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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 7—Agriculture

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

[Navel Orange Reg. 373]

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 March 26–April 1, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.673 Navel Orange Regulation 373.

(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 not strong, but the trade is showing more interest in offerings. Prices f.o.b. averaged $3.15 a carton on a reported sales volume of 1,169 carlots last week, compared with an average f.o.b. price of $3.12 per carton and sales of 1,078 carlots a week earlier. Track and rolling supplies at 520 cars were up 77 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 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 March 26, 1976, through April 1, 1976, are hereby fixed as follows:

(i) District 1: 1,189,000 cartons;

(ii) District 2: 261,000 cartons;

(iii) District 3: Unlimited movement."

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

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

Dated: March 24, 1976.

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

[FR Doc.76-8779 Filed 3-24-76;12:42 pm]

[Valencia Orange Reg. 525]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Mar. 26–Apr. 1, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.825 Valencia Orange Regulation 525.

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

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3

during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is relatively weak. Prices f.o.b. averaged $2.52 per carton for the week ended March 18 on a reported sales volume of 30 carlots.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 26, 1976, through April 1, 1976, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 59,264 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: March 24, 1976.

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

[FR Doc.76-8772 Filed 3-24-76;11:56 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Citizenship Status of Loan Applicants

Section 1822.4 (c) of Subpart A of Part 1822, Title 7, Code of Federal Regulations (39 FR 44993; 40 FR 42736) is revised to further clarify the citizenship status of eligible Rural Housing loan applicants.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 USC 553 with respect to such rules. This revision, however, is not published for proposed rulemaking because the change merely clarifies the eligibility of certain residents of the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands for Rural Housing loans. For that reason, publication as a proposed rule is unnecessary.

As revised, § 1822.4 (c) reads as follows:

§ 1822.4 Eligibility requirements.

* * * * *

(c) Be a natural person (individual) who is a citizen of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, or the Trust Territory of the Pacific Islands or who resides in one of the foregoing areas after being legally admitted for permanent residence or on indefinite parole. Applicants other than citizens must provide information such as Form I–151 "Alien Registration Receipt Card" or Form I–94, Immigrants on Indefinite Parole," to verify that they are legally admitted as permanent residents or on indefