate Commerce Act, as amended.

Justification: No change or addition is proposed.

(f) *Member Transportation.* The term "member transportation" means transportation performed by a cooperative association or federation of cooperative associations for itself or for its members but does not include transportation performed in furtherance of the nonfarm business [of itself or] of such members. [Member transportation includes the transportation of manufactured or processed commodities only to the extent of a percentage ratio to raw agricultural commodities which is no greater than the percentage ratio of manufactured or processed commodities to raw agricultural commodities produced by the cooperative or the member for which transportation is performed. Member transportation does not include transportation performed for or on behalf of the United States or any of its agencies or instrumentalities.]

Justification: The performance of transportation in the furtherance of the farm business of a cooperative or its members is, of course, the hallmark of the legitimate cooperative association transportation activity. On the other hand, extensive operations in the transportation of manufactured and processed commodities and Government traffic historically have been indicative of sham cooperative transportation activi-

ties. The Commission has been able to identify a significant number of shippers which have been engaged in the regular use of the sham cooperative for the interstate transportation of their manufactured or processed commodities. Such traffic, usually moved at depressed rates, has been diverted from regulated carriers, both motor and rail. Such diversion continues to grow and to have considerable impact on the operations of legitimate regulated transportation entities. The proposed changes in the definition of member transportation, thus, are put forth with a view toward curtailing the undesirable activities of the sham cooperative. It is clear that transportation performed for or on behalf of the United States does not constitute member transportation. *A G Carriers, supra*; *Munitions Carriers, supra*; and *Interstate Commerce Commission v. Big Sky Farmers and Ranchers Marketing Cooperative of Montana*, 451 F. 2d 511 (9th Cir. 1971). Regarding the proposed percentage ratio limitations respecting the transportation of manufactured or processed commodities, we believe that the proposed rule would have the desired effect of curtailing the undesirable activities of the sham cooperative while having little or no impact on the operations of the legitimate cooperative association. Compare *Agricultural Transportation Association of Texas, supra*; and *A G Carriers, supra*. The proposed change in the first sentence of this subsection is put forth in recognition of the fact that cooperative associations, or federations thereof, may, to some extent, engage in nonfarm business. See *A G Carriers, supra*, at page 257. We do not believe that transportation in furtherance of such business may be deemed member transportation.

(g) *Non-member transportation.* The term "non-member transportation" means transportation performed by a cooperative association or federation of cooperative associations other than member transportation as defined in (f), above.

Justification: This subsection would be changed only by way of reference to a revised subsection (f), above. Reference should be made to the justification set forth thereunder.

(h) *Fiscal year.* The term "fiscal year" means the annual accounting period adopted by the cooperative association or federation of cooperative associations for Federal income tax reporting purposes.

Justification: No change or addition is proposed.

SECTION 1047.21 COMPUTATION OF TONNAGE ALLOWABLE IN NONFARM-NONMEMBER TRANSPORTATION

Interstate transportation performed by a cooperative association or federation of cooperative associations for nonmembers who are neither farmers, cooperative associations, nor federations thereof for compensation, except transportation otherwise exempt under part II of the Act, shall be limited to that which is incidental to its primary transportation operation and necessary for its effective performance and shall in no event exceed

15 percent of its total interstate transportation services in any fiscal year, measured in terms of tonnage. [Such transportation shall not include transportation performed through the use of one-way trip-leased vehicles.] A cooperative association or federation of cooperative associations may transport its own property, its members' property, that of other farmers, and the property of other cooperatives of federations in accordance with existing law, except insofar as the provisions of § 1047.22 may be applicable with respect to the limit on member/nonmember transportation.

(a) The phrase "incidental to its primary transportation operation and necessary for its effective performance" means that the interstate transportation of the cooperative association or federation of cooperative associations for nonmembers as described above is performed with the same trucks or tractors employed in a prior or subsequent trip in the primary transportation operation of the cooperative association or federation, that it is not economically feasible to operate the trucks or tractors empty on return trips (outbound trips in cases where the primary transportation operation is inbound to the association or federation), and that the additional income obtained from such transportation is necessary to make the primary transportation operation financially practicable.

Justification: As originally conceived, the nonfarm-nonmember transportation provision of this section was intended to assist the cooperative in minimizing the wasteful, empty return (or, as the case may be, outbound movement) of its equipment. Such provision has been much abused, however. Cooperatives have transported nonfarm-nonmember traffic in back-to-back moves, in so-called "sandwich moves", following long layovers, or prior or subsequent to extensive deadheading. *Milk Producers, supra*; *Munitions Carriers, supra*; and *Southwest Marketing, supra*. More significantly, it appears that many associations, perhaps sham cooperatives, have been engaging in extensive one-way trip-leasing operations which, we believe, constitute the intent of the nonfarm-nonmember transportation authorization. So extensive are such operations that it appears that a new industry, that of "cooperative agent", has come into being. The cooperative agent, rather than acting out of a concern for the expeditious, economical return of the cooperative's equipment, actively solicits non-member traffic to be moved in trip-leased equipment. As indicated above, Congress and this Commission have sought to aid cooperative associations in performing their agricultural functions, not to allow them to go into the general trucking business. *Machinery Haulers, supra*; and *Agricultural Transp. Assn. v. Florida, supra*. Having given the issue much consideration, we have come to the conclusion that the one-way trip-leasing operations of agricultural cooperatives (whether bona fide or not, see *A G Carriers, supra*) can not be said to meet the

"incidental and necessary" test of the statute and of these regulations. Compare *Machinery Haulers, supra*; *Agricultural Transportation Association of Texas, supra*; *Agricultural Transp. Assn. v. Florida, supra*; *Northwest, supra*; *Implementation of Pub. L. 90-433, supra*; *Milk Producers, supra*; *Munitions Carriers, supra*; and *Southwest Marketing, supra*. We believe, then, that the proposed revision of this section is warranted.

(b) The base tonnage to which said 15 percent limitation is applied is all tonnage of all kinds transported by the cooperative association or federation of cooperative associations in interstate or foreign commerce, whether for itself, its members or nonmembers, for or on behalf of the United States or any agency or instrumentality thereof, and that performed within the exemption provided by section 203(b)(6) of the Act.

Justification: No change or addition is proposed.

SECTION 1047.22 NONMEMBER TRANSPORTATION LIMITATION AND RECORD KEEPING

(a) *Overall limitation of nonmember transportation.* No cooperative association or federation of cooperative associations which is required to give notice to the Commission under § 1047.23 may engage in nonmember interstate transportation for compensation in any fiscal year which, measured in terms of tonnage, exceeds its total interstate member transportation in such fiscal year.

Justification: No change or addition is proposed.

(b) [Records of interstate transportation when nonmember transportation is performed. Any cooperative association or federation of cooperative associations as defined in this Part performing interstate transportation for nonmembers shall prepare and retain for a period of at least two years written records of all interstate transportation performed for members and nonmembers. Such records shall contain (a) the date of the shipment, (b) the names and addresses of the consignor and consignee, (c) the origin and destination of the shipment, (d) a description of the articles in the shipment, (e) the number of packages and weight or volume of the shipment, (f) the exact rate or rates assessed, (g) the total charges to be collected including a statement of the nature and amount of any charges for special service and the points at which such special service was rendered and (h) a description of the equipment used either by unit number or license number and, in the event this equipment is non-owned, the name and address of its owners and drivers. This information shall be available at the location specified by the cooperative in its Form BOP 102 filed with the Interstate Commerce Commission pursuant to § 1047.23.] [It is proposed that this new subsection be added.]

Justification: Commission investigations of agricultural cooperatives necessary to verify the propriety of the transportation of nonmember traffic are often seriously hampered by the lack of factual records as well as by the failure of the

PROPOSED RULES

regulations to specify the minimum information required. Whereas bona fide agricultural cooperatives almost invariably have available the necessary information, it has been our experience that the sham cooperative, often finding refuge in the lack of specificity of our present regulations, does not have such information available. The addition of this subsection requiring that there be kept available certain minimum information relative to nonmember transportation is proposed with views both toward forestalling the activities of the sham cooperative and toward eliminating the needlessly large amount of time and financial resources the Commission has, in the past, been forced to expend in developing from other sources information which should, we think, be available at the source—the location specified by the cooperative in its Form BOP 102 filed with the Commission. It should be noted that the proposal requires only transportation information, not information of the cooperative's other activities that ought not to be of concern to this Commission. Note, further, that the proposal does not contemplate any prescribed form but, rather, simply seeks transportation information as it applies to non-member traffic.

SECTION 1047.23. NOTICE TO THE COMMISSION

Notice to the Commission of intent to perform interstate transportation for certain nonmembers. A cooperative association or federation of cooperative associations which performs or proposes to perform interstate transportation for nonmembers, who are neither farmers, cooperative associations, nor federations of cooperative associations, under section 203(b)(5) of the Interstate Commerce Act, as amended July 26, 1968, which transportation is not otherwise exempt under Part II of the act, shall notify the Commission of its intent to perform such transportation. Such notification shall be given within 30 days of the effective date of the regulations in this part by those already engaged in

such operations, and prior to the commencement of such operations by all others, and shall be in the form, contain the information, and be served in the manner called for in Form BOP 102, Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under Section 203(b)(5) of the Interstate Commerce Act (§ 1003.1 of this chapter). [Such notice must be filed with the Commission annually, not later than the 15th of January. Following the receipt of a properly completed Form BOP 102, the information contained therein will be published in the Federal Register as public notice of the intent of the agricultural cooperative association or federation of cooperative associations to conduct interstate for-hire transportation for non-members under section 203(b)(5) of Part II of the Interstate Commerce Act.]

Any changes in the information concerning officers, directors, and location of transportation records in the notice on file shall be brought to the Commission's attention by the filing of a supplemental Form BOP 102 within 15 days of such change. The failure to inform the Commission of such changes will void the notice on file and result in the Commission's acceptance of the filing being rescinded on the basis that it does not constitute adequate notice to the Commission of the description of the entity which intends to perform the transportation.

Additionally, forms which are incomplete or are not properly notarized will be rejected by the Commission.]

Justification: The file of Forms BOP 102 as maintained by the Commission is often lacking in current information. Cooperatives frequently change officers, directors, and location without notifying the Commission. Such actions prevent the Commission from making field contact or serving notices without absorbing unnecessary, additional expense. By requiring the annual filing of notice and the prompt (within 15 days) notification of the Commission of any changes

(rather than "significant" changes) in the information concerning officers, directors, and the location of records, the Commission is assured that current information is available. Further, by requiring that changes be brought to the Commission's attention at the risk of not having a valid notice on file the Commission underscored its concern for the present lack of current information.

The proposed modification will also provide for a revised BOP 102 (shown below) containing more explicit and timely information as to the names and addresses, as well as the principal occupation, of the cooperative's principal officers and directors. This data is needed in order for the Commission's field staff properly and expeditiously to verify the bona fides of the filing cooperative. Under existing regulations, cooperatives are not required to list the specific address and principal occupation of their principal officers on the BOP 102. This has been particularly troublesome, for we have found on all too many occasions that the so-called "sham" cooperatives, when called upon by members of the field staff, have been quite uncooperative and have used numerous tactics to circumvent the law and our regulations and to delay our investigation of their activities. For instance, all too often a Commission representative will call upon the principal office of an alleged cooperative only to find that none of the principal officers is present and the clerk in charge is not authorized either to permit the inspection of the firm's records or to inform our representative of the addresses of its principal officers. A requirement that such information be furnished at the time of the filing of the BOP 102 is, therefore, necessary and in the public interest.

The provisions for the publication of these filings in the *FEDERAL REGISTER* will provide appropriate notice to interested carrier and shipper groups and will invite the submission of information that could have a bearing upon the propriety of the applicable filing.

[FR Doc.76-35218 Filed 12-1-76;8:45 am]

notices

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A404]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Michigan Counties as a result of various adverse weather conditions shown in the following chart:

MICHIGAN

Antrim: *Drought June 15-September 17, 1976; frost August 29, 31 and September 1, 1976.*

Charlevoix: *Drought June 1-August 30, 1976.*

Cheboygan: *Drought June 1-September 1, 1976; frost August 29 and September 1, 1976.*

Delta: *Drought May 20-September 27, 1976; frost August 30, 1976.*

Emmet: *Drought June 1-August 31, 1976; frost August 31 and September 1, 1976.*

Grand Traverse: *Drought July 1-September 10, 1976; frost September 1, 1976.*

Kent: *Drought June 20-August 31, 1976.*

Leelanau: *Drought June 20-August 31, 1976.*

Menominee: *Drought June 15-October 21, 1976.*

Otsego: *Drought June 15-September 23, 1976; frost August 29, 31 and September 1, 1976.*

Ottawa: *Drought May 30-September 8, 1976.*

Losses and damages to crops occurred as a result of the above disasters.

Therefore, the Secretary has designated these areas 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 William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than January 17, 1977, for physical losses and August 16, 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 areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 24th day of November, 1976.

FRANK B. ELLIOTT,
Administrator,

Farmers Home Administration.

[FR Doc.76-35437 Filed 12-1-76;8:45 am]

Forest Service

GRANDE RONDE PLANNING UNIT

Availability of Draft Environmental Statement; Correction

The notice of availability for the Grande Ronde Planning Unit, Walla-Walla-Whitman National Forest, Oregon, USDA-FS-R6-DES(Ad)-76-15, that appeared in the FEDERAL REGISTER Volume 41, Number 157, Thursday, August 12, 1976, 41 FR 34087, is corrected to extend the review period to January 10, 1976 due to additional roadless areas being identified.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programming and Budgeting.

NOVEMBER 26, 1976.

[FR Doc.76-35466 Filed 12-1-76;8:45 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLANS

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, December 8, 1976, commencing at 2 p.m. The hearing will be held in the Raphael Peale Room (second floor) of the Holiday Inn-Penn Center, 1800 Market Street, Philadelphia, Pa. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *West Chester Municipal Authority (D-76-74 CP).* A well water supply project to augment public water supplies in East Bradford Township and several adjacent communities in Chester County, Pa. Designated as Wells Nos. 4 and 5, the two new facilities are expected to yield 252,000 and 216,000 gallons per day, respectively.

2. *Perkiomen Woods Development (D-76-104 CP).* A well water supply project to serve the Perkiomen Woods Development in Upper Providence Township, Montgomery County, Pa. Designated as Well No. 3, the new facility is expected to yield approximately 270,000 gallons per day.

3. *Borough of Malvern (D-72-47 CP).* A well water supply project to augment public water supplies in the Borough of Malvern, Chester County, Pa. Three new wells, designated as Wells Nos. 6, 7 and 8, are expected to provide a combined yield of 209,000 gallons per day.

4. *City of Camden (D-76-30 CP).* A well water supply project to augment public water supplies in the City of Camden, Camden County, N.J. Designated as Well No. 18, the

new facility is expected to yield 1.8 million gallons per day.

5. *Town of Clayton (D-76-112 CP).* A well water supply project to augment public water supplies in the Town of Clayton, Kent County, Del. The new facility, designated as Well No. 3, is expected to yield 360,000 gallons per day.

6. *Philadelphia Gas Works (D-76-55).* A cooling water discharge at the Richmond Plant B of the Gas Works, City of Philadelphia, Pa. About 12.4 million gallons per day of uncontaminated cooling water discharges to the Delaware River.

7. *PFD/Penn Color, Inc. (D-76-82).* A cooling water discharge at the company's facility in Doylestown Township, Bucks County, Pa. An untreated and uncontaminated discharge of about 100,000 gallons per day will discharge into Pine Run Creek, a tributary of North Branch Neshaminy Creek.

8. *Delmarva Power and Light Co. (D-76-102).* A water withdrawal test facility on the Chesapeake and Delaware Canal, New Castle County, Del. About 1.4 million gallons per day will be withdrawn from the Canal, passed through a well screen and returned to the Canal adjacent to the withdrawal point. The project is designed to evaluate the use and performance of the well screen over a period of one year.

9. *Rollins Environmental Services, Inc. (D-69-152-3).* An industrial waste treatment project at the company's facilities in Logan Township, Gloucester County, N.J. Various treatment measures will be applied against a maximum wastewater flow of about one million gallons per day having a maximum total dissolved solids concentration of 6,000 milligrams per liter. Treated effluent will discharge to Raccoon Creek, a tributary of the Delaware River, at specified periods during the daily tidal cycle.

Documents relating to the items listed above may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

NOVEMBER 24, 1976.

[FR Doc.76-35467 Filed 12-1-76;8:45 am]

FEDERAL MARITIME COMMISSION

CARLOS EDMUNDO PLAZAS ET AL. Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau

NOTICES

of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Carlos Emundo Plazas, P.O. Box 3845, Ter. Annex, Los Angeles, CA 90051.
Donald W. Mosley, P.O. Box 9242, Metairie, LA 70055.

Gables Freight Forwarders, Inc., 3181 S.W. 13th Street, Apt. 110, Miami, Florida 33134. Officers: Armando Vega, Secretary; Hugo Pantaleon, Manager; Rogelio Fernandez, President; Jose M. Garcia, Vice President.

La-Rama Shipping Company (Martin L. Atkins, dba), Box 80272, University of South Carolina, Columbia, SC 29208.

Dependable Freight Forwarding Inc., 401 Broadway, New York, NY 10013. Officer: Roopa Shewaram Sakhrani, Pres./Dir./Secretary.

Consolidated Freight Forwarding International, Inc., 2608 Two Houston Center, Houston, TX 77002. Officers: Rose G. Bennett, President; Kenneth R. Mahand, Sec./Treas.

Dated: November 29, 1976.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 76-35458 Filed 12-1-76; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-525]

AMERICAN EAGLE TANKER CORP. ET AL.
Multiple Applications

Notice is hereby given that the following companies have filed applications with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act of 1936, as amended (the Act), to renew their operating-differential subsidy (ODS) contracts, which will expire December 31, 1976, to provide that they will expire December 31, 1977, unless extended, to operate the vessels listed, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Company	Contract No.	Date of renewal application	Vessels
American Eagle Tanker Corp., 80 Broad St., New York, N.Y. 10004.	MA/MSB-245	Nov. 17, 1976	American Eagle.
Mathiesen's Tanker Industries, Inc., Public Ledger Bldg., Philadelphia, Pa. 19106.	MA/MSB-212	Nov. 18, 1976	Sohio Intrepid, Sohio Resolute, Joseph D. Potts.
Monticello Tanker Co., 645 5th Ave., New York, N.Y. 10022.	MA/MSB-250	Nov. 16, 1976	Monticello Victory.
Do.	MA/MSB-247	do.	Do.
Mount Vernon Tanker Co., 645 5th Ave., New York, N.Y. 10022.	MA/MSB-223	do.	Mount Vernon Victory.
Mount Washington Tanker Co., 645 5th Ave., New York, N.Y. 10022.	MA/MSB-224	do.	Mount Washington.
Sun Transport, Inc., P.O. Box 280, Clayton, Del. 19703.	MA/MSB-361	Nov. 19, 1976	America Sun, Pennsylvania Sun, Texas Sun.

Notice is hereby given that Bolton Shipping Co., Inc. and Colby Shipping Co., Inc., both of whom have applications for ODS pending before the Board have filed subsequent applications with the Board pursuant to Title VI of the Act to either (1) renew their ODS contracts until December 31, 1977 (unless extended) if the pending applications for ODS contracts are approved prior to December 31, 1976 (on which date they will expire) or (2) in the event that approval of the pending applications cannot

be obtained prior to December 31, 1976, apply for ODS contracts which will expire on December 31, 1977 (unless extended) for the operation of the vessels listed below in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the U.S. from ports in the U.S. to ports in the U.S.S.R. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Company	Contract No.	Date of renewal application	Vessels
Bolton Shipping Co., Inc., 410 Lakeville Rd., Lake Success, N.Y. 11040.		Nov. 17, 1976	Pice.
Colby Shipping Co., Inc., 410 Lakeville Rd., Lake Success, N.Y. 11040.		do.	Virgo.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should

the Board grant the requested approvals, the vessels listed above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such requests as an administrative matter for which there is no requirement for further section 605(c) notices.

Any person having an interest in the granting of any of the applications and who would contest a finding by the Board that the service now provided by vessels of U.S. registry is inadequate, must on or before December 9, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene with regard to any application shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the applications for renewal, the purpose of such hearing will be to receive evidence relevant to (1) whether the applications herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: November 26, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 76-35378 Filed 12-1-76; 8:45 am]

[Docket No. S-526]

SEA TRANSPORT CORP. ET AL.
Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire unless extended, on December 31, 1977.

The following Applicants and/or related persons or firms employ, or may employ, ships in the domestic intercoastal or coastwise services and have requested written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, to engage in the domestic intercoastal or coastwise services specified. Such written permission is re-

quired if operating-differential subsidy is to be granted, notwithstanding the fact that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel engages in the domestic commerce of the United States on that voyage.

I. Name of applicants: Sea Transport Corporation (Sea Transport) Eagle Terminal Tankers, Inc. (Eagle).

Description of domestic service: The applicants, Sea Transport and Eagle, affiliates of one another and of United Transporter, Inc. (United), have each requested written permission for the continued operation in noncontiguous coastwise service, and in domestic intercoastal and coastwise service of the following vessels:

Ship	Owner
Eagle Charger	Eagle
Eagle Leader	Eagle
Eagle Traveler	Sea Transport
Eagle Voyager	Sea Transport
Eagle Transporter	United

II. Name of applicants: Chas. Kurz & Co., Inc. (Kurz); Keystone Shipping Co. (Keystone); Keystone Tankship Corporation (Tankship); Fredericksburg Shipping Company (Fredericksburg).

Description of domestic service: The applicants, Kurz, Keystone, Tankship and Fredericksburg, affiliates of one another, have each requested written permission for affiliated or associated companies to operate up to a total of 31 U.S. flag vessels in the transport of liquid bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among these areas, and with the maximum number of vessels to be employed in the areas at any one time specified:

Vessels	
U.S. Gulf-Atlantic Coastwise	17
U.S. Gulf-Atlantic-Puerto Rico	2
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)	10
Pacific Coast-Alaska-Hawaii	15

III. Name of applicant: American Trading Transportation Company, Inc. (American).

Description of domestic service: American has requested written permission for itself and related companies to continue domestic services with the right to move any vessel from one domestic trade to another and/or from a foreign trade to a domestic trade. The following U.S. flag vessels of the applicant operate or may operate in various domestic trades, commercially, under charter to the Military Sealift Command (MSC), or other:

American Trader (MSC)	
Texas Trader (MSC)	
Baltimore Trader	
Washington Trader (ex- <i>Thetis</i>)	

IV. Name of applicant: Academy Tankers, Inc. (Academy).

Description of domestic service: Academy has requested written permission to operate the SS's *Thomas M* and *Thomas Q* in the domestic intercoastal and/or coastwise service, as well as permission for related companies to operate in domestic commerce serving offshore drilling rigs.

V. Name of applicants: Globe Seaways, Inc. (Globe); Overseas Oil Carriers, Inc. (Carriers); Ocean Clippers, Inc. (Clippers); Intercontinental Bulktaank Corporation (Bulktaank); Ocean Tankships Corporation (Tankships); Ocean Transportation Company, Inc. (Transportation); Sea Tankers, Inc. (Tankers); Overseas Bulktaank Corporation (Overseas).

Description of domestic service: The applicants, Globe, Carriers, Clippers, Bulktaank, Tankships, Transportation, Tankers, and Overseas, affiliates of one another, have each requested written permission to engage in domestic coastwise, intercoastal and non-contiguous petroleum trades with the following tanker vessels:

Vessel	Owner
Overseas Anchorage	Globe
Overseas Joyce	Carriers
Overseas Traveler	Clippers
Overseas Alaska	Bulktaank
Overseas Vivian	Tankships
Overseas Natalie	Tankships
Overseas Aleutian	Transportation
Overseas Ulla	Transportation
Overseas Valdez	Tankers
Overseas Alice	Tankers
Overseas Arctic	Overseas
Overseas Juneau	Overseas

VI. Name of applicants: Connecticut Transport, Inc. (Connecticut); Mohawk Shipping Co., Inc. (Mohawk); James River Transport, Inc. (James); Wabash Transport, Inc. (Wabash); Willamette Transport, Inc. (Willamette); Ogden Sea Transport, Inc. (Ogden Sea); Rio Grande Transport, Inc. (Rio Grande); Ogden Merrimac Transport, Inc. (Merrimac); Empire Transport, Inc. (Empire); Penn Tanker Company (Penn).

Description of domestic service: The applicants, Connecticut, Mohawk, James, Wabash, Willamette, Ogden Sea, Rio Grande, Merrimac, Empire, and Penn, affiliates of one another, have each requested written permission for the following vessels to engage in domestic intercoastal or coastwise service:

Vessel	Owner
James	James
Mohawk	Mohawk
Potomac	Empire
Yellowstone	Rio Grande
Columbia	Ogden Sea
Merrimac	Merrimac
Connecticut	Connecticut
Ogden Wabash	Wabash
Ogden Willamette	Willamette
Ogden Champion	Penn
Ogden Challenger	Penn

VII. Name of applicant: International Ocean Transport Corporation (International).

Description of domestic service: International has requested written permission to own and operate the following vessels in the domestic intercoastal or coastwise service: *Allegiance*, *Banner*, *Bradford Island*, *Fort Hoskins*, and *Council Grove*.

VIII. Name of applicants: Mount Vernon Tanker Company (Mt. Vernon); Monticello Tanker Company (Monti-

cello); Montpelier Tanker Company (Montpelier); Mount Washington Tanker Company (Mt. Washington).

Description of domestic service: The applicants, Mt. Vernon, Monticello, Montpelier, and Mt. Washington, affiliates of one another, have each requested written permission to, directly or indirectly, own, operate or charter one or more vessels in the domestic intercoastal or coastwise service, and to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters or operates any vessels in the domestic intercoastal or coastwise service.

IX. Name of applicant: Ingram Ocean Systems, Inc. (Ingram).

Description of domestic service: Ingram has requested written permission for itself to operate two tug/barge units in U.S. coastwise service, and for Ingram Barge Company, Ingram Barge Inc., and Ingram Materials Inc., affiliates of Ingram, to operate towboats and barges on the inland waterways.

X. Name of applicant: Mobil Oil Corporation (Mobil).

Description of domestic service: Mobil has requested written permission to directly or indirectly, own, operate or charter vessels in domestic intercoastal or coastwise service, or to own pecuniary interest, directly or indirectly, in any person or concern that owns, charters or operates any vessel(s) in domestic intercoastal or coastwise service.

XI. Name of applicant: Blackships, Inc.

Description of domestic service: Blackships, Inc., acting by and through Gulf Oil Corporation, has requested written permission to continue operation of the following vessels in domestic intercoastal or coastwise service, and that all other vessels owned and/or operated by Gulf Oil Corporation and other related companies may continue operation in domestic intercoastal or coastwise service:

Gulfking	Gulfstar
Gulfknight	Gulfspray
Gulfprince	Gulfsupreme
Gulfqueen	Gulfdeer
Gulfcrest	Gulflion
Gulffoil	Gulfseal
Gulfpride	Gulftriger

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on December 9, 1976, file same with the Secretary, Maritime Administration/Maritime Subsidy Board, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are re-

NOTICES

Tentative agenda

	Time
I Discussions of plans for committee structure, possible guest participants, and consultants—Dr. Ramo	8:30
II Considerations on the Federal Government organization for science and technology—The Honorable Mike McCormack	10:00
III Lunch	11:30
IV Research needs and management in the world food problem—Dr. Harrison Brown, Chairman of the NSF Study on World Food and Nutrition Problems	12:30
V Considerations on the Federal Government organization for science and technology—The Honorable Charles Mosher	2:00
VI Adjourn	3:30

P. E. CULBERTSON,
Executive Director.

[FR Doc. 76-35577 Filed 12-1-76; 8:45 am]

**FEDERAL COMMUNICATIONS
COMMISSION**

[Docket No. 20989; CSC-149 (PA1451);
FCC 76-1036]

BEDFORD IMPROVED T.V., INC.

Request for Order To Show Cause

Adopted: November 9, 1976.

Released: December 1, 1976.

1. Gateway Communications, Inc. (Gateway), licensee of Station WTAJ-TV, (CBS, Channel 10) Altoona, Pennsylvania, has filed a petition requesting the Commission to issue an order directing Bedford Improved T.V., Inc. (Bedford TV), operator of cable television systems at Bedford, Pennsylvania,¹ to show cause why it should not be ordered to cease and desist from further violation of the network nonduplication provisions of section 76.92(a) of the Commission's Rules. Bedford TV filed a response to the petition in which it alleged that Gateway was not entitled to the protection afforded by that rule because none of the five communities served by Bedford TV was located wholly within the specified zone of WTAJ-TV. In its reply, Gateway sought to prove that all five communities were located either in whole or in part within its specified zone.

2. Section 76.92(a) of the Commission's Rules provides that a cable television system operating "in whole or in part within the 35-mile specified zone of any commercial television station" which the system carries must delete duplicating network programming of lower priority signals when requested by that station. Gateway maintains that since WTAJ-TV, a primary affiliate of the CBS Television Network, and two other CBS affiliates, WTOP-TV, Wash-

ington, D.C., and KDKA-TV, Pittsburgh, Pennsylvania, are all carried by Bedford TV, and because the 35-mile specified zone of WTAJ-TV—but not the specified zones of the latter two stations—encompasses the Bedford cable system, Gateway qualifies for the protection afforded by the rule.

3. Gateway alleged that beginning in April of 1974, repeated requests² were made of Bedford TV to provide WTAJ-TV with nonduplication protection against the duplicating network programming of the two other CBS affiliates carried on the system. Gateway has submitted the affidavit of Mr. Ian K. Harrower, an officer of the licensee corporation, in which he claimed that after sending three written requests to Bedford TV seeking nonduplication protection for WTAJ-TV, a representative of the cable system notified him that such protection would be afforded. Harrower further asserted that he complied with the Commission's notification requirements by sending Bedford TV program schedules concerning the WTAJ-TV network programming sought to be protected. In order to find whether deletion of duplicating programs was occurring, a monitor, Mr. Clifton Cornelius of Bedford, was employed by the station to view the cable programming offered by the system. Cornelius stated in an affidavit submitted by Gateway that on four separate occasions for approximately 12-hour periods, he viewed the "identical CBS Network programs being carried simultaneously on Stations WTAJ-TV, WTOP-TV, and KDKA-TV." Based on the results of this monitoring study, several contacts were made with the cable system operator, but Gateway alleged that it has failed to receive a satisfactory response with respect to its nonduplication protection requests. Finally, Gateway stated that it was unable to learn the subscriber count for the Bedford system because no current Annual Report of Cable Television System (FCC Form 325) is on file with the Commission, as required by section 76.401.

4. In its reply Bedford TV maintained that when Gateway first sought nonduplication protection in 1974, four of the five communities served by the Bedford system were exempt from the nonduplication rule since at that time such protection was not required of systems with fewer than 500 subscribers. In 1974, the Commission had proposed increasing the exemption level of subscribers, and Bedford TV asserted that it believed the adoption of such a rule change would then obviate required nonduplication protection for Gateway. Bedford TV stated that, from the sources available to it, it appeared that the community was "just outside the 35-mile zone of Al-

¹ These are: (1) Bedford Township, the location of Gateway's headend, (2) Bedford Borough, (3) Snake Spring Township, (4) Napier Township, and (5) East St. Clair Township.

² Copies of five letters, purported by Gateway to have been sent to Bedford TV, requesting nonduplication protection for WTAJ-TV were submitted by the licensee.

toona." Bedford TV further alleged that since Gateway never attempted to demonstrate in its requests for protection tendered after the Commission's adoption of section 76.92 in 1975 that Bedford was located within the specified zone of WTAJ-TV it was "reasonable for Bedford to believe that protection was not required in 1975." In this regard, Bedford TV maintained it attempted, using U.S. Geological Survey Maps, to calculate the mileage from the Altoona reference point to the "nearest boundaries of each of the political subdivisions served on the Bedford Township headend." From these calculations Bedford TV concluded that while portions of each community were located within WTAJ-TV's specified zone, no community was located totally within that zone. Finally, Bedford TV argued that even if the community of Bedford falls within WTAJ-TV's specified zone, the cable system may qualify for an exemption from required nonduplication protection under section 76.95 (b) of the Commission's Rules, if fewer than 1,000 subscribers reside in the areas of the subject communities which fall within WTAJ-TV's specified zone.⁷

5. Gateway stated, in its reply, that Bedford TV's claim that five separate communities are served by a single headend does not challenge Gateway's allegation that Bedford TV operates a conglomerate system serving more than 1,000 subscribers. In support of its assertion that one entire community and more than half the area of the other four communities served by Bedford TV fall within the 35-mile zone, Gateway submitted an affidavit by an engineering consultant who offered maps which he had prepared to demonstrate that the 35-mile zone encompassed the following percentages of the communities served by Bedford TV:

Division:	Percentage within the 35-mile zone
Bedford Borough	54
Bedford Township	59
East St. Clair Township	100
Napier Township	76.5
Snake Spring Valley Township	75

6. The Commission's staff has verified that the five communities served by Bedford TV are located, at least in part, within the 35-mile specified zone of Altoona, Pennsylvania, to which Station WTAJ-TV is licensed. Therefore, pursuant to Section 76.92, Station WTAJ-TV is entitled to network nonduplication protection against other stations carried on Bedford TV's system and providing duplicative network programming. Bedford TV's operations constitute a conglomerate of commonly owned and technically integrated cable television systems since all communities are served from a single headend; therefore, the Bedford system does not qualify under

⁷Section 76.95(b) provides in pertinent part: "The provisions of §§ 76.92 and 76.94 shall not apply to a cable television system serving fewer than 1,000 subscribers or to a conglomerate of commonly owned and technically integrated systems serving fewer than 1,000 subscribers."

section 76.95(b) for an exemption from the required provision of requested network nonduplication protection, even though cable service is provided to five separate communities. Since Bedford TV has not claimed that fewer than 1,000 subscribers are served by the aggregated system, the Bedford system clearly is not subject to this exemption. Finally, we reject Bedford TV's proposed interpretation of this exemption to include a system that, although serving more than 1,000 subscribers, has fewer than 1,000 subscribers who reside within the specified zone of the station requesting protection. The section 76.95(b) exemption contemplates the total number of subscribers served by a cable system from a common headend and not the locations of the individual subscribers' residences within the community served by the system.

7. Neither a current Annual Report of Cable Television System (FCC Form 325) nor a current Cable Television Annual Financial Report (FCC Form 326) has been filed with the Commission; thus Bedford TV appears to be in violation of Sections 76.401 and 76.405. Bedford TV's failure to comply with WTAJ-TV's requests for network program nonduplication protection appears to be in violation of section 76.92 of the Commission's Rules, and the cable operator's arguments that its system either is located outside the specified zone or is qualified for an exemption under section 76.95(b) based on the number of its subscribers and the location of their residences are not deemed satisfactory to support its refusal to grant such protection. Hence, a hearing will be ordered.⁸

In view of the foregoing, the Commission finds that a grant of the subject petition requesting issuance of an order to show cause would serve the public interest.

Accordingly, it is ordered, That the "Petition for Issuance of Order to Show Cause," filed by Gateway Communications, Inc. (WTAJ-TV), is granted.

It is further ordered, That pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended, Bedford Improved T.V., Inc., is directed to show cause why it should not be ordered to cease and desist from further violation of Part 76 of the Commission's Rules and Regulations on its cable television systems at Bedford, Pennsylvania.

It is further ordered, That Bedford Improved T.V., Inc., is directed to appear and give evidence with respect to the matters described above at a hearing to be held before an Administrative Law Judge at a time and place to be specified by a subsequent order, unless the hearing is waived, in which event a written statement may be submitted.

It is further ordered, That Gateway Communications, Inc. and the Chief,

⁸Bedford TV will be permitted to introduce any mitigating or exculpatory evidence involving its refusal to grant WTAJ-TV nonduplication protection at the time of the hearing.

Cable Television Bureau ARE MADE parties to this proceeding.

It is further ordered, That the Secretary, Federal Communications Commission, shall send copies of this Order by certified mail, return receipt requested, to Bedford Improved T.V., Inc.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FRC Doc. 76-35448 Filed 12-1-76; 8:45 am]

[FCC 76-1074; RM 2558]

COMMUNITY ANTENNA TELEVISION
ASSOCIATION

Denying Petition for Rulemaking

Adopted: November 17, 1976.

Released: November 26, 1976.

By the Commission: Commissioners Wiley Chairman; and Hooks concurring in the result; Commissioner Fogarty absent.

In the Matter of amendment of Part 76 of the Commission's Rules and Regulations relative to carriage of television signals in emergency situations.

1. On June 13, 1975, the Community Antenna Television Association filed a "Petition for Rulemaking" urging amendment of the Commission's rules relative to carriage of television broadcast stations by cable television systems during emergency situations. Comments have been received from the National Cable Television Association which support CATA's petition.

2. Specifically, CATA requests that the Commission adopt rules allowing for cable carriage of any television or radio broadcast stations on any or all channels of the system during periods of emergency such as floods, earthquakes, fuel tank explosions, airplane crashes, tornadoes, etc. Often, CATA argues, vital information is available earlier on distant broadcast stations which the cable system is not entitled to carry. Moreover, circumstances may be such that local stations are unable to continue broadcasting, in which case subscribers would be deprived of any over-the-air information.

3. CATA states that discretion to "declare" an emergency and initiate carriage of unauthorized signals would rest solely on the local cable operator but be checked by subscriber complaints if normal viewing patterns were disrupted without an emergency. CATA asserts that such discretion, plus immunity from Commission sanction for misjudgments, is necessary to provide the incentive for cable operators to make their facilities available for emergency communications. The proposed rule also provides for notification to the Commission if unauthorized transmissions are to extend for a period any longer than two hours. NCTA in its comments reiterates CATA's contentions, argues that the public needs access to diverse and different information, and suggests that the Commission

NOTICES

should encourage, not simply permit, the utilization of cable facilities as a means of providing information to the public during emergency situations.

4. The Commission recognizes cable television's potential service to community residents in times of emergency, but does not believe CATA's proposed rule would so facilitate or improve the service that this petition should be granted. The potential for abuse is of some concern to the Commission. A cable operator could, on his own initiative, determine that an emergency exists and totally suspend the signal carriage rules. More to the point is whether carriage of additional signals will provide information not already available to the community. Perhaps a better solution would be the use of origination facilities by local officials to consolidate, edit and disseminate information to the community.

5. In view of the foregoing, it is ordered, That the "Petition for Rulemaking" filed by the Community Antenna Television Association filed June 13, 1975, is denied.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 76-35443 Filed 12-1-76; 8:45 am]

[FCC 76-1073; RM-2498]

HENDERSON ALL-CHANNEL
CABLEVISION, INC.

Denying Petition for Rulemaking

Adopted: November 17, 1976.

Released: November 30, 1976.

By the Commission: Commissioner Hooks concurring in the result; Commissioner Fogarty absent.

In the Matter of Petition for Rulemaking to Amend section 76.61(e) (2) of the Commission's Rules.

1. On December 19, 1974, Henderson All-Channel Cablevision, Inc. filed a "Petition for Rulemaking" (RM-2498) urging an expanded section 76.61(e) (2) of the Commission's Rules. Henderson first argued this position in a request for special relief which subsequently was denied. See Henderson All-Channel Cablevision, Inc., FCC 74-1143, 49 FCC 2d 502 (1974).² The petition has evoked several comments and is opposed by the National Association of Broadcasters, and WFIE, Inc., licensee of WFIE-TV (NBC, Channel 14), Evansville, Indiana. Henderson has replied.

2. Presently section 76.61(e) (2) of the Rules permits the carriage of a network program obtained from any broadcast station if that program is not cleared by a broadcast station normally carried on the system.³ In both Metro Cable (supra),

² A similar request also was denied by the Commission in Metro Cable Co., FCC 74-1083, 49 FCC 2d 376 (1974).

³ Section 76.61(e) (2) states:

76.61 Provisions for first 50 major television markets.

and Henderson (supra), the petitioning cable operators argued that a limited interpretation of the rule worked a particular hardship on his cable system. In denying the waiver requests, the Commission affirmed that this Section authorizes importation of an otherwise unauthorized signal only when a station normally carried does not clear a network program for local broadcast, or when that programming is not available via normally carried signals, and that it does not apply if the programming is cleared on a delayed basis. Henderson now seeks relief by urging the Commission to expand the rule to include delayed network programming.

3. As it argued in its special relief request, Henderson asserts that section 76.61(e) (2) as presently construed affords "almost unlimited exclusivity" to network affiliated stations in areas where no other station of the same network exists, this being contrary to the Commission's policy of simultaneous nonduplication. It also argues that subscribers may miss a program entirely if the local station chooses at a later time not to broadcast the program. RVS Cablevision, Metro Cable Company, and the National Cable Television Association generally support the petitioner's arguments. RVS states that additional problems arise in communities where several distant signals are viewable off-the-air but cannot be carried on the cable system.⁴ Metro asserts that tape delayed programs often create technical and promotional problems for the cable operator, and the NCTA suggests the rule stifles cable television's attempt to "get moving" by restricting its ability to make viewing convenient for subscribers. The oppositions argue that the present interpretation achieves the Commission's policy objective as stated in Henderson and Metro Cable, and that a change would undermine the ability of broadcast licensees to serve the community by programming for its specific needs.

(e) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (d) of this section, any such cable television system may carry:

(2) Any television station broadcasting a network program that will not be carried by a station normally carried on the system. Carriage of such additional stations shall be only for the duration of the network programs not otherwise available, and shall not require prior Commission notification or approval in the certificating process.

⁴ RVS also provides an analysis of television network programs broadcast in the Milwaukee market (#23) during the months of September 1974 and February 1975. Its conclusions indicate:

(a) Total network programming not available to the general public within the market: Sept., 1974—55.75 hours; Feb., 1975—90.25 hours.

(b) Total network programming delayed to "unreasonable" viewing hours, Sept., 1974—34.5 hours; Feb., 1975—38 hours.

(c) Total network programming not available or delayed in some manner. Sept., 1974—97.75 hours; Feb., 1975—149.40 hours.

4. Section 76.61(e) (2) was adopted as part of our Reconsideration of the Cable Television Report and Order, FCC 72-530, 36 FCC 2d 326 (1972). At paragraph 19 of that document it was stated that one of the Commission's goals "has been to assure that all cable subscribers have full network service available," and later, that "our analysis reveals that primary network affiliates generally carry a high percentage of the programs offered by the networks so that the impact of this rule revision should be limited." Henderson has failed to convince us that section 76.61(e) (2) no longer serves its original intent in the overall regulatory scheme. Thus, the proposed expanded interpretation will be rejected. Rather, Henderson and others in this proceeding have argued the particular hardships they believe the rule imposes on their operations. Commission regulation is general by nature and specific problems should be resolved by means of special relief. We recognize that Henderson already has been disappointed pursuing that course of action, but it is the appropriate method for attaining relief from what we believe continues to be a purposeful regulation.

In view of the foregoing, it is ordered, That the "Petition for Rulemaking" filed by Henderson All-Channel Cablevision, Inc., is denied.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 76-35444 Filed 12-1-76; 8:45 am]

[Report No. I-293]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

NOVEMBER 29, 1976.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d) (1).

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

48-DSE-P-77 The Christian Broadcasting Network, Inc., Virginia Beach, Virginia. For authority to construct, own and operate a domestic communications satellite earth station at this location. Lat. 36°48'07". Long. 76°11'40". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 36000F9. With a 10 meter antenna.

[FR Doc. 76-35449 Filed 12-1-76; 8:45 am]

PUBLIC NOTICE REQUIREMENTS FOR CERTAIN CABLE TELEVISION SYSTEMS

Denying Petition for Rulemaking

Adopted: November 17, 1976.

Released: November 30, 1976.

By the Commission: Commissioner Fogarty absent.

In the matter of amendment of section 1.412 to require that certain public notices be mailed to all cable television systems.

1. EMCO CATV, Inc. has filed a "Request for Rulemaking" which proposes that section 1.412 of the Commission's Rules be amended by adding the following:

(e) Notice of any and all proposed rule makings relative to Cable Television shall be mailed to all cable television systems.

EMCO argues that this procedure should be adopted because (a) the cable television industry is relatively new; (b) there is a great deal of rule making activity in the area and (c) the number of cable television systems to be notified is relatively small. The National Cable Television Association was the only commenting party. It supports the request, agreeing with EMCO's statements and arguing that such a rule would serve the public interest by increasing participation in the rulemaking process.

2. The notice procedures used for cable television proceedings are the same as those used in all other areas of Commission regulation. When a notice of proposed rulemaking or other document which may result in a rule change is issued, a public notice is prepared. The Commission's Public Information Office makes it available to anyone that wants to pick up a copy at 1919 M Street, Washington, D.C. There is no regular mailing list. On occasion notices are mailed by the Commission to all regulatees in an industry. However, this is done only on an ad hoc basis when it is felt that direct immediate communication is necessary. It should be noted that the complete document is also made available to the public and is normally printed in the **FEDERAL REGISTER**.

3. Naturally we would prefer that all interested parties receive direct notice of our rulemaking deliberations. Due to fiscal restraints, however, a line must be drawn somewhere. In considering EMCO's request, its cost must be weighed against its benefits. For purposes of this decision we estimate that the cost to print and mail a public notice is 20 to 30 cents.¹ This estimate covers only the cost of a one page public notice. It does not include a copy of the actual document. The number of cable regulatees now on file is approximately 2500. How-

¹ This is a very rough estimate. Postage and paper cost are the only factors that can be measured precisely. Other costs such as printing, labor, etc. are not budgeted separately and are difficult to estimate.

NOTICES

52903

ever, a rule change here could not be limited to those 2500. The Commission's mandate is to determine what regulation would be in the public interest. Input from the industry involved is vitally important but is nevertheless only one factor to be considered. A significant number of formal comments on rulemaking proposals are received from the public, from public interest groups, from local governmental authorities and from other affected industries. It would be inequitable to give special notice to the cable industry but not to other interested parties. Thus the 2500 figure is only a starting point. In calendar year 1975 there were 18 cable rulemaking notices. This does not include the 19 time extension rulings or the 5 final actions. Obviously, the cost of the proposal is not insignificant.

4. On the other hand the benefits of the proposal do not appear to be significant. Under the present system, if a cable operator cannot pick up the notices himself, he has four options. (a) He can rely on counsel or trade associations to keep him up to date. (b) There are a number of trade magazines to which he can subscribe. Some of these have special sections designed to give notice of Commission proceedings in addition to the information contained in articles. (c) He can subscribe to a distribution service which picks up the notices for him and mails or delivers them. These companies will normally send all Commission releases and it is possible to get a more selective service. (d) He can spend \$50 a year to subscribe to the **FEDERAL REGISTER**. It should be noted that the purpose of the **FEDERAL REGISTER** is to provide an official economical method by which a citizen can keep abreast of the activities and proposals of the federal government.

5. All of these options have a cost to the interested party. However, it is safe to say that most cable television operators belong to trade associations, subscribe to trade magazines or retain communications counsel as a normal course of doing business in their specialized industry. Thus as a practical matter only a small proportion of cable operators are left uninformed under our present notice procedures.

6. In view of this and the fiscal constraints under which we operate, we do not feel that a rule change is in the public interest. We are aware that situations arise whose importance or complexity dictates direct notice to the Commission's regulatees and we will follow that procedure in appropriate cases. However, those situations can best be handled on an ad hoc basis rather than by "mass mailings" of all cable rule making notices. Finally, we want to stress our ongoing concern about keeping the public informed of Commission actions and deliberations. One manifestation of that concern was the recent establishment of our Consumer Assistance Office. Another is the "Actions Alert", a weekly summary of Commission rule making actions which is available to public interest

groups. We will continue to keep an eye on the problem and take action where we feel it would be beneficial.

Therefore, the "Request for Rulemaking" (RM-3539) filed by EMCO CATV, Inc., is denied.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 76-35446 Filed 12-1-76; 8:45 am]

[FCC 76-1071; RM-2488; RM-2537]

TELEVISION BROADCAST SIGNALS AND PROGRAM EXCLUSIVITY

Denying Petitions for Rulemaking

Adopted: November 17, 1976.

Released: November 30, 1976.

By the Commission: Commissioner Hooks concurring in the result.

In the matter of revision of cable television rules regarding leapfrogging, carriage of local independent signals, and non-network programming exclusivity.

In the matter of amendment of Subpart D and Subpart F of Part 76 of the Commission's Rules and Regulations with respect to carriage of television broadcast signals and program exclusivity protection by cable television systems.

INTRODUCTION

1. Pending is a request for rulemaking filed November 27, 1974 by Mr. Henry Geller pro se pursuant to Section 1.410 of the Commission's Rules and Regulations. Petitioner requests that the Commission adopt leapfrogging rules of the type proposed in its August 5, 1971 "letter of intent".¹ return to the independent signal "significant viewing" definition used in the "letter of intent," delete the syndicated program exclusivity rules in markets 51-100, and explore a modified version of the proposed 1968 retransmission content requirement.

2. Also pending is a Request for Rulemaking filed February 12, 1975 by the National Association of Broadcasters (NAB). The NAB requests the Commission to initiate a rulemaking looking toward the amendment of the rules (§§ 76-57, 76.59, 76.61, 76.63, 76.65, 76.91, 76.93, 76.95 and 76.97) governing the carriage of television broadcast signals and the provision of program exclusivity protection by cable television systems.

3. In support of his request, Henry Geller argues that the Commission's 1972 cable television rules were in important respects not based on the Commission's judgment as to what would best serve the public interest, but rather on the need to adhere to the "consensus

¹ In the course of developing a cable television regulatory program, the Commission, on August 5, 1971, directed a letter to the Congress outlining the rules on which there was Commission agreement. This "letter of intent" is Appendix C to the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972).

NOTICES

agreement.² Petitioner urges that the Commission can no longer validly adhere to provisions that do not, in its judgment, best serve the public interest in view of "the undisputed fact that the agreement is now a dead letter." As to leapfrogging and significant viewing rules, it is suggested that the Commission return to consideration of those rules proposed in the "letter of intent" prior to the consensus agreement. Included among these rules is the proposal that distant signals carried could be " * * * in effect, channels of independent programming (conceivably a blend of several distant stations). * * * " As to significant viewing standards, a return to use of one percent share of viewing standard for independent stations, rather than the two percent standard now in the rules, is suggested. Finally, it is suggested that the syndicated program exclusivity rules for markets 51-100, "adopted largely as a result of broadcaster pressure" be eliminated. The syndicated exclusivity rules in the top 50 markets would be retained as improvements over the "letter of intent" in order to protect "the copyright owner's continued ability to produce programming."³

4. Although the problem is said not to be acute because of cable's slow growth, petitioner also suggests that some action may be necessary, in the absence of copyright legislation, to bring cable within the competitive TV programming distribution system. His suggestion is that the Commission consider, through the rulemaking process, requiring cable systems in the markets 1-100 to

obtain retransmission consent of the copyright owners as to distant signal carriage, but on an overall basis; that if this consent is withheld, the cable system may carry the programming but must enter into compulsory arbitration to determine the financial basis for grant of the consent.

5. These rule changes are urged as necessary means of overcoming the Commission's continued and now illegal reliance on the consensus agreement and to promote the growth of cable, particularly in markets 51-100.

6. Comments responsive to the Geller petition were filed by Jerrold Electronics, et al., the National Cable Television Association (NCTA), and the Association of Maximum Service Telecasters (AMST). Although denying the need for the "retransmission consent" requirement, the NCTA states it has no quarrel with the suggestion that the rules be reviewed. Jerrold et al. objects to the retransmission consent proposal as an

inappropriate attempt to have the Commission "foist upon CATV its own version of copyright liability." AMST, generally disputes petitioner's legal and policy arguments and concludes that his suggestions are not worthy of serious consideration in a rulemaking proceeding.

7. The NAB petition generally urges the Commission to initiate rulemaking "with a view toward balancing the competing interests left unbalanced by NCTA's efforts to frustrate full implementation of the Consensus." NCTA's failure to support the type of copyright legislation agreed to in the Consensus is documented by citation to Congressional testimony supporting the adoption of S. 1361 (Senate Copyright Bill), to statements by NCTA officials that the parties had "moved on" from the Consensus, by NCTA's refusal to support compulsory arbitration as a means of establishing copyright fees, and by NCTA's efforts to have the Commission amend its network nonduplication rules. For its part NAB denies that its position regarding same-day network nonduplication protection in the Rocky Mountain Time Zone or concerning the carriage of radio signals by cable systems violate the terms of the agreement.

8. Citing the failure of the cable industry to support the Consensus Agreement and the Commission's own statements in the Cable Television Report and Order, *supra*, that it would have to re-examine some aspects of its cable program if copyright legislation were not passed, NAB asks the Commission to revisit its 1972 cable rules and "readjust them to the realities that (1) the Consensus has not facilitated passage of copyright legislation, and (2) the NCTA's failure to live up to the Consensus has undermined early passage of that legislation."

9. Comments responsive to the NAB petition were filed by the National Cable Television Association, CBS Inc., and the Association of Maximum Service Telecasters. NCTA defends its own position with respect to copyright legislation and the consensus and urges that the petition be denied. NCTA particularly defends its role in the copyright area, stating that it has worked for early passage of copyright revision legislation consistent with the spirit of the Consensus Agreement. Moreover, it states, in view of Senator McClellan's determination that the Bill should specify a fee schedule, NCTA supported that view, a course which "proved to be more clearly consistent with the spirit of the Consensus Agreement that anything else [it] could have done." NCTA finds the 1972 rules to be a starting point for finding the right formula for CATV legislation but not a set of rules which must remain in force for a long period no matter what the public interest might dictate.

10. CBS supports the petition, urging that the Commission redress the imbalance of competing interests created by its mistaken reliance on the Consensus Agreement. CBS notes that, while it did

not support the Agreement, it is still affected by the results of it. The Commission is urged to revise its cable rules in a way that takes cognizance of the lack of copyright legislation. AMST likewise supports the NAB petition and urges that on an interim basis, additional distant signal authorizations be withheld pending the adoption of copyright legislation.

DISCUSSION

11. We are open to proposals for changes in our cable television rules and have in fact made a significant number of such changes over the course of the last few years both in response to petitions for rule making and as the result of our own review of the rules, particularly in connection with our general efforts to eliminate unnecessary rules and to simplify rules that are unduly complex. Additional changes in the rules may be anticipated in response to properly documented petitions for rule making or as part of our own continuing review of the rules. Neither petition now before us, however, provides an appropriate vehicle for initiating further changes.

12. To some extent events and changes in Commission regulatory policies since these petitions were filed have mooted them. The cable television leapfrogging rules have been deleted⁴ and rules specifically addressing distant signal sports carriage have been adopted.⁵ Moreover, the Congress has adopted a revised copyright law and it would, therefore, not appear appropriate to proceed as either the Geller or NAB petitions suggest in those areas where changes are suggested due to the absence of cable copyright payments. With respect to possible changes in the syndicated exclusivity rules, an inquiry has been commenced which addresses these rules more particularly and provides, we believe, a suitable forum to address the desirability of any possible changes in these rules.

13. This leaves for consideration the points raised in the Geller petition concerning the continuation of rules that the Commission allegedly adopted, not because they were in the Commission's judgment in the public interest, but because they were thought necessary to implement as part of the inter-industry "consensus agreement." Initially, it should be made clear that we do not regard the "consensus agreement" as a document that somehow binds the Commission to the adoption or continuation of particular regulations. We indicated, at the time the Cable Television Report and Order was adopted, that the rules were subject to change and have in fact made numerous changes in them. We have consistently rejected arguments that particular rules could not be changed because of the "consensus

² Petitioner finds support for this statement in the following language from Paragraph 64 of the Cable Television Report and Order, *supra*. " * * * adoption of the agreement does not mean that we would, absent agreement, have opted in its precise terms for the changes it contemplates. * * * "

³ It is also suggested, as being consistent with syndicated exclusivity in the top markets, that cable systems in markets 1-50 carry no distant sports without permission of the originating team or league.

⁴ Report and Order in Docket 20487, FCC 75-1409, 57 FCC 2d 625 (1975).

⁵ Report and Order in Docket 19417, FCC 75-819, 54 FCC 2d 265 (1975).

agreement." The point was made in the following language in the Report and Order in Docket 20487, deleting the leapfrogging rules:

We cannot agree that the Commission is precluded from adopting rules otherwise found to be in the public interest because they are at variance with the consensus agreement. Coincident with the adoption of the very rules in question the Commission noted that it retained full freedom and, indeed, the responsibility to make changes in the rules as developments warranted. The possibility of future changes in the leapfrogging rules was specifically noted. Such flexibility is essential to our cable television regulatory program and we believe that our action today constitutes a reasoned and appropriate refinement in our cable regulatory program.¹

14. It was the Commission's judgment in 1972 that it would be in the overall public interest to adopt rules that closely followed the "consensus agreement"—that such rules not only served to protect the television broadcast serve the public receives but held forth the best prospect of fostering cable television growth within an appropriate and fair regulatory and legal context. The question for us now is whether all of the regulations adopted at that time remain justified. Although we are not prepared at this time to say they are contrary to the public interest, all of the rules are under review as part of our continuing re-regulation efforts. The petitions before us do not contain any evidence that aids us in making that judgment. We will, therefore, not institute the requested rule making proceedings at this time. Our overall review will continue, however, and we will remain receptive to properly documented suggestions for rule changes.

Accordingly, it is ordered. That the captioned petitions for rule making (RM-2488 and RM-2537) are denied.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-35447 Filed 12-1-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NATIONAL GAS TRANSMISSION AND DISTRIBUTION ADVISORY COMMITTEE

Change in Meeting Date and Place

This notice is given to advise of a change in date and place of the meeting for the Natural Gas Transmission and Distribution Advisory Committee. The Committee will meet Friday, December 10, 1976, at 9:30 a.m., rather than Thursday, December 9, 1976. The meeting will

¹ Notice of Proposed Rule Making in Docket 19995, FCC 74-335, 46 FCC 2d 1164, paragraphs 13 and 18 (1974); First Report and Order in Docket 19995, FCC 75-413, 52 FCC 2d 519, paragraph 20 (1975); Report and Order in Docket 20028, FCC 74-957, 48 FCC 2d 699, paragraph 18 (1974); Report and Order in Docket 20487, FCC 75-1409, 57 FCC 2d 625, paragraph 63 (1975).

² 57 FCC 2d 625, paragraph 63 (1975).

be held in Conference Room B, Old Labor Building, Constitution Avenue between 12th & 14th Streets, NW., Washington, D.C. rather than the Auditorium at 2000 M Street, NW., Washington, D.C. as was previously announced. A notice of meeting was published in the issue of November 23, 1976 (41 FR 51649).

Issued at Washington, D.C. on November 29, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-35546 Filed 11-29-76;4:39 p.m.]

FEDERAL POWER COMMISSION

[Docket No. RP76-13]

CITIES SERVICE GAS CO.

Notice of Filing of Stipulation and Agreement

NOVEMBER 22, 1976.

Take notice that on November 11, 1976, Cities Service Gas Company (Cities Service) filed a Stipulation and Agreement (Stipulation) applicable to its jurisdictional rates which became effective subject to refund on March 23, 1976, in this proceeding. Cities Service states that the Stipulation would resolve all of the issues in this proceeding, though certain intervenors have reserved the right to file comments objecting to certain aspects of the settlement, and, further, certain issues will be subject to resolution upon final and non-appealable order of the Commission on such substantive rate issues in other proceedings.

Cities Service states that copies of the Stipulation were served on all parties to the above-entitled proceeding.

Any person desiring to comment upon the Stipulation should file initial comments with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before December 6, 1976, and reply comments on or before December 27, 1976. Copies of the stipulation and agreement are on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35426 Filed 12-1-76;8:45 am]

COLUMBIA GAS TRANSMISSION CORP.

[Docket No. CP77-57]

Notice of Application

NOVEMBER 22, 1976.

Take notice that on November 12, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-57 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis on behalf of Fruehauf Corporation (Fruehauf), all as more fully set forth in the application which is on file with the

Commission and open to public inspection.

Applicant proposes to transport for Fruehauf up to 1,800 Mcf of gas per day for use at Fruehauf's Decatur, Alabama, facilities for a period of two years from the date delivery commences and thereafter, on a year-to-year basis.

It is stated that the transportation service is required by Fruehauf to offset curtailments from its supplier, City of Decatur Gas Department (Decatur Gas), which has advised Fruehauf that it anticipates no gas will be available to Fruehauf during the winter months and that there will be severe curtailments during the summer months.

It is stated that the gas to be transported would be produced from wells wholly owned by Fruekel, the energy subsidiary of Fruehauf, under an operating agreement with Appalachian Exploration, Inc. (Appalachian). It is further stated that Applicant will receive said volumes of gas into its Line 0-880 in Guernsey County, Ohio, and Line 0-1460 in Tuscarawas County, Ohio, at points to be agreed upon. Applicant states that it will redeliver like volumes of gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee Gas), at an existing point of delivery in Adams Township, Guernsey County, Ohio. It is further asserted that said gas will be transported in turn by Tennessee Gas and Alabama-Tennessee Natural Gas Company (Alabama) for delivery to Decatur Gas for ultimate delivery and use by Fruehauf.

It is stated that the transportation by Applicant would be subject to the limits of its pipeline capacity and to its service obligations to its CD, WS, SGES, G and SGS customers and would be further limited to only those amounts required to offset curtailment of the high priority requirements of Fruehauf. It is further stated that Applicant's transportation charge for this service would be its average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, which is 22.21 cents per Mcf, effective November 1, 1976. Applicant states that it would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Fruehauf which percentage is 3.1 percent, effective November 1, 1976.

Applicant states that it did not consider the subject natural gas supply available for purchase because it was unsuccessful in earlier attempts to purchase gas from Appalachian who had indicated that it could sell gas to better advantage at intrastate rates. It is further asserted that the well or wells from which the gas to be transported is produced have been exclusively dedicated to Fruekel since July, 1975.

It is stated that the said curtailment of natural gas by Decatur would not only occasion economic hardship in Decatur, where Fruehauf, as one of the city's largest employers, employs 525 people and in 1975 had a total payroll of \$3,117,412, but would also adversely affect the manufacturing of transportation equipment

NOTICES

and its component parts. It is stated that a curtailment or shutdown of Fruehauf's Decatur plants would affect 16 other Fruehauf plants in the United States and Canada resulting in employee layoffs and plant shutdowns. It is further asserted that Alumex Corporation which obtains aluminum siding from Fruehauf's Sheet Mill would be adversely affected.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 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 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-35434 Filed 12-1-76; 8:45 am]

[Docket No. CP75-96, etc.]

EL PASO ALASKA COMPANY, ET AL.

Notice of Amendments

NOVEMBER 24, 1976.

Take notice that, pursuant to Section 1.11(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.11(b)), on November 10, 1976, Pacific Gas Transmission Company (PGT), 245 Market Street, San Francisco, California 94105, filed in Docket No. CP74-241 an amendment to conform its pending application for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to evidence filed in these consolidated proceedings so as to authorize PGT to construct and operate 591.9 miles of 36-inch O.D. 911 psig natural gas pipeline parallel

to and in conjunction with its existing natural gas pipeline facilities extending from the International Boundary between Canada and the United States to Malin, Oregon, to authorize PGT to transport and sell certain quantities of natural gas to Pacific Gas and Electric Company (PGandE), and to authorize PGT to transport certain quantities of natural gas for the account of Pacific Interstate Transmission Company (Pacific Interstate) and for other shippers to western United States markets, all as part of the proposed Arctic Gas Project. Concurrently, PGT has filed a similar amendment to its application for a Presidential Permit pursuant to Executive Order No. 10485 authorizing the construction, operation, maintenance and connection of additional facilities at the United States-Canada Boundary near Kingsgate, British Columbia, in Docket No. CP74-242, and a similar conforming amendment to its application for authority to import at the Kingsgate, British Columbia, delivery point natural gas pursuant to Section 3 of the Natural Gas Act in Docket No. CP75-252. On November 10, 1976, Pacific Interstate Transmission Company (Pacific Interstate), 720 West Eighth Street, Los Angeles, California 90017, filed in Docket No. CP75-248 a supplement to its application for an order authorizing the exportation from Alaska and the importation of natural gas from Canada into the United States. Pacific Interstate requests authorization to have its North Slope gas transported to Kingsgate, British Columbia, in the Western delivery leg of the Arctic Gas Project as described below. As stated above, it is also proposed that PGT transport said gas from Kingsgate to Malin, Oregon, through PGT's proposed facilities as described herein at which point it is stated that said gas would be delivered to PGandE system and transported to the Southern California Gas Company system (SoCal). Applicants' proposals are more fully set forth in the above-described conforming amendments which are on file with the Commission and open to public inspection.

PGT states that although its applications and other filings in the above-styled consolidated proceedings have forwarded several alternative designs for consideration, it has announced the selection of a single route and design for the western delivery leg of the Arctic Gas Project. PGT states that details and specifics of the selected design have been introduced into evidence and makes reference to certain exhibits of record. PGT further states that the purpose of its amendments is to conform its applications to the selection of the Arctic Gas western delivery system which is reflected in such record evidence.

PGT states that the proposed western leg of the Arctic Gas Project is designed to transport gas from Arctic sources to be acquired by Natural Gas Corporation of California (NGC), Pacific Interstate and Northwest Alaska Company (Northwest Alaska). It is further stated that the chosen design will be capable of carrying approximately 659,000 Mcf of nat-

ural gas per day from Alaska's Prudhoe Bay Field. Applicants state that said gas will be transported through the facilities of Alaskan Arctic Gas Pipeline Company and Canadian Arctic Gas Pipeline Limited to the bifurcation point of the Canadian Arctic system near Caroline, Alberta, then over facilities of Canadian Arctic to the Alberta-British Columbia border, and through the facilities of Alberta Natural Gas Company Ltd. to the United States-Canadian border near Kingsgate, British Columbia.

It is stated that from Kingsgate, British Columbia, the major portion of the gas will be transported by PGT to Malin, Oregon, and will be delivered to PGandE who, it is said, will transport said gas to Antioch, California. It is further stated that PGandE proposes to install, in California, 281.6 miles of 36-inch O.D. pipeline to complete the looping of the existing PGandE transmission system from Malin to the Antioch terminal and eight miles of 36-inch O.D. pipeline between the Antioch and Brentwood terminals.

It is estimated by PGT that initial volumes of 22,000 Mcf per day would be delivered for Northwest Alaska to the facilities of Northwest Pipeline Corporation at Stanfield, Oregon, or other delivery points in Washington, Idaho and Oregon. It is stated that PG and E would take an initial 200,000 Mcf of gas per day into its general system supply. It is further stated that the remaining 437,000 Mcf per day would be delivered for the account of Pacific Interstate to SoCal either directly at existing points of interconnection, or by exchange between the two systems.

Any person desiring to be heard or to make any protest with reference to said amendments and supplements should on or before December 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 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 or became 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. Persons having heretofore filed in the subject dockets need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-35429 Filed 12-1-76; 8:45 am]

[Docket No. 6ER76-409]

EL PASO ELECTRIC CO.

Notice of Filing

NOVEMBER 22, 1976.

Take notice that on October 28, 1976, El Paso Electric Company (El Paso) filed corrected tariff sheets.

El Paso states that on October 13, 1976, the Commission issued an Order Approving Settlement Agreement in the above-referenced docket which, by Ordering Paragraph (B) thereof, accepted for filing and permitted to become effective on March 1, 1976, those revised tariff sheets filed in conjunction with the Settlement Agreement on August 16, 1976.

El Paso states that it has subsequently discovered that Supplement No. 2 to Rate Schedule FPC Nos. 18 and 19 thus accepted for filing contain a self-evident typographical error in the paragraph of each delineating "Availability" of electric service thereunder.

El Paso, accordingly, now submits corrected pages for these schedules and requests that these pages be substituted in lieu of their counterparts previously submitted.

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 December 6, 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. 76-35427 Filed 12-1-76; 8:45 am]

[Docket No. ER77-58]

KANSAS POWER AND LIGHT CO.

Notice of Change in Service

NOVEMBER 23, 1976.

Take notice that on November 15, 1976, the Kansas Power and Light Company tendered for filing an amendment to its wholesale Power Service Agreement with the Flint Hills Rural Electric Cooperative Association, Inc. The amendment calls for 1) a change in maximum capacity for two delivery points (Florence and West Council Grove), 2) the deletion of a delivery point at Strong City and 3) the addition of a new delivery point at South Alta Vista. A copy of the amendment has been served upon the Flint Hills Rural Electric Cooperative Association, Inc.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission 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 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. 76-35431 Filed 12-1-76; 8:45 am]

[Docket No. CP76-104, PGA77-1]

PACIFIC INTERSTATE TRANSMISSION CO.

Notice of Proposed Changes in FPC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

NOVEMBER 24, 1976.

Take notice that Pacific Interstate Transmission Company ("Pacific Interstate") on November 22, 1976 tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, the following sheets:

Substitute Third Revised Sheet No. 4
Substitute Second Revised Sheet No. 5

The proposed effective date of both of these tendered tariff sheets and the rates reflected thereon is December 1, 1976.

Pacific Interstate states that the tariff sheets listed above are issued pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision as set forth in Section 16 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 2 and Ordering Paragraph (C) of Opinion No. 770-A.

Pacific Interstate states that the change in its rates incorporated in the tendered tariff sheets reflects both a Gas Cost Adjustment and a special Surcharge Adjustment and that both adjustments are related solely to independent producer filings actually filed with the Commission on or before November 12, 1976, pursuant to provisions of Opinion No. 770-A.

Pacific Interstate states that the Gas Cost Adjustment is based on an annualized gas cost increase resulting from such producer filings of \$1,396,684 and that the special Surcharge Adjustment, applicable to the twelve month period commencing December 1, 1976, is designed to recover estimated costs of \$485,395.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 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 December 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. 76-35432 Filed 12-1-76; 8:45 am]

[Docket Nos. RP76-53 and RP76-60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Filing of Refund Report

NOVEMBER 23, 1976.

Take notice that on November 5, 1976, South Texas Natural Gas Gathering Company (South Texas) tendered for filing a letter pursuant to Ordering Paragraphs (C) and (D) of the Commission's Order Approving Settlement Agreement, issued September 24, 1976, in the captioned dockets.

South Texas states that by letter dated September 29, 1976, it tendered for filing revised rate schedules reflecting the terms of the above-referenced Order. These revised rate schedules have been accepted by the Commission's letter order dated October 29, 1976.

Ordering Paragraph (C) of the above-referenced order requires that within fifteen (15) days of the Commission's acceptance of these revised rate schedules, South Texas shall refund all amounts collected in excess of the rates set forth therein together with interest calculated at 9 percent per annum. Ordering Paragraph (D) requires that a report be filed within fifteen (15) days after refunds are made showing certain data prescribed therein.

In its November 5, 1976, submittal, South Texas states that it collected no amounts in excess of the rates set forth in those rate schedules accepted by the Commission's October 29, 1976 order.

South Texas requests that the Commission accept its November 5, 1976, submittal as South Texas' compliance with the requirements of Ordering Paragraphs (C) and (D) of the above-referenced order.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 9, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-35430 Filed 12-1-76; 8:45 am]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting Stipulation and Agreement To Hold Proceedings Temporarily in Abeyance and To Establish Further Procedures

NOVEMBER 16, 1976.

On October 18, 1976, pursuant to Section 1.28(a) of the Commission's Rules of Practice and Procedure, Presiding Administrative Law Judge Benkin referred to the Commission a joint motion of Staff and Transcontinental Gas Pipe Line Corporation (Transco) for leave to appeal from the Administrative Law Judge Order Denying Motion To Hold Proceed-

ings In Abeyance And Establishing New Procedural Dates.

On September 30, 1976, Transco moved the Presiding Judge to hold the instant proceedings temporarily in abeyance pending the rehearing of Commission Opinion No. 769, Tennessee Gas Pipe Line Company, Docket No. RP73-113, with reference to the treatment of advance payments. Attached to that motion was a Stipulation And Agreement To Hold Proceedings Temporarily In Abeyance And To Establish Further Procedures submitted by Staff and Transco. The subject Stipulation and Agreement would hold in abeyance the instant proceeding pending the Commission's decision on rehearing in Tennessee and require the parties within thirty days after issuance of that decision to meet informally for the purposes of determining further procedures which would be appropriate in light thereof. Ten days thereafter Transco agrees to file a motion with the Presiding Judge requesting the reconvening of the instant proceedings. On October 6, 1976, the Judge issued an Order Denying Motion to Hold Proceedings In Abeyance on the grounds that there are no assurances that anything would be gained by deferring the procedural dates.

We will accept the appeal of Transco and Staff to the determination by the Presiding Law Judge. The appropriate legal standard to be applied to any advance payment proceeding is one of several issues to be reconsidered by the Commission in the rehearing of Opinion No. 769. Rehearing in Tennessee should resolve the present state of ambiguity with reference to advance payments under Order No. 465 and under Order No. 499. We feel that for the instant proceeding to continue to fruition and result in an initial decision being issued before our final reconsideration of Opinion No. 769 would be wasteful of time, energy, and money by all parties concerned. Our determination in the Tennessee proceeding may very well moot many of the arguments which might reasonably be made in advance of that determination. We will therefore accept the appeal of Staff and Transco and order the instant proceedings to be held in abeyance pursuant to the Stipulation and Agreement filed with the Administrative Law Judge on September 30, 1976.

The Commission finds and orders. That the appeal of Staff and Transco to the determination of the Presiding Administrative Law Judge issued October 6, 1976, should be and is hereby accepted and the Stipulation and Agreement of Staff and Transco filed with the Presiding Administrative Law Judge on September 30, 1976, should be and is hereby accepted.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35428 Filed 12-1-76;8:45 am]

NOTICES

[Docket No. ER77-57]

TUCSON GAS & ELECTRIC CO.

Notice of Filing of Service Schedule D to Power Service Agreement

NOVEMBER 23, 1976.

Take notice that Tucson Gas & Electric Company ("TGE") on November 15, 1976 tendered for filing a Service Schedule D dated November 1, 1976, entitled Electric Power Wheeling Agreement, as part of the Power Service Agreement dated May 28, 1976 between TGE and Arizona Electric Power Cooperative, Inc. ("AEPCO"). Copies of the filing were served upon AEPCO on November 3, 1976.

Any person desiring to be heard or to make any application with reference to said Service Schedule D should file a petition to intervene or protest with the Federal Power Commission, 825 N. 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 December 17, 1976. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this Service Schedule D are to file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35433 Filed 12-1-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-374; FDAA-522-DR]

MARYLAND

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Maryland dated October 14, 1976, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 14, 1976:

The City of:
Taneytown (Carroll County).

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: November 22, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-35459 Filed 12-1-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. F-23015]

LOUISIANA LAND AND EXPLORATION CO.

Application for Airport Lease

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) The Louisiana Land and Exploration Company has applied for an airport lease for the following land:

FAIRBANKS MERIDIAN, ALASKA

T. 16 N., R. 28 E.,
Secs. 31 and 32 protracted
T. 15 N., R. 28 E.,
Sec. 5 protracted.

Commencing at a brass cap monument at the NW corner of said section 32; thence S. 7°08'04" E., 1,210.96 feet to the true point of beginning of this description lying at Alaska State Plane Zone 2 coordinates of y=4,449,548.76, x=516,857.617, at latitude 66°10'26.507" N., longitude 141°53'09.786" W.; thence S. 36°22'57" E., 600 feet; thence S. 53°37'03" W., 290 feet; thence S. 36°22'57" E., 4,500 feet; thence S. 53°37'03" W., 110 feet; thence along the arc of a 100 foot radius curve to the right a distance of 314.16 feet; thence N. 36°22'57" W., 4,900 feet; thence N. 53°57'03" E., 400 feet to the true point of beginning and containing 17.234 acres. All bearings and distances are Alaska State Plane Zone 2.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, Box 1150, Fairbanks, Alaska 99707.

RICHARD H. LE DOSQUET,
District Manager.

[FR Doc.76-35468 Filed 12-1-76;8:45 am]

[N-7957]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 26, 1976.

Notice of Energy Research and Development Administration's (formerly Atomic Energy Commission) application, N-7957, for withdrawal and reservation of lands for geothermal potential was published as FR Doc. No. 74-2557, page 3977 of the issue for January 31, 1974. Several modification notices were published in the issues for April 11, June 13, October 31, 1974, March 20, 1975, February 12 and September 23, 1976. The applicant agency has cancelled its application as to the lands remaining. Therefore, pursuant to the regulations contained in 2091.2-5(b) 1, the following lands, at 10:00 a.m. on December 30, 1976, will be relieved of the segregative effect of the above-mentioned application.

NOTICES

52909

MOUNT DIABLO MERIDIAN, NEVADA

BUFFALO VALLEY

T. 30 N., R. 41 E.
Sec. 34, NW $\frac{1}{4}$.

LEACH HOT SPRINGS

T. 31 N., R. 38 E.
Sec. 14, All.
T. 31 N., R. 39 E. (partially surveyed)
Sec. 21, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 22, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 28, All;
Sec. 33, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$.A. JOHN HILLSAMER,
Acting Chief,
Division of Technical Services.

[FR Doc.76-35474 Filed 12-1-76; 8:45 am]

[OR 7275]

OREGON

Order Providing for Opening of Public
Lands

NOVEMBER 24, 1976.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 25 S., R. 19 E.
Sec. 25, S $\frac{1}{2}$.
T. 23 S., R. 20 E.
Sec. 36, lots 1, 2, 3, and 4, W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$.
T. 39 S., R. 22 E.
Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 28 S., R. 23 E.
Sec. 16, W $\frac{1}{2}$.
T. 38 S., R. 23 E.
Sec. 36, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$.
T. 39 S., R. 23 E.
Sec. 36, lots 1 to 7, inclusive, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 41 S., R. 23 E.
Sec. 16, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$.
T. 28 S., R. 24 E.
Sec. 36.
T. 39 S., R. 24 E.
Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 40 S., R. 24 E.
Sec. 36.
T. 28 S., R. 25 E.
Sec. 16.
T. 29 S., R. 25 E.
Sec. 16.
T. 40 S., R. 25 E.
Sec. 36, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 38 S., R. 26 E.
Sec. 36, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 38 S., R. 27 E.,
Sec. 16;
Sec. 36, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 39 S., R. 27 E.,
Sec. 16;
Sec. 36, lots 1 and 2, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 40 S., R. 27 E.,
Sec. 36, excepting and excluding that parcel of land containing 22.20 acres conveyed to Lake County, Oregon, for roadway purposes by deed recorded at Book 53, Page 301, State Record of Deeds.

T. 35 S., R. 28 E.,
Sec. 36.
T. 36 S., R. 28 E.,
Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 37 S., R. 28 E.,
Sec. 16;
Sec. 36.
T. 38 S., R. 28 E.,
Sec. 16;
Sec. 36.
T. 39 S., R. 28 E.,
Sec. 16;
Sec. 36, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$.
T. 40 S., R. 28 E.,
Sec. 16;
Sec. 36.
T. 41 S., R. 28 E.,
Sec. 16, excepting and excluding that parcel of land containing 13.20 acres conveyed to Lake County, Oregon, for roadway purposes by deed recorded at Book 53, Page 301, State Records of Deeds.
T. 35 S., R. 29 E.,
Sec. 36.
T. 36 S., R. 29 E.,
Sec. 16;
Sec. 36.
T. 37 S., R. 29 E.,
Sec. 16, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 36, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
T. 38 S., R. 29 E.,
Sec. 16;
Sec. 36.
T. 39 S., R. 29 E.,
Sec. 16;
Sec. 36.
T. 40 S., R. 29 E.,
Sec. 16;
Sec. 36.
T. 41 S., R. 29 E.,
Sec. 16.
T. 36 S., R. 30 E.,
Sec. 16;
Sec. 36.
T. 37 S., R. 30 E.,
Sec. 16;
Sec. 36.
T. 38 S., R. 30 E.,
Sec. 16;
Sec. 36.
T. 39 S., R. 30 E.,
Sec. 16;
Sec. 36.
T. 40 S., R. 30 E.,
Sec. 16;
Sec. 36.
T. 41 S., R. 30 E.,
Sec. 16.

The areas described aggregate, after making the aforesaid exceptions, 32,044.78 acres in Lake and Harney Counties.

2. Sec. 36, T. 40 S., R. 24 E., is included in an existing geothermal resources lease previously issued by the State of Oregon.

3. The subject lands consist of widely scattered parcels generally located within 30 miles south and east of the Hart Mountain National Antelope Refuge and with some parcels in northeastern Lake and northwestern Harney Counties. Elevation varies from 4,000 to 6,500 feet above sea level, and the topography ranges from generally flat to steep and rocky. Vegetation consists primarily of

sagebrush and native grasses with some juniper. In the past, the lands have been used for livestock grazing purposes. The lands also have wildlife habitat values, and they will be managed, together with adjoining national resource lands, for multiple use.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open (except as provided in paragraph 2 hereof) to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. Dec. 31, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.76-35382 Filed 12-1-76; 8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Notice of Approval

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the date indicated, are available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area they represent.

OUTER CONTINENTAL SHELF PROTRACTION DIAGRAMS

Description	Approval date
NN 3-2 Cold Bay-----	Sept. 30, 1976
NN 4-1 Stepovak Bay---	Oct. 6, 1976
NO 3-4 Cape Newenham--	Sept. 30, 1976
NO 3-6 -----	Oct. 27, 1976
NO 4-1 Goodnews -----	Oct. 6, 1976
NO 4-3 Hagemeyer Is- land.	Sept. 30, 1976
NO 4-4 Naknek -----	Sept. 30, 1976
NO 4-7 Chignik -----	Sept. 30, 1976
NO 6-6 -----	Oct. 27, 1976
NO 7-6 -----	Oct. 27, 1976

2. Copies of these diagrams are for sale at two dollars (\$2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

JOAN A. HAGANS,
Acting Manager, Alaska Outer
Continental Shelf Office.

[FR Doc.76-35381 Filed 12-1-76; 8:45 am]

NOTICES

SALMON DISTRICT MULTIPLE USE
ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Salmon District Multiple Use Advisory Board will be held beginning at 9:00 a.m. January 12, 1977, at the Salmon District Office, Salmon, Idaho.

The Advisory Board was established to advise the Salmon District Manager on matters relating to the use, management, protection, and disposition of lands and resources administered by the Bureau of Land Management within the Salmon District.

The purpose of the meeting is to review and discuss, (1) The Federal Land Policy and Management Act of 1976; (2) Forestry program; (3) Challis EIS; (4) Wild Horses; (5) Oil and Gas leases; and (6) other appropriate items.

The meeting is open to the public. It is expected that 10 persons will be able to attend the session in addition to the Committee members. Interested persons may make written presentations to the Committee or file written statements. Such requests should be made to the official listed below at least 10 days prior to the meeting.

Further information concerning this meeting may be obtained from Harry R. Finlayson, District Manager, P.O. Box 430, Salmon, Idaho, telephone (208) 756-2201. Minutes of the meeting will be available for public inspection and copying 2 weeks after the meeting at the Salmon District Office, Highway 93 South, Salmon, Idaho.

Dated: November 24, 1976.

HARRY R. FINLAYSON,
District Manager.

[FR Doc. 76-35471 Filed 12-1-76; 8:45 am]

[OR 12565 (Wash.)]

WASHINGTON

Order Providing for Opening of Public
Lands

1. In an exchange of lands under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 9 N., R. 26 E.,
Sec. 19, lot 5, E $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, except those parcels in said lot 5 containing 2.11 acres, more or less, as described in warranty deed to the United States recorded September 25, 1975, in Volume 300 at Page 1049, records of Benton County, Washington;

Sec. 20, S $\frac{1}{2}$, except that parcel in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ containing 1.43 acres, more or less, as described in warranty deed to the United States recorded September 25, 1975, in Volume 300 at Page 1049, records of Benton County, Washington;

Sec. 21, W $\frac{1}{2}$.

T. 10 N., R. 32 E.,
Sec. 5, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 828.46 acres in Benton and Franklin Counties.

2. A majority of the subject lands are located approximately 14 miles west of the City of Richland in the Badger Slope area of Benton County. The remaining parcel of subject lands is located approximately 15 miles northeast of the City of Pasco in the Juniper Forest area of Franklin County. Elevation varies from 800 to 1,200 feet above sea level, and the topography is generally rolling. Vegetation consists primarily of sagebrush and native grasses. In the past, the lands have been used for livestock grazing purposes, and the parcel located in the Juniper Forest area has public recreational values. The lands will be managed, together with adjoining national resource lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. December 31, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

FREDERICK S. CRAFTS,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 76-35469 Filed 12-1-76; 8:45 am]

[OR 9657 (Wash.)]

WASHINGTON

Order Providing for Opening of Public
Land

NOVEMBER 24, 1976.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970), the following land has been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 9 N., R. 26 E.,
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and that portion
of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying southerly
of the south right-of-way line of U.S.
Highway 12;
Sec. 22, N $\frac{1}{2}$;
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ S $\frac{1}{2}$, that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$
lying southwesterly of a straight line
drawn between the N $\frac{1}{2}$ corner and the
E $\frac{1}{4}$ corner of said Sec. 23, the NE $\frac{1}{4}$ NW $\frac{1}{4}$
except the East 300 feet thereof, and
that portion of the S $\frac{1}{2}$ S $\frac{1}{2}$ lying north-
erly of the north right-of-way line of
McBee County Road;
Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

This area described contains, after
making the aforesaid exception, 1,032
acres in Benton County.

2. The United States did not acquire
any mineral rights with the land in secs.
15 and 23.

3. The subject land consists of one
large parcel of 992 acres and one small
parcel of 40 acres located approximately
12 miles east of the City of Richland in
the Badger Slope area of Benton County.
Elevation varies from 800 to 1,465 feet
above sea level, and the topography is
rolling to semi-mountainous. Vegetation
consists primarily of sagebrush and na-
tive grasses. In the past, the land has
been used for livestock grazing purposes,
and it will be managed, together with
adjoining national resource lands, for
multiple use.

4. Subject to valid existing rights, the
provisions of existing withdrawals, and
the requirements of applicable law, the
land described in paragraph 1 hereof is
hereby open (except as provided in para-
graph 2 hereof) to operation of the public
land laws, including the mining laws
(Ch. 2, Title 30 U.S.C.), and the mineral
leasing laws. All valid applications re-
ceived at or prior to 10 a.m. December
31, 1976, shall be considered as simul-
taneously filed at that time. Those re-
ceived thereafter shall be considered in
the order of filing.

5. Inquiries concerning the land should
be addressed to the Chief, Branch of
Lands and Minerals Operations, Bureau
of Land Management, P.O. Box 2965,
Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 76-35470 Filed 12-1-76; 8:45 am]

[Wyoming 57582]

WYOMING
Application

NOVEMBER 24, 1976.

Notice is hereby given that pursuant
to section 28 of the Mineral Leasing Act
of 1920, as amended (30 U.S.C. 185).
Colorado Interstate Gas Company of
Colorado Springs, Colorado, filed an ap-
plication for a right-of-way to construct
4 inch pipelines for the purpose of trans-
porting natural gas across the following
described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 16 N., R. 94 W.,
Sec. 4, lot 2.
T. 17 N., R. 94 W.,
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The pipelines will transport natural
gas from the Ladd Petroleum Federal No.
1-4-64 well in sec. 4, T. 16 N., R. 95 W.,
and the Ladd Petroleum Federal No. 1-
12-74 well in sec. 12, T. 17 N., R. 94 W., to
points of connection with their existing
F22 4 inch pipeline in sec. 22, T. 17 N., R.
94 W., Sweetwater County.

The purpose of this notice is to inform
the public that the Bureau will be pro-
ceeding with consideration of whether

the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

ALMA LUNDBERG,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 76-35383 Filed 12-1-76; 8:45 am]

[Wyoming 57583]

WYOMING
Application

NOVEMBER 24, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Gas Company of Colorado Springs, Colorado, filed an application for a right-of-way to construct two and four inch pipelines for the purposes of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.
Sec. 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 19 N., R. 101 W.
Sec. 2, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The pipelines will transport natural gas from Brown Federal 11-12 well in Sec. 12, T. 19 N., R. 101 W. to a point of connection with proposed F146 line in sec. 2, T. 19 N., R. 101 W. and from this point into their existing Desert Springs Gathering System in Sec. 3, T. 19 N., R. 101 W.; and from the No. 3 Delaney Rim Unit Well in sec. 24, T. 18 N., R. 98 W., Sweetwater County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

ALMA LUNDBERG,
Acting Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 76-35384 Filed 12-1-76; 8:45 am]

Office of Hearings and Appeals

[Docket No. M 76X703]

BISHOP COAL CO.

**Petition for Modification of Application of
Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c)

of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bishop Coal Company has filed a petition to modify the application of 30 CFR 75.305 to its Bishop Mine No. 33-37, located in McDowell County, West Virginia.

30 CFR 75.305 provides:

In addition to the pre-shift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of the Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons. The substance of Petitioner's statement is as follows:

1. Bishop Coal Company petitions for modification of the requirement that a weekly examination be made of the return airway for the Dry Fork left section I.D. No. 023.

2. Attached as Exhibit A is a map of the area of the Bishop Mine No. 33-37 which is relevant to this Petition.¹

3. The return airway serves the section currently being mined. A portion of the subject return airway passes through some old workings in the mine. The roof of the old workings is not supported, and the area is dotted with roof falls. Consequently, the portion of the return airway which passes through the old workings cannot be walked without risk of serious bodily injury.

4. The falls which exist in the old workings have no effect on the velocity or quantity of air travelling the return airway.

5. Bishop proposes to monitor the conditions of the return airway in the area of the old workings by weekly tests of air quality and quantity at points where the return airway enters and exists the old workings.

¹ Exhibit A is available for inspection at the address listed in the last paragraph of this notice.

6. Bishop's alternate method of compliance under section 75.305 will assure a return airflow which is of sufficient quantity and quality to provide full protection to miners in the section which it serves.

7. A requirement, on the other hand, that miners enter the old workings to inspect and monitor the return airway would result in a diminution of safety to the miners because of the danger of roof falls. Bishop submits, therefore, that its alternate method of compliance with § 75.305 will at all times result in a higher level of safety to miners than would conformance to § 75.305 as written.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35398 Filed 12-1-76; 8:45 am]

[Docket No. M 76X687]

BRUSHY FORK MINING CORP.

**Petition for Modification of Application of
Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Brushy Fork Mining Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Brushy Fork No. 1 and No. 2 Mines located in McDowell County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

The substance of Petitioner's statement is as follows:

1. The implementing regulation at 30 CFR 75.1405-1 provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

2. Section 75.1405-1 of the Regulations does not require installation of automatic couplers on Petitioner's supply and other vehicles, which are more specifically described herein. Such vehicles are not "haulage equipment" within the meaning of the Act nor are they "track haulage cars which are regu-

NOTICES

larly coupled and uncoupled" within the meaning of the Regulation.

3. Even if § 75.1405-1 did require that Petitioner's vehicles be equipped with automatic couplers, such provisions should be modified, pursuant to section 301(c) of the Act, to permit utilization of the drawbar and pin system, which provides equivalent or greater safety to miners than an automatic coupling system.

4. Petitioner's mines utilize an all-belt conveyor system to transport coal from the underground working sections to the outside coal handling facilities.

5. Use of the track haulage system is limited to transportation of men, supplies and equipment from the surface to the off-track loading point. Men, supplies and equipment may be transported from that point to the faces in vehicles capable of traveling off-track.

6. Men are usually transported on rail (on track) in self-propelled unit vehicles which are not regularly coupled and uncoupled. Off rail (off-track) men may be transported in self-propelled, rubber-tired vehicles or on skids pulled by self-propelled, rubber-tired tractors.

7. Supplies and equipment are normally to be transported on rail (on track) in "rubber/rail" vehicles, equipped with retractable rubber wheels. These vehicles are pulled on track by steel-wheeled electrical locomotives. By engaging the rubber wheels, the vehicles are able to operate off rail (off-track) where they are pulled by self-propelled, rubber-tired tractors. All of Petitioner's supply cars which travel off rail (off-track) are "rubber/rail" vehicles.

8. Because of the exclusive use of a belt conveyor system to transport coal, the use of automatic couplers on equipment traveling on or off rail (track) will result in a diminution of safety to the miners in Petitioner's mine.

9. Petitioner's mine is characterized by entries having a relatively tighter, narrower radius of horizontal curve and by bottom grades which are more pronounced and undulating than mines using track haulage to transport coal. The uneven bottom contours, tight horizontal curves and the fixed position of the engaged rubber wheels on rubber/rail cars traveling off-track distort the horizontal and vertical alignment needed for reliable functioning of automatic couplers and cause excessive wear to, and/or jamming of, such couplers.

10. Since coal is not to be transported on Petitioner's tracks, the tracks and track roadbeds have not been constructed to carry the 35- to 50-ton locomotives and the 10- to 30-ton coal cars typically found in mines using track haulage to transport coal. In such mines, heavy duty ballasting of the track roadbed and track alignment by means of welded plates are designed to accommodate the extremely heavy locomotives and coal cars and contribute substantially to reliable functioning of automatic couplers. The lighter weight track and ballasting designed to accommodate the relatively lighter rubber/rail supply cars to be used

in Petitioner's mine, provide less uniform horizontal and vertical alignment of automatic couplers and will cause excessive wear to, and/or jamming of, such couplers.

11. In light of the conditions stated above, use of automatic couplers in Petitioner's mine would present the following hazards to safety:

a. Excessive wear to automatic couplers would result in accidental uncoupling and possible derailment.

b. Automatic couplers which become jammed or accidentally uncoupled would in almost every instance require miners to position themselves between vehicles in order to effect the proper alignment for coupling.

Accordingly, the use of automatic couplers, whether on or offtrack, in Petitioner's mine would result in a diminution of safety to the miners in such mine.

12. The pin-and-drawbar couplers which Petitioner proposes to use in its mine are far less susceptible to excessive wear, jamming or accidental uncoupling from uneven alignment than automatic couplers and can be manipulated with much greater flexibility. The couplers in Petitioner's mine, therefore, would guarantee no less than the same measure of protection which would be afforded the miners by the use of automatic couplers at the affected mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35399 Filed 12-1-76; 8:45 am]

[Docket No. M 76-113]

CHRISTOPHER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Amended notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Christopher Coal Company has filed a petition to modify the application of 30 CFR 75.1105 to its Pursglove No. 15 Mine, Osage, Monongalia County, West Virginia. Notice was published in Docket No. M 76-113 on June 29, 1976, of Christopher Coal Company's petition to modify the application of 30 CFR 75.1105 to its Humphrey No. 7 Mine. This notice hereby amends the previous notice in Docket No. M 76-113.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

The substance of Petitioner's statement is as follows:

The following factors prevent compliance with the aforementioned section:

1. Pumps are located on old haulage from the pit mouth towards Lemley fan which was mined 20 to 50 years ago.

2. The haulage is ventilated with intake air and there are no return airways. Pump 65+00 is 1 mile from a return and pump 103+00 is 4,000 feet from a return.

3. Intake air that passes these pump stations is not used to ventilate an active working section.

4. The Sewickley Seam 80 feet above these pumps has been mined, eliminating the practicability of drilling additional holes and venting to the surface. (Enclosed are Sewickley overlays of the pump locations).¹

5. Pump stations are located in natural basins and continuous operation is necessary to prevent flooding of the haulage.

The following procedures will be observed to provide no less than the same measure of protection as required by § 75.1105:

1. Pumps will be housed in a fireproof building;

2. An automatic fire suppression device will be installed in each of these pump stations that will be activated by heat sensors over the pump;

3. Automatic closing steel doors that will be activated by a heat sensory device will be installed;

4. No oil or combustible material will be stored in the pump stations;

5. Electrical circuits will comply with the requirements of the FEDERAL REGISTER;

6. A fire warning device (light or horn) will be mounted along the mainline haulage at the entrance to the pump stations to give visual or audible warning of a fire in pump stations. This warning device will be activated by heat sensory devices; and

7. Inspection of these pump stations will be made in compliance with the requirements of the Act.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies

¹ Exhibits are available for inspection at the address shown in the last paragraph of the notice.

of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35400 Filed 12-1-76; 8:45 am]

[Docket No. M 76X709]

CLINCHFIELD COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Clinchfield Coal Company has filed a petition to modify the application of 30 CFR 75.1105 to its Open Fork No. 2 Mine, located in Dickenson County, Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

The substance of Petitioner's statement is as follows:

1. The Open Fork No. 2 Mine is located in the Upper Banner Seam, is opened by drifts and operates a total of five mechanized units on a multiple shift operation.

2. The Petitioner seeks modification of the regulation as it relates to the ventilation of one Ensign 150 KVA belt transformer that is required to operate a Long Air-dox belt drive that is located in intake air courses where no return air courses are available.

3. The Petitioner respectfully requests that since the belt transformer is located in entries that are all intake entries that it be permitted an alternate method of meeting the ventilation requirements listed in 30 CFR 75.1105, subject to the following conditions:

(a) The fireproof enclosure shall be equipped with automatically closing fire doors activated by a thermal device with an activation temperature no greater than 200° F. Such doors shall be designed to enclose all associated electric components in a reasonably air-tight enclosure in case of fire or excessive temperature.

(b) The electric equipment shall be protected with a thermal device, rated at no greater than 200° F., designated to remove incoming power.

(c) No combustible materials shall be stored or allowed to accumulate in the fireproof enclosure.

(d) The electrical equipment shall be examined weekly, tested, and properly maintained by a qualified electrician.

(e) The fire suppression devices shall be examined weekly and a functional test

of the complete system shall be conducted at least once a year.

(f) The fireproof structure or area enclosing the electric installation shall be examined for hazardous conditions daily.

(g) The record of the examinations for electrical equipment required by Sections 30 CFR 75.1805 and 30 CFR 75.1802 shall be kept on the surface and made available to an authorized representative of the Secretary and to the miners in such mine.

4. Enclosed with this petition is a drawing entitled "Open Fork No. 2 Mine Belt Transformer Isolation Plat" and a ventilation map of Open Fork No. 2 Mine, describing the system of ventilation employed and the location of the transformer and belt drive dated August 24, 1976.¹

5. Petitioner is confident that such conditions will, at all times, guarantee no less than the same measure of protection to the miners of such mine as the ventilation requirements specified in § 75.1105.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35401 Filed 12-1-76; 8:45 am]

[Docket No. M 76-12]

J AND M COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), J and M Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its No. 2 Mine (formerly L. Duncan Mine), located in Campbell County, Tennessee.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within four years after March 30, 1970.

¹ The enclosed drawing and map are available for inspection at the address listed in the last paragraph of this notice.

The substance of Petitioner's statement is as follows:

1. The alternate method the petitioner proposes to establish in lieu of the mandatory standard is one in which there is employed manual devices, described in detail hereafter.

2. The alternate method consists of permanently coupling the mine cars into trips with the end cars provided with loose pins controlled by levers extending to the clearance side of the cars. The link at the fixed pin end will be on both ends of the locomotive and its alignment will be controlled, if required, by a 37-inch hand link aligner prior to coupling. Thus the coupling and uncoupling of the locomotive to either end of the fixed trip will be safely accomplished by the coupler or brakeman, standing outside of the path of the cars and locomotive.

3. The alternate method will at all times guarantee a standard of protection no less than would be the application of the mandatory standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35402 Filed 12-1-76; 8:45 am]

[Docket No. M 76X692]

JIM WALTER RESOURCES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jim Walter Resources, Inc., has filed a petition to modify the application of 30 CFR 75.326 to its Mine No. 4, located in Tuscaloosa County, Alabama.

30 CFR 75.326 provides:

In any coal mine opened after March 30, 1976, the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to March 30, 1970, which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through

NOTICES

such entries (a) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (b) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

The substance of Petitioner's statement is as follows:

1. Petitioner is the successor as of January 26, 1976, to the Coal, Iron and Chemical Division of the United States Pipe and Foundry Company.

2. The No. 4 Mine was opened July 1976, by sinking three concrete-lined shafts approximately 2,000 feet deep to the Blue Creek Coal Seam. The coal seam averages 50 inches in thickness and the cover ranges from 1,800 to 2,300 feet.

3. The Petitioner's mining projections include four three-entry mains, developed on 150-foot centers due to the extreme depth and limitations of the pillar sizes. Longwall panels will be developed on a three-entry system also with the same center distances as mains. This number of entries and mains cannot be increased due to the mine design limitations and inherent roof stability problems which would create greater hazards for the miners.

4. The Blue Creek Coal Seam contains large quantities of methane. The porosity of the seam is quite high and the permeability of the seam is low. U.S. Bureau of Mine officials have estimated the gas entrapment to exceed 450 cubic feet of methane per ton of coal. This condition requires large volumes of air to dilute and remove these large quantities of methane from the working faces and the mine after mining. The high rate of methane liberation dictates that the Petitioner have, at certain times, as much as 20,000 cubic feet of air per minute to dilute and render harmless the gas, whereas the Act only requires 3,000 cubic feet of air per minute.

5. The No. 4 Mine is in the shaft connection stage and therefore has exposed little area for methane liberation. Methane liberation may be as high as 6,000,000-9,000,000 cubic feet of methane in a 24-hour period when full production is achieved.

6. Because of the quantity of air needed to ventilate each working place, extremely large quantities of air are needed to operate each section. The Petitioner will seek to obtain an exception to § 75.327-1 which limits the velocity of air on trolley haulage entries to no greater than 250 feet per minute. However, due to the large number of future sections and track branches, the intake capacity of the track entries for section use is severely limited, leaving only one entry for intake air.

7. The entries used for return, intake and belt haulage are separated by per-

manent type stoppings as required by 30 CFR 75.326. The intake escapeway will be separated from trolley haulage and belt haulage as required by 30 CFR 75.1707. Currently the trolley haulage entry must be separated from the belt haulage entry because of 30 CFR 75.326. Petitioner alleges that experience at other mines in the area has indicated that limitations of velocity on the belt entry creates risks of pockets of methane in dead air spaces in the area of belt entries.

8. Because of the foregoing, the Petitioner has determined that application of the above-quoted mandatory safety standard at the Petitioner's mine has resulted in a diminution of safety to the miners in the mine. Petitioner proposes an alternative method which will better achieve the purposes sought to be gained by such standard, which alternative method will at all times guarantee no less than the same measure of protection that would be afforded the miners by the application of such standards. Such alternative method is as follows:

(a) Petitioner will in lieu of 30 CFR 75.326 utilize its belt entries as intake air entries. Such intake air entries will be in addition to the regular intake air entries.

(b) The belt haulage entries used as intake air entries will be isolated from other intake air entries and return entries by the erection of permanent stoppings. This practice will maintain an escapeway ventilated with intake air and separated from the belt entries and trolley haulage entries pursuant to provisions of 30 CFR 75.1707.

(c) Petitioner will continue to use approved flame-resistant belts in its belt haulage entries, provide each belt drive with an automatic deluge system and fire sensor devices at 125-foot intervals along these belt haulage entries, provide high pressure water lines along these belt haulage entries and outlets at 300-foot intervals along these lines and provide fire hoses, nozzles and other fittings at strategic locations. Petitioner will also provide other safeguards when necessary to control dust and prevent mine fires.

(d) Petitioner will install on all belt entries used for intake air a type of carbon monoxide detection system that is utilized by others in the mining industry under the supervision of MESA.

9. The alternative method set forth hereinabove will provide no less than the same measure of protection to the miners at Petitioner's Blue Creek No. 4 Mine than that sought to be afforded by 30 CFR 75.326.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies

of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35403 Filed 12-1-76; 8:45 am]

[Docket No. M 76X706]

JONES AND LAUGHLIN STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jones and Laughlin Steel Corp. has filed a petition to modify the application of 30 CFR 75.305 to its Vesta No. 5 Mine, located in Washington County, Pennsylvania.

30 CFR 75.305 provides:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area, except those persons referred to in section 104(d) of the Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

The substance of Petitioner's statement is as follows:

1. The mandatory safety standard of which Petitioner seeks a modification is 30 CFR 75.305 as applied to the return air entries of the mine between Kefover Shaft and 43 Face-41 Face of the mine.

2. Petitioner feels that weekly examination of the return air entries, required by 30 CFR 75.305, constitutes a significant hazard to the safety and lives of miners.

3. The subject return entries were developed approximately 25 years ago. Over the years, timbers have deteriorated and considerable spoiling has occurred

around roof bolts and steel posts originally placed during the mining cycle. Today there are numerous roof falls and considerable wall spalling. The return air entries are located in non-coal producing areas of the mine.

4. The area of the mine subject to this Petition is adjacent to the area considered in *Jones & Laughlin Steel Corporation, Vesta-Shannopin Coal Division v. Mining Enforcement and Safety Administration, Petition for Modification, Docket No. M 75-7*.

5. Petitioner proposes to install air monitoring stations for the purpose of determining air flow and content of methane in the return air entries, as a means of guaranteeing that no less protection is afforded to miners in the mine than would be the case if the examinations required under 30 CFR 75.305 were conducted.

6. Petitioner is prepared to comply with the conditions set forth in the decision in the referenced Docket M 75-7.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35404 Filed 12-1-76; 8:45 am]

[Docket No. M 76X707]

JONES AND LAUGHLIN STEEL CORP.
Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jones and Laughlin Steel Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Shannopin Mine, located in Greene County, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within four years after March 30, 1970.

The substance of Petitioner's statement is as follows:

1. In the operation of the mine, two sets of mine rail cars are used for specific unique purposes. These sets of mine rail cars are used in mine operations for limited purposes and restricted conditions.

2. The mine has a set of rail cars designed specifically for the purpose of 30 CFR 75.1305 consisting of a powder car, a detonator car and a tamping material car. These cars are equipped with pin and link couplers and are connected to locomotives with pin and link-automatic bumper coupler adapters. This set of rail cars is operated as a unit, stored and loaded in a surface supply yard; after loading, two locomotives are connected to this unit of rail cars, one at each end; the unit of cars is then pulled into the mine, stopped at the several locations where the powder, detonators and tamping materials are to be unloaded and then pulled out of the mine to be returned to the supply yard for storage. Only at this point are locomotives uncoupled. The cars are never uncoupled or recoupled in the mine.

3. The second set of mine rail cars consists of six supply cars, each mounted with a center swivel rack in the midpoint of the car. Three of the cars are 6 1/2 feet in length, the remaining three are 13 feet in length. These cars are used to transport materials such as track rail up to 39 feet in length, pipe up to 20 feet in length, tampers up to 18 feet in length, steel beams up to 20 feet in length and other similar material too long to be mounted on single cars for safe operation on mine track. In order to obtain sufficient length between the swivel mounted racks for safe transportation upon mine track, extension draw bars are used to separate the rail cars. Bars of 5-foot and 15-foot length are used. The swivel rack mounted rail cars are equipped with pin and link couplers. Draw bars cannot be used with automatic couplers. The supply rail cars are loaded in a surface supply yard, pulled into the mine by locomotives connected with pin and link-automatic coupler adapters and are parked in the mine in areas adjacent to where the supplies will be used. Frequently the locomotives are uncoupled from the cars at these parking locations where the cars will remain until the supplies have been used or unloaded. Under any circumstances these cars are not subjected to coupling and uncoupling on a routine day-to-day basis.

4. In view of the foregoing, it is the position of Petitioner that the two different sets of rail cars described above are not cars which are regularly coupled and uncoupled and, therefore, Petitioner seeks a determination that these sets of rail cars are not subject to the standard of 30 CFR 75.1405.

5. The mandatory safety standard of which Petitioner seeks a modification, if the determination requested in paragraph 4 above is denied, is 30 CFR 75.1405 as it is applied to the two sets of rail cars.

6. Petitioner believes that under the specialized operational practice and the limited use made of the two sets of rail cars at the mine, that the absence of automatic coupling devices does not constitute an additional hazard to employees in the mine. Specifically it is pointed out that in the case of powder, detonator

and tamping cars, the only coupling which takes place is between the end cars of the unit and the locomotives, in which case the pin and link and adapter coupling equipment provides sufficient latitude that it is not necessary for the car or locomotive to be moved to accomplish coupling and, therefore, there is no risk incurred by an employee stepping between the car and the locomotive to effect the coupling. The same is true in the case of the coupling between the supply cars and the locomotive. In the case of coupling between supply car-draw bar-supply car, the cars are intentionally maintained at sufficient distance to permit the introduction of the draw bar between them and, thus, there is little if any danger of an employee being trapped between these cars.

7. It is Petitioner's position that the specific equipment referred to in this Petition and the method of operating that equipment affords miners no less a measure of protection than the use of automatic couplers in normal rail car operations and, therefore, this petition for modification of mandatory safety standard 30 CFR 75.1405 should be granted.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35405 Filed 12-1-76; 8:45 am]

[Docket No. M 76X701]

MID-CONTINENT COAL AND COKE CO.
Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Mid-Continent Coal and Coke Company has filed a petition to modify the application of 30 CFR 77.215(h) to its Dutch Creek No. 1, Dutch Creek No. 2, L. S. Wood No. 3, and Bear Creek No. 4 Mines, all located in Pitkin County, Colorado.

30 CFR 77.215(h) provides:

(h) After October 31, 1975, new refuse piles and additions to existing refuse piles, shall be constructed in compacted layers not exceeding 2 feet in thickness and shall not have any slope exceeding 2 horizontal to 1 vertical (approximately 27°) except that the District Manager may approve construction of a refuse pile in compacted layers exceeding 2 feet in thickness and with slopes exceeding 27° where engineering data substan-

NOTICES

tates that a minimum safety factor of 1.5 for the refuse pile will be attained.

The substance of Petitioner's statement is as follows:

1. These mines are situated at mean sea level elevations of approximately 10,000 ft. on the down-slope of the easterly slope of Huntsman Ridge, a natural geologic formation which forms the westerly boundary of the Coal Creek drainage and, in part, the political boundary between Pitkin and Gunnison Counties, State of Colorado.

2. Each of the refuse piles is a "Non-Impounding, Type IV, Ridge Dump" facility resulting from the discharge of trommel screen reject material. Narrative reports describing each of the facilities, respectively, are attached to this petition, which reports have been previously furnished to MESA.¹

3. The reject material discharges are down-slope from the actual mine site working areas and upon the natural terrain slope which exceeds the ratio of 2-feet horizontal to 1-foot vertical (2:1, or approximately 27° of slope). The natural terrain slopes (and the consequent repose of the refuse discharges) are quite severe and approach a ratio of 2-feet horizontal to 1.5-feet vertical (2:1.5, or approximately 40° of slope, more or less).

4. Because of the steep terrain and severe winter snow conditions which exist approximately 6 months of the year, actual mine site working areas are limited and make conventional refuse pilings at the immediate mine site working areas impractical. Even if conventional refuse piles at the mine site working areas, or as they might be expanded, could be accommodated, it is believed that these would be more hazardous to miners than the present refuse piles, because:

(a) Expanded sites would increase the danger from avalanche during winter months to miners in the proximity of the refuse pile;

(b) Transport of the reject material would entail the handling and movement of reject material down existing haul roads; this would result in a substantial increase in the volume of heavy truck traffic on high mountain roads and would increase accident probability, particularly during winter months when snow and icy road conditions are present; and

(c) The severe restrictions imposed by terrain and boundaries of land ownership do not permit the establishment of a downhill, central refuse pile except at locations which would tend to be impounding and potentially more dangerous than the present refuse piles.

5. The present refuse piles, because of terrain considerations and climatic conditions, present less of a hazard than those of the type and conformation contemplated by the regulation because:

(a) The present refuse discharges are down-slope and away from the actual

mine working areas frequented by miners.

(b) No access (except on foot for substantial distances) is available to the areas of refuse discharge other than at the very top or crest of the discharge slopes.

(c) Access to the overall area of the mine operations and particularly the areas of refuse discharge is controlled by Mid-Continent.

(d) The refuse discharges are in the very headwaters of part of the Coal creek drainage and are so situated as to avoid significant encroachment upon natural streams or regular tributaries to streams; the coarse nature of the refuse material, the surrounding topography, and the hydraulic gradient preclude the retention and impoundment of water resulting from snowmelt or run-off.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,

Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35406 Filed 12-1-76; 8:45 am]

[Docket No. M 76X708]

MID-CONTINENT COAL AND COKE CO.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Mid-Continent Coal and Coke Company has filed a petition to modify the application of 30 CFR 77.215(h) to its Coal Basin No. 5 Mine, located in Pitkin County, Colorado.

30 CFR 77.215(h) provides:

(h) After October 31, 1975 new refuse piles and additions to existing refuse piles, shall be constructed in compacted layers not exceeding 2 feet in thickness and shall not have any slope exceeding 2 horizontal to 1 vertical (approximately 27°) except that the District Manager may approve construction of a refuse pile in compacted layers exceeding 2 feet in thickness and with slopes exceeding 27° where engineering data substantiates that a minimum safety factor of 1.5 for the refuse pile will be attained.

The substance of Petitioner's statement is as follows:

1. This mine is situated at a mean sea level elevation of approximately 9,500 feet, near the toe of the easterly slope of Huntsman Ridge, a natural geologic formation which forms the westerly boundary of the Coal Creek drainage, and, in part, the political boundary be-

tween Pitkin and Gunnison Counties, State of Colorado.

2. The refuse pile is a non-impounding facility resulting from the discharge of trommel screen reject material. A narrative report describing this facility is attached to this petition which report has been previously furnished to MESA.¹

3. Since the preparation of the attached report, several significant modifications have been made and practices initiated with respect to this refuse pile:

(a) The unnamed tributary to Coal Creek previously was proximate to the refuse pile has been relocated away from the refuse pile by the construction of a dike, upstream from the refuse pile, which diverts the tributary into an existing, old channel of the tributary.

(b) The conformation of the refuse pile has been remade with heavy equipment, and the toe of the slope of the refuse pile has been armoured or riprapped with boulders to add to its stability.

(c) Wood, papers, oil cans and trash are being removed from the refuse pile as practicable.

4. Because of winter snow conditions compaction of the refuse pile is not practicable; attempts at compaction during winter months would result in snow being introduced into the refuse pile and would jeopardize the otherwise inherent stability of the pile.

5. Because of the location of the refuse pile in the bottom of a canyon, natural snow accumulations are added to by wind drifts scoured from nearby slopes and deposited on the refuse pile; the resulting snow accumulations are substantial as the winter months progress.

6. A safer practice would be to permit uncompacted accumulations during the winter months, and in the spring after the winter snows have abated, to examine the pile and then to re-conform the refuse pile in accordance with proper safety standards. Because of the size of the reject material which goes into the refuse pile, and because of its coarse nature, the discharge of runoff from snow-melt can be accomplished without dangerous accumulations in the uncompacted material.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director,

Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35407 Filed 12-1-76; 8:45 am]

¹ The enclosed narrative report is available for inspection at the address listed in the last paragraph of this notice.

[Docket No. M 76X705]

PERMAC, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Permac, Inc., has filed a petition to modify the application of 30 CFR 77.214(a) to its Permac, Inc., Preparation Plant No. 1, located in Buchanan County, Virginia.

30 CFR 77.214(a) provides:

Refuse piles constructed on or after July 1, 1971, shall be located in areas which are a safe distance from all underground mine air shafts, preparation plants, tipples, or other surface installations and such piles shall not be located over abandoned openings or steamlines.

The substance of Petitioner's statement is as follows:

1. Petitioner proposes to seal the Hess & Hale Coal Company Mine No. 5, which has three openings, and the H. & B. Coal Company Mine No. 6, which has two openings, for use as a refuse disposal area for its Preparation Plant No. 1. Permac, Inc., has surveyed other optional sites within a reasonable haulage distance of its preparation plant and believes this site to be the best location from both an environmental and safety standpoint.

2. In sealing these mine openings, Petitioner proposes to remove from the mine openings any mud, debris, etc., that might obstruct flow from the mine. A 6-inch steel pipe (0.1-inch thickness) will be placed in the mine opening and in such a manner as to keep the pipe from clogging with any debris which may flow out of the mine interior. The pipe will extend approximately 10 feet into the mine. Stone will then be placed in the mine opening. This stone will be of 4 by 12-inch material with a fines content, upon visual inspection, of less than 15 percent. The stone will be placed into the mine opening to an approximate depth of 5 feet into the mine interior and compacted as much as possible. This stone will also act as support for the mine opening and protection for the drainage pipe. The opening will then be covered with a 2-foot thickness of impervious and noncombustible material, such as clay, to a height of 3 feet over the roof of the opening. The 6-inch pipe will extend approximately 30 feet from the mine opening where it will then drain into and through the filter blanket system of the refuse pile. All pipe connections or bends will be either of watertight weld connections or mechanical gasket-type joints. The pipe will be sloped from the mine openings so as to allow it to drain freely.

3. The two mines are located in the Red Ash seam and have been driven or advanced against the natural grade or dip of the coal seam; thus drainage from within the mine is outward toward the mine openings. The Hess & Hale Coal Co. Mine No. 5 has been inactive since February 1969, and the H. & B. Coal Co. Mine No. 6 has been inactive since

February 1959. Neither mine is interconnected with another mine or mines. Pillars have been partially removed from the Hess & Hale Coal Co. Mine No. 5, but that is not expected to create an adverse drainage situation. Mine maps of the area are available and can be furnished upon request.

4. Enclosed is a cross-sectional diagram of a typical sealed mine opening.

5. Petitioner submits that the waiver of the foregoing provision of the regulations, if applied to the Petitioner's plant, will not create any lesser degree of safety than is now maintained and its implementation would result in severe economic hardship to the Petitioner.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35408 Filed 12-1-76; 8:45 am]

[Docket No. M 76X700]

PLATEAU MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Plateau Mining Company has filed a petition to modify the application of 30 CFR 77.1607(x) to its Star Point No. 1 Mine, located in Carbon County, Utah.

30 CFR 77.1607(x) provides:

Persons shall wear safety belts while dropping railroad cars.

The substance of Petitioner's statement is as follows:

1. It is the position of Plateau Mining Company and of the employees whose duty it is to handle the cars that the safety belts are much more of a hazard than they are a protective device.

2. The car-handling facilities of Plateau Mining Company are on a 4-percent grade. The length of run from the empty storage yard to the tipple is some 1,200 feet. The run of a loaded car is around 1,400 feet. This places a car handler in a dangerous position when dropping cars if he has a brake failure.

3. Since the majority of the rail cars that we must load are old, and the railroads must use what cars are available, we have had many brake failure. As it is

Plateau's policy that cars are never dropped singly but always in pairs, and the brakes are tested as quickly as possible after the cars are rolling, we have limited the number of runaways to a very few.

4. The safety belt adds a danger to the car dropper, slowing down his reaction time to a brake failure. He cannot get off the lead car as quickly to catch and apply the brakes of the second car. The belt also adds a danger in that it tends to become entangled with the car ladders, posing the hazard of literally hanging the dropper from the side of the car. Time is the factor in whether the dropper can get off the car while it is still moving slowly enough. At a 4-percent grade a car will build up in a matter of seconds to a speed that will prevent a man from getting off. If a man were to ride a runaway car to the tipple or to impact with the loaded cars, it would certainly kill or severely injure him.

5. At the speeds of a 4-percent grade and a run of 1,200 to 1,400 feet, rail cars are destroyed or jump off the track. The least that happens is an impact so severe that the coal heaped above the car sides is completely unloaded onto the other cars, down to or below the sides of the cars.

6. The new 100-ton rail cars present a new danger to the car dropper if he must wear a safety belt. The brake position is built in such a manner that the car dropper cannot see the track from the deck. If he must strap himself to the car he cannot see any object that may be in the way.

7. The danger of a man falling from the car is very slight. The brake position is provided with a large deck and there are enough well-spaced hand holds to enable the dropper to ride the car in a comfortable position. The ladders are well built and placed so that the dropper can easily move up and down without any awkward positions.

8. By dropping the cars in pairs, not allowing an inexperienced man to drop a car without an experienced man on the second car and always testing the brakes as soon as possible after the car is moving, serious injuries resulting from a brake failure can be eliminated.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35409 Filed 12-1-76; 8:45 am]

¹ The enclosed diagram is available for inspection at the address listed in the last paragraph of this notice.

NOTICES

[Docket No. M 76X697]

SCOTTS BRANCH CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Scotts Branch Company has filed a petition to modify the application of 30 CFR 75.326 to its Scotts Branch Mine, located in Pike County, Kentucky.

30 CFR 75.326 provides in pertinent part:

In any coal mine opened after March 30, 1970, the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coured through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. ***

The substance of Petitioner's statement is as follows: 1. The coalbed of the Scotts Branch Mine lies below drainage, "i.e.," below the water table, and the operator is in the process of gaining access to said coalbed (the Pond Creek of Lower Elkhorn Seam) by the shaft and slope method.

2. In lieu of the mandatory standard, the operator proposes to provide ventilation on a temporary basis and only in the initial phase of gaining access to the coalbed by separating intake and return air courses in the belt haulage entry (slope). The proposed method, involving two phases or steps, is set forth on white print sketches attached hereto and made a part hereof as Exhibits A, B and C showing, respectively, the "Initial" (present) stage and "Step 1" and "Step 2" of the Development and Ventilation Plan. A white print sketch of the Portal Elevation of the Ventilation Plan is also attached to and made a part of this petition as Exhibit D.

3. In connection with the alternate method, the operator will:

(a) Continuously monitor the methane content of the air and will immediately shut off all underground power circuits when methane content reaches 0.75 percent;

(b) Maintain a twice-per-shift inspection of the belt by certified personnel; and

(c) Provide for distribution of rock dust so that the incombustible content of the combined coal dust, rock dust and other dust in the return air course shall be no less than 80 percent and, in case of the presence of methane, such minimum per centum shall be increased at the rate of 0.4 percent for each 0.1 percent of methane.

4. The alternate method will at all times guarantee no less than the same

measure of protection afforded the miners at the affected mine by the mandatory standard for the following reasons:

(a) The velocity of the ventilation air current at the working faces can and will be maintained at a consistently higher level than would be provided by strict compliance with the mandatory standard.

(b) The plan will provide a larger working area for personnel, supplies and haulage equipment at the bottom of the slope than would be available at the bottom of the shaft.

(c) Transporting personnel, supplies and equipment on the slope will be less hazardous than installing a temporary means of hoisting at the shaft.

(d) Under the proposed alternate method, means of escape for personnel in emergencies will be provided that will not only be safer and faster than that provided only by the shaft, but, in addition, two separate means of escape will thereby be available.

(e) Extraction of the coal will be expedited and, therefore, the period before the entries are connected underground (and conventional ventilation is achieved) will be reduced.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35410 Filed 12-1-76; 8:45 am]

[Docket No. M 76-561]

SMITH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Smith Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1A Mine, located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric

face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches.

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one S&S battery motor which is 28 inches in height, and one Kersey battery motor which is also 28 inches in height.

3. The No. 1A Mine is in the No. 4 seam which ranges from 30 to 34 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35411 Filed 12-1-76; 8:45 am]

¹ The enclosed Exhibits are available for inspection at the address listed in the last paragraph of this notice.

[Docket No. M 76-229]

TWIN RIDGE COAL CO.**Petition for Modification of Application of Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Twin Ridge Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2A Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(6) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows: 1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one 14 Joy loading machine, one spinner loader, two Mescher tractors, one Kersey tractor, and one Paul's Repair Shop roof bolting machine.

3. The No. 2A Mine is in the Lower Elkhorn seam which ranges from 33 to 48 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be in-

NOTICES

stalled in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the equipment allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

NOVEMBER 23, 1976.

[FPR Doc. 76-35412 Filed 12-1-76; 8:45 am]

[Docket No. M 76X689]

VIRGINIA POCAHONTAS NO. 5 MINING CO.**Petition for Modification of Application of Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Virginia Pocahontas No. 5 Mining Company has filed a petition to modify the application of 30 CFR 75.326 to its Virginia Pocahontas No. 5 Mine, located in Buchanan County, Virginia.

30 CFR 75.326 provides:

In any coal mine opened after March 30, 1970, the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to March 30, 1970, which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (a) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (b) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to

the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

The substance of Petitioner's statement is as follows:

1. This mine, like its five predecessors, Beatrice, Virginia Pocahontas No. 1, Virginia Pocahontas No. 2, Virginia Pocahontas No. 3 and Virginia Pocahontas No. 4, in the Pocahontas No. 3 Seam in Buchanan County has been designed on the basis of two active longwall sections and necessary supporting continuous miner sections for development and coal and rock transportation by a track haulage system. The mine development is currently proceeding toward connecting the entries between air, man and supply, and skip shafts.

2. Large quantities of methane gas in the coalbed and adjacent strata are foreseen for the proposed mine based on the experience of the other mines. Thus, large volumes of air and supplementary vertical ventilation gob drainage holes will be required to dilute and carry away the large amounts of methane expected to be liberated.

3. Inherent roof conditions and a maximum overburden of 2,600 feet places strict limitations on the number of airways or entries that can be safely driven, so that multipurpose use of all entries can be provided under the best known and accepted design parameters.

4. Petitioner's proposal is that double split face ventilation with each operation (mining or roof bolting) will be conducted on a separate split of air. This system has been utilized successfully since the first mine in this area was opened in 1964. The method and/or system has had the approval of Federal and State inspection agencies and mine employees for the Beatrice, Virginia Pocahontas No. 1, Virginia Pocahontas No. 2, and Virginia Pocahontas No. 3 Mines. For the Virginia Pocahontas No. 4 Mine the same system of operation has been approved on the basis of a Joint Stipulation contained in the Petition for Modification of Island Creek Coal Company, Docket No. M 73-15, whereby a carbon monoxide detection system was installed by MESA for investigative and testing purposes on all sections with UMWA and company cooperation and assistance.

5. For this new Virginia Pocahontas No. 5 Mine, Virginia Pocahontas No. 5 Mining Company hereby submits a Petition for Modification of the application of section 303(y) (1) of the Federal Coal Mine Health and Safety Act of 1969 and 30 CFR 75.326 to allow similar mining operations consistent with those conducted in the above-mentioned mines together with the installation of a Collins MCM-101 communication and monitoring system. A complete plan and explanation of the proposed system of operation is enclosed.¹

¹ The enclosed plan is available for inspection at the address listed in the last paragraph of this notice.

NOTICES

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director,

Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35413 Filed 12-1-76; 8:45 am]

[Docket No. M 76X690]

VIRGINIA POCOHONTAS NO. 5 MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Virginia Pocahontas No. 5 Mining Company has filed a petition to modify the application of 30 CFR 75.1101 to its Virginia Pocahontas No. 5 Mine, located in Buchanan County, Virginia.

30 CFR 75.1101 provides:

Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives.

The substance of Petitioner's statement is as follows:

1. This mine, like its five predecessors, Beatrice, Virginia Pocahontas No. 1, Virginia Pocahontas No. 2, Virginia Pocahontas No. 3 and Virginia Pocahontas No. 4, in the Pocahontas No. 3 Seam in Buchanan County has been designed on the basis of two active longwall sections and necessary supporting continuous miner sections for development and coal and rock transportation by a track haulage system. The mine development is currently proceeding toward connecting the entries between air, man and supply and skip shafts.

2. Large quantities of methane gas in the coalbed and adjacent strata are foreseen for the proposed mine based on the experience of the other mines. Thus, large volumes of air and supplementary vertical ventilation gob drainage holes will be required to dilute and carry away the large amounts of methane expected to be liberated.

3. Inherent roof conditions and a maximum overburden of 2,600 feet places strict limitations on the number of airways or entries that can be safely driven so that multipurpose use of all entries can be provided under the best known and accepted design parameters.

4. Petitioner's proposal is that double split face ventilation with each operation

(mining or roof bolting) will be conducted on a separate split of air. This system has been utilized successfully since the first mine in this area was opened in 1964. The method and/or system has had the approval of Federal and State inspection agencies and mine employees for the Beatrice, Virginia Pocahontas No. 1, Virginia Pocahontas No. 2, and Virginia Pocahontas No. 3 Mines. For the Virginia Pocahontas No. 4 Mine the same system of operation has been approved on the basis of a Joint Stipulation contained in the Petition for Modification of Island Creek Coal Company, Docket No. M 73-15, whereby a carbon monoxide detection system was installed by MESA for investigative and testing purposes on all sections with UMWA and company cooperation and assistance.

5. For this new Virginia Pocahontas No. 5 Mine, Virginia Pocahontas No. 5 Mining Company hereby submits a Petition for Modification of the application of section 311(f) of the Federal Coal Mine Health and Safety Act of 1969 and 30 CFR 75.1101 to allow similar mining operations consistent with those conducted in the above-mentioned mines together with the installation of a Collins MCM-101 communication and monitoring system. A complete plan and explanation of the proposed system of operation is enclosed.¹

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director,

Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35414 Filed 12-1-76; 8:45 am]

[Docket No. M 76X691]

VIRGINIA POCOHONTAS NO. 5 MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Virginia Pocahontas No. 5 Mining Company has filed a petition to modify the application of 30 CFR 75.1103 to its Virginia Pocahontas No. 5 Mine, located in Buchanan County, Virginia. 30 CFR 75.1103 provides:

On or before May 29, 1970, devices shall be installed on all such belts which will give a warning automatically when a fire occurs on

¹ The enclosed plan is available for inspection at the address listed in the last paragraph of this notice.

or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

The substance of Petitioner's statement is as follows:

1. This mine, like its five predecessors, Beatrice, Virginia Pocahontas No. 1, Virginia Pocahontas No. 2, Virginia Pocahontas No. 3 and Virginia Pocahontas No. 4, in the Pocahontas No. 3 seam in Buchanan County has been designed on the basis of two active longwall sections and necessary supporting continuous miner sections for development and coal and rock transportation by a track haulage system. The mine development is currently proceeding toward connecting the entries between air, man and supply and skip shafts.

2. Large quantities of methane gas in the coalbed and adjacent strata are foreseen for the proposed mine based on the experience of the other mines. Thus, large volumes of air and supplementary vertical ventilation gob drainage holes will be required to dilute and carry away the large amounts of methane expected to be liberated.

3. Inherent roof conditions and a maximum overburden of 2,600 feet places strict limitations on the number of airways or entries that can be safely driven so that multipurpose use of all entries can be provided under the best known and accepted design parameters.

4. Petitioner's proposal is that double split face ventilation with each operation (mining or roof bolting) will be conducted on a separate split of air. This system has been utilized successfully since the first mine in this area was opened in 1964. The method and/or system has had the approval of Federal and State inspection agencies and mine employees for the Beatrice, Virginia Pocahontas No. 1, Virginia Pocahontas No. 2 and Virginia Pocahontas No. 3 Mines. For the Virginia Pocahontas No. 4 Mine the same system of operation has been approved on the basis of a Joint Stipulation contained in the Petition for Modification of Island Creek Coal Company, Docket No. M 73-15, whereby a carbon monoxide detection system was installed by MESA for investigative and testing purposes on all sections with UMWA and company cooperation and assistance.

5. For this new Virginia Pocahontas No. 5 Mine, Virginia Pocahontas No. 5 Mining Company hereby submits a Petition for Modification of the application of section 311(g) of the Federal Coal Mine Health and Safety Act of 1969 and 30 CFR 75.1103 to allow similar mining operations consistent with those conducted in the above-mentioned mines together with the installation of a Collins MCM-101 communication and monitoring system. A complete plan and explanation of the proposed system of operation is enclosed.¹

¹ The enclosed plan is available for inspection at the address listed in the last paragraph of this notice.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35415 Filed 12-1-76; 8:45 am]

[Docket No. M 76-693]

WESTMORELAND COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Westmoreland Coal Company has filed a petition to modify the application of 30 CFR 75.305 to its East Gulf Mine, located in Raleigh County, West Virginia.

Section 75.305 provides, in pertinent part:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in *** at least one entry of each *** return air course in its entirety ***.

The substance of Petitioner's statement is as follows:

1. Westmoreland requests modification of the application of the portion of 30 CFR 75.305 set forth above with respect to the North Mains Barrier section of its East Gulf Mine for the reason that the application of such standard will result in a diminution of safety to the miners.

2. The North Mains Barrier section of the East Gulf Mine consists of three entries driven into the left barrier of the north main for a distance of approximately 2,100 feet. The section is presently under retreat toward the mouth of the north main and will be mined out by the spring of 1977. This working section is well ventilated by a fan located approximately 2,900 feet in by the section. The return air courses for this section consist of mined-out areas. Although these return air courses are open, Petitioner feels that they are too dangerous to be traveled and inspected weekly as required by 30 CFR 75.305.

3. Petitioner avers that enforcement of the pertinent portion of 30 CFR 75.305 to the North Mains Barrier section of this mine will severely diminish rather than increase the overall safety of the miners.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 3, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 22, 1976.

[FR Doc. 76-35416 Filed 12-1-76; 8:45 am]

INTERNATIONAL TRADE COMMISSION

PRIVACY ACT OF 1974

Additional Routine Uses

Notice is hereby given that the United States International Trade Commission in accordance with 5 U.S.C. 552a(e) (11), as added by section 3 of the Privacy Act of 1974 (Pub. L. 93-579), proposes to establish the following additional "routine uses" on the system of records it maintains on identifiable individuals. The U.S.I.T.C. published on September 16, 1976, in the *FEDERAL REGISTER* (41 FR 40045-40047) notice of three systems of records which it maintains on individuals:

I. Employment and Financial Disclosure Records;

II. Budgetary and Payroll-related Records; and

III. Time and Attendance Records. Notice of adoption of the proposed systems notices was published in the *FEDERAL REGISTER* (40 FR 47978) on October 10, 1975.

All other systems of records on identifiable individuals maintained by the U.S.I.T.C. are covered by the notices for government-wide systems of records published by the Civil Service Commission on August 27, 1975.

The Commission proposes to amend the Budgetary and Payroll-related Records system by adding the following "routine uses":

Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or in the absence thereof, pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Chief of Financial Management, United States Inter-

national Trade Commission 701 E Street NW, Washington, D.C. 20436. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Chief of Financial Management, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Pub. L. 93-579.

The Commission further proposes to add the following appendix of "routine uses" for all the systems of records which it maintains on individuals:

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity

NOTICES

investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

**PUBLIC COMMENT ON ADDITIONAL
"ROUTINE USES"**

Written comments concerning the additional "routine uses" are invited from interested persons pursuant to 5 U.S.C. 552(a)(e)(11). Comments may be presented in writing to the Office of the Secretary, United States International Trade Commission, 701 E Street NW, Washington, D.C. 20436. All comments received not later than December 15, 1976, will be considered. In the absence of Commission action to the contrary, the proposed "routine uses" will become effective December 30, 1976.

Issued: November 30, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-35659 Filed 12-1-76;8:45 am]

**NATIONAL COMMISSION ON
ELECTRONIC FUND TRANSFERS**

REVISED NOTICE OF MEETING

The National Commission on Electronic Fund Transfers intends to conduct its meeting of December 3, 1976, which was previously announced in the **FEDERAL REGISTER** (41 FR 52345) in closed session. At this meeting the Commissioners will discuss testimony which they have been invited to present before the United States Senate. The Commission has initiated procedures to obtain a written determination of closing pursuant to Section 10(d) of the Federal Advisory Committee Act. Inquiries should be directed to Ms. Janet Miller, 202/254-7400.

Dated: December 1, 1976.

JAMES O. HOWARD, Jr.,
General Counsel.

[FR Doc.76-35750 Filed 12-1-76;11:50 am]

**NUCLEAR REGULATORY
COMMISSION**

**ADVISORY COMMITTEE ON REACTOR
SAFEGUARDS REACTOR SAFETY STUDY
WORKING GROUP**

Meeting Postponed

The December 8, 1976 meeting of the ACRS Reactor Safety Study Working Group, announced in FR Vol. 41, Novem-

ber 22, 1976, page 51478, has been postponed to January 4, 1977 to accommodate the schedules of invited participants.

Dated: November 29, 1976.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.76X35440 Filed 12-1-76; 8:45 am]

[Docket No. 50-324]

CAROLINA POWER AND LIGHT CO.

**Issuance of Amendment To Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-62, issued to Carolina Power & Light Company (the licensee), which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility) located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment revises the limiting conditions for operation and surveillance requirements for safety related shock suppressors (snubbers).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 5, 1976, (2) Amendment No. 22 to License No. DPR-62, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. 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 15th day of November 1976.

For the Nuclear Regulatory Commission,

A. SCHWENCER,
Chief, Operating Reactors
Branch #1, Division of Oper-
ating Reactors.

[FR Doc.76-35349 Filed 12-1-76;8:45 am]

[Docket No. 50-324]

CAROLINA POWER AND LIGHT CO.

**Issuance of Amendment To Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-62, issued to Carolina Power & Light Company (the licensee), which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility) located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

This amendment reduces the operating limit minimum critical power ratio to 1.23 for fuel exposures of less than 6000 megawatt-days per ton, and lowers the rod block monitor setpoint to 106%.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 11, 1976, (2) Amendment No. 23 to License No. DPR-62, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. 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 16th day of November 1976.

For the Nuclear Regulatory Commission,

A. SCHWENCER,
Operating Reactors Branch #1,
Division of Operating Re-
actors.

[FR Doc.76-35350 Filed 12-1-76;8:45 am]

[Docket Nos. 50-237, 50-249, 50-254 and
50-265]

**COMMONWEALTH EDISON CO. AND IOWA-
ILLINOIS GAS AND ELECTRIC CO.**

**Issuance of Amendments to Facility
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued

Amendment Nos. 17, 15, 35 and 34 to Facility Operating License Nos. DPR-19, DPR-25, DPR-29 and DPR-30 (respectively), issued to the Commonwealth Edison Company (and in the matter of License Nos. DPR-29 and DPR-30, the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of Unit Nos. 2 and 3 of the Dresden Nuclear Power Station (located in Grundy County, Illinois) and Unit Nos. 1 and 2 of the Quad Cities Nuclear Power Station (located in Rock Island County, Illinois). These amendments are effective as of their date of issuance.

The amendments permit changes to the testing requirements for the standby gas treatment system, make changes to clarify the intent of the current requirement on system fan performance, and change the frequency for tests and sample analyses to be consistent with the operating cycle of the reactor. Changes were made to the Bases to provide guidance on recommended filter replacement quality levels. Because modifications to the plant are necessary to accomplish several of the testing and surveillance requirements, implementation of the applicable Specifications and Bases have been delayed until about December 31, 1976. Interim requirements have been levied in these cases.

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 impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 5, 1975, (2) Amendment Nos. 17 and 15 to License Nos. DPR-19 and DPR-25, and Amendment Nos. 35 and 34 to License Nos. DPR-29 and DPR-30 and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and for those items relating to Dresden Unit Nos. 2 and 3 at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450, and for those items relating to Quad Cities Unit Nos. 1 and 2 at the Moline Public Library, 504 17th Street, Moline, Illinois 60625. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commis-

sion, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of November, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of
Operating Reactors.

[FR Doc. 76-35132 Filed 12-1-76; 8:45 am]

[Docket No. P-636A]

FLORIDA POWER AND LIGHT CO.

Notice and Order Setting First Prehearing Conference Order

Before the atomic safety and licensing board. In the matter of Florida Power and Light Co. (South Dade Nuclear Units).

The Board will conduct a prehearing conference on December 9, 1976 as soon after 1:30 p.m. as earlier business will permit, at the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland. The Board will consider pending motions concerning discovery and any other outstanding matters.

Simultaneously with this Notice and Order, the Intervention Board in Turkey Point Plant, Units 3 and 4, Docket Nos. 50-250A and 50-251A and St. Lucie Plant, Units 1 and 2, Docket Nos. 50-335A and 50-389A is issuing an order calling for oral arguments in that proceeding at 1:30 p.m. December 9, 1976 at the same location. The prehearing conference in this proceeding will follow immediately.

It is so ordered.

Dated at Bethesda, Maryland this 23rd day of November 1976.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc. 76-35133 Filed 12-1-76; 8:45 am]

[Docket Nos. 50-335A, 50-389A, 50-250A, 50-251A]

FLORIDA POWER AND LIGHT CO. (ST. LUCIE PLANT, UNITS 1 AND 2)

FLORIDA POWER AND LIGHT CO. (TURKEY POINT PLANT, UNITS 3 AND 4)

Order for Oral Arguments

Before the Atomic Safety and Licensing Board.

The Board constituted to rule upon the Florida Cities' petition for leave to intervene and request for a hearing wishes to be advised by oral arguments concerning:

- (1) What effect the granting of the intervention petition would have upon the issuance of a construction permit in St. Lucie No. 2;
- (2) The authority of this Board to order an antitrust hearing after the issuance of the operating licenses for the Turkey Point units; and
- (3) The applicability of 10 CFR 2.206 to antitrust matters. Arguments will be

heard on December 9, 1976 at 1:30 p.m. at the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

Immediately following the discussion of these matters, the Licensing Board will convene a prehearing conference in South Dade Nuclear Units, Docket No. P-636A, to consider pending discovery matters. The notice and order of this conference in Docket P-636A is being issued simultaneously with this Order.

Because the Seminole Cooperatives, Intervenors in South Dade, Docket No. P-636A, may have an interest in the Turkey Point/St. Lucie No. 2 considerations, Seminole and its counsel are invited to attend and participate fully in both sessions.

It is so Ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland this 23rd day of November 1976.

IVAN W. SMITH,
Chairman.

[FR Doc. 76-35134 Filed 12-1-76; 8:45 am]

[Docket No. 50-3211]

GEORGIA POWER CO. OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will lower the Main Steam Isolation Valve (MSIV) low main steamline pressure closure set point from 880 psig to 825 psig.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 4, 1975, supple-

NOTICES

mented by letters dated October 9, 1975, June 23, 1976 and August 18, 1976, (2) Amendment No. 24 to License No. DPR-57 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

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 22nd day of November, 1976.

For the Nuclear Regulatory Commission,

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.

[FR Doc.76-35185 Filed 12-1-76;8:45 am]

[Docket Nos. 50-498A and 50-499A]

HOUSTON LIGHTING AND POWER COMPANY, ET AL. (SOUTH TEXAS PROJECT, UNITS 1 AND 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this antitrust proceeding:

Alan S. Rosenthal, Chairman
Richard S. Salzman
Jerome E. Sharfman

Dated: November 23, 1976.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-35136 Filed 12-1-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO.
ET AL.

Issuance of Amendment to Facility Operating License

Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and Western Massachusetts Electric Company.

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Con-

nnecticut. The amendment is effective as of its date of issuance.

The amendment changed the Technical Specifications to remove a power level restriction which was associated with previous operation of the facility using excore detectors, and added a more restrictive remedial action in the event that the Axial Shape Index operating limits are exceeded.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d) (4) an environmental statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 21, 1976, (2) Amendment No. 21 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

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 23 day of November 1976.

For the Nuclear Regulatory Commission,

GEORGE LEAR,
Chief, Operating Reactors
Branch #3, Division of
Operating Reactors.

[FR Doc.76-35138 Filed 12-1-76;8:45 am]

[Dockets Nos. 50-245 and 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendments to Facility Operating Licenses and Negative Declaration

Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and Western Massachusetts Electric Company.

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Provisional Oper-

ating License No. DPR-21 and Amendment No. 20 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, the Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised the Environmental Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2 (the facilities), located in the Town of Waterford, Connecticut. The amendments are effective as of their date of issuance.

The amendments modified the Environmental Technical Specifications for the facilities to (1) delete survey, sampling and measurement studies which have been completed, (2) reduce the sampling frequencies and locations for certain other programs and (3) clarify the effluent monitoring requirements of specifications 2.4.1.3.E and 2.4.2.3.D.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action.

For further details with respect to this action, see (1) the applications for amendment dated April 19, 1976 (as supplemented by letter dated October 5, 1976) and August 18, 1976, (2) Amendments Nos. 32 and 20 to Licenses Nos. DPR-21 and DPR-65, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

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 23 day of November 1976.

For the Nuclear Regulatory Commission,

GEORGE LEAR,
Operating Reactors Branch No.
3, Division of Operating Reactors.

[FR Doc.76-35137 Filed 12-1-76;8:45 am]

[Docket Nos. 50-514, 50-515]

PORLAND GENERAL ELECTRIC CO., ET AL. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 AND 2)

Order Scheduling Evidentiary Hearing

Confirming conference telephone calls of November 23 and 24, 1976, the evidentiary hearing in this proceeding will be resumed on January 18, 1977, at 9:30 a.m., local time, in the U.S. Court of Appeals Courtroom, The Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oregon.

As noted in the calls, all outstanding matters, with the exception of need for power, will be included in the agenda for this resumed hearing as follows:

(1) Testimony of Intervenors' witness, Mr. Loren Johnson (Tr. 3205)—he will be first witness.

(2) Testimony concerning the West Roosevelt alternate site (Tr. 3205).

(3) Board Witness, Dr. James Teeter (Tr. 3236).

(4) Testimony concerning the matter of uranium availability and utilization (Tr. 3092 and Board Memorandum dated November 8, 1976).

(5) With reference to Appendix I, the submission by the Staff of a proposed draft condition that would preserve the very low doses projected by the Staff as part of the cost-benefit balance. (Tr. 2895).

(6) Implementation of the Supplemental General Statement of Policy re the Fuel Cycle—Revised Table S-8.

All the Parties agreed that written testimony would be served by January 5, 1977. The Board approved discovery by the Intervenors concerning the uranium matter with the understanding that all Parties would be prepared to cover this matter at the evidentiary hearing in January. The Staff agreed to furnish immediately to all the Parties appropriate material on this subject in order that discovery could proceed expeditiously. The Board expects the Parties to mutually agree on a suitable date for the submission of any additional written testimony on the uranium matter.

With respect to the resumption of the evidentiary hearing on the need for power issue, the Skagit Board and this Board have tentatively set the schedule for the first week in March.

Issued at Bethesda, Md., this 29th day of November 1976.

It is so ordered.

For the Atomic Safety and Licensing Board,

JAMES R. YORE,
Chairman.

[FR Doc. 76-35441 Filed 12-1-76; 8:45 am]

[Docket Nos. 50-443; 50-444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL. (SEABROOK STATION, UNITS 1 AND 2)

Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's Order of November 23, 1976, oral argument on

the appeals from the June 29, 1976 initial decision of the Licensing Board in this proceeding is calendared for 9 a.m., Friday, December 10, 1976, in the Courtroom of the Superior Court, Hillsborough County Courthouse, 19 Temple Street, Nashua, New Hampshire.

For the Atomic Safety and Licensing Appeal Board.

Dated: November 23, 1976.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 76-35139 Filed 12-1-76; 8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.114, Revision 1, "Guidance on Being Operator at the Controls of a Nuclear Power Plant," describes a method acceptable to the NRC staff for complying with the Commission's regulations that require an operator to be present at the controls of a nuclear power plant. This guide was revised as the result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 23rd day of November 1976.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 76-35141 Filed 12-1-76; 8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.13, "Performance, Testing, and Procedural Specifications for Thermoluminescence Dosimetry: Environmental Applications," provides minimum acceptable performance criteria for TLD systems used to measure levels of radiation in the environs of nuclear facilities. It also provides procedures for calibration, field application, and reporting. This guide endorses ANSI Standard N545-1975, "Performance, Testing, and Procedural Specification for Thermoluminescence Dosimetry (Environmental Applications)."

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. Public comments on Regulatory Guide 4.13 will, however, be particularly useful in evaluating the need for an early revision if received by January 31, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

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 24th day of November 1976.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc. 76-35352 Filed 12-1-76; 8:45 a.m.]

VIRGINIA ELECTRIC AND POWER CO.

[Docket Nos. 50-338, 50-339]

Availability of an Addendum to the Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United

NOTICES

States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that an Addendum to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation has been issued. The Addendum represents an updated assessment of the environmental impacts associated with the proposed operation of the North Anna Power Station, Unit Nos. 1 and 2, located in Louisa County, Virginia. Notice of the availability of the Commission's Final Environmental Statement was published in the *FEDERAL REGISTER* on April 6, 1973 (38 FR 2760).

Copies of the Addendum have been transmitted to the Council on Environmental Quality and copies are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia, and the office of the County Administrator, Board of Supervisors, Louisa County Courthouse, Louisa, Virginia. Copies are also available at the Division of State Planning and Community Affairs, 1010 James Madison Building, 109 Governor Street, Richmond, Virginia, and Thomas Jefferson PDC, 701 East High Street, Charlottesville, Virginia.

Copies of the Addendum (Document No. NUREG-0134) may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at a cost of \$4.50 for printed copies and \$3.00 for microfiche.

Dated at Rockville, Maryland this 24th day of November 1976.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects
Branch 2, Division of Site
Safety and Environmental
Analysis.

[FR Doc. 76-35351 Filed 12-1-76; 8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC POWER CO.;
WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility
Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 1, located in the Town of Two Creeks, Manitowac County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications that will allow operation of Unit No. 1 in core Cycle 5 by (1) eliminating the fuel residence time limit, (2) modifying the control rod insertion limits and the core power dis-

tribution limits, and (3) appropriately changing the reactor core description.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the *FEDERAL REGISTER* on September 9, 1976 (41 FR 38236). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 30, 1976 as supplemented by letter dated October 11, 1976, (2) Amendment No. 22 to License No. DPR-24, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Document Department, University of Wisconsin, Stevens Point Library, ATTN: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of November 1976.

For the Nuclear Regulatory Commission,

JAMES J. SHEA,
Operating Reactors Branch No.
3, Division of Operating Re-
actors.

[FR Doc. 76-35140 Filed 12-1-76; 8:45 am]

[Docket No. PRM-20-7]

NATIONAL RESOURCES DEFENSE
COUNCIL

Extension of Comment Period

On September 23, 1976, the Nuclear Regulatory Commission published in the *Federal Register* (41 FR 41759) a notice that a petition for rule making had been filed with the Commission on behalf of the Natural Resources Defense Council. The petitioner requested the Commission to adopt interim regulations setting standards for shallow land disposal of low-level radioactive wastes. Interested persons were invited to comment on the petition by November 22, 1976.

In view of a recent request by Nuclear Engineering Company that the comment period be lengthened, the Commission is hereby extending the time for filing comments.

Accordingly, all interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send them to the Secretary of the Commission, Attention: Docketing and Service Branch, United States Regulatory Commission, Washington, D.C. 20555 on or before December 22, 1976.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated this 1st day of December 1976 at Washington, D.C.

For the Nuclear Regulatory Commission,

SAMUEL J. CHILK,

Secretary of the Commission.

[FR Doc. 76-35736 Filed 12-1-76; 10:47 am]

NATIONAL TRANSPORTATION
SAFETY BOARD

[N-AR 76-49]

CORRESPONDENCE CONCERNING
SAFETY RECOMMENDATIONS

Receipt and Availability

Letters in Response to Recommendations.—In answer to recommendations previously issued, the National Transportation Safety Board has within the past week received letters from the following components of the U.S. Department of Transportation:

Federal Aviation Administration—

Letter of November 9 concerns recommendations A-76-85 and A-76-86 and supplements FAA letter of October 15 (41 FR 48617, November 4, 1976). These recommendations were issued as a result of the Board's special study, NTSB-AAS-76-3, "Nonfatal, Weather-Involved General Aviation Accidents, 1964-1974." (See 41 FR 34125, August 12, 1976, and 41 FR 37165, September 2, 1976.) The November 9 letter is specific to the last three of six means, or methods, recommended by A-76-86 for implementing pilot education on hazards associated with unfavorable winds during the landing regime.

Concerning method 4 of A-76-86, FAA has requested its Flight Standards Technical Division in Oklahoma City to study the feasibility of issuing a new or revised Exam-O-Gram to emphasize such hazards (targeted for June 1977.) In answer to methods 5 and 6 of this recommendation, FAA states that revised 14 CFR 61.105 requires that an applicant for a private pilot certificate must have logged ground instruction from an authorized instructor or show that he has satisfactorily completed instruction in recognizing critical weather situations

from the ground and in flight, and the procurement and use of aeronautical weather reports and forecasts. This action is in preparation for an applicant's taking a written examination. To further complement the intended increased weather emphasis in new Parts 61 and 141, FAA has also placed greater emphasis on the practical application of such knowledge in the new private pilot written examinations relating to Part 61 (revised). Under new Part 61, both the private and commercial pilot flight tests stress weather information, according to FAA.

FAA, in a second letter dated November 9, has responded to recommendations A-76-116 through A-76-119 which concerned major structural alterations to Piper PA-23 aircraft. (See 41 FR 35088, August 19, 1976.) Re A-76-116, FAA reviewed the reports of accidents involving these airplanes and has not found any which are attributable to the long nose installation. FAA issued Airworthiness Directive 72-21-07 on October 19, 1972, to cover production airplanes and revised the AD on April 29 to cover those Model PA-23-250 airplanes which had been modified. In view of this, FAA states, "We do not consider a costly, time-consuming search to locate modified airplanes to be justified."

Regarding A-76-117, FAA has reviewed AD 72-21-07 and considers it applicable to Piper PA-23-250 airplanes only. FAA would "require separate assessments, substantiation, including flight testing, for approval of long nose modifications to other models." Re A-76-118 and A-76-119, FAA is preparing a notice to alert field inspectors of the need to obtain engineering approval for future modifications related to installation of the extended nose on Piper PA-23 airplanes. This notice will also contain material covering the points raised in these recommendations. FAA expects to issue this notice within the next 45 days.

FAA, by letter of November 12, concurs with recommendation A-76-121, issued following Board investigation of the fatal spin and crash last January 17 of a Beech D95A in the airport traffic pattern near Montgomery Airpark, Gaithersburg, Maryland. (See 41 FR 39845, September 16, 1976.) To implement the recommendation, FAA plans to (1) recommend to flight instructors, through the FAA Flight Instructor Refresher Unit and industry organizations approved to conduct flight instructor clinics, that they eliminate engine shutdowns at low altitudes; (2) provide this same information to other aviation groups and recommend that they pass it to their members; and (3) prepare an operations bulletin advising FAA field inspectors to apprise the aviation community of the dangers associated with intentional engine shutdowns at low altitudes.

Materials Transportation Bureau—

Letter of November 12 is in reply to Safety Board letter of October 27 requesting further consideration of recommendation I-76-4, and refers to MTB's

letter of June 1 (41 FR 24639, June 17, 1976) and the subsequent MTB/NTSB staff meeting of July 26. The recommendation is one of four issued following investigation of the explosion of a Burlington Northern railroad tank car shipment of monomethylamine nitrate at Wenatchee, Washington, August 6, 1974. (See 41 FR 10481, March 11, 1976.)

With reference to the July 26 meeting, MTB states, "It was clear from the discussion that what was needed was an educational program to broaden the awareness of the manufacturer, shipper, or carrier to include the importance of product quality control. It was agreed that additional regulations would probably be less effective in a program which makes the responsible parties more aware of their actions." Accordingly, MTB offers an Office of Hazardous Materials Operations publication, the *OHM Newsletter*, as one vehicle to broaden the awareness; attached to MTB's letter is a copy of the October 1976 issue in which the MTB Director addresses an open letter to the public regarding "product quality control."

U.S. Coast Guard—

Letter of November 10 provides an update on recommendation M-74-9 which was issued as a result of the investigation of the foundering of the M/V Maryland in Albemarle Sound, North Carolina, December 18, 1971 (report No. USCG/NTSB-MAR-74-3). The recommendation asked for the Coast Guard to structure the results of its towing vessel stability study into operating information which could be used as a guide by the operators of towing vessels. Coast Guard states that the draft of "A Guide to Safety in Towing," referenced in its July 20 letter (41 FR 32796, August 5, 1976) is now under final review by the Coast Guard and the U.S. Coast Guard Towing Industry Advisory Committee, publication expected early next year. The letter also notes that the towing vessel stability study has been completed and that the contractor has recommended several design stability criteria for safer towing; these recommendations are scientific in nature, and are not adaptable for inclusion in the towing publication. However, according to the Coast Guard, major sections of the guides entitled "Towing Methods" and "Dangers in Tow Handling" will include appropriate recommendations for use by towing vessel operators.

Safety Board Reply to Recommendation Response.—Board letter of November 18 is in further reply to the Washington State Highway Commission's letter of September 24, 1976, which questioned the Board's use of certain friction tests in reaching conclusions Nos. 2 and 9 of the accident report (No. NTSB-HAR-76-7) which followed Board investigation of the crash of a gasoline truck and trailer last December 4 in a heavy rainstorm at Seattle, Washington. (See 41 FR 43255, September 30, 1976.)

In reply to the Commission's September 24 letter, the Safety Board on Octo-

ber 21 stated, "We are satisfied that there is no need to change conclusions 2 and 9 inasmuch as they are factually related to the circumstances of the accident and not dependent upon test skid numbers." The Board further noted, "The marginal traction capability of the pavement under the conditions experienced at the time of the accident is the basis for our recommendations. (Reference recommendations H-76-29 and H-76-30 issued by the Board to the Commission in connection with this accident.)

The Safety Board's November 18 letter again calls the attention of the Director of Highways of the State of Washington to the "two very obvious facts: (1) the coefficient of friction on the Alaskan Way Viaduct on December 4, 1975, was insufficient to enable the accident truck traveling two miles per hour above the posted speed limit in a heavy rain, to maintain its vehicle-to-road stability, and (2) under similar circumstances of weather, speed, and vehicle type, other accidents could occur with possibly more drastic results."

Further, the November 18 letter asked the Commission to reconsider its response after it has first complied with recommendation H-76-29. That recommendation asked that skid tests be conducted on the viaduct roadway to determine whether there is a problem relative to the road surface and, if such is the case, that the road surface be improved. The Board also suggested that, since it is so close to the anniversary date of the accident, skid tests be run under temperature conditions similar to those at the time of the accident.

Copies of letters responding to safety recommendations and Safety Board replies may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by 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

NOVEMBER 29, 1976.

[FR Doc. 76-35532 Filed 12-1-76; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on Nov. 26, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the *FEDERAL REGISTER* is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of in-

NOTICES

formation; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

"Reputational" Study of Major Innovations In Four Fields of Science, singletime, Senior Scientists in Four Fields of Science, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), Telephone Interview Guide On CDBG Environmental Review, singletime, local government, community development directors, Housing, Veterans and Labor Division, C. Louis Kincannon, 395-3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Directory of National Unions and Employee Associations, unaffiliated intrastate and single-employer unions, BLS-2441 244 2441 B&C 2725, singletime, labor organizations, Strasser, A., 395-5867.

DEPARTMENT OF THE TREASURY

Bureau of Customs, Cargo Declaration, CF 1302-1302A, on occasion, shipping companies, Tracey Cole, 395-5870.

DEPARTMENT OF TRANSPORTATION

Departmental and other certification/agreement, annually, public service commissions, Caywood, D. P., 395-3443.

REVIEWS

DEPARTMENT OF COMMERCE

Bureau of Census, Report On Production of Truck Trailers, M-37L, monthly, manufacturing establishments, Cynthia Wiggins, 395-5631.

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Division (ESA), Economic Survey Schedule, WH-1, on occasion, business firms, farms, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, institutional application and nomination for a national teaching fellowship, OE 1131, on occasion, prospective faculty members with master's degree, minimum. Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Food Collection Schedule—collection schedule for new or replacement outlets—food stores outlet information, 2911, monthly, grocery stores, Strasser, A., 395-5867.

Virgin Island Food Pricing For USDA, BLS 2911.0, monthly, grocery stores, Strasser, A., 395-5867.

Employer expenditures for selected compensation practices, manufacturing, mining, and construction establishments, BLS 2868, annually, private non-farm establishments, Strasser, A., 395-5867.

Employment and Training Administration, Process evaluation of decentralized CETA programs, MT-1062, single time, CETA prime sponsor staff and planning council, Strasser, A., 395-5867.

Bureau of Labor Statistics, Ral. handbook on estimating unemployment, new entrant and reentrant unemployment, on occasion, based on administrative records, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 76-35579 Filed 12-1-76; 8:45 am]

CLEARANCE OF REPORTS

List of Request

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 24, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the *FEDERAL REGISTER* is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Requirements of Very Large Scientific Computers, singletime, users of large scientific computers, Information Systems Division, 395-3785.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, National Surveillance of Dialysis-Associated Hepatitis, CDC-4-287, annually, directors of dialysis units, Richard Elsinger, 395-6140.

Social Security Administration, Specialization Survey of Public Reaction to Contact With Social Security, SSA-3394, singletime, individual's visiting selected Social Security Offices, Human Resources Division, C. Louis Kincannon, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary):

Real Estate Settlement Record, HUD-51975, on occasion, local authorities, Housing, Veterans and Labor Division, 395-3532.

Land Summary, HUD-5325, on occasion, local authorities, Housing, Veterans and Labor Division, 395-3532.

Biweekly Report of Site Acquisition, HUD-51973, on occasion, local authorities, Housing, Veterans and Labor Division, 395-3532.

Request for Land Purchase Approval, HUD-51974, on occasion, local authorities, Housing, Veterans and Labor Division, 395-3532.

Final Report on Completed Land Acquisition, HUD-5922, on occasion, local authorities, Housing, Veterans and Labor Division, 395-3532.

REVISONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Papaya Survey (Hawaii), Quarterly, Papaya Growers, Hulett, D. T., 395-4730.

Packers and Stockyards Administration, Application for Registration Under Packers and Stockyards Act (agencies or dealers selling livestock interstate), PSA 116, on occasion, livestock market agencies and dealers, Marsha Traynham, 395-4529.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Application for Presenting New or Improved Articles, GSA1171, on occasion, private enterprise supplies, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service, Regulation—Importation of Dairy Products Under Section 22, RT Control, on occasion, importers, Marsha Traynham, 395-4529.

Rural Electrification Administration, Statement of Engineering Fee—Telephone, REA 506, on occasion, consulting engineers of REA telephone borrowers, Marsha Traynham, 395-4529.

Agricultural Stabilization and Conservation Service, Application for ASCS (Agricultural Stabilization and Conservation Service) County Employment, ASCS-675, on occasion, applicants, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 76-35580 Filed 12-1-76; 8:45 am]

POSTAL SERVICE

ROCHESTER MANAGEMENT SECTIONAL CENTER AND GENERAL MAIL FACILITY

Preparation of Draft Environmental Statement

Consistent with section 775.6(a) of the proposed Environmental Statement Procedures published by the Postal Service in the *FEDERAL REGISTER* on August 24, 1976 (41 FR 35725), and being followed pending final adoption, the Postal Service gives early public notice of its decision to prepare a Draft Environmental Impact Statement (DEIS) for its Rochester Management Sectional Center and General Mail Facility project.

The DEIS will include an analysis of the impact of alternative facility operations proposals for the Rochester Management Sectional Center. This analysis will include the new General Mail Facility (GMF) to be located on Jefferson Avenue in Henrietta, New York; the present General Post Office (GPO) and Vehicle Maintenance Facility (VMF) in Rochester, New York; the Sectional Center Facility (SCF) in Henrietta; the

Twelve Corner Station in Brighton (zone 18); and the Southtown Station in Henrietta (zone 23).

On October 13, 1976, the Postal Service retained the Cannon Partnership, Grand Island, New York, to prepare the DEIS. The Cannon Partnership will be assisted by Ecology and Environment, Inc., Buffalo, New York.

The DEIS will meet the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. No. 91-190, 42 U.S.C. 4321 et seq.; Title IV of the Intergovernmental Cooperation Act of 1968, Pub. L. No. 90-577, 42 U.S.C. 4231-4233; Postal Service Environmental Statement Procedures, 39 C.F.R. Part 775; and the court's decision in *City of Rochester and Genesee, Finger Lakes Regional Planning Board v. U.S. Postal Service*, Civil No. 76-6055 (2d Cir., Sept. 3, 1976).

Upon preparation of the DEIS, notice of its availability will be published in the **FEDERAL REGISTER**, and comments will be invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies

having jurisdiction by law or special expertise with respect to any environmental impact involved.

Requests for additional information should be addressed to Mr. William E. Flinn, MSC Manager/Postmaster, 216 Cumberland Street, Rochester, New York 14603.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 76-35417 Filed 12-1-76; 8:45 am]

SMALL BUSINESS ADMINISTRATION

ATLANTIC SMALL BUSINESS INVESTMENT CORP.

License Surrenders

Notice is hereby given that the corporations listed below which have been in the process of surrender for diverse periods of time since 1967, have surrendered their licenses to operate as small business investment companies under the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.):

Name	Location	Date Licensed	License No.
Atlantic Small Business Investment Corp.	Atlantic City, N.J.	Mar. 8, 1961	02/03-0021
Chevron Capital Corp.	New York, N.Y.	July 14, 1960	02/02-0025
Connecticut Venture Capital Corp.	Hartford, Conn.	June 28, 1961	01/02-0078
Equity Capital Corp.	San Francisco, Calif.	Dec. 11, 1959	12/12-0008
First Investment Capital Corp.	Aiken, S.C.	June 13, 1961	04/04-0038
Hawkeye Venture Capital Corp.	Sioux City, Iowa	May 4, 1964	07/07-0073
Lincoln Growth Capital Corp.	Lafayette, Calif.	Nov. 12, 1963	09/12-0085
Medical Capital Corp.	Decatur, Ill.	May 29, 1962	05/07-0059
Medical & General Capital Funds, Inc. (The)	Jamaica, N.Y.	Dec. 30, 1960	02/02-0055
Midwest Small Business Investment Co.	Detroit, Mich.	June 13, 1963	05/15-0011
Northwest Science Investment Corp.	Portland, Oreg.	May 4, 1962	10/13-0020
Norwood Capital Corp.	Greenville, S.C.	May 3, 1968	04/04-0043
Oklahoma Small Business Investments, Inc.	Oklahoma City, Okla.	Nov. 5, 1963	01/10-0109
Pacific Coast Capital Corp.	Lafayette, Calif.	May 4, 1964	09/12-0115
Techni Fund, Inc.	Columbus, Ohio	Apr. 1, 1960	03/04-0005
Universal SBIC, Inc.	New York, N.Y.	Feb. 21, 1962	02/02-0110
Webster Capital Corp.	Columbia, S.C.	May 3, 1966	04/04-0050

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the licenses is accepted herewith and, accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 24, 1976.

JOHN T. WETTACH,
Associate Administrator for
Finance and Investment.

[FR Doc. 76-35418 Filed 12-1-76; 8:45 am]

FOURTH STREET CAPITAL CORP.

[Proposal No. 05/05-0113]

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1976)) by Fourth Street Capital Corp., 508 Dixie Terminal Building, Cincinnati, Ohio 45202 for a license

to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and shareholders are:

Name	Title	Percent of proposed ownership
Robert H. Leshner, 3200 North White Tree Circle, Cincinnati, Ohio 45236	President and director.	28
Gary H. Rabiner, 6662 East Farm Acres Dr., Cincinnati, Ohio 45273.	Vice president and director.	28
David Spitzberg, 3325 Long Meadow Lane, Cincinnati, Ohio 45236.	do.	28
Emily Matthews, 1617 East McMillan, Cincinnati, Ohio 45206.	Secretary, treasurer and general manager.	0

The applicant will begin operations with a capitalization of \$520,000 and will be a source of equity capital and long term loan funds for qualified small business concerns. In addition to financial assistance, the applicant will provide management services to small concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Cincinnati, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 24, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 76-35419 Filed 12-1-76; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard [CGD 76-215]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from September 24, 1976 to October 1, 1976 (List No. 23-76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5

NOTICES

years from the date of issuance, unless sooner cancelled or suspended by proper authority.

MARINE BUOYANT DEVICE

Approval No. 160.064/25/1, Model No. 818, vinyl dipped unicellular plastic foam "Man Overboard Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type IV PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective September 28, 1976. (It supersedes Approval No. 160.064/25/1 dated June 19, 1973 to show change of Model No.)

Approval No. 160.064/451/0, child XX-small, Model No. 6657, vinyl dipped unicellular plastic foam "Life Jacket and Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective September 28, 1976. (It supersedes Approval No. 160.064/451/0 dated March 29, 1976 to show change of Model No.)

Approval No. 160.064/452/0, child X-small, Model No. 6657, vinyl dipped unicellular plastic foam "Life Jacket and Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective September 28, 1976. (It supersedes Approval No. 160.064/452/0 dated March 29, 1976 to show change of Model No.)

Approval No. 160.064/641/0, child medium, Model No. 6658, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective September 28, 1976. (It supersedes Approval No. 160.064/641/0 dated March 30, 1976 to show change of Model No.)

Approval No. 160.064/771/0, child medium, Model No. 6658, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective September 28, 1976. (It supersedes Approval No. 160.064/771/0 dated March 31, 1976 to show change of Model No.)

Approval No. 160.064/772/0, adult medium, Model No. 6658, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley

Road, San Diego, California 92121, effective September 28, 1976. (It supersedes Approval No. 160.064/772/0 dated March 31, 1976 to show change of Model No.)

Approval No. 160.064/773/0, adult large, Model No. 6658, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective September 28, 1976. (It supersedes Approval No. 160.064/773/0 dated March 31, 1976 to show change of Model No.)

Approval No. 160.064/774/0, adult X-large, Model No. 6658, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, effective September 28, 1976. (It supersedes Approval No. 160.064/774/0 dated March 31, 1976 to show change of Model No.)

Approval No. 160.064/1126/0, 19-inch, Model No. 819, vinyl dipped unicellular plastic foam "Man Overboard Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type IV PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective September 28, 1976.

Approval No. 160.064/1145/0, 15 x 15 inch, Model No. BR15, cloth covered unicellular plastic foam "Buoyant Cushion", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type IV PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective September 28, 1976.

Approval No. 160.064/1150/0, adult, Model No. Ski Pro Tech 1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective September 28, 1976.

Approval No. 160.064/1151/0, adult, Model No. Ski Pro Tech 1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective September 28, 1976.

Approval No. 160.064/1152/0, adult, Model No. Ski Pro Tech 1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective September 28, 1976.

18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective September 28, 1976.

Approval No. 160.064/1183/0, child, Model No. NXS, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 274, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, effective September 29, 1976.

Approval No. 160.064/1184/0, child, Model No. NSS, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 274, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, effective September 29, 1976.

Approval No. 160.064/1185/0, adult, Model No. NMS, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 274, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, effective September 29, 1976.

Approval No. 160.064/1186/0, adult, Model No. NS, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 274, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, effective September 29, 1976.

Approval No. 160.064/1187/0, adult, Model No. NM, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 274, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, effective September 29, 1976.

Approval No. 160.064/1188/0, adult, Model No. NL, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 274, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, effective September 29, 1976.

Approval No. 160.064/1189/0, adult, Model No. NXL, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 274, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, effective September 29, 1976.

Approval No. 160.064/1190/0, child, Model No. BXS, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD

NOTICES

Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1213/0, adult, Model No. TAMS, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1214/0, adult, Model No. TAS, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1215/0, adult, Model No. TAM, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1216/0, adult, Model No. TAL, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1217/0, adult, Model No. TAXL, cloth covered unicellular plastic foam "Sport and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1218/0, child, Model No. TBXS, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1219/0, child, Model No. TBSS, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III

PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1220/0, adult, Model No. TBMS, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1221/0, adult, Model No. TBS, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1222/0, adult, Model No. TBM, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1223/0, adult, Model No. TXL, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

Approval No. 160.064/1224/0, adult, Model No. TBXL, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by Float Gear, Inc., 707B Arroyo Avenue, San Fernando, California 91340, for Taperpro U.S.A., 558 Library Street, San Fernando, California 91341, effective October 1, 1976.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/224/0, style HN-MS-35-6, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby-Ashton, Wrentham, Massachusetts 02093, effective September 24, 1976. (It supersedes Approval No. 162.001/224/0 dated August 11, 1971.)

Approval No. 162.001/225/0, style HN-MS-36-6, carbon steel body pop safety valve, exposed spring, maximum pressure 850 p.s.i., maximum temperature 750° F.,

approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby-Ashton, Wrentham, Massachusetts 02093, effective September 24, 1976. (It supersedes Approval No. 162.001/225/0 dated August 11, 1971.)

Approval No. 162.001/267/0, Crosby style HN-MS-65-9 nozzle type safety relief valve, Crosby Dwg. B49675 dated February 15, 1966, revised January 9, 1976, approved for a maximum pressure of 1200 p.s.i.g. at 650° F., inlet size 3", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective September 24, 1976. (It supersedes Approval No. 162.001/267/0 dated August 11, 1971.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/74/0, Lonergan D-10 Series (D-10D thru D-10R), D-12 Series (D-12D thru D-12R), D-20 Series (D-20D thru D-20R), D-22 Series (D-22D thru D-22R) Safety Relief Valves, manufactured by J. E. Lonergan Company, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective September 24, 1976. (It supersedes Approval No. 162.018/74/0 dated September 2, 1971.)

Approval No. 162.018/75/0, Lonergan DB-30 Series (DB-30F thru DB-30R), DB-32 Series (DB-32F thru DB-32R), DB-33 Series (DB-33F thru DB-33R), DB-50 Series (DB-50F thru DB-50R), DB-52 Series (DB-52F thru DB-52R), DB-53 Series (DB-53F thru DB-53R) Safety Relief Valves, manufactured by J. E. Lonergan Company, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective September 24, 1976. (It supersedes Approval No. 162.018/75/0 dated September 2, 1971.)

Approval No. 162.018/76/0, Lonergan DB-10 Series (DB-10F thru DB-10R), DB-12 Series (DB-12F thru DB-12R), DB-20 Series (DB-20F thru DB-20R), DB-22 Series (DB-22F thru DB-22R) Safety Relief Valves, manufactured by J. E. Lonergan Company, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective September 24, 1976. (It supersedes Approval No. 162.018/76/0 dated September 2, 1971.)

Approval No. 162.018/77/0, Lonergan D-30 Series (D-30D thru D-30R), D-32 Series (D-32D thru D-32R), D-33 Series (D-33D thru D-33R), D-50 Series (D-50D thru D-50R), D-52 Series (D-52D thru D-52R), D-53 Series (D-53D thru D-53R) Safety Relief Valves, manufactured by J. E. Lonergan Company, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective September 24, 1976. (It supersedes Approval No. 162.018/77/0 dated September 2, 1971.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/44/0, Volvo backfire flame arrester assembly without spacer flange identified as Model 825681 or with spacer flange identified as Model 834418, assembly consists of an arresting element; housing and cover with an optional spacer flange and hose attach-

ment, manufactured by Volvo-Penta of America, Inc., P.O. Box 1546, Chesapeake, Virginia 23320, formerly Chrysler Corporation, effective September 24, 1976. (It supersedes Approval No. 162.041/44/0 dated September 16, 1975 to show minor changes.)

Approval No. 162.041/134/0, Volvo-Penta flame control device, stainless steel cover, brass elements 0.016" thick, Model No. 886662, shown on Volvo-Penta dwgs. 886662, 886600, 824663, 827004, 824699, 824915 through 824920, and 824734, this approval is for flame arresting elements and housing only, carburetor assembly is not included, identical to U.S.C.G. Approval No. 162.041/113/0 with air inlet silencer added, inlet air silencer is for dual carburetor engine, manufactured by Volvo-Penta of America, Inc., P.O. Box 1546, Chesapeake, Virginia 23320, effective September 24, 1976. (It supersedes Approval No. 162.041/134/0 dated August 11, 1971.)

Dated: November 22, 1976.

W. M. BENKERT.

Rear Admiral, United States
Coast Guard, Chief, Office of
Merchant Marine Safety.

[FR Doc. 76-35006 Filed 12-1-76; 8:45 am]

**National Highway Traffic Safety
Administration**

[Docket No. IP76-11; Notice 1]

PREVOST CAR, INC.

**Petition for Exemption From Notice and
Recall for Inconsequential Noncompliance**

Prevost Car, Inc. of Ste. Claire, Quebec, Canada, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381, et seq.) for an apparent noncompliance with 49 CFR 571.217, Motor Vehicle Safety Standard No. 217, Bus Window Retention and Release, on the basis that it is inconsequential as it relates to motor vehicle safety.

Paragraph S5.2.1 of Standard No. 217 requires in part that the emergency roof exit on a bus with a GVWR of more than 10,000 pounds provide "an opening large enough to admit unobstructed passage, keeping a major axis horizontal at all times, of an ellipsoid generated by rotating about its minor axis an ellipse having a major axis of 20 inches and a minor axis of 13 inches." The ellipsoid simulates the cross section of the human body. This requirement must be met when the bus is overturned on either side. The rectangle formed by the Prevost opening should have had its long sides (24 inches) parallel to the sides of the bus but instead the short sides (17 inches) are parallel to it. This means that the ellipsoid (20 inches) fails by a margin of 1 1/2 inches on each side to pass through the emergency roof exit.

Petitioner's argument that the noncompliance is inconsequential as it relates to motor vehicle safety is that although the width of this opening is 3 inches too narrow, there is a compensa-

tion in that the height of the opening is 11 inches greater than is required. Petitioner has submitted photographs showing three different human subjects exiting through both the noncompliant opening and one that meets the minimum requirements of Standard No. 217, which it believes demonstrates that it is "easier, safer, and faster to escape" through the Prevost opening. These photographs are available for examination in the agency's docket room, as indicated below.

Petitioner has not yet supplied the number, model, and production period of the buses involved but has been asked to do so. This material will be filed in the docket when it is received.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of Prevost Car, Inc. described above. 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 five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **FEDERAL REGISTER** pursuant to the authority indicated below.

Comment closing date: January 3, 1977.

(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 November 24, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 76-35234 Filed 12-1-76; 8:45 am]

[Docket No. IP76-12; Notice 1]

SEBRING VANGUARD, INC.

**Petition for Exemption From Notice and
Recall for Inconsequential Noncompliance**

Sebring Vanguard, Inc. from its national sales office at Columbia, Maryland, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, on the basis that it is inconsequential as it relates to motor vehicle safety.

Standard No. 208 requires seat belt assemblies to adjust by means of an emergency-locking or automatic-locking retractor. Petitioner has reported that it manufactured 1,576 CitiCar passenger cars between January 24, 1975, and August 7, 1976, with seat belt assemblies lacking the required retractors. In support of its petition Sebring Vanguard cites "the small number of vehicles in use by the public" and the adverse financial impact upon the company that a notification and remedy campaign would entail. Conforming assemblies, however, are available and will be used in future production. Finally, the company believes that it is making a contribution to the development of a practical alternative to the internal combustion engine by marketing its electric vehicle.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of Sebring Vanguard, Inc. described above. 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 five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **FEDERAL REGISTER** pursuant to the authority indicated below.

Comment closing date: January 3, 1977. (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 November 24, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 76-35233 Filed 12-1-76; 8:45 am]

Office of the Secretary

**TRANS-ALASKA CRUDE OIL PIPELINE
Decision on Petition for Waiver of Girth
Weld Regulations**

[OPSO Docket No. 76-12W; Notice 6]

I. BACKGROUND

A. Introduction. In January 1968 oil was discovered at Prudhoe Bay on the northern slope of Alaska. The Prudhoe Bay field, which stretches about 30 miles east-west and as much as 12 miles north-south, consists of three different oil reservoirs at depths between 5,500 and 10,500 feet. Recoverable reserves from the

NOTICES

Prudhoe oil pool are estimated at 9.6 billion barrels of oil and 26 trillion cubic feet of gas.

In June 1969 application was made to the Department of the Interior (DOI) for a right-of-way permit to build a pipeline across Federal lands in Alaska. In December 1969 the National Environmental Policy Act (NEPA) was enacted. It requires each agency of the Federal Government, before taking action which might have an impact on the environment, to consider alternative courses of action and, after soliciting the views of other Federal agencies which have jurisdiction over the environmental matters involved, to publish a statement describing fully the environmental impact assumed to result from the proposed action to be taken.

In March 1970 a group of private conservation organizations filed a lawsuit against the Secretary of the Interior in the U.S. District Court for the District of Columbia. A preliminary injunction was granted in April 1970 restraining the Secretary of the Interior from issuing a permit for construction of the pipeline until the requirements of NEPA were met.

During 1971 DOI prepared and processed a draft environmental impact statement. In March 1972 the Secretary of the Interior issued the final environmental impact statement and in May 1972 announced his intention to issue the construction permit.

On August 1972 the U.S. District Court for the District of Columbia ruled that the environmental impact statement "reasonably met all requirements" of NEPA and lifted the injunction prohibiting the issuance of the pipeline permits. The environmental groups appealed to the U.S. Court of Appeals for the District of Columbia Circuit. On February 9, 1973, the Court of Appeals reversed the District Court ruling and ordered the District Court to reinstate the injunction because the Secretary's permit had exceeded the width of the right-of-way permitted under the Mineral Leasing Act of 1920.

Following that decision, Congress debated the merits of the proposed pipeline during the spring and summer of 1973. On November 16, 1973, Public Law 93-153 was enacted amending the Mineral Leasing Act of 1920 to increase the width of the right-of-way that the Secretary of the Interior could grant and authorizing construction of the trans-Alaska pipeline system (TAPS). Title II of Public Law 93-153 directed the Secretary and other appropriate Federal offices and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations necessary for, or related to, the construction, operation, and maintenance of the TAPS, including roads and airstrips, as

that system is generally described in the final environmental impact statement issued by DOI on March 20, 1972.

On January 12, 1974, the Secretary of the Interior and the seven owner oil companies signed the Agreement and Grant of Right-of-Way for the TAPS.¹ The owner oil companies formed the Alyeska Pipeline Service Company (Alyeska), a consortium to design, construct, and operate the pipeline. Those seven "original permittees" have increased to eight, with a resulting shift in the original ownership shares. The new owner was British Petroleum Pipelines, Inc. (BP), which had previously exercised its interest through Sohio Pipe Line Company.

The original and current ownership of Alyeska is as follows:

Owner companies	(In percent)	
	Original share	Current share
Sohio Pipe Line Co.	28.08	33.34
ARCO Pipe Line Co.	28.08	21.00
Exxon Pipeline Co.	25.42	20.00
BP Pipelines, Inc.		15.81
Mobil Alaska Pipeline Co.	8.68	5.00
Union Pipeline Co.	3.32	1.66
Phillips Petroleum Co.	3.32	1.66
Amerada Hess Corp.	3.00	1.59
Total	100.00	100.00

The TAPS is a 48-inch diameter, 800-mile long pipeline traversing Alaska from the northern slope at Prudhoe Bay to the ice-free port of Valdez on the southern coast. The pipeline traverses 574 miles of Federal land (72 percent of the route), 187 miles of State of Alaska land (23 percent), and 39 miles of private lands (5 percent). The pipeline initially will have eight pump stations and will deliver 800,000 barrels per day. Within six months the flow rate will be increased to 1,200,000 barrels per day. The maximum capacity of the line (2,000,000 barrels per day, or approximately 10 percent of United States daily consumption) would require a total of 12 pump stations. At present, however, there are not any firm plans to install those four additional pump stations.

The pipe for the main line was manufactured in Japan in 1970 in approximately 100,000 40-foot and 60-foot sections. At plants in Fairbanks and Valdez, Alyeska welded most of the 40-foot sections into 80-foot sections before distributing them to the pipeline right-of-way.

As in the case of all pipeline construction projects, the task of connecting some 60,000 sections of 48-inch pipe under field conditions includes procedures for control of the quality of welding operations because the consequences of an improperly-made weld could be substantial. The rupture of an oil or gas pipeline under pressure is a potential threat to the personal safety of anyone in the vicinity, can cause property damage and, of course, results in the economic loss of the petroleum or gas. Of primary importance in the TAPS, however, is the potential damage to some of

our most pristine geography. Approximately half the 800-mile pipeline is buried, half is elevated. It is buried in permafrost, crosses unspoiled rivers and streams, and scales high mountains as it follows a route through spectacular flood plains, around glaciers and through picturesque canyons.

B. Summary of weld defect problem. The agreement and Grant of Right-of-Way executed by Alyeska and DOI stipulates, among other things, that Alyeska shall design, construct, and operate the pipeline in accordance with Department of Transportation (DOT) safety standards. Under the authority of the Transportation of Explosives Act (18 USC 831-35), the Office of Pipeline Safety Operations (OPSO) in the Materials Transportation Bureau (MTB) of DOT has established safety regulations for the design, construction, operation, and maintenance of pipelines operated by carriers engaged in interstate and foreign commerce which transport liquid hazardous materials, including petroleum and petroleum products (49 CFR Part 195).

The DOI-Alyeska agreement imposes two requirements that exceed the requirements of DOT pipeline safety regulations. First, DOT requires that the quality of the girth welds of a liquid pipeline be tested by one of a variety of non-destructive inspection methods (49 CFR 195.234(a)). The DOI-Alyeska contract specifies that such nondestructive testing on the main line be performed by means of radiography. Secondly, the DOT regulations require that only 10 percent of a welder's daily output be tested nondestructively, except in the case of welds under rivers, streams, and other bodies of water, under rail and highway rights-of-way, and other specified locations, where 100 percent testing is required (49 CFR 195.234(d) and (e)). DOI has required that all mainline girth welds be tested.

The possibility of a problem regarding the field girth weld quality first came to the attention of OPSO in early September 1975, when Peter Kelley sued his former employer, Ketchbaw Industries. Ketchbaw was the contractor providing radiographic inspection of girth welds on the sections of the pipeline south of the Yukon River. (The pipeline is divided into five construction sections. Ketchbaw did the radiography in Sections 1, 2 and 3.) The suit alleged falsification of some radiographs by Ketchbaw.

On an inspection trip made during the last two weeks in September 1975, OPSO was informed of Alyeska's efforts to audit the radiographs of girth welds. The purpose of this audit was to determine how many welds did not have a corresponding radiographic record and how many welds failed to meet DOT standards for quality. On October 31, 1975, OPSO received the Alyeska audit report for Section 3 of the pipeline. About the time of the receipt of the first audit report, OPSO was advised that the audit would extend to the entire pipeline.

¹"Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline between the United States of America and Amerada Hess Corporation, et al." U.S. Government Printing Office: 1974-530-013.

Field girth welding of the pipeline was essentially halted due to winter conditions from November 1975 to March 1976. During the last week in March, DOT was informed by DOI that the Alyeska audit was nearing completion and that a large number of welds and radiographs were found to be irregular. In early April, DOT wrote to DOI and to Alyeska requesting a complete briefing on the weld quality problem.

In response to this request, a meeting was held in Anchorage on May 4 and 5, 1976, at which representatives of DOI, the State of Alaska, Alyeska, and DOT were present. The scope, procedures and results of the audit were summarized. The complete audit covered the estimated 30,800 radiographs of girth welds taken in 1975. The radiographs had been read and reinterpreted and identifying features of each of the radiographs had been put into a computerized data bank. The audit identified 3,955 girth weld irregularities.

The girth weld irregularities were separated into two general categories. The first category concerned missing, incomplete, duplicate, or otherwise defective radiographs of certain welds. The second category concerned welds which, as a result of the Alyeska audit, were found to be in violation of DOT regulations. The DOT regulations in 49 CFR 195.226 require repair of arc burns and in 49 CFR 195.228 require that welds be in accordance with Section 6 of American Petroleum Institute Standard 1104 for Welding Pipelines and Related Facilities (13th ed. 1973) (API 1104), which is incorporated by reference in the regulations. The majority of the weld irregularities which fell into the second category are welds which, because of size or type of defect, did not meet the standards of acceptability established by Section 6 of API 1104, as referenced in 49 CFR 195.228.

As a result of its audit, Alyeska in May 1976 initiated a remedial weld program to repair, replace, or reradiograph each of the 3,955 irregularities.

On August 5, 1976, Alyeska announced in a news release that it "will apply at this time for exceptions to strict pipeline weld specifications for 11 welds buried beneath rivers" and "that other applications may be filed later." Alyeska also indicated in that news release that in support of its petition, it would present the results of tests being conducted by or for the British Welding Institute (BWI). Those tests were intended to establish fracture toughness of girth welds and parent metal by use of the crack opening displacement (COD) method, and impact toughness by use of the Charpy-V-notch test. The material property values are needed for and were used in a fracture mechanics analysis intended to estimate the effects of weld flaws of various types and dimensions on the risks of crack formation and crack propagation.

In order to assist in the evaluation of fracture mechanics, OPSO, early in July 1976, contracted with the National

Bureau of Standards (NBS) to prepare an analysis of test procedures and methodology used by Alyeska and an assessment of the adequacy of the statistical data base accrued in the course of their tests. NBS was also requested to provide its evaluation of any submitted fracture mechanics analysis, specifically including provision for safety margins taking into consideration defect measurement uncertainties, projected normal operating conditions, abnormal loading, fatigue cycling, corrosion fatigue cycling, anticipated temperature ranges, and other environmental conditions.

On August 12, 1976, OPSO issued a public notice stating that Alyeska had advised DOT that it expected to petition for waivers of provisions of DOT's pipeline safety regulations applicable to girth welds on the TAPS (41 FR 34375, August 13, 1976), and that it was anticipated that the petition would be supported by a fracture mechanics analysis. Accordingly, in that notice OPSO set forth a preliminary determination of the information and data required for processing any request for a waiver to allow girth weld defects or arc burns not presently allowed by 49 CFR Part 195, Subpart D, on the basis of a fracture mechanics concept. In that same notice it was announced that NBS was serving as technical consultant to OPSO and that NBS evaluations and analyses would be made part of the record of proceeding on any petition that Alyeska would file that relies upon the fracture mechanics analysis. OPSO was given technical advice by NBS in the formulation of the conditions for a waiver included in the notice, including preliminary guidelines specifying safety factors to be applied to the measurements of defects of two for length and depth, and an additional safety factor of two for depth of planar defects when determined from radiographs.

Docket No. 76-12W was established by OPSO at that time to receive any written views or comments that interested persons wished to submit concerning the general discussion of the anticipated waiver petition, the statement of evaluation requirements or the description of the required information and data set forth in that notice. Persons planning to file comments on that notice or on the anticipated petition who wished to be served with copies of future notices issued by OPSO in the matter were invited to file requests to be placed on the Notice Mailing List for Docket No. 76-12W.

On September 1, 1976, Alyeska filed a petition for exemption from the requirements of 49 CFR 195.228 and 49 CFR 195.226 for 612 individual welds in the TAPS. OPSO issued a public notice of that petition.² In support of its petition, Alyeska asserted that:

... the material transmitted in support of this petition demonstrates that the presence of the discontinuities in the welds for which exemptions are requested does not

jeopardize the integrity of either the welds involved or the pipeline system as a whole and, further that it is not in the national interest to excavate these welds to perform repairs necessary to place them in strict compliance with applicable regulations. The welds for which exemptions are... requested only nominally fail to meet the dimensional limitations of applicable regulations. It would serve no useful purpose to require remedial work to literally comply with the regulations when the remedial work will not contribute to the strength of the welds nor to the integrity of the Pipeline System."

With respect to the fracture mechanics study submitted in support of its petition, Alyeska stated:

That Study proposes alternative allowable flaws for all types of weld discontinuities, other than cracks. The Study supports the proposed alternative allowable weld flaws by fracture mechanics analyses using the worst case fatigue stress spectrum. The crack growth analyses in the Study account for both cyclic and sustained stresses in the most deleterious service environments and temperatures which will be present during operation of the Trans-Alaska Pipeline System.

The final output of the Study at Part 3 *** consists of proposed allowable flaw size diagrams plotting weld discontinuity depth versus weld discontinuity length in accord with Requirement I of the Notice [FEDERAL REGISTER Notice of Anticipated Petition for Waiver (41 FR 34375, August 13, 1976)], which incorporates multiple safety factors resulting in highly conservative flaws. We request that discontinuities with dimensions which fall below the applicable curve be accepted under Requirement I of the Notice without further remedial work and that exemptions from the requirements of applicable regulations be granted with respect to all welds identified in Appendix I containing such discontinuities.

The petition requested that Parts 1, 2, and 3 of Alyeska's "Fracture Mechanics Study of Buried Girth Welds" be made part of the record in this proceeding. The 612 welds were represented by Alyeska to have discontinuities determined by radiographs to be in excess of the standards for acceptable welds set forth in Section 6 of API 1104, incorporated by reference in 49 CFR 195.228, or deviations from the standards in 49 CFR 195.226 relating to arc burns.

On September 10, 1976, Alyeska submitted the fourth and final part of its fracture mechanics study and requested that it be made a part of the petition for waiver. In that submission, Alyeska also presented a discussion of the safety factors OPSO required for consideration of a petition in the August 13 notice (41 FR 34375). Alyeska stated that:

It seems appropriate *** either (1) that the multiple safety factors be replaced by a single factor applied to both dimensions of the critical defect size calculated from all of the worst case conditions, the magnitude of which should be in the order of 1.5 or 2, or (2) that calculated defect depth be limited in all cases to the depth of one weld layer, i.e., 0.090 inch, including all safety factors.

Subsequently OPSO issued three more public notices concerning the status of the Departmental evaluation of this pe-

² 41 FR 38810, September 13, 1976.

NOTICES

tion.² The notice of October 7 announced that the comment period had been reopened to the close of business on October 28, 1976, and that the Deputy Secretary of Transportation would conduct a public hearing on that date. The purpose of the hearing would be to determine (1) whether a fracture mechanics analysis can properly serve as an alternate to 49 CFR Part 195 for these welds and, if so, (2) whether the docketed material provides a valid basis for applying a fracture mechanics analysis to the girth welds identified in the petition.

The original number of 612 welds listed in Alyeska's September 1 petition was reduced through periodic withdrawals made by Alyeska to reflect repairs completed under its remedial weld program. Alyeska, by letters dated September 10, 16, and 24; October 1, 8, 13, 19, and 28; and November 4 and 24, submitted revised lists showing the welds which were repaired since the previous submission. As of November 18, 34 unrepaired welds and arc burns remained. Table I categorizes the type of defects, their location on the circumference of the girth weld, the geographical location and the environmental aspects of that location.³

On October 1, 1976, NBS briefed DOT regarding its work, and described the information obtained and the current status of the NBS fracture mechanics analysis and weld defect measurement assessment for the girth welds up to that time. In addition NBS provided a written preliminary report summarizing that briefing for the docket. The final, two volume, report titled "Consideration of Fracture Mechanics Analysis and Defect Dimension Measurement Assessment for the Trans-Alaska Oil Pipeline Girth Welds (NBSIR-76-1154)" was submitted to OPSO on October 18, 1976.

In addition to technical support from NBS, a panel of five experts (Panel) was convened on October 21 and 22 to assist DOT in evaluating fracture mechanics as a technique in determining the structural integrity of the TAPS. The panel of experts and their areas of expertise were: Dr. Herbert T. Corten, Professor of Theoretical and Applied Mechanics, University of Illinois (expert in fracture mechanics analysis); Dr. Matthew Creager, President of Del West Associates (expert in fracture mechanics analysis and testing); Dr. Robert C. McMaster, Regents Professor of Welding and Electrical Engineering, Ohio State University (expert in metallurgy, welding, nondestructive testing and radiography); Dr. Warren F. Savage, Professor of Metallurgy and Director of Welding Research, Rensselaer Polytechnic Institute (expert in metallurgy and welding); and Edward Criscuolo, Naval Surface Weapons Center (expert in welding and radiography).

² 41 FR 41737, September 23; 41 FR 44207, October 7; and 41 FR 46488, October 21, 1976.

³ Tables and graphs referred to in the body of this document are contained in the Appendix.

A draft report of the Panel's evaluation entitled "Report of Panel on Fracture Mechanics as a Method for Evaluating the Structural Integrity of the Girth Welds on the Trans-Alaska Pipeline," and dated October 25, 1976, was placed in the docket on that date. The Panel's final report, varying only editorially from its draft report, was subsequently placed in the docket.

C. Environmental considerations. A broad range of environmental issues was raised during the planning and construction of the pipeline. One major concern is protection against an oil spill when the pipeline is in operation. In this regard the environmental concern about pipeline construction quality is virtually identical to the safety concern, and maximum environmental protection should be achieved by continued assurance that the structural integrity of the pipeline is not compromised during construction.

A second category of environmental aspects concerns construction effects, arising principally from the disturbance or destruction of portions of the natural environment along the pipeline route. Specific construction impacts include erosion, siltation, fish and wildlife disruption, water quality, tundra destruction, and melting of permafrost. In general these impacts do not appear to be especially severe, in view of the magnitude of the pipeline project and the vastness of the area through which it passes, coupled with care exercised by Alyeska in the construction work.

While the overall quality of Alyeska's work and the degree of its adherence to the stipulations affects each of these areas, the major concerns involved in any program of identifying and correcting weld defects are impacts on marine life in various streams. There is agreement among environmental specialists that fisheries impacts are the major problem in this area. There is not agreement as to the degree of seriousness. On the one side it is claimed that the impacts of digging up pipe from stream beds for inspection and correction of defects can be achieved without serious degradation of fisheries if the stipulations are followed carefully, particularly by scheduling work within established "fish windows."⁴

Others argue that the impacts of defect corrections on fisheries may be severe. They note that substantial underwater excavation—with consequent siltation—could be required, up to 35' deep in some cases with 3:1 or 4:1 side slopes. They also note that it would be impossible to do this work within established fish windows and still meet the schedule

⁴ Fish windows are those periods when construction can be undertaken in a given stream with little or no damage to its native fish. In some streams the annual fish window may be as short as one month; in others it may be much longer. Depending on the location of the stream and the species inhabiting it, the fish window may occur at virtually any time of the year.

for commencement of pipeline operations in 1977. For some streams with possible defective welds, the 1976 fish window has already passed. This position (Alyeska's) also emphasizes the possibility of damage (some of which may go undetected) to the pipeline during the identification or correction processes, with consequent lessening of the integrity of the pipeline. Alyeska's representatives also argue that all upstream crossing sections were hydrotested at the time of their construction.⁵

Under the latter view, where the defects are "minor" and not thought to pose a threat to the integrity of the line, or where it is simply a matter of checking for possible defects, the argument advanced by Alyeska is that the cure could prove worse than the supposed illness.

II. DECISION

On the basis of a comprehensive review of all relevant material gathered during the decisionmaking process, and after careful deliberation and consultation with DOT experts, I have decided for the reasons set forth below to grant exemptions from compliance with DOT welding standards 49 CFR 195.226 and 195.228 for three specific girth welds of the TAPS and to deny exemptions for the remaining 31 girth welds listed in the Alyeska waiver request and not yet repaired by Alyeska.

The three welds for which exemptions are granted, weld numbers 90001C, 90008R, and 90021 in the Alyeska petition, contain a total of seven known defects. The three welds are located in the area of the crossing of the Middle Fork of the Koyukuk River.

The Middle Fork is located in the Yukon River drainage basin north of the Arctic Circle. The river is a typical "braided" stream with one or more channels flowing through gravel or rocky areas and with frequent shifts or meanders of the main channel. The river supports populations of several fish species. The fish population is considered to be critically sensitive to disturbances in the river during the period from April 1 to October 30, and somewhat sensitive year round.

The three welds are buried at a depth of approximately 17 feet. They are not located within the limits of the present stream channel, although this could change as the channel shifts during the coming winter. Because of a high water table and the nature of the stream bed, any repairs of these welds would require large bell holes and considerable risk of siltation to the stream and consequent impact on the fish population. It appears, therefore, that a decision not to

⁵ Although the preinstallation hydrotest of river sections does not satisfy the requirements of DOT regulations, before the pipeline can be operated all such sections will be subjected to another hydrotest which meets the requirements in 49 CFR Part 195, Subpart E.

grant the requested exemptions for these three welds would result in some adverse environmental impact, while the decision to grant the exemptions will not have any adverse environmental impacts on the stream or its fish population if the known defects do not present a risk of failure of the girth welds.

On the basis of the results of expert engineering analyses and conservative measurements and predictions, I have determined that the existence of the identified defects does not constitute a risk of failure at those connecting points during the expected lifetime of the pipeline. I have concluded, therefore, that reexcavation to repair those welds, with its attendant impact on the ecology of the river, is not necessary.

Of the 31 remaining unrepaired welds in the Alyeska petition, eight were found to be unacceptable and 21 were found to be acceptable on the basis of the fracture mechanics analysis. Two welds were not evaluated because defect dimensions were not provided. Thus, in addition to the three welds under the Koyukuk River, only 21 welds not yet repaired might have been accepted. DOT has been informed, however, that the excavation has been completed to expose those 21 welds in preparation for their repair. (The eight unacceptable and two un-evaluated welds have also been re-excavated for repair.) As a consequence, most of the environmental and cost impacts of reexcavation, upon which Alyeska based its waiver petition, cannot be avoided by granting waivers for those welds.

Moreover, the fracture mechanics analysis submitted by Alyeska in support of their waiver petition, while technically sound in general, contains some elements of theoretical uncertainty when applied to the problem of gauging the structural integrity of the TAPS, and the empirical verification is very limited. Until such time as the principles of fracture mechanics are successfully proven and incorporated into existing pipeline standards, waiver requests based on such analysis should be granted only if the analysis provides a convincing and conservative demonstration of structural integrity and there is some compelling reason to waive literal compliance with the existing standards for girth welds.

I have decided, therefore, not to grant the requested waivers for those 21 welds because there is not any compelling reason to authorize Alyeska to discontinue its program to repair those welds in order to bring them into compliance with the requirements of the DOT standards.

The determination that waivers be granted for three of the welds in the Alyeska petition was made only after a thorough review by DOT experts and consultants of the technical information contained in that petition. In order to make a decision based on this review it was necessary to resolve two main issues addressed at the October 28 public hearing: First, whether fracture mechanics analysis can properly serve as a basis for granting waivers for exemptions

from existing standards without compromising pipeline integrity; and secondly, whether the docketed technical information is adequate to enable a fracture mechanics analysis to be made of the defects in the TAPS welds that have been identified by radiography as failing to comply with DOT standards and which have not been repaired.

These two issues are discussed in Parts III and IV of this document, respectively, and my resolution of these issues in Part V. The DOT assessment of the public comments on the various issues in this matter are set forth in the Appendix (A-1 to 12).

III. FRACTURE MECHANICS AS A BASIS FOR GRANTING EXEMPTIONS FROM EXISTING WELDING STANDARDS

Fracture mechanics is the study of the effects of defect size and orientation on the ability of a structure containing cracks to resist fracture. This analysis permits quantitative estimation of the growth of cracks during the lifetime of a structure. Many precedents exist for the use of fracture mechanics to evaluate the integrity of structures. Fracture analysis is used in the design of aircraft and space vehicles, electrical power generating equipment, including nuclear pressure vessels, and ship cargo tanks used to carry liquefied natural gas. More recently fracture mechanics has been applied to pipelines used to transport oil from North Sea drilling rigs to Great Britain and Norway. Lloyd's Register of Shipping (London, England) and Det Norske Veritas (Oslo, Norway), the agencies concerned with these pipelines, both employ this analytical methodology to resolve critical questions relative to pipeline safety.

The issue of the adequacy of fracture analysis as a basis for granting exemptions from existing standards can be resolved if satisfactory answers to three specific technical questions can be obtained. The first of these questions is concerned with the effectiveness of fracture mechanics in analyzing crack growth in the relatively ductile pipeline steel used in the TAPS.

Fracture mechanics analysis was originally developed to assess the ability of metals to resist brittle fracture. For such applications linear-elastic-fracture-mechanics (LEFM) analysis could be used because the metal was stressed to a relatively low fraction of its yield strength and therefore behaved elastically.⁷ More recently fracture mechanics analysis has been extended to permit consideration of more ductile materials such as those used for nuclear reactor pressure vessels, oil and gas pipelines, bridges and compressed gas cylinders. The extension to ductile materials, which behave plastically, has been made possible by the development of elastic-plastic-fracture-mechanics (EPFM)

⁷ A material behaves elastically if, after being deformed under load, it returns to its original, non-deformed state upon removal of the load.

analysis, which is more complex than LEFM analysis because the stresses in the structure cannot be analyzed using exact mathematics.⁸

The various fracture mechanics analyses performed specifically for the TAPS are described in Part V and are summarized by the curves illustrated in Figures 1-6 in the Appendix. These curves were derived using independent failure models that incorporated either LEFM methods modified to account for plasticity or direct EPFM analytical methods. Indeed, the fact that these different analyses produced similar results was an important factor in my determination that fracture mechanics analysis could in fact be applied to ductile materials such as the pipeline steel.⁹

The second specific question related to the issue of the adequacy of fracture mechanics analysis as a basis for granting exemptions from existing standards involves the treatment of noncrack defects as cracks in order to perform a fracture mechanics analysis. Fracture mechanics provides methods for estimating the rate of growth and the ultimate size and stability of sharp cracks in material structures subjected to applied loads. All DOT experts and consultants agree, on the basis of fracture mechanics analysis, that the effect of estimated maximum stresses on sharp cracks over the lifetime of the pipeline can be estimated, and that on this basis some welds containing cracks might be considered as candidates for exemption from compliance with 49 CFR Part 195. They argue, however, that acceptance of such an alternative for actual cracks could constitute an unnecessary deviation from that standard, the requirements of which are that all welds containing cracks shall be replaced.

In order to analyze the possible growth of noncrack defects, however, all experts and consultants concerned agreed that such defects can be treated as sharp cracks of equal size before any safety factors are applied. Cracks, due to their sharp (notched) edges, have the highest stress intensity factors of all possible welding flaws. It is precisely this stress intensity acting at the notch that causes crack growth. There is, therefore, a considerable conservatism implicit in treating as cracks the blunt or spherical flaws in the welds listed in the petition. An added measure of conservatism accrues from the use in the analysis of the entire size of the perceived blunt flaw as the initial size of any crack that might eventually initiate from the flaw. The amount of conservatism imparted to the analysis by these factors could not be quantified precisely by DOT experts or consultants. I have, however, incorporated the Panel's

⁸ A material behaves plastically when all or part of the deformation introduced by loading remains after removal of the load.

⁹ A comparison of the various analytical models used by the British Welding Institute for Alyeska, by NBS and by Professor Irwin of the University of Maryland is given in the NBS Final Report.

NOTICES

engineering judgment regarding this question into my resolution of this issue.

The third question relating to this issue involves the use of what engineers call "safety factors" to provide a needed measure of conservatism of offset uncertainties in the analysis as mentioned in the above paragraph and uncertainties in the measurements of actual TAPS defect sizes. A discussion of measurement uncertainties is included in Part IV, infra.

In order to assure proper consideration by Alyeska of all perceived uncertainties, the *FEDERAL REGISTER* Notice published by OPSO on August 13, 1976 (41 FR 34375) set forth preliminary guidelines in anticipation of the Alyeska petition. These preliminary guidelines included a set of safety factors to be imposed on the measured lengths and estimated depths of all weld defects and arc burns included in the petition. This particular set of safety factors will be referred to hereinafter as "the OPSO safety factors" to distinguish them from those recommended by others.

There is a difference of opinion among the DOT experts and consultants, both on the way in which safety factors should be imposed and on the magnitude of the safety factors that should be used for the application of fracture mechanics in the analysis of TAPS girth welds. The NBS, which provided technical advice to OPSO prior to the publication of the latter's preliminary guidelines, tends to support the utilization of the OPSO safety factors. The Panel, on the other hand, regards the OPSO safety factors as being too stringent on the basis of the following analysis.

In addition to the aforementioned treatment of non-crack defects as cracks of the same size, the OPSO preliminary guidelines recommended that all weld defects be assumed to be located on the outer surface of the weld where stress is a maximum. They also recommended a "worst-case" analysis—that the fracture analyses incorporate: maximum credible stresses over the lifetime of the pipeline; the maximum values of the fatigue spectrum likely to be experienced over the life of the pipeline; and the maximum values for fracture toughness and other material properties relating to pipe and weld strengths. In addition the NBS recommended, and in its preliminary guidelines OPSO agreed, that, to incorporate additional factors of safety, the length and depth of each non-planar defect should be multiplied by two before plotting it on the maximum-allowable-defect-size curve that resulted from their analysis. Finally, an additional factor of two was recommended for the depths of planar defects, the measurement of which is more difficult than for nonplanar defects. (Planar defects in the welds included in the petition are (1) incomplete penetration of the first welding pass and (2) incomplete fusion of the welding and parent metals or of two successive welding passes. Non-planar defects in the welds included in the petition are elongated slag inclusions and various types of gas pockets.)

Given the above, the Panel concluded that the NBS curve without the OPSO safety factors was already conservative by a factor of approximately two and that additional safety factors should only be applied to the measurement of defect depths from radiographs of the welds containing those defects. The Panel's argument in this regard is that safety factors should be applied directly to the points of analytical uncertainty. They considered that the OPSO safety factors did not meet this test of direct applicability since:

1. All DOT experts and consultants agreed that defect lengths could be measured accurately (within one hundredth of an inch), thereby obviating a safety factor of two on length; and
2. The NBS in its Final Report declined to specify limits for the uncertainties in defect depth measurements, thereby making the NBS safety factors on depth measurements appear somewhat arbitrary.

In conclusion, the NBS and the Panel agree on the answer to the first major issue, namely, that fracture mechanics can serve as a basis for granting waivers for exemptions from existing standards without compromising pipeline integrity. This is also the view of the DOT experts in OPSO and in the Office of the Assistant Secretary of Transportation for Systems Development and Technology. Differences among these experts relate only to the degree of conservatism required, specifically as regards the choice of analytical models and factors of safety.

IV. ADEQUACY OF DOCKETED TECHNICAL INFORMATION

The second major issue raised by the petition concerns the adequacy of the docketed technical information, in particular the measurement of weld defect sizes from available radiographs, to enable a valid fracture analysis to be conducted for welds for which Alyeska seeks exemptions from existing DOT standards. Consideration of this issue did not produce unanimity of opinion among the DOT consultants and experts. Unanimous opinion did prevail, however, with regard to three specific points. All DOT experts and consultants agree that:

1. The method developed by the NBS to determine the effective arc burn depth, based on a measurement of the arc burn diameter from the radiograph, is sound;¹⁰
2. The NBS conclusion that length measurements can, in most cases, be made to accuracies of 0.010 inch is correct; and
3. It is difficult to measure precisely the depth of planar and nonplanar flaws from the existing radiographs. In fact, the way in which this should be done was the main technical concern regarding the adequacy of the docketed data.

The NBS approach, as reflected in the *FEDERAL REGISTER* notice (41 FR 34375,

August 13, 1976), was to assign a priori a set of safety factors on flaw length and depth to be included in a fracture mechanics analysis. In support of this analysis, NBS conducted an extensive critique of the various techniques used to estimate depths from the radiographs. These included the visual and densitometer methods used by the Southwest Research Institute (SWRI) and the method used by the Rockwell International (RI) radiographic experts. The NBS conclusions were:

SWRI Densitometer—It is not possible to assess the accuracy of this method in a quantitative way;

SWRI Visual—It is difficult to assess this method since a controlled experiment has not been done. The NBS believes that this method will underestimate flaw depth, but NBS did not provide a limit for the maximum likely error; and

RI Method—The RI method is potentially capable of good accuracy and there is information presented to demonstrate that the RI depth measurements tend to be larger than those made by the SWRI densitometer method.

According to NBS, the maximum likely error in the RI method might be determined using two different procedures. For the first, artificial defects of various depths in sections of welds were made and radiographed. The depths of these defects were determined from the laboratory-produced radiographs as compared with the depths of the defects that were actually measured with a depth gauge. In the second procedure, laboratory radiographs were made of real weld defects in rejected welds. One radiograph was made with the X-ray beam passing through the weld perpendicular to the surface of the pipe and a second set of radiographs was made with the X-ray beam perpendicular to the first beam. From the second set of radiographs, the actual depth of the real defect was determined and compared with the estimated depth made by the RI method.

The defect depth measured by RI could then be compared with the defect depth determined either by the depth gauge (first procedure) or by the perpendicular X-ray method (second procedure) as is shown as the "bias" curve in Figure 48, page 87 of the NBS Final Report. The bias curve could then be used to assess the uncertainty in the measured depth value. In this way a statistically-calculated uncertainty limit could be determined.

Even though this analysis was provided in its Final Report, NBS did not provide any recommendations regarding depth measurement error limits.

The Panel felt that each aspect of the problem (fracture models, materials testing, stress and fatigue spectrum, and flaw estimations) should be reviewed and uncertainties identified before factors of safety were assigned. Therefore, while the Panel agreed with the NBS conclusion that uncertainties exist in the estimation of depths from radiographs, the Panel assessed the limits of the uncer-

¹⁰ This method is described in the NBS Final Report in Section 3H.

tainty and proposed the following conservative estimation procedure: (a) In the cases where densitometer measurements were impractical in the field (i.e., defect widths less than 0.060 in.), the depths as reported by RI should be multiplied by a factor of two. (b) In the cases where densitometer measurements were made by SWRI, the larger of the "likely maximum case R" as developed by NBS from the SWRI measurements, or twice the RI depth measurement, whichever is larger, should be used.¹¹

I have determined that the Panel's approach to the bounding of the limits of uncertainty in measurements of weld defect depths is conservative and convincing and, therefore, have incorporated their approach in my decision.

V. RESOLUTION OF TECHNICAL ISSUES

After a careful consideration of the issues and the technical advice provided by DOT experts and consultants, I have determined that:

1. Fracture mechanics analysis is acceptable as a basis for granting exemptions from existing standards in appropriate circumstances, if such analysis produces a convincing and conservative estimate of structural integrity.

2. The docketed material is sufficiently complete to permit a convincing and conservative fracture analysis to be made of certain welds contained in the Alyeska petition.

The decision to accept fracture mechanics analysis as a basis for considering petitions for exemption from existing DOT standards does not imply that such analysis should serve as a general substitute for DOT standards or API 1104. In fact it is not possible fairly to compare the two approaches to providing a low risk of pipeline failure. The fracture mechanics approach cannot yet be considered a practical quality control technique since, as an actual performance measure, it would require levels of inspection and analysis far beyond those ever used in the construction of pipelines. Such requirements, if imposed without considerable forethought, would add substantially to the construction cost and could add to the cost to the eventual consumer of the product without a firm estimate of attainable benefits. API 1104, on the other hand, has been demonstrated to be a very successful standard, and compliance with it can be readily established by quality control inspectors in the field.

While the workmanship standards of API 1104 and the results of fracture mechanics analysis are not directly comparable, they are compatible. The British have already incorporated aspects of fracture mechanics analysis into a draft standard and an API standards group is presently studying whether to incorporate the new methods into the API standards. As these initiatives proceed toward the development of more precise yet workable quality standards for pipeline welds, DOT will continue to evaluate them for possible use as Fed-

eral standards of general, or particular, applicability.

Having made these determinations, it remains only to specify the criteria for the acceptance or rejection of each TAPS weld in regard to eligibility for exemption from compliance with 49 CFR Part 195.

These criteria are given in the form of the four curves illustrated in Figures 1-4 of the Appendix and called the decision curves. It should be noted that, for planar and nonplanar weld defects, the decision curves are those submitted by Alyeska in support of its waiver request and that these curves are accepted without the incorporation of the additional flaw size safety factors (identified above as the OPSO safety factors) but with safety factors imposed on defect depth measurements as recommended by the Panel and as described in Part IV. The decision curves for arc burns are composites of curves resulting from the three separate analyses submitted in the record.

The curves in Figures 5 and 6 illustrate the results of various alternative analyses and recommendations. The Alyeska curves for planar and nonplanar defects were derived using the procedures described in the Draft British Standard Rules for Derivation of Acceptance Levels for Defects in Fusion Welded Joints. These procedures contain built-in safety factors and have been developed on the basis of extensive testing and analysis over the past several years by, principally, BWI and Cranfield Institute of Technology (Cranfield), which support the technical approach and the information and data submitted in the Alyeska waiver petition. This particular technical approach and the information and data provided for application of their analyses to specific TAPS welds were judged to be acceptable by all DOT experts and consultants. In particular, the TAPS-specific data were generated by performing various laboratory tests on some 450 pipeline material samples from six TAPS production welds made in the field during both the 1975 and the 1976 welding seasons. This information, while not sufficient to ascertain a statistically adequate determination of the range of values of TAPS material properties, is the most extensive TAPS-specific data that was provided to DOT. The results of the Alyeska analysis are shown in Figures 5 and 6 labeled "Alyeska curve with OPSO safety factors."

NBS was requested by OPSO to address the technical adequacy of the Alyeska waiver petition. The NBS approach to this requirement involved not only an examination of the adequacy of the Alyeska/BWI/Cranfield analysis but also the development of an independent mathematical model for the conversion of the results of laboratory tests to maximum-allowable-defect-size curves for planar and nonplanar defects and for arc burns.

Although NBS did not affirmatively recommend that its results be used, even with the OPSO safety factors specified in their published preliminary guide-

lines, OPSO suggests two factors that would make such a conclusion appropriate. The first of these factors, as noted by the Panel and discussed in Part III, *supra*, is the degree of conservatism introduced by the assumptions made for analytical tractability. The second is the comparison with experimental results, albeit limited in number, as plotted in Figure 74 of the NBS Final Report. The curves in Figures 5 and 6 labeled "NBS with OPSO safety factors" (these curves are labeled "Begley-McHenry-Read and Fong" in Figures 70 and 71 of the NBS Report) define their results.

The Panel took a less conservative posture. In its judgment the curve labeled "Irwin" in Figures 5 and 6 (Figures 70 and 71 of the NBS Report) would "most closely predict actual failures" for welds containing planar and nonplanar defects. NBS, however, in their analysis of the Irwin paper noted that the graphs in the Irwin paper were scaled too small for NBS to make accurate calculations and indicated that it would be necessary for Irwin to provide a numerical table of values in order to obtain a definitive curve. Further, despite having made the statement regarding the accuracy of the Irwin model, the Panel recommended for use as decision curves the NBS curves in Figures 5 and 6 without the OPSO safety factors but with safety factors applied directly to depth measurement. I have decided, therefore, that the Irwin curve cannot now be used as a decision curve for planar and nonplanar defects.

A further analysis by DOT experts examined the effect of applying the Panel's recommendations (removing the OPSO safety factors and applying a safety factor of at least two on depth estimates) to the Alyeska curves for planar and nonplanar defects. These modified Alyeska curves, shown in Figures 5 and 6 labeled "Upper bound decision curve," can then be compared to the nonplanar and planar NBS curves containing the OPSO safety factors. This comparison indicates that, for nonplanar defects, the modified Alyeska curve is more conservative than the NBS curve and that, for planar defects, the modified Alyeska curve is slightly less conservative than the NBS curve. In general, however, agreement between the Alyeska curves and NBS curves improves when the Alyeska curve is modified by the Panel recommendations. This result gives increased confidence in the technical evaluation of the Alyeska approach by NBS and the Panel since it reconciles certain apparent differences between them. Moreover, if the waived defect points for planar and nonplanar flaws (defect numbers 7, 13, and 14) are plotted on Figures 5 and 6, using in this case the measured flaw dimensions directly, it may be observed that they lie below even the most conservative critical flaw size curve.

In summary, based on a thorough review of the aforementioned analyses, I have decided to use the Alyeska curves as the decision curves for planar and nonplanar defects without incorporating the OPSO safety factors on defect size set

¹¹ See Table 16b, pages 94-95 in the NBS Final Report.

NOTICES

forth in the August 13, 1976, Federal Register Notice, but with the safety factors as recommended by the Panel applied to depth measurements before plotting defect sizes as points on the graphs in Figures 1 and 2 to determine whether they fall above or below the decision curves. If these points fall above the decision curves, they will not be considered eligible candidates for a waiver. If the points fall below the decision curves, and if the defects represented by the points are sufficiently removed from other defects in the same weld to be considered separately, they will be considered eligible.

In selecting the Alyeska curves for planar and non-planar defects, I have placed strong reliance on the extent of the British experience in the use of fracture mechanics to analyze the integrity of welded structures in general, and pipelines in particular, and on the affirmation by NBS and the Panel of that approach. Their extensive laboratory tests on actual TAPS field welds was also an important factor, as was the acceptance of the Alyeska/BWI/Cranfield work by the DOT experts.

Table II lists the unrepaired welds containing planar and nonplanar defects which could be accepted on the basis of fracture mechanics analysis. Table III lists such welds which are not acceptable on the basis of such analysis.

The consideration of arc burns posed an especially interesting problem. DOT Standard 49 CFR 195.226 requires that all arc burns must be ground out or cut out. NBS concluded, however, that use of the Alyeska curve with safety factors of two on length and four on depth to determine acceptability of arc burns was reasonable, except for the region of small defect lengths, where the Alyeska curve allows unlimited defect depths. This recommendation led to my selection for use as decision curves for arc burns the composite curves illustrated in Figures 3 and 4.

Having selected the form of the decision curve, it remained only to decide the appropriate factors of safety to be used. NBS again preferred its original recommendation of safety factors of two on the length measurements of arc burns and four on the depth measurements. This preference was advanced despite the incorporation in their Final Report of a method for estimating the depth of arc burns, given the radiographic measurement of the "diameter" of the burns.

The Panel, on the other hand, concluded that "arc burns less than one inch in length introduce no serious problems" for the structural integrity of the TAPS.¹² While this contention is learned and practical, it is insufficiently quantitative for use in the specification of decision curves for arc burns.

If the Panel's recommendation for planar and nonplanar defects is applied to arc burns, the composite decision curves in Figures 3 and 4 could be used

with a safety factor of two on the depth measurements. However, all DOT consultants and experts agree that arc burn depths can be estimated accurately and the necessity for the Panel's recommended safety factor of two becomes questionable. On the other hand, if the arc burn decision curve is used without the extraordinary safety factors and without the Panel's factor of two on depth measurement, arc burns of depths up to 0.32 inches would be considered acceptable. This is more than halfway through even the thickest wall used in the TAPS pipe (0.562 inch) and is not acceptable.

I have decided to incorporate a safety factor of two on arc burn depths. The decision curves in Figures 3 and 4 reflect that decision. In making this decision, I have weighed the issues discussed above and have incorporated the safety factor of two on arc burn depths, primarily to account for the "scatter" in the NBS data. This approach is recommended by all DOT experts.

Those welds containing arc burns for which waivers might or might not be granted on the basis of fracture mechanics analysis are listed in Tables IV and V, respectively.

This action is taken under the authority of 18 USC 831-35, Section 6(e) (4) of the Department of Transportation Act (49 USC 1655(e) (4)), and Section 203 of the Trans-Alaska Pipeline Authorization Act (Pub. L. 93-153).

Section 203(d) of the Trans-Alaska Pipeline Authorization Act provides that actions taken to complete the pipeline do not require further action under NEPA. Arguably this provision covers the decision on the Alyeska waiver petition. Nevertheless, in light of the important environmental consequences at issue, this action has been reviewed pursuant to the provisions of Section 102(2)(c) of NEPA. A negative declaration which concludes that the action will not have a significant impact on the environment is included in the docket and in the Appendix to this document.

Issued in Washington, D.C., on November 26, 1976.

JOHN W. BARNUM,
Deputy Secretary
of Transportation.

ABBREVIATIONS

API	American Petroleum Institute
BP	British Petroleum Pipelines, Inc.
BWI	British Welding Institute
COD	Crack opening displacement
DOI	Department of the Interior
DOT	Department of Transportation
EPFM	Elastic-plastic-fracture-mechanics
LEFM	Linear-elastic-fracture-mechanics
MTB	Materials Transportation Bureau
NBS	National Bureau of Standards
NEPA	National Environmental Policy Act
OPSFO	Office of Pipeline Safety Operations
RI	Rockwell International
SWRI	Southwest Research Institute
TAPS	Trans-Alaska Pipeline System

APPENDIX

ASSESSMENT OF PUBLIC COMMENTS ON THE
PETITION FOR WAIVER

In assessing the Alyeska petition for waiver, the Department made the following

assessment of information provided by (A) Written Comments to the Public Notice and (B) Comments of Participants in the Public Hearing.

A. WRITTEN COMMENTS TO THE PUBLIC NOTICE

The comment period to the notice on the petition for waiver by Alyeska was initiated by 41 FR 34375, August 13, 1976, and extended to the close of business on October 28, 1976. There were five commenters to the public notice: one commenter in favor of the petition for waiver, three commenters were against such an action, and one commenter was noncommittal.

1. The following commenter was not definitely for or against the petition for waiver:

Professor G. M. Zemansky, Oregon State University, indicated that the following considerations be given regarding the petition for waiver:

(a) Recommended that the minimum anticipated service temperature used to determine minimum toughness be no higher than ambient environmental temperatures during a shutdown where the pipe is located;

DOT response: The toughness value used in the fracture mechanics analysis was the minimum toughness at 10°C below the minimum anticipated service temperature during prolonged shutdown.

(b) Recommended that alternate acceptable inspection methods for each weld not be allowed unless they are of equal or superior capability when compared to radiographic methods;

DOT response: All welds are being inspected by radiographic methods.

(c) It is recommended that the laboratory data not be accepted in application for a waiver unless the laboratory in question has been examined and found to be competent and reliable.

DOT response: The Cranfield Institute and British Welding Institute in England, retained by Alyeska to develop the fracture mechanics analysis, are creditable laboratories that have considerable standing in the scientific community and have considerable expertise in welding technology and fracture mechanics. The NBS visited each laboratory, witnessed testing being conducted in connection with Alyeska's petition, and has commented favorably on their qualifications.

2. The following commenter was in favor of the petition for waiver:

The American Petroleum Institute asserted that the American Petroleum Institute-American Gas Association Joint Committee on Oil and Gas Pipe Line Field Welding Practices, which is responsible for API 1104, have been discussing a fracture mechanics approach to flaw analysis and weld acceptability. A new section which would establish such an approach as an alternative to the acceptability criteria now contained in API Standard 1104 is planned for inclusion in the 15th Edition of the Standard.

DOT response: Such action by this Committee lends credence to the possible use of fracture mechanics analysis as a basis for establishing an alternative method of assuring the integrity of particular girth welds on this pipeline.

3. The following commenters were not in favor of granting the petition for waiver: Friends of the Earth, Washington, D.C.; Trustees for Alaska, Anchorage, Alaska; and the Environmental Protection Agency, Washington, D.C.

Friends of the Earth and Trustees for Alaska asserted in a joint letter that:

The standards established by 49 CFR Part 195 were designed for pipelines constructed in the 48 contiguous States, and although these same standards apply to TAPS, the TAPS is subject to unique environmental

¹² This judgment cannot be extended to all pipelines, however. More precisely it reflects the Panel's confidence in the particular steel used for the TAPS.

hazards such as ice crushing, river scouring, extreme cold temperatures, and high seismic risk, and therefore, the standards should not be relaxed. The fragile environment of Alaska, specifically the location of deficient girth welds in environmentally sensitive areas, requires that DOT standards not be relaxed.

DOT response: The petition for waiver does not contemplate a relaxation of the DOT requirement of pipeline integrity. The use of fracture mechanics is an alternative to reliance on workmanship quality standards for assuring the acceptability of particular girth welds on this pipeline. In making the fracture mechanics analysis, the worst anticipated service conditions of the actual Alaskan environment were used.

The Environmental Protection Agency advised against granting of the waiver unless a detailed environmental assessment of each weld considered in the petition is made because:

(a) The pipeline welds will be subjected to a number of forces, i.e., temperature stresses, differential settlement, loss of ductility in the material during prolonged shutdown and seismic conditions, which an ordinary pipeline is not subjected to and for which calculations have not been specified in the design criteria.

DOT response: The Alyeska structural design criteria which was evaluated by OPSO did consider the various combinations of credible loads and forces which the pipeline would be subjected to during its operation and found that the criteria established by Alyeska was reasonable and adequate. These loads and forces were also considered in the Alyeska fracture mechanics analysis which used the worst case instantaneous credible stress and worst case fatigue stress spectrum in developing allowable defect size curves.

(b) A girth weld failure during startup when the leak detection system is inoperative since the pipeline is not full could have disastrous environmental consequences.

DOT response: This is unlikely to occur since it was found in the fracture mechanics analysis that the maximum stress on the girth welds is due to fatigue and prolonged shutdown, not during startup of the pipeline.

B. COMMENTS OF PARTICIPANTS IN THE PUBLIC HEARING

On October 28, the Deputy Secretary of Transportation conducted a public hearing in this matter. Three persons made presentations: two in favor of the petition for waiver and one against such an action. The hearing was transcribed electronically and became part of the record in this proceeding.

1. One participant in the hearing was against the petition for waiver: Ms. Pamela Rich, representing Friends of the Earth, the Wilderness Society, the Fairbanks Environmental Center and Trustees for Alaska.

Ms. Rich asserted that:

(a) The standards in 49 CFR Part 195 are the minimum standards which this project should meet because Alyeska agreed to do so in the DOI-Alyeska Right-of-Way Agreement and because these are standards established by the industry themselves, which are consistently met on other pipeline construction.

DOT response: The standards in 49 CFR Part 195 are considered minimum Federal standards and the petition for waiver does not contemplate relaxing those standards. Rather, it calls for using fracture mechanics analysis as a basis for establishing an alternative method for assuring the integrity of particular girth welds on this pipeline.

(b) Fracture mechanics analysis will be difficult to apply because:

(i) Limited experience with this technology in predicting flaw growth and fracture behavior with steel such as the grade used in the Alaskan pipeline.

DOT response: Fracture mechanics analysis was originally developed to assess the ability of metals to resist brittle fracture. For such applications linear-elastic-fracture-mechanics (LEFM) analysis could be used because the metal was stressed to a relatively low fraction of its yield strength and therefore behaved elastically. More recently fracture mechanics analysis has been extended to permit consideration of more ductile materials such as those used for oil and gas pipelines. The extension to ductile materials, which behave plastically, has been made possible by the development of elastic-plastic-fracture-mechanics (EPFM) analysis, which is more complex than LEFM analysis because the stresses in the structure cannot be analyzed using exact mathematics. The various fracture mechanics analyses performed specifically for the TAPS (described in Part V of this report) were developed using independent failure models that incorporated either LEFM methods modified to account for plasticity or direct EPFM analytical methods. The fact that these different analyses produced similar results provides convincing evidence that fracture mechanics analyses can be applied to ductile materials such as the pipeline steel.

(ii) Limited experience dealing with the stresses of the Arctic environment especially on the large diameter and high pressure pipes used in the Alaskan pipeline.

DOT response: Both liquid and gas pipelines up to 56-inch diameter have been used successfully elsewhere in the world. The pressure in the pipe as well as the stresses in the wall of the pipe are not above those currently used in existing pipelines both in the United States and abroad. The Alaskan pipeline design stresses, in terms of the specified minimum yield strength follows currently accepted regulations. Of more significance is the fact that the toughness of the pipe is higher than that of similar pipe used at comparable stress levels. Based on fracture mechanics analysis, this higher fracture toughness means that, at a given stress level, the allowable defect sizes are larger than in a lower toughness pipe stressed to the same level.

(iii) The lack of standard test methods to establish fracture toughness in the particular grade of steel used in the Alaskan pipeline.

DOT response: At present, there is not a single standard test method established by the American Society for Testing and Materials (ASTM) for determining the fracture toughness of metals which exhibit substantial plasticity prior to fracture. The weld metals used in the TAPS behave in this manner. It must be understood that, before a

test method, it must be capable of giving accurate and reproducible results for a very wide range of materials. At present, extensive development has been done on the COD procedure, the J-integral method, and the instrumented precracked Charpy-V-notch test method for determining the fracture toughness of relatively ductile metals.

All three of these methods were used to assess the toughness of the pipeline weld metals. The variation in the toughness values measured by these methods is due to uncertainties in (1) determining precisely the point at which fracture occurs in the test specimen, (2) the effects of specimen size which influences the amount of plasticity prior to fracture, and (3) the effect of strain rate in the specimens. These uncertainties must all be accurately known and accounted for before a test method can be fully accepted as a standard test method. For the present application, however, a lower bound fracture toughness value was used and therefore the uncertainties discussed above are of less significance.

(iv) The lack of accurate measurements of depth definition which are necessary for adequate fracture mechanics analysis.

DOT response: As described in detail in the NBS report, the measurement of defect depth from field radiographs is subject to possible error. None of the methods that were used could give precisely known defect depth measurements for all sizes and types of defects. Nevertheless, as discussed in the report of the Panel, the defect depth can be determined from the existing field radiographs in such a manner that the upper limit of the depth can be defined when certain factors based on established engineering experience and judgment are included to assess the defect size. Therefore, it is possible to define a conservative upper limit to the defect depth measurements and use this defect depth for assessing the defects present in the welds and estimating the growth of defects during the lifetime of a structure.

2. The following two participants in the public hearing favored the petition for waiver: Mr. E. L. Patton, Chairman and Chief Executive Officer, Alyeska Pipeline Service Company; and Mr. E. L. Von Rosenberg, Senior Research Associate, Exxon Production Research Company.

In their comments they asserted that:

(a) Fracture mechanics analysis demonstrates that most discontinuities in the Alyeska welds in excess of those permitted by API Standard 1104 do not impair the fitness and safety of the pipe or its ability to withstand maximum stresses under all conceivable operating conditions.

DOT response: All girth weld flaw sizes will be evaluated to ascertain whether they impair the integrity of the line.

(b) The Alyeska analysis includes conservative assumptions of critical flaw sizes, some two and four times greater than indicated in practical experience. Additional safety factors of two on both length and depth size for nonplanar flaws with an additional factor of two applied to planar flaws when the defect depth is determined by radiography is unreasonably conservative.

DOT response: The decision curves for planar and nonplanar defects, Figures 1 and 2, do not incorporate the OPSO safety factors for length and depth.

NOTICES

Page 1 of 3

TABLE I - INFORMATION ON GIRTH WELDS INCLUDED IN WAIVER REQUEST AS OF NOVEMBER 18, 1976

DEFECT NUMBER	ALYESKA WELD NUMBER	LOCATION IN WELD (1)	LOCATION		ENVIRONMENTAL LOCATION	FINAL DOCKET REV. 11-18-76	FINAL DOCKET (SRI) (2) (3)	DEPTH (IN.) (RI) (4) X 2	DEPTH (IN.) (RI) (4)	DEPTH (IN.) (RI) (4) X 2	CASE NUMBER Page 103 of NBS Report	LIKELY MAX.
			LENGTH (IN.)	ALIGNMENT SHEET								
PLANAR DEFECTS												
INCOMPLETE PENETRATION (H/LD)												
1	81706	44	120	"	Cold Permafrost	2,500	Est. 0.035	0.028	0.056			
2	"	64	120	"	"	3,000	"	0.015	0.010	0.060		
NONPLANAR DEFECTS												
NONCOMPLETE FUSION												
3*	81408	89	120	"	Cold Permafrost	5,000	Est. 0.035	0.024	0.048			
4*	81448	135	120	"	"	1,375	"	0.035	0.013	0.026		
5	81934	136	111	"	Atigun Flood Plain	1,625	0.035	0.020	0.040	0.071		
6	81984	112	111	"	"	1,125	Est. 0.030	0.030	0.050	0.100		
7	91008R	124	100	"	Middle Fork Koyukuk, River	0,375	"	0.060	0.048	0.096		
NON-PLANAR DEFECTS												
GAS BOCKETS												
8*	81441R	74	120	"	Cold Permafrost	0,188	"	0.010	0.030	0.060	0.040	
9*	81674	28	120	"	"	0,210	"	0.016	0.024	0.050	0.035	
10*	81701	75	120	"	"	0,188	"	0.006	0.088	0.136	0.032	
11	81931	101	111	"	Atigun Flood Plain	0,125	0.018	0.120	0.240	0.196		
12	82065	140	111	"	"	0,156	0,017	0.020	0.040	0.054		
ELONGATED SLAG												
13	90001C	108	100	"	Middle Fork Koyukuk River	2,250	Est. 0.040	0.030	0.050			
14	"	120	100	"	"	2,250	"	0.040	0.033	0.056		
HOLLOW BEAD												
15*	81445	24	120	"	Cold Permafrost	2,062	Est. 0.040	0.044	0.068			
16*	81473	12	120	"	"	3,250	"	0.020	0.031	0.054		
17*	81626	55	120	"	"	2,625	"	0.035	0.030	0.050		
18*	"	135	120	"	"	2,875	"	0.035	0.037	0.054		
19*	81642	15	120	"	"	2,188	"	0.040	0.034	0.058		
20*	81678	48	120	"	"	2,500	"	0.035	0.033	0.056		
21*	81688	51	120	"	"	3,500	"	0.026	0.035	0.050		
22	81794	150	111	"	Atigun Flood Plain	0,500	0.034	0.041	0.065	0.105		
23	81803R(5)	142	111	"	"	3,000	0.025	0.033	0.065	0.088		
24	81858	15	111	"	"	2,375	0.023	0.050	0.100	0.055		
25	81973	10	111	"	"	2,250	0.014	0.070	0.100	0.074		

Continues on Page 3 of 3.

TABLE I - INFORMATION ON GIRTH WELDS INCLUDED IN WAIVER REQUEST AS OF NOVEMBER 18, 1976

DEFECT NUMBER	WELD NUMBER	LOCATION IN WELD (1)	LOCATION SHEET	ALIGNMENT LOCATION	ENVIRONMENTAL LOCATION	LENGTH (IN.)	FINAL DOCKET: REV. 11-18-76	FINAL DOCKET: REV. 11-18-76	DEPTH (IN.)		LIKELY MAX. CASE R. Per Discussion Page 3 of NBS Report
									10	11	
<u>NON-PLANAR DEFECTS (cont'd.)</u>											
26*	81399	35		120	Cold Permafrost	0.156	N.A.	0.042	0.084		
27*	81442	97		"	"	0.125	0.035	0.067	0.134	0.079	
28*	815908	143		"	"	0.125	N.A.	0.027	0.054		
29*	81660	62		"	"	0.062	N.A.	0.035	0.070		
30*	"	70		"	"	0.062	N.A.	0.032	0.064		
31	81851	41		111	Atigun Flood Plain	0.250	0.026	0.060	0.120	0.087	
32	81858	37		111	"	0.125	0.048	0.103	0.206	0.113	

*Pipe having 0.562 wall thickness; X-70 grade.

Footnotes on Page 3 of 3.

TABLE I - INFORMATION ON GIRTH WELDS INCLUDED IN POLYMER REQUEST, LAS OF NOVEMBER 18, 1976

DEFECT NUMBER	ALYESKA	WELD NUMBER	LOCATION (1)	LOCATION		FINAL DOCKET	WIDTH (IN.)	DEPTH (IN.)	FINAL DOCKET	From NBS Conversion Curve, Using (SRKI) (2)	IN HAZ.
				ALIGNMENT	ENVIRONMENTAL						
ARC BURNS											
33*	81442	75	120	Cold Permafrost	0.500	0.600	0.140	0.023	0.015	No	
34*	"	79	120	"	0.500	0.400	0.140	0.023	0.009	No	
35*	81685	77	120	"	0.250	0.270	0.210	Est.	0.035	0.032	No
36*	"	17	120	"	0.438	0.460	0.200	"	0.025	0.029	Yes
37	81837	15	111	Atigun Flood Plain	0.250	0.520	0.200	0.032	0.029	Yes	
38	81943	52	111	"	0.188	N.A.	N.A.	Est.	0.015	N.A.	
39	81947	126	111	"	0.219	0.225	0.150	0.025	0.024	Yes	
40	82032	137	111	"	0.094	0.175	0.130	0.016	0.005	No	
41	82038	150	111	"	0.094	N.A.	N.A.	N.A.	N.A.	N.A.	
42	90001C	3	100	Middle Fork Koyukuk River	0.188	0.225	0.160	0.016	0.016	Yes	
43	"	125	100	"	0.125	0.210	0.200	Est.	0.020	0.030	Yes
44	90008R	71	100	"	0.750	0.875	0.110	0.018	0.001	Yes	
45	90021	94	100	"	0.062	0.340	0.130	0.010	0.006	No	

* Pipe having 0.562 wall thickness, 1 x 70 grade.

(1) Location is determined by facing downstream and measuring clockwise in inches along circumference of the weld starting at the 12 o'clock position.

(2) Dimensions used by Alyeska in Docket were determined by Southwest Research Institute (SWRI).

(3) Depths noted as "Est." were determined by visual method. All other depth measurements by SWRI were determined by densitometer. Before using the densitometer depths measurements listed a correction factor of 0.025 must be added.

(4) Dimension determined by Rockwell Intertech (RI) for USGS.

(5) Depth does not have "R" after weld number. The RI depth reading was on a radiograph with the "R" after the weld number signifying the weld had been repaired.

TABLE II.—Welds acceptable by fracture mechanics analysis

Alyeska weld No.	Defect number	Figure plotted on—
Planar defect—Incomplete penetration (H/L ₀):		
81708	1	1
81706	2	1
Planar defect—Incomplete fusion:		
81408	3	1
81448	4	1
81934	5	1
81984	6	1
90008R ¹	7	1
Nonplanar defect—Gas pocket:		
81411R	8	2
81674	9	2
81701	10	2
82065	12	2
Nonplanar defect—Elongated slag:		
90001C ²	13	2
90001C ²	14	2
Nonplanar defect—Hollow head:		
81642	19	2
81678	20	2
81794	22	2
Nonplanar defect—Spherical, cluster and wormhole porosity:		
81859	26	2
81442 ³	27	2
81590R	28	2
81660	29	2
81660	30	2
81851	31	2

¹ Weld also contains acceptable arc burn in weld.² Weld also contains acceptable arc burns in weld.³ Weld also contains acceptable arc burns in base metal.

TABLE III.—Welds not acceptable by fracture mechanics analysis

Alyeska weld No.	Defect number	Figure plotted on—
Nonplanar defect—Gas pocket:		
81931 ¹	11	2
Nonplanar defect—Hollow head:		
81445	15	2
81473	16	2
81626 ¹	18	2
81688	21	2
81803R	23	2
81858 ¹	24	2
81973	25	2

¹ This weld not acceptable because plotted depth of defect on fig. 2 exceeds $\frac{1}{2}$ the pipe walls thickness.² Defect No. 17 in same weld plot below curve on fig. 2.³ Defect No. 32 in same weld plots below curve on fig. 2.

TABLE IV.—Arc burns acceptable by fracture mechanics analysis

Alyeska weld No.	Defect number	Figure plotted on—
Arc burns in base Metal:		
81442 ¹	33	3
81442	34	3
81083	35	3
82002	40	3
90021	45	3

Arc burns in weld or heat affected zone:

81685 ¹	36	4
81837	37	4
81947	39	4
90001C ¹	42	4
90001C	43	4
90008R ¹	44	4

¹ Weld also contains acceptable porosity defect.² Are burns in both base metal and weld.³ Weld also contains acceptable elongated slag inclusions.⁴ Weld also contains acceptable incomplete fusion defect.TABLE V.—Arc burns not acceptable¹

Alyeska weld No.	Defect number
81943	38
82008	41

¹ Alyeska did not provide Rockwell International with radiographs of these welds so that arc burn diameter necessary for determining depth (by NBS conversion curve) could not be obtained.

DECISION CURVE FOR PLANAR WELD DEFECTS

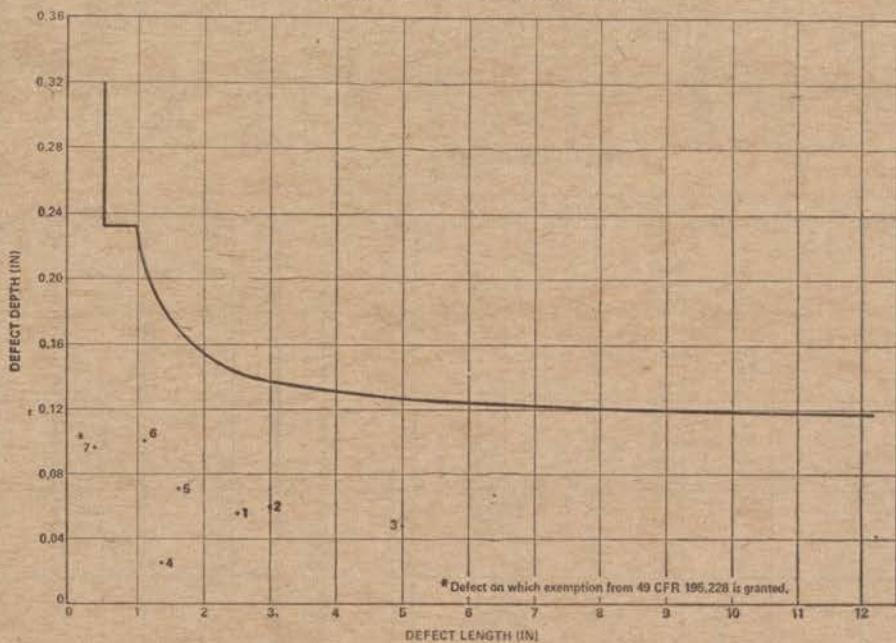


FIGURE 1

NOTICES

DECISION CURVE FOR ARC BURNS (BASE METAL)

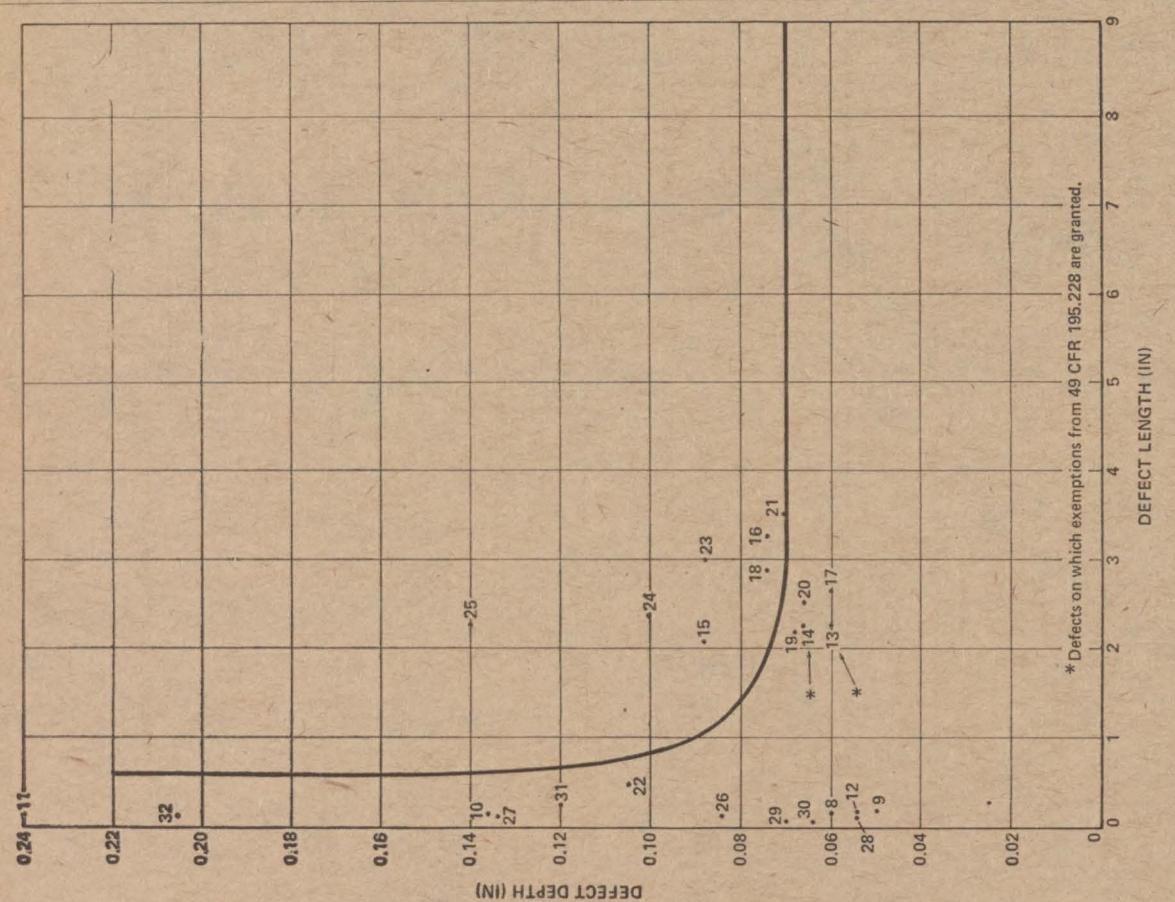


FIGURE 2

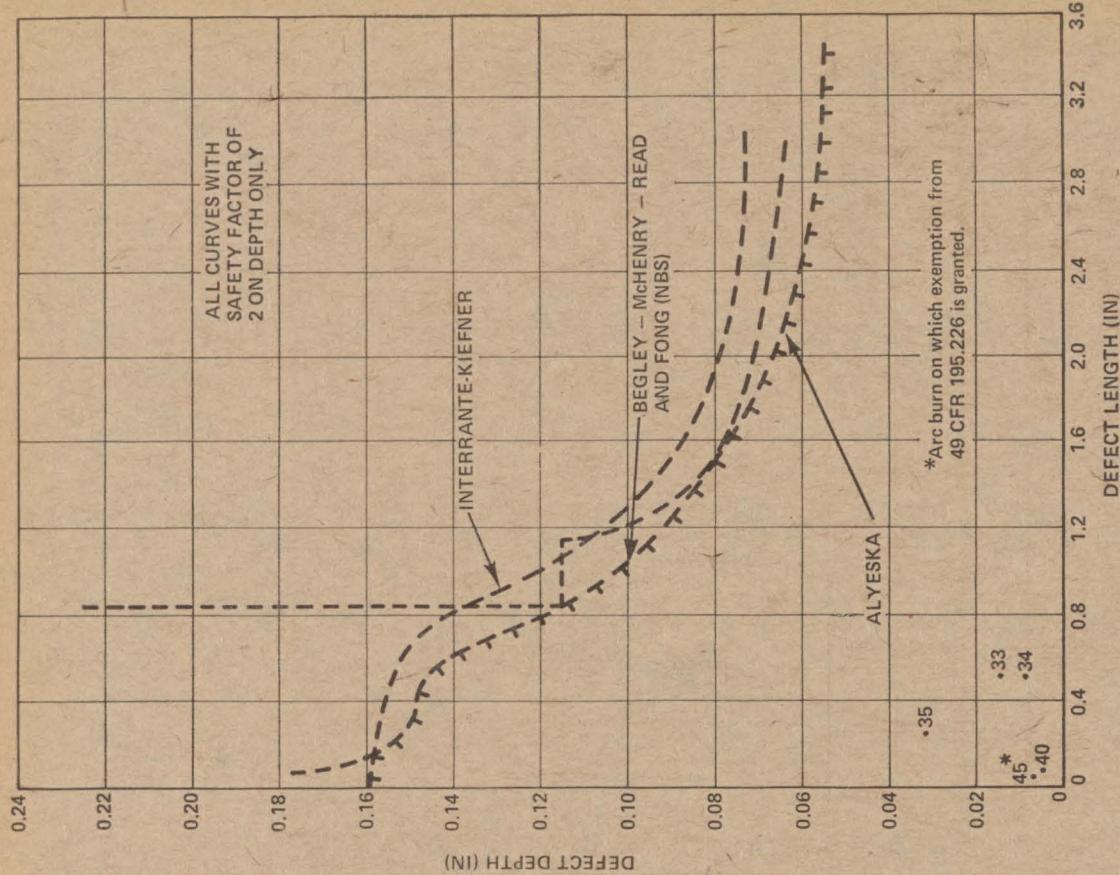
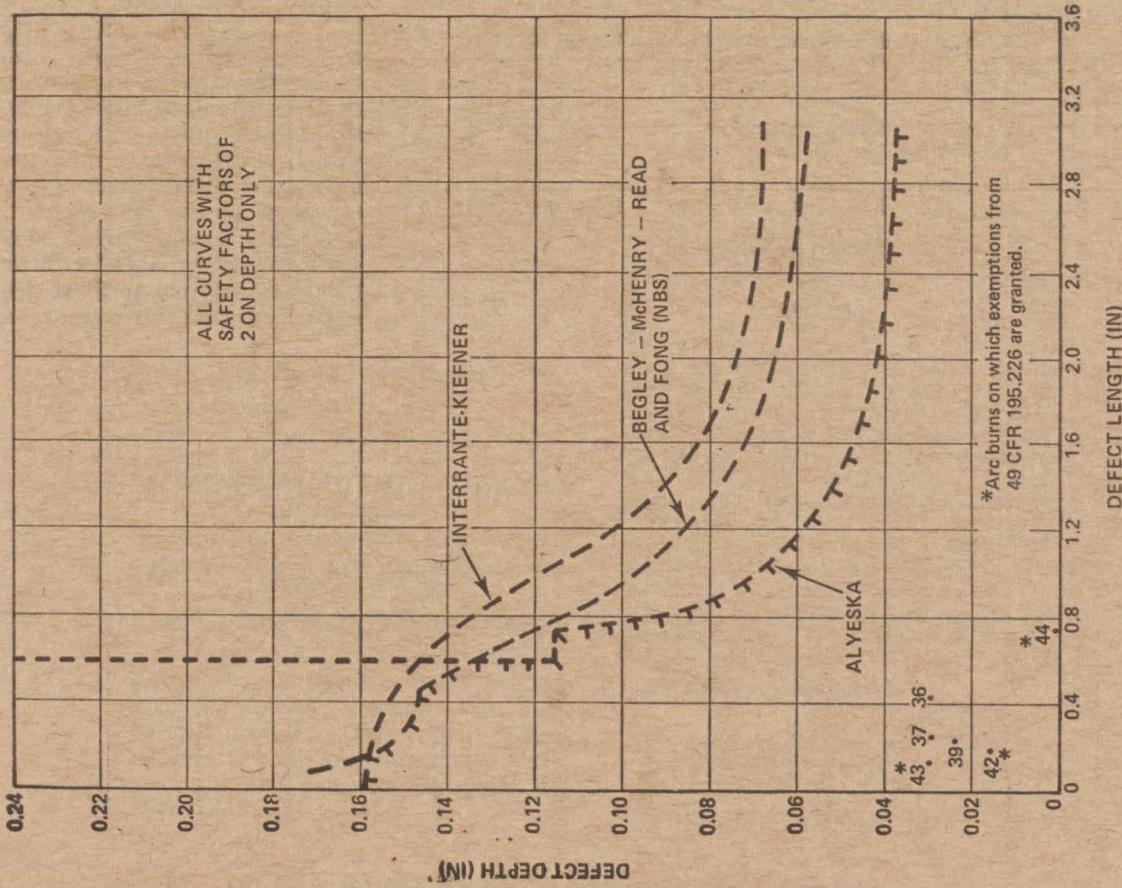
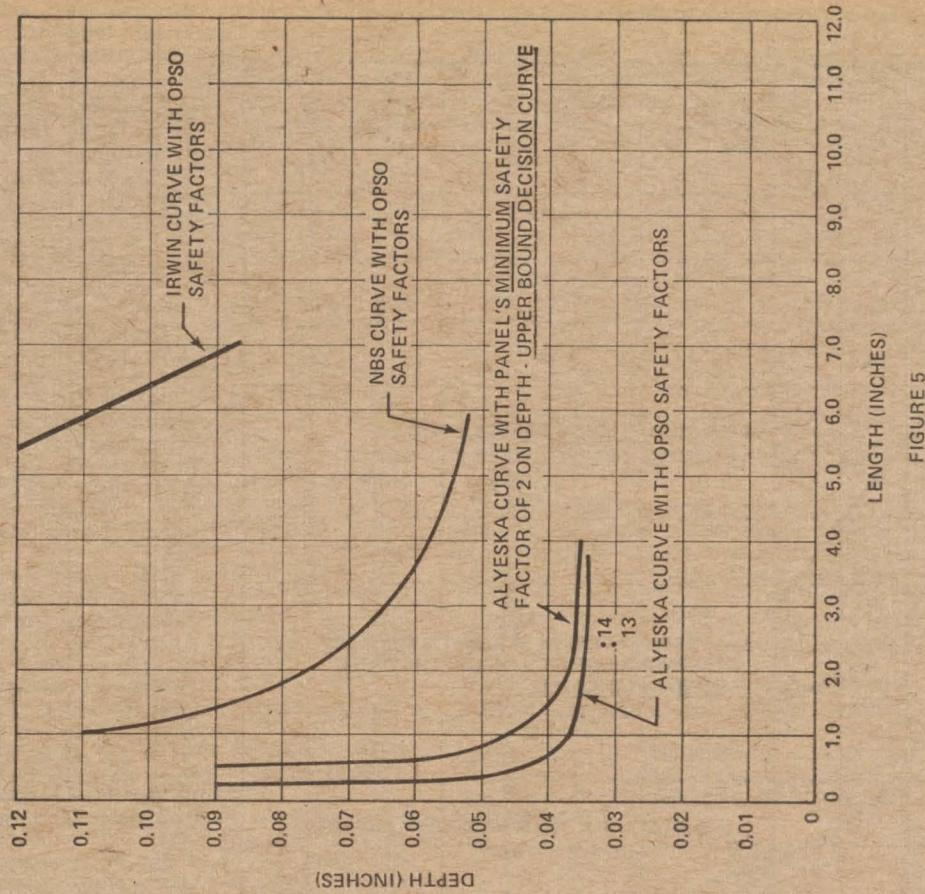


FIGURE 3

DECISION CURVE FOR ARC BURNS (WELD, HAZ)



COMPARISON CURVES FOR NON-PLANAR WELD DEFECTS



NOTICES

52947

COMPARISON CURVES FOR PLANAR WELD DEFECTS

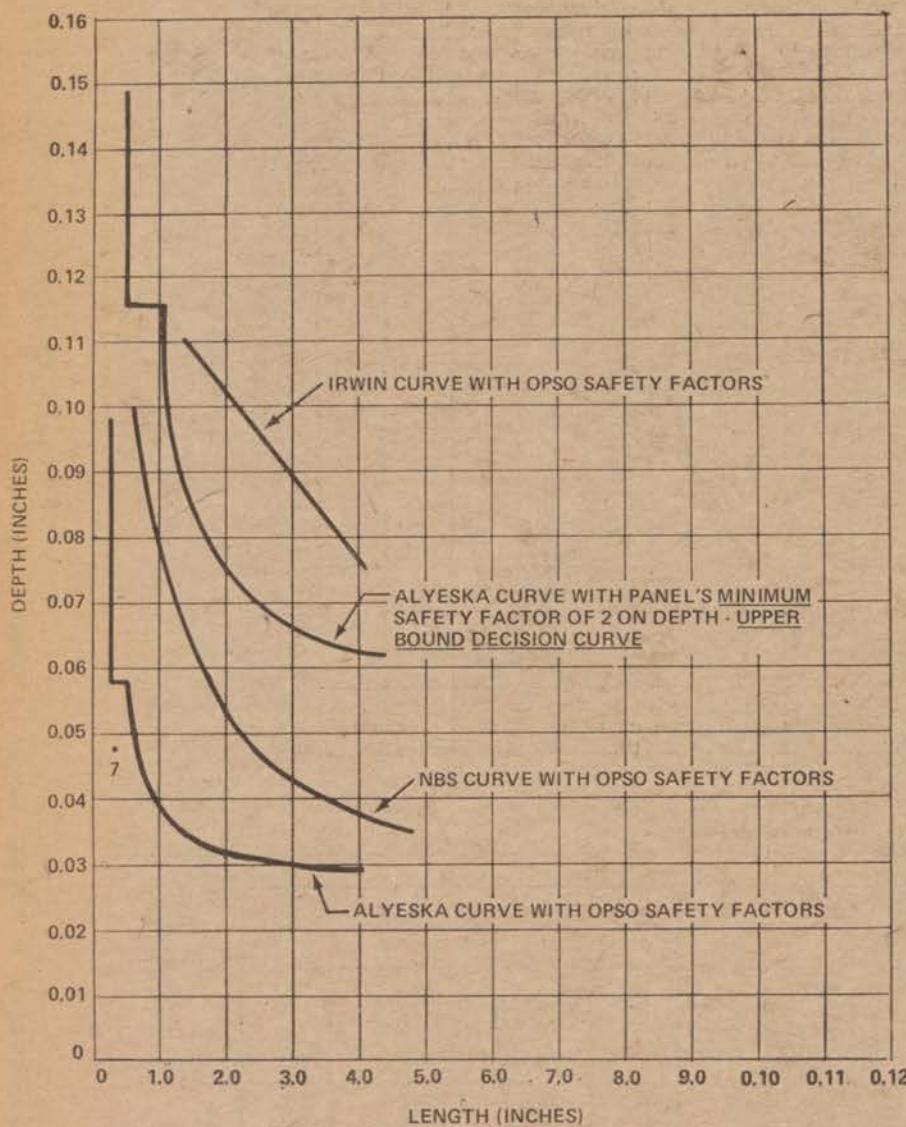


FIGURE 6

NEGATIVE DECLARATION PURSUANT TO SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

As discussed in the Decision on Petition for Waiver of Girth Weld Regulations (OPSO Docket No. 76-12W, Notice 6, November 26, 1976), the Department of Transportation proposes to grant exemptions from compliance with DOT welding standards for three girth welds on the Trans-Alaska Pipeline and to deny exemptions for 31 other girth welds for which waivers were requested and which have not yet been repaired.

The decision to grant the three exemptions is based upon extensive and detailed technical analysis, complemented by consultation with numerous independent technical experts. The analyses and consultations support a conclusion that the existence of the identified defects in those three welds does not constitute a risk of failure at the identified welds during the expected lifetime of the pipeline.

The major environmental concern which might arise in connection with the exemption is the possibility of a leak resulting from the defects in the welds. An oil spill resulting from such a leak could do massive damage to the fragile ecosystem in which the pipeline is located. However, since it is the conclusion of the technical analysis that the identified defects do not constitute a risk of failure at the welds, it follows that there is not any increased probability of a leak or oil spill.

The three welds for which exemptions are granted under this decision are located in the area of the crossing of the Middle Fork Koyukuk River. The Middle Fork Koyukuk is located in the Yukon River drainage basin north of the Arctic Circle. The river is a typical "braided" stream with one or more channels flowing through gravel or rocky areas and with frequent shifts or meanders of the main channel. The river supports populations of several fish species. The fish population is considered to be critically sensitive to disturbances in the river during the period from April 1 to October 30, and somewhat sensitive year round.

The three welds are buried at a depth of approximately 17 feet. They are not located within the limits of the present stream channel, although this could change as the channel shifts during the coming winter. Because of a high water table and the nature of the stream bed, any repairs of these welds would require large bell holes and considerable risk of siltation to the stream and consequent impact on the fish population. It appears, therefore, that a decision not to grant the requested exemptions for these three welds would result in some adverse environmental impact, while the decision to grant the exemptions will not have any adverse environmental impacts on the stream or its fish population since the known defects do not present a risk of failure of the girth welds.

With respect to the 31 welds for which exemptions are denied, the same general environmental considerations apply. Eight of the welds are technically unacceptable, and a decision to approve an exemption for them would imply an increased risk of failure, with resulting oil leakage and environmental damage. Further, for all 31 welds the bell hole excavations have been completed and thus any surface environmental disruption associated with the repairs has already occurred. None of these 31 welds are located in a stream crossing, so there are not any fish or water quality impacts associated with the repairs.

Environmental benefits would not accrue from a decision at this time to grant exemptions on any of the 31 welds and adverse environmental impacts will not occur as a result of denial of the exemptions.

I therefore conclude that a decision to grant exemptions for weld numbers 90001C, 90008R, and 90021 and to deny exemptions for the remaining unrepaired girth welds listed in the Alyeska waiver petition dated September 1, 1976, will not have any significant environmental impacts, and that an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act is not required for this section.

JOHN W. BARNUM,
Deputy

Secretary of Transportation.

NOVEMBER 26, 1976.

[FR Doc. 76-35373 Filed 12-1-76; 8:45 am]

DEPARTMENT OF THE TREASURY Fiscal Service

[Dept. Circ. 570, 1976 Rev., Supp. No. 5]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

Puritan Insurance Co. Change of Name

The Manhattan Fire and Marine Insurance Company, a New York corporation, has formally changed its name to Puritan Insurance Company, effective October 1, 1976. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated October 1, 1976, has been issued by the Secretary of the Treasury to Puritan Insurance Company under sections 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1976 (41 FR 28245, July 8, 1976) to the company under its former name, The Manhattan Fire and Marine Insurance Company. The underwriting limitation of \$414,000 previously established for the company remains unchanged.

The change in name of The Manhattan Fire and Marine Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: November 22, 1976.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.

[FR Doc. 76-35450 Filed 12-1-76; 8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on Tuesday, December 28, 1976, at 1:00 p.m., the Des Moines Regional Office Station Committee on Educational Allowances shall, at Room 1021, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Wings Over Iowa Flight School, Boone, Iowa 50036, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: November 23, 1976.

ROBERT L. WINTERS,
Director, VA Regional Office, 210
Walnut Street, Des Moines,
Iowa 50309.

[FR Doc. 76-35420 Filed 12-1-76; 8:45 am]

NOTICES

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice 2021]

ASSIGNMENT OF HEARINGS

NOVEMBER 29, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F 12836, Lime City Trucking Co., Inc. (Purchase) Robert O. Evans, d.b.a. Johnson Express Line and MC 20872 (Sub 16), Lime City Trucking Co., Inc. now being assigned February 28, 1977 (1 week) at Chicago, Illinois in a hearing room to be later designated.

AB 57 (Sub-2), Soo Line Railroad Company Abandonment Between Raco Junction and Raco in Luce and Chippewa Counties, Michigan now being assigned February 23, 1977 (3 days) at Sault Ste. Marie, Michigan in a hearing room to be later designated.

MC 107743 (Subs- 41 and 42), System Transport, Inc., now assigned January 11, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 129032 (Sub 20), Tom Inman Trucking, Inc. now assigned January 25, 1977 at Chicago, Illinois is cancelled, application dismissed.

MC 142107 (Sub-1), H & M Trucking Co. now being assigned January 25, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 107487 (Sub-6), Columbia City Freight Lines, Inc., now being assigned February 1, 1977 (3 days), at Indianapolis, Ind., in a hearing room to be later designated.

MC 110144 (Subs 17 and 18), Jack C. Robinson, d.b.a. Robinson Freight Lines, now being assigned February 7, 1977 (1 week) at Morristown, Tennessee; in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35535 Filed 12-1-76;8:45 am]

[Rule 19: EX Parte No. 241; Rev. Exemption No. 129]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing that the railroads named herein own numerous 40-ft plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be

used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company.

Reporting Marks: ATSF.

Atlanta and Saint Andrews Bay Railway Company.

Reporting Marks: ASAB.

The Baltimore and Ohio Railway Company.

Reporting Marks: BO.

Burlington Northern Inc.¹

Reporting Marks: BN-CBQ-GN-NP-SPS.

The Chesapeake and Ohio Railway Company.

Reporting Marks: CO-PM.

Chicago, Rock Island and Pacific Railroad Company.

Reporting Marks: RI-ROCK.

Chicago, West Pullman & Southern Railroad Company.

Reporting Marks: CWP.

The Denver and Rio Grande Western Railroad Company.

Reporting Marks: DRGW.

Detroit and Mackinac Railway Company.

Reporting Marks: D&M-DM.

Elgin, Joliet and Eastern Railway Company.

Reporting Marks: EJE.

Illinois Terminal Railroad Company.

Reporting Marks: ITC.

Louisville and Nashville Railroad Company.

Reporting Marks: CIL-L&N-MON-NC.

Louisville, New Albany & Corydon Railroad Company.

Reporting Marks: LNAC.

Missouri-Kansas-Texas Railroad Company.

Reporting Marks: MKT.

Missouri Pacific Railroad Company.

Reporting Marks: CEI-MI-MP-TP.

Southern Railway Company.

Reporting Marks: CG-NS-SA-SOU.

St. Louis-San Francisco Railway Company.

Reporting Marks: SLSF.

Union Pacific Railroad Company.

Reporting Marks: UP.

Western Maryland Railway Company.

Reporting Marks: WM.

Effective 12:01 a.m., November 30, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., November 22, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-35540 Filed 12-1-76;8:45 am]

¹ Addition.

ATLANTA AND SAINT ANDREWS BAY RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company. Reporting Marks: ASAB.

The Baltimore and Ohio Railroad Company. Reporting Marks: BO.

The Chesapeake and Ohio Railway Company. Reporting Marks: CO-PM.

Elgin, Joliet and Eastern Railway Company. Reporting Marks: EJE.

Green Mountain Railroad Corporation. Reporting Marks: GMRC.

Greenville and Northern Railway Company. Reporting Marks: GRN.

Louisville and Wadley Railway Company. Reporting Marks: LW.

Louisville, New Albany & Corydon Railroad Company. Reporting Marks: LNAC.

Missouri-Kansas-Texas Railroad Company. Reporting Marks: BKY-T-MKT.

New Jersey, Indiana & Illinois Railroad Company. Reporting Marks: NJII.

Norfolk and Western Railway Company. Reporting Marks: N&W-ACY-NKP-P&W-WAB.

Norwood & St. Lawrence Railroad Company. Reporting Marks: NSL.

Pearl River Valley Railroad Company. Reporting Marks: PRV.

The Pittsburgh and Lake Erie Railroad Company. Reporting Marks: P&LE.

Raritan River Railroad Company. Reporting Marks: RR.

Sacramento Northern Railway. Reporting Marks: SN.

St. Johnsburg & Lamoille County Railroad. Reporting Marks: SJL.

Sierra Railroad Company. Reporting Marks: SERA.

Tidewater Southern Railway Company. Reporting Marks: TS.

Toledo, Peoria & Western Railroad Company. Reporting Marks: TPW.

Vermont Railway, Inc. Reporting Marks: VTR.

WCTU Railway Company. Reporting Marks: WCTR.

Western Maryland Railway Company. Reporting Marks: WM.

Yreka Western Railroad Company. Reporting Marks: YW.

Effective November 29, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., November 22, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc. 76-35541 Filed 12-1-76; 8:45 am]

[Rule 19; Ex Parte No. 241; Admt. No. 3;
Exemption No. 122]

BALTIMORE AND OHIO RAILROAD CO.
ET AL.

Exemption Under Mandatory Car Service
Rules

In the matter of The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, Consolidated Rail Corporation, Western Maryland Railway Company.

Upon further consideration of Exemption No. 122 issued April 2, 1976.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 122 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire February 28, 1977.

This amendment shall become effective November 30, 1976.

Issued at Washington, D.C., November 22, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc. 76-35539 Filed 12-1-76; 8:45 am]

[Rule 19; Admt. No. 13 to Exemption No. 63;
Ex Parte No. 241]

BESSEMER AND LAKE ERIE RAILROAD
CO. AND CONSOLIDATED RAIL CORPO-
RATION

Exemption Under Provision of Mandatory
Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby amended to expire February 28, 1977.

This amendment shall become effective November 30, 1976.

Issued at Washington, D.C., November 22, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc. 76-35534 Filed 12-1-76; 8:45 am]

[Rule 19; Ex Parte No. 241; Admt. No. 4;
Exemption No. 108]

CHICAGO AND EASTERN ILLINOIS
RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service
Rules

In the matter of Chicago & Eastern Illinois Railroad Company, Consolidated Rail Corporation, Missouri-Illinois Railroad Company, Missouri Pacific Railroad Company, and The Texas and Pacific Railroad Company.

Upon further consideration of Exemption No. 108 issued March 1, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 108 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby amended to expire February 28, 1977.

This amendment shall become effective November 30, 1976.

Issued at Washington, D.C., November 22, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc. 76-35543 Filed 12-1-76; 8:45 am]

[Rule 19; Ex Parte No. 241; Admt. No. 9;
Exemption No. 94]

DETROIT, TOLEDO AND IROTON RAIL-
ROAD CO. AND CONSOLIDATED RAIL
CORPORATION

Exemption Under Mandatory Car Service
Rules

Upon further consideration of Exemption No. 94 issued February 5, 1975.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 94 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire February 28, 1977.

This amendment shall become effective November 30, 1976.

Issued at Washington, D.C., November 22, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc. 76-35542 Filed 12-1-76; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 29, 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. 43284—*Alfalfa Meal or Pellets from Various Points on the Missouri Pacific Railroad Company in Kansas*. Filed by Missouri Pacific Railroad Company (No. 1140), for interested rail carriers. Rates on alfalfa meal or pellets, in car-loads, as described in the application, from specified points in Kansas on the Missouri Pacific Railroad Company, to Gulf Ports, viz.: Ama, Baton Rouge, Lake Charles, Myrtle Grove (Plaquemine Parish), New Orleans, Port Allen, Louisiana, also Beaumont, Corpus Christi, Freeport, Galveston, Houston, Orange and Texas City, Texas.

Grounds for relief—Motor-truck and barge competition.

Tariff Supplement 84 to Missouri Pacific Railroad Company tariff 57-F, I.C.C. No. 518. Rates are published to become effective on January 1, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary

[FR Doc. 76-35536 Filed 12-1-76; 8:45 am]

[Rule 19; Ex Parte No. 241, Admt. No. 9; Ex-
emption No. 93]

GRAND TRUNK WESTERN RAILROAD CO.
AND CONSOLIDATED RAIL CORPORATION

Exemption Under Mandatory Car Service
Rules

Upon further consideration of Exemption No. 93 issued January 15, 1975.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 93 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire February 28, 1977.

This amendment shall become effective November 30, 1976.

Issued at Washington, D.C., November 22, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc. 76-35538 Filed 12-1-76; 8:45 am]

[Section 5a Application No. 23; Admt. No. 9]

MIDDLE ATLANTIC CONFERENCE—
AGREEMENT

NOVEMBER 18, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed November 11, 1976 by:

S. C. Herold, Executive Vice President, Middle Atlantic Conference, P.O. Box 10218, Washington, DC 20018 (Attorney-in-Fact).

NOTICES

Bryce Rea, Jr., Rea, Cross & Auchincloss, 700 World Center Building, 918 18th Street, NW, Washington, DC 20006 (of Counsel).

The Amendments involve: Increase from four to eight members of the directorships of the combined New England carrier group and provide procedures for accomplishment; Embrace section 22 matters within the respective jurisdiction and procedures of the various territorial rate and divisions committees; and make other changes pursuant to Ex Parte No. 297 (351 L.C.C. 437) by modifying the standing rate committee procedure in section 1.6 so as to require recommended disposition advices give reasons for the action taken, require such committee to dispose of proposals within 120 days and maintain a record of unusual circumstances preventing 120-day disposition, and give public notice of action of broadened proposals in the disposition advice, and, upon appeal, hold a rehearing to reconsider its action on the proposal.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify the Commission in writing within 30 days from the date of publication of this notice in the Federal Register. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved, without public hearing.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc. 76-35587 Filed 12-1-76; 8:45 am]

[Notice 79]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 2, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 22, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76447. By order entered November 26, 1976 the Motor Carrier Board approved the transfer to Feldman's Express, Inc., Boston, Mass., of the operating rights set forth in Certificate No. MC 51086 and No. MC 51086 (Sub-No. 4) issued March 15, 1965 and August 29, 1946, respectively to Rapid Transportation Company, Internal Revenue Service, successor in interest, Boston, Mass. authorizing the transportation of general commodities over specified regular routes from, to, and between specified points in the states of Massachusetts, Rhode Island, and New Hampshire, and wool grease, textile machinery, corrugated paper boxes, groceries, and turbines, over irregular routes from, to, and between specified points in the states of Massachusetts, Rhode Island, and New Hampshire. James E. Mahoney, Esq. 84 State Street, Boston, Mass. 02109

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-35544 Filed 12-1-76; 8:45 am]

[Notice 80]

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 reasonably 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-76601, filed September 27, 1976. Transferee: INDEPENDENT FREIGHT, INC., R.F.D. 1 Route 44, Box 150, Putnam, Connecticut 06260. Trans-

feror: R. B. Greene Transportation, Inc., Maple Street, Danielson, Connecticut 06239. Applicants' Representative: William J. Meuser, Attorney at Law, 86 Cherry Street, Milford, Connecticut 06460. Authority sought for purchase by transferee of the operating rights, as set forth in Permits No. MC 125129 Subs-No. 1 and 2, issued June 13, 1966, and October 11, 1974, as follows: Glass containers, from the plant site of Knox Glass, Inc., at Dayville, Conn., to Cranston, R.I., and from Dayville, Conn., to points in that part of Massachusetts on and east of Interstate Highway 91. Transferee presently holds no authority from this Commission. Application for temporary authority under Section 210a(b) was denied by Review Board No. 5 on June 4, 1976.

No. MC-FC-76661, filed July 16, 1976. Transferee: RUSSELL FRANCIS WATTERS, doing business as SUPERIOR EXPRESSWAYS, 739 North Twenty-Fifth Street, East St. Louis, IL 62205. Transferor: Big Six Truck Service, Inc., and Alan J. Steinberg, Trustee, P.O. Box 148, St. Peters, MO. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates Nos. MC 121014 Sub 2 and MC 121014 Sub 3, issued April 2, 1970, and May 20, 1974, respectively, as follows: General commodities, over regular routes, between St. Louis, Mo., and St. Paul, Mo., and between St. Louis, Mo., and St. Peters, Mo.; calves, poultry, machinery, and machinery parts, over regular routes, from Mt. Olive, Ill., to St. Louis, Mo.; and general commodities, over regular routes, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from St. Louis, Mo., to Mt. Olive, Ill.; general commodities, over regular routes 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 Livingston, Ill., and St. Louis, Mo.; livestock and agricultural commodities, over irregular routes, from points in Macoupin County, Ill., and those in Madison County, Ill., on U.S. Highway 66 and Illinois Highway 112, to St. Louis, Mo.; and general commodities, over irregular routes, 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, from St. Louis, Mo., to points in Macoupin County, Ill., and those in Madison County, Ill., on U.S. Highway 66 and Illinois Highway 112. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76666, filed July 22, 1976. Transferee: FRESNO TRAVEL CENTER, INC., 2220 Tulare Street, Fresno, Calif. 93721. Transferor: Educational Tours of California, Inc., 3112 North 7th Street, Fresno, Calif. 93703. Applicants' representative: Frederic A. Milnes.

Fresno Travel Center, Inc., 2220 Tulare Street, Fresno, Calif. 93721. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in License No. MC 130020, issued May 23, 1967, as follows: To engage as a broker at Fresno, Calif., in the transportation of passengers and their baggage, in round-trip tours, in special and charter operations beginning and ending at Fresno, Calif., and extending to points in the United States (including Alaska but excluding Hawaii), subject to certain restrictions. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

No. MC-FC-76673, filed July 28, 1976. Transferee: DANIEL BOONE, doing business as DANIEL BOONE TRUCKING, 15925 South Garfield, Paramount, Calif. 90723. Transferor: Daniel Boone and Arthur Costello, a partnership, doing business as Daniel Boone Trucking, 15925 South Garfield, Paramount, Calif. 90723. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 108200, issued August 4, 1967, as follows: General commodities, except those of unusual value, classes A and B explosives, livestock, petroleum in bulk, commodities requiring special equipment, and household goods as defined by the Commission, between points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, steamship piers and docks at Long Beach Harbor and Los Angeles Harbor, Calif. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76746, filed October 29, 1976. Transferee: Phillip K. Empson, R.D. No. 1, Ulysses, Pennsylvania 16948. Transferor: Robert W. Gibson, R.D. No. 1, Ulysses, Pennsylvania 16948. Applicants' representatives: John D. Lewis, Cox, Wilcox, Owlett & Lewis, 19 Central Avenue, Wellsboro, Pennsylvania 16901. Authority sought for purchase by transferee of that portion of the operating rights of transferor, as set forth in Certificate No. MC 124795, issued January 24, 1963, as follows: *Feed*, from Niagara Falls, Buffalo, Rochester, and Olean, N.Y., to points in McKean, Potter, Cameron and Tioga Counties, Pa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76817, filed November 5, 1976. Transferee: Wayne H. Kunkel, R.D. 1, Kempton, Berks County, Pa. 19529. Transferor: Ralph D. Weaver, Inc., 10th and Sumner Ave., Allentown, Pa. 18102. Applicants' representative(s): Paul B. Kemmerer 1620 N. 19th St., Allentown, Pa. 18104. Authority sought for purchase by transferee (lessee) of the operating rights of transferor, as set forth in Certificate No. MC 24491, issued November 14, 1963, as follows: *Slate and slate products*, over irregular routes, from Slat-

ington, Pa., to Washington, D.C., Baltimore, Md., and Scarsdale and New York, N.Y., Fertilizer, over irregular routes, from Carteret, N.J., to points in Lehigh County, Pa., from Baltimore, Md., to points in Lehigh County, Pa., municipalities other than Chapman, Pa., from Wilmington, Del., to points in Lehigh, Northampton, Berks, Carbon, and Schuylkill Counties, Pa., from Hagerstown, Md., to points in Lehigh and Carbon Counties, Pa., potatoes, over irregular routes, from points in Lehigh and Carbon Counties, Pa., to Washington, D.C. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76818, filed November 3, 1976. Transferee: Edward C. Malley, doing business as Malley Trucking, 2300 Palmer St., Pittsburgh, Pa. 15218. Transferor: Sanitary Transfer, Inc., 126 Homestead Street, P.O. Box 8298, Pittsburgh, Pa. 15218. Applicants' representative(s): John A. Vuono, Attorney at Law, 2310 Grant Building, Pittsburgh, Pa. 15219; John C. Botula, Attorney at Law; 707 Grant Building, Pittsburgh, Pa. 15219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 123308 and Subs 3 and 4, issued April 14, 1967, December 21, 1970 as corrected January 19, 1971, and August 15, 1972 respectively as follows: *Bakery products, materials, equipment, and supplies* incidental to the production of bakery products, *potato chips*, in containers, and *empty containers* for potato chips and bakery products, over regular routes, between Pittsburgh, Pa., and Wheeling, W. Va., serving the intermediate point of Hollidays Cove, W. Va., and the off-route point of Steubenville, Ohio, between Pittsburgh, Pa., and Cleveland, Ohio, serving the intermediate point of Akron, Ohio, Between Pittsburgh, Pa., and Youngstown, Ohio, serving no intermediate points. Between Pittsburgh, Pa., and Canton, Ohio, serving no intermediate points, between Pittsburgh, Pa., and Clarksburg, W. Va., serving the intermediate point of Fairmont, W. Va., between Pittsburgh, Pa., and Cumberland, Md., serving no intermediate points.

Bakery products, containers therefor, and advertising matter used in connection therewith, and *potato chips*, in containers, over irregular routes, From Pittsburgh, Pa., to Zanesville, Ohio, and Huntington and Charleston, W. Va.; and *Empty containers* for potato chips, from Zanesville, Ohio, and Huntington and Charleston, W. Va., to Pittsburgh, Pa. *Bakery products, and materials, equipment and supplies* incidental to the production of bakery products, from Cleveland, Oh., to Greenville, Rochester, Butler, Charleroi, Brownsville, Dunbar, Connellsville, Jeannette, Ford City, Blairsville, Johnstown, Altoona, and Warren, Pa.; and *Empty containers* used in the transportation of the commodities specified immediately above, from Greenville, Rochester, Butler, Charleroi, Brownsville, Dunbar, Connellsville,

Jeannette, Ford City, Blairsville, Johnstown, Altoona, and Warren, Pa., to Cleveland, Ohio, with restrictions. *Bakery products, and empty containers* therefor, between Pittsburgh, Pa., and points in Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Lake, Geauga, Portage, Stark, Carroll, Cuyahoga, Summit, and Medina Counties, Oh. *Bakery products*, between Pittsburgh, Pa., and Uhrichsville, Ohio. *Empty containers* used in the transportation of bakery products, from Uhrichsville, Oh., to Pittsburgh, Pa., *Bakery equipment, materials, and supplies*, incidental to the production of bakery products, and *empty containers* for bakery materials and supplies, over irregular routes, between the plant site of Mallet & Company, Inc., in the Borough of Rosslyn Farms, Allegheny County, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, Maryland, Maine, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, North Carolina, Michigan, Missouri, New Jersey, the District of Columbia, Vermont, New Hampshire, Delaware, Virginia, South Carolina, Kentucky, Tennessee, Georgia, Florida, Mississippi, Alabama, Texas, Kansas, Indiana, Illinois, and Wisconsin. With restrictions. 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. 76-35545 Filed 12-1-76 8:45 am]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

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 on or before January 3, 1977. 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 in no representative is named.

No. MC 126383 (Sub-Nos. 1 and 2) (Notice of Filing of Petition To Modify Territorial Description), filed November 12, 1976. Petitioner: G & W TRANSPORT, INC., 100 S. Adams St., Rockville, Md. 20850. Petitioner's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Petitioner holds motor contract carrier Permits in No. MC 126383 (Sub-Nos. 1

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTICES

and 2), issued May 5, 1967, authorizing transportation (1) in MC 126383 (Sub-No. 1) over irregular routes, of malt beverages, in containers, from New York, N.Y., and Newark and Elizabeth, N.J., to Silver Spring, Md., and points in Montgomery County, Md., within 10 miles of Silver Spring, under a continuing contract, or contracts, with the Montgomery County, Md., Department of Liquor Control; and (2) in MC 126383 (Sub-No. 2) over irregular routes, of (a) *malt beverages*, in containers, from Philadelphia, and Norristown, Pa., to Silver Spring, Md., and points in Maryland within 5 miles of Silver Spring; and (b) *empty malt beverage containers*, from Silver Spring, Md., and points in Maryland within 5 miles of Silver Spring, to Philadelphia and Norristown, Pa., under a continuing contract, or contracts, with the Montgomery County Department of Liquor Control, of Montgomery County, Md. By the instant petition, petitioner seeks to modify the territorial descriptions in both of the above Sub-Nos. by deleting in each all reference to Silver Spring, Md., and points within 5 or 10 miles thereof, as the case may be, and substituting in lieu thereof the description "the facilities of the Montgomery County, Md., Liquor Control Board in Montgomery County, Md."

No. MC 135018 (Sub-No. 4) (Notice of Filing of Petition To Modify Permit), filed October 27, 1976. Petitioner: SEA-HORSE TRANSPORT, INC., 11 Southside Road, P.O. Box 3707, Port Brownsville, Tex. 78520. Petitioner's representative: Michael J. Ogborn, 300 N.S.E.A. Building, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor *contract carrier* Permit in No. MC 135018 (Sub-No. 4), issued May 18, 1976, authorizing it to operate in foreign commerce in the transportation over irregular routes of (1) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of electrical motors and equipment, from Cleveland, Ohio, and Chicago, Ill., to Brownsville, Tex.; and (2) *electrical machinery and equipment* from Brownsville, Tex., to points in Illinois, Michigan, Kentucky, Wisconsin, Indiana, and Texas, under a continuing contract, or contracts, with Sheller-Glove Corporation, of Toledo, Ohio, restricted in (1) and (2) above against the transportation of commodities in bulk, or those which by reason of size or weight require the use of special equipment. By the instant petition, petitioner seeks to broaden the authority above (I) by authorizing operations in both interstate and foreign commerce; and (II) by adding Iowa and Ohio as destination states to (2) above.

No. MC 135425 (Sub-Nos. 8 and 9) (Notice of Filing of Petition To Add Base Points), filed November 10, 1976. Petitioner: CYCLES LIMITED, a Corporation, P.O. Box 5715, Jackson, Miss. 39208. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor *contract carrier* Permits in No. MC 135425 (Sub-Nos. 8 and 9), issued April 18, 1975 and June 9, 1976, respec-

tively, authorizing transportation (1) in MC 135425 (Sub-No. 8) over irregular routes, of *such commodities* as are dealt in by a manufacturer of power tools, and *materials, supplies and equipment* (except commodities in bulk) used in the conduct of such business, between Hampstead and Easton, Md., Tarboro and Fayetteville, N.C. and Lancaster, Pa., on the one hand, and, on the other, points in Arizona, California, Nevada, and Utah, under a continuing contract, or contracts, with The Black and Decker Manufacturing Company of Towson, Md.; and (2) in MC 135425 (Sub-No. 9) over irregular routes, of *such commodities* as are dealt in by a manufacturer of power tools, and *materials, supplies and equipment* (except commodities in bulk) used in the conduct of such business, between Hampstead and Easton, Md., Tarboro and Fayetteville, N.C., and Lancaster, Pa., on the one hand, and, on the other, points in Oregon, Colorado and Washington, under a continuing contract or contracts with Black and Decker Manufacturing Company, of Towson, Md. By the instant petition, petitioner seeks to add Cockeysville, Md. as an additional base point to the authority in both of the above Sub-Nos.

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 114239 (Sub-No. 33) (Republication), filed August 21, 1975, published in the FEDERAL REGISTER issue of October 31, 1976, and republished as granted this issue. Applicant: FARRIS TRUCK LINE, a Corporation, Faucett, Mo. 64448. Applicant's representative: Tom B. Kretzinger, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. An Order of the Commission Review Board November 2, dated October 27, 1976 and served November 18, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes in the transportation of *Containers and bags, and agricultural pesticides and ingredients* thereof (except commodities in bulk), from points in Kansas, Kentucky, Minnesota, Montana, North Dakota, New York, Nebraska, Oklahoma, South Dakota, Wisconsin and Wyoming, to St. Joseph, Mo., under a continuing contract, or contracts, with Farmland Industries, Inc.; Missouri Chemical Company; and Techne Corporation. The purpose of this republication is (1) to indicate that the actual grant of authority changes the exception of the commodity description to read: "commodities in bulk" in lieu of "liquids in bulk in tank vehicles"; and (2) to indicate the addition of Nebraska as a origin point.

No. MC 130307 (republication), filed March 19, 1975, published in the FEDERAL REGISTER issue of May 8, 1975, and republished this issue. Applicant: TOUR-PAK INTERNATIONAL INC., 247 West 12th Street, New York, N.Y. 10014. Applicant's representative: Shatzkin and Cooper, 235 East 42nd Street, New York, N.Y. 10017. An Order of the Commission Review Board Number 4, dated October 5, 1976, and served October 13, 1976, finds that the present and future public convenience and necessity require operations by applicant at New York, N.Y., as a *broker* in arranging for transportation by motor vehicle, in foreign commerce, of: *Passengers and their baggage*, in special and charter operations, in round-trip tours beginning and ending at ports of entry in the United States, including Alaska and Hawaii, 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 (1) indicate the grant of operation in round-trip tours; and (2) indicate the grant of beginning and ending at ports of entry in the United States including Alaska and Hawaii, in lieu of between ports of entry along the International Boundary line between the United States and Canada, including Alaska and Hawaii, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

No. MC 141985 (Republication), filed March 30, 1976, published in the FEDERAL REGISTER issue of May 5, 1976, and republished this issue. Applicant: TAB TRANSPORTATION, INC., 1631 Perrino Place, Los Angeles, Calif. 90023. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. An Order by the Commission, Review Board Number 3, dated October 19, 1976, and served November 4, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of: *Gratings, Footwalks, scaffolds, aluminum lined shapes, stainless steel sink frames, tables, hardware, ladders, plumbing, plumbers fittings, plastic articles, aluminum boats, floating dock and houses or buildings, candy, gum, and cough drops*, between the facilities of TAB Trans-

portation, Inc., located in Los Angeles County, Calif., on the one hand, and, on the other, points in Los Angeles, Orange, San Diego, Riverside, San Bernardino, Ventura, Santa Barbara and Kern Counties, Calif. The purpose of this republication is to indicate the grant of authority to add to applicants commodity description to include: Gratings, footwalks, scaffolds, aluminum lineal shapes, stainless steel sink frames, tables, hardware, ladders, plumbing, plumbers fittings, plastic articles, aluminum boats, floating dock and houses or buildings.

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 to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein. Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application. Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.* Each ap-

plicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2052 (Sub-No. 9), filed November 4, 1976. Applicant: BLAIR TRANSFER, INC., 203 South 9th Street, Blair, Nebr. 68003. 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: *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), (1) from Denver, Colo., to points in Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin; (2) from the plant-site and storage facilities of Morgan Colorado Beef, located at or near Fort Morgan, Colo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio and Wisconsin; and (3) from the plant-site and storage facilities utilized by Sterling Colorado Beef Co., located at or near Sterling, Colo., to points in Illinois and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests to be held at Denver, Colo.

No. MC 26739 (Sub-No. 89) filed November 4, 1976. Applicant: CROUCH FREIGHT SYSTEMS, a Corporation, P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, 1111 E Street, N.W., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of usual value, Classes A and B explosives, household good as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Topeka, Kans. and junction U.S. Highway 277 (also U.S. Highway 281) and U.S. Highway 62, for the purpose of joinder only, serving no intermediate points: From Topeka over the Kansas Turnpike to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Oklahoma Highway 7, thence over Oklahoma Highway 7 to junction U.S. Highway 277 (also U.S. Highway 281), and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 29120 (Sub-No. 198) filed November 1, 1976. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass, bronze and copper pipe, tubing, fittings, rods, castings, and valves or cocks*, from the facilities of Mueller Brass Co., located at or near Covington, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Birmingham, Ala.

No. MC 25869 (Sub-No. 129) filed November 8, 1976. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. 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), (a) from points in Indiana, Kentucky, Michigan and Ohio, to Kansas City, Mo.; and (b) from points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio and Wisconsin, to Brookings, S. Dak., restricted in (a) and (b) above to the transportation of traffic destined to the facilities of Coast to Coast Stores Central Organization, Inc. located at or near the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 31339 (Sub-No. 220) filed November 1, 1976. Applicant: MCLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, P.O. Box 213,

NOTICES

Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Serving the plantsite of Industrial Screw Conveyors, Inc., located at or near Joshua, Tex., as an off-route point in connection with applicant presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or Washington, D.C.

No. MC 31389 (Sub-No. 221) filed November 5, 1976. Applicant: MCLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the plantsite and distribution facilities of Mueller Brass Company, located at or near Fulton, Miss., as an off-route point in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C. or Washington, D.C.

No. MC 39763 (Sub-No. 4) filed November 3, 1976. Applicant: G. E. GROGER TRUCK LINE, INC., 70 N Main Street, Walton, Ky. 41094. Applicant's representative: Robert H. Kinke, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between the junction of Kentucky Highway 17 and U.S. Highway 42 and the junction of U.S. Highway 25 and Kentucky Highway 16, serving all intermediate points: From the junction of Kentucky Highway 17 and U.S. Highway 42 over U.S. Highway 42 to junction Kentucky Highway 18, thence over Kentucky Highway 18 to junction Kentucky Highway 338 near Rabbit Hash, Ky., thence south and east over Kentucky Highway 338 to its junction with U.S. Highway 25, thence over U.S. Highway 25 to junction Kentucky Highway 16, and return over the same route; and (2) Between Beaverlack, Ky., and Walton, Ky., serving all intermediate points: From Beaverlack over Kentucky Highway 1292, to Walton, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 41404 (Sub-No. 124) filed November 1, 1976. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Fulton Highway, P.O. Box 440, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 768 (except hides and commodities in bulk), from the plantsite of Land O' Frost, Inc., located at Searcy, Ark., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Little Rock, Ark.

No. MC 42011 (Sub-No. 25) filed November 8, 1976. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: Marvin J. McDonald (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards—building, wall and insulating*, from Grand Prairie, Tex., to points in Kansas and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 44300 (Sub-No. 17) filed November 3, 1976. Applicant: HESS CARGO COMPANY, 17065 Hess Street, P.O. Box 3020, Melvindale, Mich. 48122. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk from points in Monroe County, Mich., to points in Kentucky and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 45296 (Sub-No. 1) filed October 19, 1976. Applicant: H. M. WITMYER, INC., doing business as WITMYER EXPRESS LINES, 15 South Wolf Street, Manheim, Pa. 17545. Applicant's representative: A. David Millner, 167 Fairfield Road, P.O. Box 1409, Fairfield, N.J. 07006. 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, commodities requiring special equipment, and those injurious or contaminating to other lading): Serving the premises of Armstrong Cork Company, in East Hempfield Township, Pa., as an off-route point in connection with applicant's presently

authorized regular route operations to and from Manheim, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 46737 (Sub-No. 50) filed November 3, 1976. Applicant: GEORGE F. ALGER COMPANY, a Corporation, 26380 Van Born Road, Dearborn Heights, Mich. 48125. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Monroe County, Mich., to points in Kentucky and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Chicago, Ill.

No. MC 47583 (Sub-No. 37) filed October 28, 1976. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 228, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders with poles detached and agricultural implement repair parts* other than hand iron or steel in packages, from the plant site of Tote Systems, a division of Hoover Ball & Bearing Co. located at Lenox, Iowa, to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 48957 (Sub-No. 27) filed November 10, 1976. Applicant: CROWN MOTOR FREIGHT CO., a Corporation, 832 East 28th Street, Paterson, N.J. 07513. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York City, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rayon, rayon yarn, rayon fibre, rayon yarn products, rayon waste, synthetic yarn, synthetic fibre, synthetic staple fibre and synthetic fibre products*, from Front Royal, Va., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Philadelphia, Pa.

No. MC 52704 (Sub-No. 134) filed November 1, 1976. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Opelika Highway, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, wrapping paper and pulpboard*, from St. Marys, Ga., to points in Alabama, Arkansas, Florida, Louisi-

ana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 65626 (Sub-No. 30) filed November 3, 1976. Applicant: FREDONIA EXPRESS, INC., Rte 60, P.O. Box 222, Fredonia, N.Y. 14063. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from Angola, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 66886 (Sub-No. 51) filed November 1, 1976. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water filtering and water treatment equipment*; and (2) *municipal and industrial waste treatment equipment*, from the plantsites and storage facilities of General Filter Company, at or near Ames, Iowa, to points in the United States (except Alaska and Hawaii), restricted against commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 73688 (Sub-No. 72), filed November 8, 1976. Applicant: SOUTHERN TRUCKING INCORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: John Paul Jones, P.O. Box 3140, Front Street Station, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Memphis, Tenn. and West Memphis, Ark., to points in Kansas and Missouri (except those points on and east of Missouri Highway 51).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 82841 (Sub-No. 200), filed November 1, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roof deck* and (2) *Metal siding and accessories* for (1) above, from Norfolk, Nebr., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Da-

kota, Texas, Utah, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 446), filed November 1, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lifting or handling equipment, machinery, and parts*, from points in Logan County, Okla., to points in the United States (including Alaska, but excluding Hawaii); and (2) *equipment, materials, parts and supplies*, from points in the United States (including Alaska, but excluding Hawaii), to points in Logan County, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Washington, D.C.

No. MC 85934 (Sub-No. 68), filed November 3, 1976. Applicant: MICHIGAN TRANSPORTATION COMPANY, a Corporation, 3601 Wyoming, Dearborn, Mich. 48121. Applicant's representative: Martin J. Leavitt, 22365 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Monroe County, Mich., to points in Kentucky and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Chicago, Ill.

No. MC 95876 (Sub-No. 195), filed November 10, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble chips*, from Platte County, Wyo., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 96607 (Sub-No. 9), filed October 28, 1976. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart, Tacoma, Wash. 98421. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses*, from Chehalis, Wash., to points in Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Chehalis, Wash.

No. MC 99427 (Sub-No. 33), filed November 3, 1976. Applicant: ARIZONA TANK LINES, INC., 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E.

Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from Maricopa and Pima Counties, Ariz., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz. or Des Moines, Iowa.

No. MC 105457 (Sub-No. 88), filed October 17, 1976. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28206. Applicant's representative: J. V. Luckadoo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation located in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, to the plantsite and warehouse facilities of CertainTeed Corporation located in Granville County, N.C.; and (3) *roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the plantsite and warehouse facilities of CertainTeed Corporation located in Granville County, N.C., on the one hand, and, on the other, the plantsite and warehouse facilities of CertainTeed Corporation located in Clarke and Chatham Counties, Ga. and York County, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests a consolidated hearing at Washington, D.C.

No. MC 106398 (Sub-No. 758), filed November 8, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building parts and accessories*, from the plant site and storage facilities of H. H. Robertson Company, located at Connerville, Ind., to points in Arizona, California, Idaho, the Upper Peninsula of Michigan, Minnesota, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wisconsin.

NOTICES

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 106644 (Sub-No. 225), filed October 26, 1976. Applicant: **SUPERIOR TRUCKING COMPANY, INC.**, P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Hubert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials and equipment*, used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc., at Decatur, Ala., Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perris Valley, and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Twin Falls, Idaho; Chicago and Morris, Ill.; Lebanon, Bristol, and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marchfield, Wisc., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 106674 (Sub-No. 216), filed November 4, 1976. Applicant: **SCHILLI MOTOR LINES, INC.**, P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flexible polyether urethane foam*, from Middleton, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 106674 (Sub-No. 218), filed November 8, 1976. Applicant: **SCHILLI MOTOR LINES, INC.**, P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Morris and Seneca, Ill., to points in Indiana, Michigan, Minnesota, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107496 (Sub-No. 1055), filed November 3, 1976. Applicant: **RUAN TRANSPORT CORPORATION**, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, from

Fairbury, Nebr., to points in Arkansas, Kansas, Missouri, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 107496 (Sub-No. 1056), filed November 4, 1976. Applicant: **RUAN TRANSPORT CORPORATION**, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soda ash*, in bulk, from Lawrence, Kans., to points in Iowa and Missouri; and (2) *liquid fertilizer*, in bulk, from Worthington, Minn., to points in Iowa, Nebraska, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. 107515 (Sub-No. 1037), filed November 3, 1976. Applicant: **REFRIGERATED TRANSPORT CO., INC.**, P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and meat products*, from the plantsite and facilities of Merrylog Farms, Inc., located in Nashville, Tenn., to points in Alabama, Arkansas, Georgia, Maryland, Mississippi, Missouri, North Carolina, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 107678 (Sub-No. 61), filed November 8, 1976. Applicant: **HILL & HILL TRUCK LINE, INC.**, P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: David A. Sutherland, 1150 Connecticut Ave., N.W., Suite 400, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or well drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole

sites; and (d) the injecting or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina and Virginia on the one hand, and, on the other points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., San Francisco, Calif., and Washington, D.C.

No. MC 109397 (Sub-No. 346), filed November 1, 1976. Applicant: **TRI-STATE MOTOR TRANSIT CO.**, a Corporation, P.O. Box 113 (Bus. Rte I-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut buildings, and parts, attachments, materials, and supplies*, when moving with pre-cut buildings, from Missoula, Mont., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 110166 (Sub-No. 22) (Correction), filed September 13, 1976, published in the **FEDERAL REGISTER** issue of October 21, 1976, and republished as corrected this issue. Applicant: **TENNESSEE CAROLINA TRANSPORTATION, INC.**, 40 Nance Lane, P.O. Box 7308, Nashville, Tenn. 37210. Applicant's representative: J. C. Hutcheson (same address as applicant). 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, building contractors equipment, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Wadesboro, N.C. and Fayetteville, N.C. serving all intermediate points, and serving the off-route points of Acme, Allenton, Antioch, Ashley Heights, Autryville, Benson, Bladenboro, Bonnie Doone, Buie, Bunn Level, Cameron, Camp LeJeune, Cedar Creek, Clinton, Coats, Cumberland, Daystrom, Duart, Dundarrach, Dunn, East Laurinburg, East Lumberton, Eastwood, Elizabethtown, Erwin, Fairmont, Falcon, Fort Bragg, Garland, Hillcrest, Hope Mills, Keener, Kenansville, Lakeview, Lemon, Springs, Lena, Lillington, Linden, Lumber Bridge, Lumberton, Manchester, Manly, Maxton, McCain, Montrose, Parkersburg, Parkton, Pembroke, Pinebluff, Pinehurst, Pineview, Pope Air-Force Base, Raeford, Red Springs, Remert, Rex, Roseboro, Rowland, St. Pauls, Salemburg, Sanford, Shannon, Southern Pines, Spout Springs, Spring Lake, Stedman, Swann Station, Teachey, Timberland, Tobemory, Tokay, Turkey, Vander, Wade, Wakulla, Warsaw, and White Oak (Bladen County), N.C.: From Wadesboro over U.S. High-

way 74 to Laurinburg, N.C., thence over U.S. Highway 401 to Fayetteville.

(2) Between Raleigh, N.C. and Wilson, N.C., serving all intermediate points, and serving the off-route points of Ayden, Battleboro, Bethel, Chocowinity, Conecuh, Dudley, Elm City, Everett, Falkland, Farmville, Fremont, Goldsboro, Grangers, Greenville, Grifton, Grover, Hockerton, Jamesville, Kinston, Lagrange, Maciesfield, Maury, Mt. Olive, Nashville, Pactus, Pine Tops, Plymouth, Robersonville, Rocky Mount, Saratoga, Seymore-Johnson AFB, Sharpsburg, Snow Hill, Tarboro, Walstonburg, Washington, Whitakers, Williamston, and Winterville, N.C.: From Raleigh over U.S. Highway 64 to its junction with U.S. Highway 264, thence over U.S. Highway 264 to Wilson, N.C., and return over the same route; and (3) Between Asheville, N.C. and Florence, S.C., serving all intermediate points between Columbia and Florence, including Columbia, and serving the off-route points of Auburn, Bennettsville, Bingham, Bishopville, Blenheim, Brownsville, Cartersville, Cayce, Centenary, Cheraw, Claussen, Clio, Coward, Darlington, Dillon, Dovesville, Dunbar, Effingham, Elliott, Evergreen, Floyd, Floydale, Hartsville, Hyman, Kingsburg, Kingtree, Lake City, Lakeview, Lamar, Latta, Little Rock, Lydia, McBee, Marion, Mars Bluff, Mullins, Oak Grove, Oats, Olanta, Pamlico, Pee Dee, Quincy, Rains, Remert, St. Charles, Sardis, Scranton, Sellers, Shiloh, Smithboro, Society Hill, Springdale, Sumter, Timmonsville, Una, Wallace, Wisasky, and Zion, S.C.: From Asheville, N.C., over U.S. Highway 25 to Greenville, S.C., thence over U.S. Highway 276 to junction Interstate Highway 26, thence over Interstate Highway 26 to Columbia, S.C., thence over Interstate Highway 20 to Florence, S.C.

NOTE.—The purpose of this republication is to clarify applicant's request for authority. Applicant states it has irregular route authority to serve all the points that will be served if this application is approved. This application is in the nature of a conversion from irregular to regular route authority. Applicant agrees to cancellation of that part of its irregular route authority necessary to prevent duplication of authority. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, Raleigh or Asheville, N.C.

No. MC 110878 (Sub-No. 37), filed November 8, 1976. Applicant: ARGO TRUCKING COMPANY, INC., Lower Heard Street, Elberton, Ga. 30635. Applicant's representative: Frank D. Hall, 3384 Peachtree Rd., NE, Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ceramic tile, between Coleman, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Arizona, California, Florida, Georgia, Louisiana, Mississippi, Nevada, North Carolina, South Carolina, Tennessee, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 111611 (Sub-No. 32), filed November 1, 1976. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. 17044. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Brass rods or brass unfinished shapes, in straight or mixed loads, from Bellefonte, Pa., to Chickasha, Okla.; and (2) brass, scrap, from Chickasha, Okla., to Bellefonte, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Chicago, Ill.

No. MC 111812 (Sub-No. 525), filed November 1, 1976. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail and wholesale department and hardware stores (except commodities in bulk), (1) from Los Angeles, Calif., Denver, Colo., and points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Brookings, S. Dak.; and (2) from points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to Kansas City, Mo., restricted in (1) and (2) above to the transportation of traffic destined to the facilities of Coast to Coast Stores Central Organization, Inc., located at or near Brookings, S. Dak., and Kansas City, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 111940 (Sub-No. 66), filed November 8, 1976. Applicant: SMITH'S TRUCK LINES, a Corporation, P.O. Box 88, R.D. No. 2, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: Tires and tubes, materials, supplies and equipment, for tire mounting and retreading, and related advertising materials, from Findlay, Ohio, to points in Pennsylvania (except Williamsport, Pa.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 113434 (Sub-No. 71), filed November 5, 1976. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600

First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from the plant sites and warehouse facilities of Chef-Pierre, Inc. located in Grand Traverse County, Mich., to points in New Jersey and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., Lansing, Mich. or Washington, D.C.

No. MC 113828 (Sub-No. 242), filed November 4, 1976. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30008, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, from Gordon, Ga., to points in Alabama, Florida, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 363), filed October 28, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. 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: Self-propelled utility graders and self-propelled paving machines, trailers, and parts for the foregoing commodities, from Gwinnett County, Ga., to points in the United States including Alaska, but excluding Hawaii, and ports of entry on the International Boundary line between the United States and Canada to service points in Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Atlanta, Ga.

No. MC 114457 (Sub-No. 273), filed October 28, 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Metal containers and container ends, from Massillon, Ohio to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Cleveland, Ohio.

No. MC 114890 (Sub-No. 73), filed November 2, 1976. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Mo. 64801. Applicant's representative T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common

NOTICES

carrier, by motor vehicle, over irregular routes, transporting: Minerals, mineral mixtures, feed, and fertilizer materials and compounds and ingredients thereof, from Galena, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, 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 Kansas City or St. Louis, Mo.

No. MC 115092 (Sub-No. 49), filed November 2, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cedar shales and shingles, from points in Washington, to points in Colorado, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash.; Dallas, Tex.; or Los Angeles, Calif.

No. MC 115452 (Sub-No. 4), filed October 28, 1976. Applicant: HUSBAND TRANSPORT LIMITED, a Corporation, 10 Centre Street, London, Ontario, Canada. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Avenue & 13th St., N.W., Washington, D.C. 20004. 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), between ports or entry on the International Boundary line between the United States and Canada, located at Buffalo, Niagara Falls and Lewiston, N.Y., on the one hand, and, on the other, Buffalo and Niagara Falls, N.Y. restricted to foreign commerce only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 115496 (Sub-No. 45), filed November 1, 1976. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Plywood, from the plantsites of Champion International Corporation, located at or near Waycross, Ga., to points in South Carolina; (2) plywood, paneling, and composition board, from the plantsites of Champion International Corporation, located at or near Orangeburg, S.C., to points in Georgia; (3) plywood, paneling, and composition board, from the plantsites of Champion International Corporation, located at Charleston, S.C., to points in Georgia; and (4) composition hardboard, from the plantsites of Champion

International Corporation, located at or near Catawba, S.C. to points in Georgia, restricted against the transportation of commodities in bulk and further restricted to traffic originating at the plantsites of Champion International Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115730 (Sub-No. 20), filed November 1, 1976. Applicant: THE MICKOW CORP., 531 S.W. 6th, Des Moines, Iowa 50309. Applicant's representative: Cecil L. Goetsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets and related commodities used in the installation of plastic pipe and plastic conduit (except commodities as described in *Merger Extension Oilfield Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of The Clow Corporation located at or near Columbia, Mo., to points in Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 116063 (Sub-No. 148), filed November 3, 1976. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 West Fifth St., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal fats and vegetable oils, in bulk, in tank vehicles, from Jacksonville, Ill., to Richmond, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 116077 (Sub-No. 374), filed November 8, 1976. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, P.O. Box 1945, 500 West Sixteenth Street, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Black liquor, in bulk, in tank vehicles, from Orange County, Tex., to points in Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Dallas, Tex.

No. MC 117119 (Sub-No. 603), filed November 1, 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: Chemicals (except in bulk), from Boonton, N.J., to points in

Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 117119 (Sub-No. 604), filed November 1, 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: Ammoniacal liquor or aqua ammonia; ammonium, persulfate; chemicals, NOI; chrome sulphate solution; copper sulfate (blue vitriol); nickel plating solution, (2) (a) cleaning, scouring or washing compounds, or soap, liquid; and (b) cleaning, scouring or washing compounds, or soap, other than liquid or soap powder, (3) compounds, paint, lacquer, varnish, gum, resin, plastic or adhesive increasing, reducing, removing, thickening or thinning; and (4) pumice stone, from Newton, Salem and Westwood, Mass., to points in California and Texas, restricted in (1), (2), (3), and (4) above against the transportation of commodities in bulk, and further restricted to the transportation of commodities in vehicles equipped with mechanical refrigeration.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Boston, Mass.

No. MC 117765 (Sub-No. 216), filed November 3, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 NW 5th Street, P.O. Box 75218, Oklahoma City, Okla. 73112. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Perlite, in bags from the plant site of Persolite Products located at or near Florence, Colo., to points in Arkansas, Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Oklahoma.

No. MC 117815 (Sub-No. 258), filed October 26, 1976. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 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: Foodstuffs (except in bulk), from Carthage, Mo., to points in Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 117940 (Sub-No. 194) filed October 28, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings, stair treads, wall tile, counter top coverings, mouldings, plumbings goods, kitchen fixtures and accessories, bathroom and lavatory fixtures and accessories, kitchen and bathroom cabinets and cabinet tops*; and (2) *materials and supplies* used in the installation, maintenance, and repair of the commodities described in (1) above, from points in Connecticut, Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania and Vermont, to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at named origins and destined to facilities of or utilized by Minnesota Tile Supply at named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 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 Minneapolis or St. Paul, Minn.

No. MC 117940 (Sub-No. 195) filed November 1, 1976. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail and wholesale department and hardware stores (except commodities in bulk and foodstuffs)*, (1) from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, to the facilities of or utilized by Coast to Coast Stores Central Organization, Inc. located at or near Crawfordsville, Ind.; and (2) from points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, to the facilities of or utilized by Coast to Coast Stores Central Organization Inc. located at points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming and Kansas City, Mo., restricted to traffic originating at named origins and destined to named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 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 Minneapolis, Minn.

No. MC 117940 (Sub-No. 196) filed November 8, 1976. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products (except commodities in bulk)*, from points in

Wisconsin, to Phoenix, Ariz., and points in Oklahoma and Texas, restricted to the transportation of shipments originating at the facilities and plantsites of and utilized by Milkhouse Cheese Corporation, and Associated Milk Producers, Inc., at named origins and destined to named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 118776 (Sub-No. 17) filed November 1, 1976. Applicant: C. L. CONNORS, INC., 2700 Gardner Expressway, Quincy, Ill. 62301. Applicant's representative Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and advertising materials*, from Detroit, Mich., to Hannibal, Mo. and Quincy, Ill.; and (2) *empty bottles*, from Quincy, Ill. and Hannibal, Mo., to Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 119632 (Sub-No. 71) filed November 5, 1976. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in or used by retail, wholesale, grocery, drug and food business houses (except frozen commodities and commodities in bulk)*, from the plant sites or facilities of A. E. Staley Manufacturing Co., located at or near Broadview, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (2) *materials supplies and equipment* used or useful in the production, manufacturing, packaging and distribution of the commodities in (1) above (except commodities in bulk), from points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts Michigan, Missouri New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, to the plant sites and storage facilities of A. E. Staley Manufacturing Co., located at or near Broadview, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 119777 (Sub-No. 333) filed November 1, 1976. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer "L," Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood, and incidental para-*

phernalia, from Camden, N.J., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 126970 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 San Francisco, Calif.

No. MC 119789 (Sub-No. 312), filed November 1, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from Aspers, Pa., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 121060 (Sub-No. 42) filed November 5, 1976. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, construction materials and wallboard, and materials and supplies used in the manufacture and distribution of building materials, construction materials, and wallboard*, between the facilities of the Celotex Corporation located at or near Jacksonville, Fla., on the one hand, and on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123294 (Sub-No. 40) filed October 26, 1976. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona, P.O. Box 784, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from the facilities of Little Crowe Foods, located at Warsaw, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and Wisconsin; (2) *coco powder*, from Chicago, Ill., to the facilities of Little Crowe Foods, located at Warsaw, Ind.; (3) *popcorn oil*, from Barrington, Ill., to the facilities of Little Crowe Foods, located at Warsaw, Ind.; (4) *soy flour*, from Gibson City, Ill., to the facilities of Little Crowe Foods, located at Warsaw, Ind.; and (5) *cartons*, from St. Louis, Mo., to the facilities of Little Crowe Foods, located at Warsaw, Ind.

NOTICES

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 123407 (Sub-No. 335) filed November 1, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paneling, vinyl-covered panels, hardboard, composition board, gypsum board, plywood particle board, and materials, supplies and accessories used in the sale and installation thereof (except commodities in bulk)*, from Hanahan, S.C., to points in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota and Texas; and (2) *materials, supplies and accessories used in the manufacture and installation of paneling, vinyl-covered panels, hardboard, composition board, gypsum board, and plywood particle board (except commodities in bulk)*, from points in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota and Texas, to Hanahan, S.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 336) filed November 1, 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: *Bentonite and bentonite products (except commodities in bulk)*, from points in Wyoming, 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 Denver, Colo.

No. MC 123872 (Sub-No. 59) filed November 4, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, Hickory, N. Dak. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, buffing and polishing compounds, textile softeners, lubricants, deodorants, disinfectants, and paints and stains (except in bulk, from the plantsite and shipping facilities of Economics Laboratory, Inc., located at Joliet, Ill., to points in Georgia, North Carolina, South Carolina and points in that part of Tennessee on and east of U.S. Highway 41)*.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 124230 (Sub-No. 28) filed October 28, 1976. Applicant: C. B. JOHNSON, INC., P.O. Drawer "S", Cortez, Colo. 81321. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Cen-

ter Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel grinding balls*, from the plantsites and storage facilities of Capital Castings Division, Midland-Ross Corporation, located in Maricopa County, Ariz., to Mine and mill sites located in Lake, Grand and Mineral Counties, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 124813 (Sub-No. 160) filed October 26, 1976. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals (except liquids in bulk)*, from points in Iowa to points in Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 124887 (Sub-No. 27) filed November 3, 1976. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the manufacture and installation of mobile and modular homes, between the plantsite and facilities of Champion Home Builders Co. located at Cullman, Ala., and Plains and Thomasville, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia*.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 125433 (Sub-No. 89) filed November 19, 1976. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials, and equipment used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc., located at Decatur, Ala.; Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perris Valley and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Twin Falls, Idaho; Chicago and Morris, Ill.; Leb-*

anon, Bristol and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marshfield, Wis.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Hearing: On December 13, 1976, at 9:30 am Local Time, in the offices of the I.C.C., 12th and Constitution Ave., Washington, D.C.

No. MC 125466 (Sub-No. 5) filed November 1, 1976. Applicant: V & P CARRIERS, INC., 665 Berriman Street, Brooklyn, N.Y. 11208. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment used in the manufacture of bicycles and children's velocipedes, from points in New Jersey, located in the New York, N.Y. Harbor limits as defined in 49 CFR 1070.1, to North Bellport, N.Y., under a continuing contract or contracts with Iverson Cycle Corporation, a wholly-owned subsidiary of Stel-ber Industries, Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 126118 (Sub-No. 25) filed November 5, 1976. Applicant: CEMENT CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duanne W. Ackie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, from Columbus, Ohio and Williamsburg, Va., to Johnson City, Tenn.*

NOTE.—Applicant holds contract carrier authority in MC 128375 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Knoxville, Tenn. or Lincoln, Nebr.

No. MC 126899 (Sub-No. 112) filed November 3, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., P.O. Box 3156, 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: *Talc, in bags, from Gouverneur, N.Y., to Evansville, Ind.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Evansville, Ind. or Louisville, Ky.

No. MC 127042 (Sub-No. 178) (Correction) filed October 4, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, and republished, in part, as corrected this issue. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station Sioux City, Iowa 51108. Applicant's representative: Robert G.

Tessar (same address as applicant). The purpose of this partial republication is to correct applicant's name, which was incorrectly published as AGEN, INC. in lieu of HAGEN, INC. The rest of the publication remains the same.

No. MC 127187 (Sub-No. 23) filed November 4, 1976. Applicant: FLOYD DUE-NOW, INC., 1728 Industrial Park Boulevard, Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry feed ingredients*, from points in Kansas, to points in Colorado, Idaho, Montana, Oregon, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 127834 (Sub-No. 116) filed November 1, 1976. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Strand, wire and spirals, iron and steel*, from the plantsite and storage facilities of Wiremil, Inc., at Sanderson, Fla., 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 Jacksonville, Fla., or Atlanta, Ga.

No. MC 128095 (Sub-No. 13) filed October 28, 1976. Applicant: PARKER TRUCK LINE, INC., Senter Drive, P.O. Box 1402, Tupelo, Miss. 38801. Applicant's representative: James Easterling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spring assemblies, metallic*, with fixtures for davenport or sofas, from the facilities of Super Sagless Corporation, located at Tupelo, Miss., 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 Tupelo or Jackson, Miss. or Memphis, Tenn.

No. MC 128270 (Sub-No. 21) filed October 28, 1976. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsite and warehouse facility of Nucor Steel Corporation, located at or near Jewett, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, New Mexico, Oklahoma and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Dallas, Tex.

No. MC 128639 (Sub-No. 11) filed November 8, 1976. Applicant: CURIER TRUCKING CORPORATION, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, between Berlin, N.H., on the one hand, and, on the other, points in Massachusetts and New York and the port of entry on the International Boundary line between the United States and Canada, at or near Pittsburg, N.H.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 128746 (Sub-No. 29) filed November 2, 1976. Applicant: D'AGATA NATIONAL TRUCKING CO., a Corporation, 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Cliffwood, N.J., to points in New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129032 (Sub-No. 29) filed November 8, 1976. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, P.O. Box 9667, Tulsa, Okla. 74107. Applicant's representative: John Paul Fischer, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from San Diego, Calif., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Diego, Calif.

No. MC 129068 (Sub-No. 33) filed October 28, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: G. Timothy Armstrong, Suite 200, 8161 N. May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* (mobile homes) designed to be drawn by passenger automobile in initial movement; and (2) *buildings* complete or in sections mounted on wheeled undercarriages, restricted in (1) and (2) above against recreational vehicles, such as campers and travel trailers, and modular units or prefabricated buildings, from

points in Louisiana, 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 Baton Rouge, La. or Ft. Worth, Tex.

No. MC 129394 (Sub-No. 4) filed November 1, 1976. Applicant: RONALD HACKENBERGER, doing business as DON'S TRUCKING SERVICE, Route 250, North, RFD No. 3, Norwalk, Ohio 44857. 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: *Coal*, in dump vehicles, from points in Kentucky, West Virginia and that part of Pennsylvania on and west of U.S. Highway 119 and on and south of Interstate highway 80 to that part of Ohio on and north of U.S. Highway 30, under a continuing contract with Federal Lime and Stone Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 133485 (Sub-No. 18) filed October 28, 1976. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street, Northwest, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bullion, precious metals, precious ores, precious stones, coins, jewelry, and rare objects*, between Kellogg, Idaho, Amarillo, El Paso and Laredo, Tex., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, Chicago, Ill., and points in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Providence, R.I.

No. MC 133566 (Sub-No. 66) filed October 28, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 plant site and warehouse facilities of Wilson Foods Corporation located at Albert Lea, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at

NOTICES

the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Kansas City, Mo.

No. MC 133591 (Sub-No. 23) filed October 26, 1976. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from the mine and plantsites of J. Irving Crowell, Jr. and Son, located at or near Beatty, Nev., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134258 (Sub-No. 4) filed November 1, 1976. Applicant: RALPH'S TRANSPORT, LTD., a Corporation, 5 Seaton Street, St. John, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, (a) from St. Louis, Mo., to points in Arizona, California, Colorado, Idaho, Kansas, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, restricted to movement of traffic that originates at plantsites and storage facilities of Beatrice Foods Company, and its Switzer Licorice Division, at St. Louis, Mo.; (b) from St. Louis, Mo., to points in California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to movement of traffic that originates at plantsites and storage facilities used by Sunmark, Inc., at St. Louis, Mo.; (c) from plantsites and storage facilities of L. S. Heath & Sons, Inc., at or near Robinson, Ill., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah and Washington, restricted to movement of traffic that originates at plantsites and storage facilities of L. S. Heath & Sons, Inc., at or near Robinson, Ill.; (d) from plantsites and storage facilities of Nabisco Confections, Inc., at or near Danville, Ill., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to movement of traffic that originates at plantsites and storage facilities of Nabisco Confections, Inc., at or near Danville, Ill.; and (e) from Elk Grove Village and Itasca, Ill., to St. Louis, Mo., and points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to movement of traffic that originates at plantsite and storage facilities used by Sunmark, Inc., and its subsidiaries, at Elk Grove Village and Itasca, Ill.; and (2) *Sandboxes, blackboards, chalkboards and furniture*, from St. Louis, Mo., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to movement of traffic that originates at plantsites and storage facilities of Beatrice Foods Company, and its A. W. Schwab Company division, at St. Louis, Mo.

NOTE.—Applicant seeks by this application to convert its Certificate in MC 133591, Sub 3 and other subs, into a Permit of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133708 (Sub-No. 26) filed November 8, 1976. Applicant: FIKSE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from the mine and plantsites of J. Irving Crowell, Jr. and Son, located at or near Beatty, Nev., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134328 (Sub-No. 3) (Correction) filed September 2, 1976, published in the *FEDERAL REGISTER* issue of October 15, 1976, and republished as corrected this issue. Applicant: D & G TRUCKING CO., INC., 1450 Hamilton Ave., P.O. Box 1004, Wynne, Ark. 72396. Applicant's representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimming and wading pools, and parts attachments and accessories* therefor, from the plantsite of Doughboy Recreational, Inc. located at Helena, Ark., to points in Arizona, California, Nevada, New Mexico, Oregon, and Washington, under a continuing contract, or contracts, with Doughboy Recreational, Inc.

NOTE.—The purpose of this republication is to indicate Oregon and a destination state in lieu of Ohio as was erroneously published. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 134477 (Sub-No. 126) filed November 5, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, P.O. Box 3496, St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packings*, 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 warehouse facilities of Wilson Foods Corporation located at Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134922 (Sub-No. 206) filed November 1, 1976. Applicant: B. J. McADAMS, INC., Route 6, 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: *Chemicals, plastics, and cleaning compounds* (except commodities in bulk), between the plantsite and storage facilities of Georgia-Pacific Corporation, located in Los Angeles County, Calif., on the one hand, and, on the other, points in Indiana, Iowa, Kansas, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee (except Humboldt), and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Little Rock, Ark.

No. MC 135015 (Sub-No. 1) filed November 1, 1976. Applicant: SOUTHERN TRANSIT CO., INC., 1211 South 9th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, 510 North Greenwood, P.O. Box 43, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, commodities of unusual value, and commodities which because of size and weight require the use of special equipment), Between Acorn, Ark., and the junction of Arkansas Highway 253 and U.S. Highway 271, serving all intermediate points: From Acorn, Ark., over U.S. Highway 59 to the junction of U.S. Highway 271, thence over U.S. Highway 271 to its junction with Arkansas Highway 253, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Smith, Ark.

No. MC 135410 (Sub-No. 5), filed November 1, 1976. Applicant: COURTNEY J. MUNSON, doing business as MUNSON TRUCKING, 700 South Main, Monmouth, Ill. 61462. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. 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 packings*, 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 warehouse facilities of Wilson Foods Corporation located at Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above

named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Kansas City, Mo.

No. MC 135861 (Sub-No. 13), filed November 9, 1976. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *contract 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 the plantsite of Swift Fresh Meats Company located at or near Gering, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia, under a continuing contract, or contracts with Swift Fresh Meats Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth, Tex. or Chicago, Ill.

No. MC 135936 (Sub-No. 18), filed November 3, 1976. Applicant: C & K TRANSPORT, INC., 503 Des Moines Street, P.O. Box 205, Webster City, Iowa 50595. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa, 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as per Appendix I, Sections A, B, and C, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Spencer Foods, Inc., located at Spencer, Hartley and Fort Dodge, Iowa and Schuyler, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia.

No. MC 136285 (Sub-No. 19), filed October 28, 1976. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 143, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat by-products, and articles distributed by meat packinghouses* (except commodities in bulk), from points in Arkansas, Illinois, Iowa, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin, to Charleston, S.C., restricted to the transportation of

shipments having a subsequent movement by water, in marine cargo containers; and (2) *intermodal cargo containers and chassis therefor*, from Charleston, S.C., to points in Arkansas, Illinois, Iowa, Kentucky, Minnesota, Missouri, Nebraska and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 136343 (Sub-No. 95), filed October 27, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail food stores and equipment, materials and supplies used in the conduct of such business* (except commodities in bulk), between the facilities of Weis Markets, Inc., located at Sunbury, Northumberland and Milton, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg or Philadelphia, Pa.

No. MC 136343 (Sub-No. 96) filed November 1, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, 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: *Such commodities as are dealt in by mail order houses and retail department stores and equipment, materials and supplies used in the conduct of such business* (except commodities in bulk), from the freight consolidation facilities of J. C. Penney Company, located at or near Atlanta, Ga., to the breakbulk and catalog center facilities of J. C. Penney Company, located at or near Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 136512 (Sub-No. 11), filed November 11, 1976. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, fabric synthetic and otherwise, and machinery, material, equipment, supplies, advertising materials and packaging* used in the manufacture, distribution and sale of clothing and fabric, between Minneapolis-St. Paul, Minn.; Tulsa, Hominy and Pawnee, Okla.; Salisbury, Farmington and St. Louis, Mo.; and Dallas and Paris, Tex. Common control may be in-

volved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 136605 (Sub-No. 19), filed November 1, 1976. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Lumber and wood products* (except commodities in bulk in tank vehicles), from Ports of Entry on the International Boundary line between the United States and Canada, located at or near Blaine, Sumas and Oroville, Wash., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Wisconsin, Wyoming, Colorado, and Utah, restricted to traffic originating in British Columbia, Canada.

NOTE.—Applicant holds contract carrier authority in MC 127349 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings or Missoula, Mont.

No. MC 136713 (Sub-No. 7), filed November 1, 1976. Applicant: AERO LIQUID TRANSIT, INC., 834 West Main Street, Lowell, Mich. 49331. Applicant's representative: Daniel J. Kozera, Jr., The McKay Tower, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Huntington, Ind., to points in Michigan and Ohio.

NOTE.—Applicant holds contract carrier authority in No. MC 135012, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 136786 (Sub-No. 106), filed November 3, 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*, from San Francisco, Calif., to points in Alabama, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Utah, Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138134 (Sub-No. 7), filed November 2, 1976. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main Street, Keokuk, Iowa 52632. 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: *Corn products, in containers, and materials, equipment and supplies used in the man-*

NOTICES

uфacture, processing, sale and distribution of corn products (except in bulk), between points in the United States, restricted to the transportation of traffic originating at and/or destined to the plantsites, warehouses or facilities owned or used by The Hubinger Company, under a continuing contract, or contracts, with the Hubinger Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Des Moines, Iowa.

No. MC 138469 (Sub-No. 33), filed October 26, 1976. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Joseph T. Bambrick, Jr., 217 Old Airport Road, Douglassville, Pa. 19518. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Colonial pine furniture and household accessories, viz: bath seats, beds and bed frames, clocks, cooking utensils, curtains, decorative plaques, doll furniture, doll houses, dolls, earthenware, fabric, figurines, metal chairs, mirrors, outdoor grills, outdoor lamps, outdoor lights, paint, pictures, plates, sewing sets, stairtreds, trash receptacles (SP), varnish stains, window boxes, from Fyrebury, Maine, and Conway, North Conway, and Ossipee, N.H., to Atlanta, Ga.; Baltimore, Md.; Newark, N.J.; New York, N.Y.; Charlotte, N.C.; Columbia, S.C.; Philadelphia, Pa.; Worcester, Mass.; Greensboro, N.C.; Norfolk, Va.; Chattanooga, Tenn.; and the District of Columbia.*

NOTE.—Applicant holds contract carrier authority in No. MC 136375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C.; Oklahoma City, Okla.; or Boston, Mass.

No. MC 139193 (Sub-No. 49), filed November 3, 1976. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob J. Billig, 2033 K Street, NW, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 liquid commodities in bulk, in tank vehicles), from Sioux City and Estherville, Iowa, and St. Paul, Minn., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) *Such commodities as are used by meat packers in the conduct of their business*, from points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, to Sioux City and Estherville, Iowa, and St. Paul, Minnesota, restricted in (1) and (2) above to a transportation service to be performed under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139493 (Sub-No. 177), filed November 1, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW, Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings*, from Gonzales, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139906 (Sub-No. 9), filed November 1, 1976. Applicant: INTER-STATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. 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: *Carpet, carpet cushion, and materials, supplies and equipment*, used in the manufacture thereof (except commodities in bulk, or those which because of size or weight require the use of special handling or equipment), from Salem, N.J., and points in Georgia, to Corpus Christi, Dallas, Houston, Laredo and San Antonio, Tex.

NOTE.—Applicant holds contract carrier authority in MC 134599 and subs thereunder dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 139923 (Sub-No. 29), filed November 5, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", 105 S. 8th St., Stroud, Okla. 74079. Applicant's representative: Dale Ballard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicle parts*, from the plantsite and warehouse facilities of or utilized by Dana Corp. located at or near Lima, Ohio, Chelsea, Mich., Ft. Wayne and Auburn, Ind., and Edgerton, Wis., to points in Arizona California, Colorado, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington.

NOTE.—Applicant holds contract carrier authority in MC 139926 and sub (2) thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Ft. Wayne or Indianapolis, Ind.

No. MC 140277 (Sub-No. 8), filed November 3, 1976. Applicant: BILL BALL, doing business as, BILL BALL TRUCKING, an individual, 131 West 18th Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Bill Ball (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodity bags, envelopes, packets or*

pouches or wrappers, flat folded flat or in rolls requiring separation into individual units with or without compliment of bag ties, from the plant site and storage facilities of American Western Corporation located at or near Placentia, Calif., to Phoenix, Ariz., and points in Arkansas, Colorado, Idaho, Louisiana, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah and Washington, under a continuing contract or contracts with American Western Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 140693 (Sub-No. 11), filed November 2, 1976. Applicant: BEER TRANSPORTATION COMPANY, a Corporation, 1122 Germantown Avenue, Philadelphia, Pa. 19123. Applicant's representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co. Inc., located at or near Cliffwood, N.J., to points in New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 141197 (Sub-No. 10), filed November 1, 1976. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64151. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, from Kansas City, Mo., to points in Kansas and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 141255 (Sub-No. 7), filed November 10, 1976. Applicant: TANDY TRANSPORTATION, INC., 3501 Fairview, P.O. Box 7135, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic equipment, materials and supplies* (except commodities requiring the use of special equipment), from Seattle, Wash., to Randolph, Mass.; (2) *electronic equipment, materials and supplies* (except commodities requiring the use of special equipment), from Los Angeles, Calif., to Randolph, Mass.; (3) *antenna masts* (except commodities requiring the use of special equipment), from Tarrant City, Mo. to Randolph, Mass.; (4) *electronic stands KD* (except commodities requiring the use of special equipment), from St. Louis, Mo. to Randolph, Mass.; and (5) *electronic equipment* (except commodities requiring the use of special equipment), from Mundelein, Ill., to Randolph, Mass., the operations authorized herein in (1) through (5) are limited to a transporta-

tion service to be performed under a continuing contract or contracts with Tandy Corporation and its division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 141592 (Sub-No. 1), filed October 19, 1976. Applicant: ANTHONY E. FALSETTO, doing business as GOLDEN GATE VAN & STORAGE COMPANY, 1431 W. Collins Street, Orange, Calif. 92667. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, restricted to the transportation of traffic having a prior or subsequent movement 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, between points in Orange, San Diego, Riverside, San Bernardino, and Los Angeles Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 141804 (Sub-No. 31), filed November 5, 1976. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., a Corporation, 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: *Foodstuffs*, unfrozen, in individually controlled and packaged portions (except meat, meat products, and meat by-products), from the plantsite and storage facilities of Serv-A-Portion Inc., located at or near Chatsworth, Calif., to points in that part of the United States bounded on the east by the Mississippi River and on the west by U.S. Highway 85.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Lincoln, Nebr.

No. MC 142062 (Sub-No. 3), filed October 29, 1976. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by wholesale or institutional grocery or food business houses (except frozen commodities, fresh meats, and commodities in bulk), from points in San Joaquin, Santa Clara, and Stanislaus Counties, Calif., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio and Tennessee, restricted to the transportation of shipments under a continuing contract, or contracts, with Nuggett Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 142073 (Sub-No. 1), filed November 1, 1976. Applicant: MELVIN R. STEPHENS, doing business as CIRCLE S TRUCKING, R. R. No. 1, Palmer, Ill. 62556. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, parts and supplies* used in the manufacture of grain storage and grain drying systems and steel buildings (except in bulk), (a) from points in Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska and Tennessee to Taylorville, Ill.; and (b) between Taylorville, Ill., on the one hand, and, on the other, Falls City, Nebr.; and (2) *grain storage and grain drying systems and steel buildings*, from Taylorville, Ill., to points in the United States (except Alaska and Hawaii), under a continuing contract in (1) and (2) above with Circle Steel Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 142158 (Sub-No. 1), filed November 5, 1976. Applicant: DAVID HESCH AND JEFFREY M. REGLIN, doing business as REGLIN AND HESCH TRUCKING AND EXCAVATING, Route 1, Alma, Wis. 54610. Applicant's representative: C. E. deBruyn, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and dirt*, in bulk, in dump trucks and dump trailers (except tank vehicles), so equipped that the load is ejected by gravity, from Wabasha, Minn., to points in Buffalo, Pepin and Trempealeau Counties, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, or Minneapolis, Minn.

No. MC 142268 (Sub-No. 5), filed October 29, 1976. Applicant: GORSKI BULK TRANSPORT, INC., Walkerville P.O. Box 2153, Windsor, Ontario, Canada N8Y 4R8. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds* (except in bulk), from Sherburne, N.Y., to ports of entry on the International Boundary line between the United States and Canada, located at points in New York, Michigan, Minnesota, North Dakota, Montana, Idaho and Washington, for furtherance to Toronto, Ontario; Winnipeg, Manitoba; and Vancouver, British Columbia, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., New York, N.Y. or Detroit, Mich.

No. MC 142332 (Sub-No. 1), filed November 8, 1976. Applicant: MEAT HANDLERS' EXPRESS, INC., 5403—

42nd Avenue West, Seattle, Wash. 98199. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 3rd Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat*, in vehicles equipped with mechanical refrigeration, from Stanwood and Chehalis, Wash., to Chicago, Ill.; Palestine, Tex.; and the port of entry on the International Boundary Line between the United States and Canada located at or near Detroit, Mich., under a continuing contract, or contracts, with Florence Meat Sales, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 142359 (amendment), filed August 16, 1976, published in the FEDERAL REGISTER issue of September 30, 1976, and republished as amended this issue. Applicant: PORT FAST TRANSFER, INC., 1800 South Newkirk Street, Baltimore, Md. 21214. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container chassis, and trailers* (except those designed to be drawn by passenger automobiles); and (2) *general commodities* (except motor vehicles, commodities in bulk, Classes A and B explosives, household goods, and commodities which because of their size and weight require special equipment), between Baltimore, Md., and points in Anne Arundel, Howard, Baltimore, and Hartford Counties, Md., restricted to traffic having an immediate prior or subsequent movement by rail or water.

NOTE.—This proceeding is assigned for hearing on the 10th day of January, 1977 (1 week), at 9:30 a.m. Local Time, Baltimore, Md. Hearing room location will be by subsequent notice. The purpose of this republication is to amend applicant's requested authority.

No. MC 142378 (Sub-No. 1), filed October 21, 1976. Applicant: CENTRAL DISPATCH, INC., 650 Manhattan Street, Harvey, La. 70058. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine or motor parts and equipment and parts thereof* used on ships and ocean going vessels for the operation, maintenance and safety of such ships and vessels, between points in the Parishes of Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Iberville, East Baton Rouge, West Baton Rouge, and Calcasieu, La.; Harrison County, Miss.; Orange and Jefferson Counties, Tex., Bay Town, Houston and Galveston, Tex., on the one hand, and, on the other, points in Cameron and Calhoun Counties, Tex.; Jackson County, Miss.; Mobile and Baldwin Counties, Ala., restricted to the transportation of traffic moving in foreign commerce under U.S. Custom's Bond.

NOTICES

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 142432 (Sub-No. 1), filed October 27, 1976. Applicant: NORMAN R. JACKSON, R.D. No. 1, Oxford, Pa. 19363. Applicant's representative: Alan Auckenthaler, 1815 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned vegetables*, from New Freedom, Pa., to Phoenix, Ariz., Denver, Colo., Las Vegas, Nev., Portland, Oreg., Seattle, Wash., Colton, Fresno, Milpitas, Richmond, Riverside, San Diego, Calif., and points in Alameda, San Mateo, Los Angeles, and Orange Counties, Calif.; (2) *baked goods*, from Fleetwood, Pa., to Denver, Colo.; Columbus, Ga.; Peoria, Ill.; Chicago, Ill., and its commercial zone; Kansas City, Kans.; Sikeston, Mo.; Oklahoma City, Okla.; Memphis, Tenn.; Dallas, Texas.; and points in Alameda, San Mateo, Santa Clara, Los Angeles, and Orange Counties, Calif.; and (3) *candy*, from Reading, Pa., and its commercial zone, to Hopkins, Minn., Greensboro, N.C.; Dallas, Tex.; and points in Arizona, California, Oregon and Washington.

NOTE.—Applicant holds contract carrier authority in MC 139861, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 142465 (Sub-No. 1) (Correction), filed September 16, 1976, published in the *FEDERAL REGISTER* issue of October 21, 1976 as MC 14265 (Sub-No. 1) and republished in part, as corrected this issue. Applicant: NORTHWEST TRANSPORTATION SERVICE, INC., North 7511 Freya Street, Spokane, Wash. 99210. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. The purpose of this partial republishing is to correct applicant's docket number which was published incorrectly as MC 14265 (Sub-No. 1) in lieu of MC 142465 (Sub-No. 1). The rest of the publication remains the same.

No. MC 142614, filed October 29, 1976. Applicant: VAN REES TRUCKING, INC., Sully, Iowa 50251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk), between points in Iowa, Missouri, Kansas, Nebraska, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, and ports of entry on the International Boundary line between the United States and Canada, located at points in Michigan, for furtherance into the Province of Ontario, Canada, under a continuing contract, or contracts, with Dieomatic, Incorporated (a division of Magna International Ltd.), Benco Mfg., Inc. (a division of Mieromatic, Incorporated), and Mid-Iowa Steel, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Omaha, Nebr.

No. MC 142615, filed October 21, 1976. Applicant: ATTILIO BRUNO, doing business as NAB TRANSPORT, 17 Berwyn Drive, Lake Ronkonkoma, N.Y. 11779. 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: *Knit goods*, from Brentwood, N.Y., to Waterbury, Conn., under a continuing contract, or contracts, with Claridge Knits.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142616, filed October 29, 1976. Applicant: CASTLE SERVICE CORP., 70 Cumsewogue Road, East Setauket, N.Y. 11733. Applicant's representative: William Q. Keenan, 277 Park Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lamp and lighting fixture parts* made wholly or partially of glass or vitreous materials; (2) *glass and vitreous vases, trays and other decorative articles*; and (3) *materials and supplies* used in the manufacture of the commodities named in (1) and (2) above, (a) between Brooklyn, N.Y. and Cambridge, Ohio; (b) between Brooklyn, N.Y. and Cambridge, Ohio, on the one hand, and, on the other, Bono, Ark.; Los Angeles, San Diego and San Francisco, Calif.; Hialeah and Tampa, Fla.; Cave in Rock, Chicago and Elk Grove Village, Ill.; Indianapolis, Ind.; Arlington and Mayfield, Ky.; Detroit, Mich.; Kosciusko, Miss.; Greensboro and Spruce Pine, N.C.; Cleveland and Painesville, Ohio; Philadelphia and Pittsburgh, Pa.; Memphis, Tenn.; Clarksburg, W. Va., and Milwaukee, Wis., under a continuing contract, or contracts, with Super Glass Manufacturing Company and Cambridge Glass Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142619, filed October 22, 1976. Applicant: DASH TRANSPORTATION, INC., 10 Sumac Avenue, Spotswood, N.J. 08884. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St., NW., Suite No. 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel and aluminum tubing*, from the plantsite and warehouses of Tubesales, located at Carroll Stream, Ill., to Los Angeles, Calif.; Atlanta, Ga.; Cranbury, N.J.; and points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, under a continuing contract, or contracts, with Tubesales, located at Cranbury, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 142620, filed October 21, 1976. Applicant: BAY VIEW ORCHARDS CO-OPERATIVE, INC., Box 13, Omena,

Mich. 49674. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed fruit products*, from points in that part of Michigan on and west of U.S. Highway 131 and Green Bay, Wis., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the processing of fruit from points in the United States (except Alaska and Hawaii), to points in that part of Michigan on and west of U.S. Highway 131 and Green Bay, Wis., under a continuing contract, or contracts, with Cherry Central Cooperative Inc.; Theresa Friedman and Sons, and Interstate Brands Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Traverse City, Mich. or Chicago, Ill.

PASSENGER APPLICATIONS

No. MC 61016 (Sub-No. 44), filed November 1, 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, between Amherst, Hadley, Northampton, Easthampton, South Hadley, Holyoke, Chicopee, West Springfield, Westfield, Wilbraham, Palmer, Springfield, Agawam, Longmeadow and East Longmeadow, Mass., on the one hand, and, on the other, the facilities of Hartford Jai-Alai, Inc., located at Hartford, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Springfield, Mass.

No. MC 73133 (Sub-No. 7), filed October 27, 1976. Applicant: MAYFLOWER COACH CORP., 16 Hall Avenue, Eastcheser, N.Y. 10709. Applicant's representative: Lars B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between White Plains, N.Y. and New Jersey Sports Complex, East Rutherford, N.J., serving the intermediate points of Greenburgh, N.Y. and Yonkers, N.Y.; From White Plains, N.Y. over Main Street to junction Central Avenue, thence over Central Avenue to junction Central Park Avenue in Greenburgh, N.Y., thence over Central Park Avenue to junction Tuckahoe Road, thence over Tuckahoe Road to junction Saw Mill River Road, thence over Saw Mill River Road to junction Ashburton Avenue, thence over Ashburton Avenue to junction Palisades Avenue, thence over Palisades Avenue to and through Getty Square, in Yonkers, N.Y., thence over South Broadway to the boundary line of the City of New York, N.Y., thence over Broadway in the City of New York, N.Y., to West 179th Street, thence over 179th Street

to the George Washington Bridge, thence over the George Washington Bridge to Bridge Plaza, thence over Bridge Plaza to Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to New Jersey Sports Complex, East Rutherford, N.J.; and on return, from New Jersey Sports Complex, East Rutherford, N.J., over Interstate Highway 95, thence over Interstate Highway 95 to junction of Interstate Highway 80, thence over Interstate Highway 80 to George Washington Bridge Plaza, thence over Bridge Plaza to the George Washington Bridge to the junction of West 178th Street, in the City of New York, N.Y., thence over West 178th Street to the junction of Broadway, thence over Broadway to the boundary line of the City of Yonkers, N.Y., thence over South Broadway to and through Getty Square in the City of Yonkers, N.Y., thence over Palisades Avenue to the junction of Ashburton Avenue, thence over Ashburton Avenue to junction of Saw Mill River Road, thence over Saw Mill River Road to the junction of Tuckahoe Road, thence over Tuckahoe Road to the junction of Central Park Avenue, thence over Central Park Avenue to the junction of Central Avenue in Greenburgh, N.Y., thence over Central Avenue to the junction of Hamilton Avenue, White Plains, N.Y., and thence over Hamilton Avenue to the White Plains Bus Terminal.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either White Plains or New York, N.Y.

No. MC 140394 (Sub-No. 1), filed October 28, 1976. Applicant: H. E. & A. NATIONAL CORPORATION, doing business as ROBERTS HAWAII-HOLIDAY LINES, 359 East Front Street, Covina, Calif. 91723. Applicant's representative: John Guandolo, 1000 Sixteenth Street, NW, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at points in Los Angeles and Orange Counties, Calif., and at Claremont, Hemet, Oceanside, Ontario, San Clemente, Sun City, and Upland, Calif., and extending to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141875 (Sub-No. 2), (Correction), filed August 19, 1976, published in the FEDERAL REGISTER issue of October 7, 1976, and republished as corrected this issue. Applicant: CURRIE BUS LINES, LTD., a Corporation, P.O. Box 1300, Merritt, British Columbia, Canada V0K 2B0. Applicant's representative: Henry C. Winters, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle,

over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, and in round-trip charter operations, between ports of entry on the International Boundary line between the United States and Canada, located at points in Idaho and Washington, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to traffic originating at or destined to Merritt or Princeton, in the Province of British Columbia, Canada.

NOTE.—The purpose of this republication is to clarify applicant's requested authority. If a hearing is deemed necessary, the applicant requests it be held at either Bellingham or Seattle, Wash.

No. MC 142497 (Sub-No. 1), filed November 8, 1976. Applicant: ATLANTIC CHARTER BUS SERVICE, INC., 1551 Azalea Garden Road, Norfolk, Va. 23502. Applicant's representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round-trip charter operations, beginning and ending at Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Va., and points in Essex, Gloucester, Isle of Wight, James City, Lancaster, Matthews, Middlesex, Northumberland, Richmond, Westmoreland, and York Counties, Va., and extending to points in the United States, including Alaska, but excluding Hawaii, and including ports of entry on the International Boundary line between the United States and Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Norfolk or Hampton, Va.

BROKER APPLICATION

No. MC 130421, filed October 28, 1976. Applicant: MARVIN BARON AND MARION BARON, doing business as SHOWCASE TOURS, a Partnership, 2 East Mill Drive, Great Neck, N.Y. 11021. Applicant's representative: Marvin Baron (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Great Neck, N.Y., to sell or offer to sell the transportation of *Passengers and their baggage*, in groups, by motor carrier, between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Mineola, N.Y.

FINANCE APPLICATIONS

NOTICE

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 against 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-13012. Authority sought for purchase by PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, UT. 84107, of a portion of the operating rights of COLORADO-WYOMING TRANSFER CO., INC., 3360 Blake, Denver, CO. 80205, and for acquisition by Gwyn D. Davidson, Irene S. Davidson, and Max D. Eliason, all of 4245 Quinette Lane, Salt Lake City, UT. 84117, of control of such rights through the purchase. Applicants' attorney: Truman A. Stockton, Jr., The 1650 Grant St., Bldg., Denver, CO. 80203. Operating rights sought to be transferred: *Lumber*, as a common carrier over irregular routes from points in Albany and Platte Counties, Wyo., to points in Nebraska and Colorado, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 129631 (Sub-No. 51) is a directly related matter.

No. MC-F-13019. Authority sought for control by ARROW CARRIER CORPORATION, 160 Route 17, Rochelle Park, N.J., 07662, of WRIGHT TRUCKING, INC., 16 Main Street, Lowell, MA. 01853, and for acquisition by Paul S. Doherty, Paul S. Doherty, Jr., and Shirley A. Doherty, all of 160 Route 17, Rochelle Park, N.J., 07662, of control of WRIGHT TRUCKING, INC., through the acquisition by Paul S. Doherty, Paul S. Doherty Jr., and Shirley A. Doherty. Applicants' attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006, and Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA. 02043. Operating rights sought to be controlled: *Yarn, Cloth, wool, rayon, mohair, empty containers, textile machinery and parts, electrical appliances and supplies, radiators, and burlap*, as a common carrier over regular routes, between Westford, Mass., and Philadelphia, Pa.; between Lowell, Mass., and Providence, R.I.; Service is authorized to and from all intermediate points on the above-specified routes, and the off-route points of Barre, Boston, Orange, Indian Orchard, North Weymouth, Cambridge, Haverhill, Watertown Lynn, Pittsfield, and Westfield, Mass., Bound Brook, South River and Passaic, N.J., Norristown, Pa., Pascoag, R.I., Uncasville, Stafford Springs,

NOTICES

Manchester, Mystic, Shelton, and Kensington, Conn., points and places within ten miles of Philadelphia, and those within 16 miles of Westford, Mass. *General commodities*, with exceptions from Philadelphia, Pa., to Lowell, Mass. Service is authorized to all intermediate points between Lowell, Mass., and Bridgeport, Conn., including Bridgeport, and to those off-route points in Massachusetts within 25 miles of Lowell restricted to delivery only; and from off-route points within ten miles of Philadelphia, restricted, to pick-up only. Yarn, from Westford, Mass., to Amsterdam and Clark Mills, N.Y., Grain and feed, from Philadelphia, Pa., to Providence, R.I., Holliston, Walpole, Southbridge and Framingham, Mass., and points and places in Connecticut. Mopsticks, from Irvington, N.J., to Providence, R.I., and points and places in Connecticut and Massachusetts. Wool softener, oil in containers, and trunks, from Nutley, Bayonne, Jersey City, and Newark, N.J., to Lowell, Mass., and points and places in Massachusetts within 25 miles of Lowell, paper, from Groton and Lawrence, Mass., to Mystic and Kensington, Conn., and Philadelphia, Pa. spraying materials, from Camden, N.J., to Middlefield, Storrs and Quinebaugh, Conn., and points and places in Middlesex County, Mass., apples, from Barre and Westford, Mass., and points and places in Massachusetts within 15 miles of Westford, to Bridgeport, Conn., and New York, N.Y.

Liquid petroleum products, in truck-load lots, from Petrolia, Pa., to Lowell, Lynn, Malden, and Chelsea, Mass., return, with no transportation for compensation except as otherwise authorized, to the above-specified origin points, machinery, between Westford, Mass., and points and places in Massachusetts within 35 miles of Westford, on the one hand, and, on the other, points and places in Connecticut, New Jersey, Rhode Island, Massachusetts, New Hampshire, those in New York on and east of New York Highway 14, and those in Pennsylvania east of the Susquehanna River, used textile machinery, between points and places in Connecticut, Massachusetts, New Hampshire, and Rhode Island; and between points and places in Connecticut, Massachusetts, Rhode Island, and that part of New Hampshire south of a line beginning at Portsmouth, N.H., and extending northwest through Concord and Claremont, N.H., to the Connecticut River on the other, points and places in New Jersey on and north of New Jersey Highway 40, those in New Jersey, south of New Jersey Highway 40, within ten miles of Camden, N.J., those in New York on and east of New York Highway 14 and south of a line beginning at the New York-Vermont State line and extending west through Granville, N.Y., to Oswego, N.Y., including Granville and Oswego, and those in Pennsylvania east and south of a line beginning at Pennsylvania-Maryland State line and extending along U.S. Highway 111 to York, Pa., thence along U.S. Highway 30 to Lancaster, Pa., thence along U.S. Highway 222 to Allentown, Pa., thence along U.S. Highway

309 to Wilkes-Barre, Pa., thence east to Dingsman Ferry, Pa., including Dingsman Ferry, and points and places on the indicated portions of the highways specified. General commodities, with exceptions from Lowell, Mass., to Philadelphia, Pa., serving the intermediate and off-route points of Trenton, N.J., and South Chelmsford and Forge Village, Mass., between Lowell, Mass., and Newark, N.J., serving (1) all intermediate points in Massachusetts; (2) intermediate points in Rhode Island within 10 miles of Providence, R.I.; (3) the intermediate point of Providence, R.I.; (4) the off-route points of Paterson, and Bloomfield, N.J., and Middleboro, Mass.; (5) off-route points located (A) in Massachusetts (1) within 25 miles of Lowell, and Boston, Mass., and (2) within 10 miles of Providence, R.I., and (B) in Rhode Island within 10 miles of Providence, R.I.; and (6) intermediate and off-route points in New York and New Jersey within 10 miles of the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, including points in said commercial zone, between Lowell, Mass., and Taunton, Mass. serving all intermediate points, the off-route point of Middleboro, Mass. and off-route points (1) in Massachusetts within 25 miles of Lowell and Boston, Mass., and (2) within 10 miles of Providence, R.I., between West Brookfield, Mass., and Palmer, Mass., serving all intermediate points:

Between Boston, Mass., and Auburn, Mass., serving all intermediate points, and off-route points in Massachusetts within 25 miles of Lowell and Boston, Mass.; between Boston, Mass., and Worcester, Mass., serving all intermediate points, and off-route points in Massachusetts within 25 miles of Lowell and Boston, Mass.; between Littleton, Mass., and Worcester, Mass., serving all intermediate points, and off-route points in Massachusetts within 25 miles of Lowell and Boston, Mass.; between Clinton, Mass., and Worcester, Mass., serving all intermediate points, and off-route points in Massachusetts within 25 miles of Lowell and Boston, Mass.; between Indian Orchard, Mass., and Longmeadow, Mass., serving all intermediate points; Leather and leather products, rubber and rubber products, alcoholic beverages, radios, radio parts, woolen and cotton piece goods, and webbing, between New York, N.Y., and Wilmington, Del., serving the intermediate point of Philadelphia, Pa., and with service over this route restricted to the transportation of shipments of said commodities moving between points authorized to be served in Massachusetts and Rhode Island over the regular routes specified herein above, on the one hand, and, on the other, Philadelphia, Pa., and Wilmington, Del.: *Alternate Routes for Operating Convenience Only*: General commodities, with exceptions, between junction Connecticut Highways 15 and 20, and junction Connecticut Highways

74 (formerly Connecticut Highway 15) and 30, serving no intermediate points; between East Hartford, Conn., and Wethersfield, Conn., serving no intermediate points: General commodities with exceptions serving Merrimack, N.H., as an off-route point in connection with carrier's authorized regular route operations to and from Lowell, Mass., with restrictions. Cotton and woolen piece goods, as a common carrier over irregular routes, from Lawrence, Mass., to Bridgeport, and South Norwalk, Conn., with no transportation for compensation on return except as otherwise authorized: general commodities, with exceptions, between New York, N.Y., and points in Bergen, Essex, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line and extending along U.S. Highway 5 to junction unnumbered highway (formerly portion U.S. Highway 5), thence along unnumbered highway through South Deerfield, Mass., to junction U.S. highway 5, thence along U.S. Highway 5 to the Massachusetts-Connecticut State line, Providence, R.I., and points in Rhode Island within 15 miles of Providence, R.I., textile mill products, between points in New Hampshire within one mile of junction U.S. Highway 3 and the Massachusetts-New Hampshire State line, on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, and Passaic Counties, N.J. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13022. Authority sought for purchase by ONEIDA MOTOR FREIGHT, INC., Commercial Avenue, Carlstadt, N.J., 07072, of a portion of the operating rights of EASTERN FREIGHT WAYS, INC., Sidney B. Gluck, Trustee in Bankruptcy, c/o Edgar H. Booth, Esquire, 405 Park Ave., N.Y., N.Y., 10022, and for acquisition by Donald T. Singleton, 27 Lancaster Road, Tenafly, N.J., of control of such rights through the purchase. Applicants' attorneys: William Biederman, Southgate Tower 371 7th Avenue, New York City, N.Y. 10001, and William W. Becker, 1819 H Street, N.W., Suite 950, Washington, D.C., 20006. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between North Bennington, Vt., and Albany, N.Y., serving the intermediate point of Bennington, Vt., and intermediate and off-route points in New York within 25 miles of Albany, N.Y.; between New York, N.Y., on the one hand, and, on the other, Buffalo, N.Y., the intermediate points of Albany, Amsterdam, Fonda, Rochester, St. Johnsville, Schenectady, Scotia, Syracuse and Utica, N.Y., and the off-route points of Canajoharie, Fort Plain, Fultonville, Gloversville, and Johnstown, N.Y.; between Albany, N.Y., on the one

hand, and, on the other Rochester, N.Y., the intermediate point of St. Johns, N.Y., and the off-route point of Johnstown, N.Y.; between Waterford, N.Y., and the intermediate point of Cohoes, N.Y., on the one hand, and, on the other, New York, N.Y.; from Niagara Falls N.Y., and the off-route point of Solvay (Onondaga County), N.Y., to New York, N.Y.; from New York, N.Y., to Binghamton, N.Y., serving no intermediate points; *general commodities*, with exceptions, as a *common carrier* over irregular routes between Bennington, and North Bennington, Vt., on the one hand, and, on the other, Albany, N.Y., and points in New York within 25 miles of Albany; between New York, N.Y., Newark, N.J., and points in New Jersey within 15 miles of Newark, on the one hand, and, on the other, points in Rensselaer, and Albany Counties, N.Y.; between Athens, and Sayre, Pa., on the one hand, and, on the other, points in New York; between Watertown, N.Y., on the one hand, and, on the other, points within five miles of Meseena, N.Y.; between Niagara Falls, N.Y., on the one hand, and, on the other, points in Niagara, Erie, and Orleans Counties, N.Y.

Between Buffalo, N.Y., on the one hand, and, on the other, points in Erie, Genesee, Niagara, and Wyoming Counties, N.Y.; between Batavia, N.Y., on the one hand, and, on the other, points in Genesee, and Monroe Counties, N.Y.; between Rochester, N.Y., on the one hand, and, on the other, points in Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Wayne, and Wyoming Counties, N.Y.; between Auburn, N.Y., on the one hand, and, on the other, points in Cayuga, Onondaga, and Seneca Counties, N.Y.; between Syracuse, N.Y., on the one hand, and, on the other, points in Onondaga, Cayuga, Cortland, Madison, Oswego, Seneca, Tompkins, and Wayne Counties, N.Y.; between Utica, N.Y., on the one hand, and, on the other, points in Oneida, Madison, and Montgomery Counties, N.Y., and points in Herkimer County, N.Y., south of Adirondack Mountains Preserve; between Amsterdam, N.Y., on the one hand, and, on the other points in Schenectady County, N.Y., and points in Fulton, and Herkimer Counties, N.Y., south of Adirondack Mountains Preserve; between Binghamton, N.Y., on the one hand, and, on the other, points in Broome County, N.Y.; between Rensselaer, N.Y., on the one hand, and, on the other, points in Rensselaer, Albany, Montgomery, Saratoga, and Schenectady Counties, N.Y.; from New York, N.Y., to Binghamton, Buffalo, Fulton, Rochester, Syracuse, and Waverly, N.Y.; from Buffalo, Lockport, Syracuse, Solvay, and Phoenix, N.Y., to New York, N.Y.; from Buffalo, N.Y., to Tarrytown, N.Y.; between points in New York except points in New York, N.Y., and Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New Jersey. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Pennsylvania, and Vermont. Application has been filed

for temporary authority under section 210a(b).

NOTE.—Applicant intends to file a gateway elimination application that will be directly related to this proceeding.

No. MC-F-13023, authority sought for purchase by TRANSCON LINES, 101 Continental Boulevard, El Segundo, CA. 90245, of a portion of the operating rights of NATIONAL TRANSPORTATION COMPANY, d.b.a. NATIONAL TRANSPORT 101, Sidney B. Gluck, Trustee in Bankruptcy, c/o Edgar H. Booth, 405 Park Avenue, New York, NY 10022, and control of such rights through the purchase. Applicants' attorneys: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, MO., 64105, and William W. Becker, Suite 950, 1819 H Street, N.W., Washington, D.C., 20006. Operating rights sought to be transferred: *General commodities*, with exceptions as a common carrier over regular and irregular routes. (A) Regular Routes: between New Haven, CT., and Hartford, Ct., serving the intermediate and off-route points of Collinsville, Durham, Middletown, New Britain, Rockville and Rocky Hill, Ct., and Westfield, MA., between Stratford, CT. and Torrington, CT., serving all intermediate points, and the off-route points of Bantam, Bristol, Litchfield, Oakville, Plymouth, Terryville, Watertown and Winsted, Ct., between New Haven, Ct., and Willimantic, Ct., serving all intermediate points except those on U.S. Highway 5 between Hartford and New Haven, CT., serving Meriden, CT. for purposes of joinder only, and the off-route points of Baltic, Groton, Jewett City, Lebanon, Mansfield, Montville, Mystic, Niantic, North Branford, Stafford Springs, Taftville, Windham, North Windham, Danielson, East Hampton, Essex, Kensington, Norwichtown, Oneco, Pomfret, Putnam, and Stonington, CT; between Bridgeport, CT. and New Milford, CT., serving the intermediate and off-route points of Branchville, Brookfield, Cannondale, Danbury, Georgetown, Long Hill, Newtown, Stepney Depot, Wilton, Bethel, Botsford, Bridgewater, Brookfield Center, Easton, Hawleyville, New Canaan, Redding, Ridgefield, Sandy Hook, Southbury, Weston, Woodbury, Canaan, Morris and Roxbury, Ct., serving Norwalk, Ct., for purposes of joinder only; between Waterbury, CT and Albany, N.Y., serving the intermediate points of Waterville, Thomaston, Torrington, Norfolk and Canaan, CT. Great Barrington, MA. and Chatham, Schodack Center and Rensselaer, NY. and the off-route points of Menands, Troy, Watervliet, Green Island, Cohoes, Waterford, Kinderhook and Castleton, NY, and Housstanico and West Stockbridge, MA. and Oakville, Watertown, New Hartford, Winsted, Colebrook, Kent, Cornwall, Terryville, and Plymouth, CT., between Greenfield, MA and Boston, MA., serving all intermediate points; between Hartford, CT and Greenfield, MA., serving the intermediate points of Northampton and Deerfield, MA., and the off-route points

of Willimanset, Easthampton, Millers Falls, and Turners Falls, MA.

Serving Springfield, MA., for purposes of joinder only; between Hartford, Ct and Boston, MA., as an alternate route for operating convenience only, serving no intermediate points; restriction: the authority granted in the two routes next above shall not be severable, for the purpose of sale or otherwise, from other authority held by carrier herein; between Boston, Ma and Framingham, MA., serving the intermediate and off-route points of Cambridge, Natick, and Wellesley, MA; between New London, Ct. and Providence, RI., serving the intermediate and off-route points of Quaker Hill, Uncasville, Norwich, Greenville, Jewett City, Plainfield, Central Village, Waterfield, Montville, Oakdale, Norwichtown, Yantic, Gilman, Fitchville, Taftville, Occum, Baltic, Hanover, Versailles, Moosup, and Wauregan, Ct., and Pawtucket, Central Falls, and Waverly, RI; between New London, CT and Providence RI., serving the intermediate and off-route points of Glasgo, Vountown, Sterling, Gales Ferry, Oneco, Preston, Ledyard, and Poquetanuck, Ct. and Green, Summit, Coventry, Fiskville, Phenix, Natick, River Point, Artic, Centerville, Anthony, Washington, Pine Hill, Clayville, Thornton, and Liberty, RI; between New London, CT and Providence, RI., serving the intermediate and off-route points of Pawcatuck, Stonington, Mystic, West Mystic, Poquonock Bridge, Groton, North Stonington and Noank, Ct. and Westerly, Dunn's Corner, Wakefield, Hamilton, East Greenwich, Apponaug, Hills Grove, East Providence, LaFayette, Exeter, Kenyons, Bradford, Shannock, Watch Hill, West Warwick, Arcadia, Carolina, Wood River Junction, Alton, Ashway, White Rock, and Potter Hill, RI. (B) Irregular routes: between Voorheesville, NY., on the one hand, and, on the other Albany and Rensselaer, NY.; between Boston, Brookline, Newton, Needham, Wellesley and Dover, MA.; between Boston, Framingham and Springfield, MA, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 5 and west of the Cape Cod Canal. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE.—Applicant does intend to join its regular route authority with the irregular route authority sought to be acquired herein. This application is directly related to an application filed by Carranos Express, Inc., for authority to acquire a portion of the operating rights of National Transport 101 in MC-F-13024.

NOTICES

No. MC-F-13024. Authority sought for purchase by CARRANO'S EXPRESS, INCORPORATED, Route 17, Northford, Connecticut 06472, of a portion of the operating rights of NATIONAL TRANSPORTATION COMPANY, d.b.a. NATIONAL TRANSPORT 101, Sidney B. Gluck, Trustee in Bankruptcy, c/o Edgar H. Booth, 405 Park Avenue, New York, N.Y. 10022, and control of such rights through the purchase. Applicant's attorneys: Thomas W. Murrett, 342 North Main Street, West Hartford, CT. 06117, Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, MO. 64105, and William W. Becker, Suite 950, 1819 H Street, NW, Washington, D.C. 20006. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes: between Perth Amboy, New Jersey and Hartford, Connecticut serving all intermediate points and the off-route points of Freeport, Rockville Center, Hempstead, Glen Cove, and White Plains, New York; Thompsonville and Windsor, Connecticut; and Chicopee, Chicopee Falls, Holyoke, Longmeadow and Springfield, Massachusetts; Matawan, New Jersey, and points in Bergen, Essex, Hudson and Union Counties, New Jersey, those in Passaic County, New Jersey south and east of Pompton Lakes, those in Middlesex County, New Jersey on and east of New Jersey Highway S-28, and those in the New York, New York commercial zone, as defined by the Commission in 1 M.C.C. 665; from Perth Amboy over unnumbered highway to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, New Jersey, thence over U.S. Highway 1 to New Haven, Connecticut and thence over U.S. Highway 5 to Hartford, and return over the same route. Vendee is authorized to operate as a *common carrier* in Connecticut. Application has been filed for temporary authority under section 210a(b).

NOTE.—Applicant does intend to join its irregular route authority with the regular route authority sought to be acquired herein. This application is directly related to MC-F-13023.

No. MC-F-13025. Authority sought for purchase by PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Maryland, 21655, of a portion of the operating rights of Century, Ltd., and Operator of Lansdale Transportation Co., Inc. and First Pennsylvania Bank, N.A. Holder of Power of Attorney of Lansdale Transportation Co., Inc., d.b.a. Century Express, Ltd. Operator of Lansdale Transportation Co., Inc., 300 South Centre Street, Pottsville, PA 17901, and for acquisition by A. T. Blades, 151 Easton Boulevard, Preston, MD 21655, of control of such rights through the purchase. Applicants' attorney and representative: Thomas M. Auechcloss, Jr., 918 16th Street, NW, No. 700, Washington, DC 20006, and Joseph Hoary, 121 South Main Street, Taylor, PA 18517. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as de-

fined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes between Philadelphia, Norristown, Collegeville, Gratzford, Schwenksville, Boyertown, Pottstown, Royersford, Spring City, and Phoenixville, Pa. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-1824 (Sub-No. 72) is a directly related matter.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) 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 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 application.

No. MC 96961 (Sub-No. 3), filed October 29, 1976. Applicant: WEST TENNESSEE MOTOR EXPRESS, INC., Fayard Court, Nashville, Tenn. 37210. Applicant's representative: Don R. Binkley, 500 Court Square Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods and commodities which because of size and weight require special equipment), (1) Between Nashville, Tenn., and Humboldt, Tenn., serving Bruceton, Tenn., and all intermediate points between Bruceton and Humboldt: From Nashville, Tenn., over U.S. Highway 70 to Huntingdon, Tenn., thence over alternate U.S. Highway 70 to Atwood, Tenn., thence over U.S. Highway 79 to Humboldt, and return over the same route, restricted against the transportation of traffic originating at or destined to Humboldt: (2) Between Huntingdon, Tenn., and South Fulton, Tenn., serving all intermediate points: From Huntingdon, Tenn., over Tennessee Highway 22 to Martin, Tenn., thence over U.S. Highway 45E to South Fulton, Tenn., and return over the same route; (3) Between South Fulton, Tenn., and Troy, Tenn., serving all intermediate points: From South Fulton, Tenn., over U.S. Highway 51 to Troy, Tenn., and return over the same route; (4) Between Troy, Tenn., and Tiptonville, Tenn., serving all intermediate points: From Troy, Tenn., over Tennessee Highway 21 to Tiptonville, Tenn., and return over the same route; (5) Between Tiptonville, Tenn., and Dyersburg, Tenn., serving all intermediate points: From Tiptonville, Tenn., over Tennessee Highway 78 to Dyersburg, Tenn., and return over the same route; (6) Between Dyersburg, Tenn., and Brownsville, Tenn., serving all intermediate points: From Dyersburg, Tenn., over U.S. Highway 51 to the junction of Tennessee Highway 20, thence over Tennessee Highway 20 to the junction of Tennessee Highway 54, thence over Tennessee Highway 54 to Brownsville, Tenn., and return over the same route, restricted against traffic originating at or destined to Brownsville, Tenn.; (7) Between the junction of Tennessee Highway 54 and Tennessee Highway 20 and Bells, Tenn., serving all intermediate points: From the junction of Tennessee Highway 54 and Tennessee Highway 20 over Tennessee Highway 20 to Bells, Tenn., and return over the same route, restricted against traffic originating at or destined to Bells, Tenn.; (8) Between Dyersburg, Tenn., and Troy, Tenn., serving all intermediate points: From Dyersburg over U.S. Highway 51 to Troy, and return over the same route.

(9) Between Dyersburg, Tenn., and Milan, Tenn., serving all intermediate points: From Dyersburg over Tennessee Highway 104 to its junction with Tennessee Highway 77, thence over Tennessee Highway 104 (also Tennessee Highway 77) to Milan, and return over the same route; (10) Between Trenton, Tenn., and Union City, Tenn., serving all intermediate points: From Trenton over U.S. Highway 45W to Union City, and return over the same route; (11) Between Newbern, Tenn. and Dyer, Tenn., serving all intermediate points: From Newbern over Tennessee Highway 77 to Dyer, and return over the same route; (12) Between Milan, Tenn. and Martin, Tenn., serving all intermediate points: From Milan over U.S. Highway 45E to Martin, and return over the same route; (13) Between Trenton, Tenn. and Bradford, Tenn., serving all intermediate points: From Trenton over Tennessee Highway 54 to Bradford, and return over the same route; (14) Between Greenfield, Tenn. and McKenzie, Tenn., serving all intermediate points: From Greenfield over Tennessee Highway 124 to McKenzie, and return over the same route; (15) Between McKenzie, Tenn. and Atwood, Tenn., serving all intermediate points: From McKenzie over U.S. Highway 79 to Atwood, and return over the same route; (16) Between Camden, Tenn., and Paris, Tenn., serving all intermediate points: From Camden over Tennessee Highway 69 to Paris, thence over U.S. Highway 45 to Dyersburg, Tenn.

Highway 641 to Puryear, thence over Tennessee Highway 140 to Buchanan, and return over the same route; (17) Between Paris, Tenn. and Dresden, Tenn., serving all intermediate points: From Paris over Tennessee Highway 54 to Dresden, and return over the same route. (18) Between Paris, Tenn. and McKenzie, Tenn., serving all intermediate points: From Paris over U.S. Highway 79 to McKenzie, and return over the same route. (19) Between Trenton, Tenn. and Alamo, Tenn., serving all intermediate points: From Trenton over Tennessee Highway 54 to Alamo, and return over the same route. Alternate Routes: (20) Between Nashville, Tenn., and the junction of Interstate Highway 40 and Tennessee Highway 20, serving authorized points as off route points for purposes of joinder only: From Nashville over Interstate Highway 40 to its junction with Tennessee Highway 20, and return over the same route, as an alternate route for operating convenience only. (21) Between Humboldt, Tenn. and Bells, Tenn.: From Humboldt, Tenn. over U.S. Highway Alternate 70 to Bells, and return over the same route, as an alternate route for operating convenience only. Note: The purpose of the filing is to convert applicant's Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding No. MC-F-13011, published in the *FEDERAL REGISTER* issue of November 18, 1976.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 98776 (Sub-No. 5) (Correction), filed October 6, 1976, published in the *FEDERAL REGISTER* issue as MC 98766 Sub 5, republished as corrected this issue. Applicant: BARNETT ELDREDGE, doing business as ELDREDGE TRUCK LINE, N. Highway 27, P.O. Box 659, Somerset, Ky. 42501. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment). (1) Between Lexington, Ky. and Morehead, Ky., serving no intermediate points, and serving Morehead, Ky. for purposes of joinder only: From Lexington, Ky. over U.S. Highway 60 to Morehead, Ky. and return over the same route; (2) Between Lexington, Ky. and Albany, Ky., serving all intermediate points between Lexington, Ky. and Monticello, Ky.: From Lexington, Ky. over U.S. Highway 27 to its junction with Kentucky Highway 90, near Burnside, Ky., thence over Kentucky Highway 90 to its junction with U.S. Highway 127 north of Albany, Ky., thence over U.S. Highway 127 to Albany, Ky., and return over the same route; (3) Between Lexington, Ky. and the site of Wolf Creek Dam, near Jamestown, Ky., serving all intermediate points: From Albany, Ky.,

over U.S. Highway 127 to Jamestown, Ky., thence over access and state highways to Wolf Creek Dam Site and return over the same route; (4) Between the junction of U.S. Highway 27 with Kentucky Highway 90 near Burnside, Ky. and Strunk, Ky., serving all intermediate points: From the junction of U.S. Highway 27 with Kentucky Highway 90 over U.S. Highway 27 to Strunk, Ky. and return over the same route; and (5) Between Pine Knot, Ky. and Parkers Lake Ky., serving all intermediate points: From Pine Knot, Ky. over Kentucky Highway 92 to Williamsburg, Ky., thence over U.S. Highway 25W to Jellico, Ky., thence return over U.S. Highway 25W to its junction with Kentucky Highway 90 near Clio, Ky., thence over Kentucky Highway 90 to Parkers Lake, Ky. and return over the same route.

NOTE.—The purpose of this republication is to correct docket number MC 98776 Sub-No. 5 in lieu of MC 98766 Sub-No. 5. 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-12996, published in the *FEDERAL REGISTER* issue of October 21, 1976. If a hearing is deemed necessary, the applicant requests it be held at Lexington or Louisville, Ky.

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 Deviation Rules, Motor Carrier 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 at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this *FEDERAL REGISTER* notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Deviation No. 21), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed November 3, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, over a deviation route as follows: From Logan, Utah, over U.S. Highway 89 to Garden City, Utah, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Logan, Utah, over U.S. Highway 91 to Preston, Idaho, thence over Idaho Highway 86 to Dayton, Idaho, thence over Idaho Highway 35 to junction U.S. Highway 91, thence over U.S. Highway 91 to junction U.S. Highway 30, thence over U.S. Highway 30 to Montpelier, Idaho, thence over U.S. Highway 89 to Garden City, Utah, and return over the same route.

No. MC 263 (Deviation No. 22), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed November 5, 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 Reno, Nev., over U.S. Highway 395 to Pendleton, Oreg., thence over Oregon Highway 11 to the Oregon-Washington border, thence over Washington Highway 125 to junction U.S. Highway 12, thence over U.S. Highway 12 to Walla Walla, Wash., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Reno, Nev., over U.S. Highway 40 to Winnemucca, Nev., thence over U.S. Highway 95 to Burns Junction, Oreg., thence over Oregon Highway 78 to Burns, Oreg., thence over U.S. Highway 395 to Pendleton, Oreg., thence over Oregon Highway 11 to the Oregon-Washington border, thence over Washington Highway 125 to junction U.S. Highway 12, thence over U.S. Highway 12 to Walla Walla, Wash., and return over the same route.

No. MC 33641 (Deviation No. 119), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 30277, Salt Lake City, Utah 84125, filed November 5, 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 91 and U.S. Highway 93 over U.S. Highway 93 to junction U.S. Highway 30 near Filer, Idaho, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 93 and U.S. Highway 91 over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 93 near Filer, Idaho, and return over the same route.

No. MC 109533 (Deviation No. 13), OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23209, filed November 16, 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 Suffolk, Va., over U.S. Highway 460 to junction Interstate Highway 95 near Petersburg, Va., thence over Interstate Highway 95 to junction U.S. Highway 1 near Washington, D.C., thence over U.S. Highway 1 to junction Maryland Highway 198, thence over Maryland Highway 198 to Laurel, Md., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Suffolk, Va., over U.S. Highway 58 to Franklin, Va., thence over U.S. Highway 258 to Murfreesboro, N.C.,

NOTICES

thence over U.S. Highway 158 to Norlina, N.C., thence over U.S. Highway 1 to Richmond, Va., thence over Interstate Highway 95 to Washington, D.C., thence over U.S. Highway 1 to Laurel, Md., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE
DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviations Rules, Motor Carrier 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 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 3600 (Deviation No. 3), FRANK MARTZ COACH COMPANY, P.O. Box 1007, Wilkes-Barre, Pa. 18703, filed October 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Riegelsville, Pa., over Pa. Highway 611 to Easton, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Riegelsville, Pa., across the Delaware River to junction unnumbered highway, thence over unnumbered highway via Finesville, Glen, Warren, and Alpha, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to Easton, Pa., and return over the same route.

No. MC-3600 (Deviation No. 4), FRANK MARTZ COACH COMPANY, P.O. Box 1007, Wilkes-Barre, Pa. 18703, filed November 11, 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 Pennsylvania Highway 115 and the Northeast Extension of the Pennsylvania Turnpike (Interchange No. 36), over the Northeast Extension of the Pennsylvania Turnpike to junction Pennsylvania Turnpike, thence west over the Pennsylvania Turnpike to Interchange No. 24 (Valley Forge Interchange), thence over Interstate Highway 76 (Schuylkill Expressway) to Philadelphia, Pa., with the following access routes: (1) From Blakeslee, Pa., over Pennsylvania Highway 940 to Interchange No. 35 of the Northeast Extension of the Pennsylvania Turnpike, (2) From Easton, Pa., over U.S. Highway 22

to Interchange No. 33 of the Northeast Extension of the Pennsylvania Turnpike, and (3) From junction Pennsylvania Highway 611 and Interchange No. 27 of the Pennsylvania Turnpike, over the Pennsylvania Turnpike to junction Pennsylvania Turnpike with the Northeast Extension of the Pennsylvania Turnpike, 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 Wilkes-Barre, Pa., over Pennsylvania Highway 115 to Stockertown, Pa., thence over unnumbered highway to Easton, Pa., thence over U.S. Highway 22 to Philipsburg, N.J., thence over unnumbered New Jersey Highways to Riegelsville, N.J., thence across the Delaware River to Riegelsville, Pa., thence over U.S. Highway 611 to Philadelphia, Pa., and return over the same routes.

No. MC 54591 (Deviation No. 8), SOUTHEASTERN TRAILWAYS, INC., 205 N. Senate Ave., Indianapolis, Ind. 46204, filed November 4, 1976. Carrier's representative: Lawrence Lindeman, Suite 1032, Pennsylvania Bldg., Pa. Ave. & 13th St., N.W., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 65 to Louisville, Ky., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 421 to Greensburg, Ind., thence over Indiana Highway 3 to junction Indiana Highway 62, thence over Indiana Highway 62 to Jeffersonville, Ind., thence over the Ohio River to Louisville, Ky., and return over the same route.

MOTOR CARRIER INTRASTATE
APPLICATION(S)

NOTICE

The following application(s) 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 on 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 56796 (Partial correction), filed October 6, 1976, published in the *FEDERAL REGISTER* issue of November 4, 1976, and republished as corrected this issue. Applicant: DITTO FREIGHT LINES, 1575 Industrial Avenue, San Jose, Calif. 95112. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Note.—The purpose of this partial correction is to indicate the correct territory sought in the Los Angeles Basin Territory to read: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay 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 Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way; to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79 to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base, the rest remains the same. 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.

Oklahoma Docket No. MC 23190 (Sub-No. 7) filed November 16, 1976. Applicant: OKMULGEE EXPRESS, INC., 207 North Cincinnati, Tulsa, Okla. 74101. Applicant's representative: Rufus H. Lawton, 106 Bixler Bldg., 2400 N.W. 23rd St., Oklahoma City, Okla. 73107. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Henryetta, Okla. and Stigler, Okla.: From Henryetta, Okla. via U.S. Highway 266 to junction U.S. 266 and S.H. 2, thence via S.H. 2 to Warner, Okla. thence via S.H. 2 to junction S.H. 2 and S.H. 9, thence via S.H. 9 to Stigler, Okla., thence west from Stigler, Okla. via S.H. 9 to the Indian Nation Turnpike, thence via the Indian National Turnpike to Henryetta, Okla. serving all intermediate points and the off-route points of Checotah, Warner, Enterprise, Dewar, Grayson and Hitchita, Okla. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for February 7, 1977, at 9 a.m., 2nd Floor, Jim Thorpe Office Bldg., Oklahoma City, Okla. Re-

quests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should *not* be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 23745 (Sub-No. 1), filed November 12, 1976. Applicant: TRIANGLE EXPRESS, INC., 1015 S.W. 2nd, Oklahoma City, Okla. 73125. Applicant's representative: Charles D. Dudley, 3535 N.W. 58th Street, Suite 280, Oklahoma City, Okla. 73112. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation *General commodities*, between Oklahoma City, Okla. and Lawton, Okla.: From Oklahoma City, Okla. via U.S. Highway 62 to its joinder with the H.E. Bailey Turnpike, thence via the H.E. Bailey Turnpike to its junction with U.S. Highway 281, thence via U.S. Highway 281 to Lawton, Okla., serving Oklahoma City, Lawton, Okla. and the intermediate point of Fort Sill Military Reservation, and return by the same route. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for January 31, 1977, at the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla., (time not given). Requests for procedural information

should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should *not* be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 39435, filed November 10, 1976. Applicant: AMBASSADOR COACH LINES, INC., 212 A Street N.W., Miami, Okla. 74354. Applicant's representative: I. E. Chenoweth, 1300 Mid-Continent Building, Tulsa, Okla. 74103. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Passengers, baggage and express*, including charter rights over the following routes: Between Tulsa, Okla. and Oklahoma City, Okla. via U.S. Highway 66, serving all intermediate points. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, and place scheduled for January 24, 1977, 2nd Floor, Jim Thorpe Bldg., Oklahoma City, Okla., time not given. Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35372 Filed 12-1-76;8:45 am]

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(Revised as of October 1, 1976)

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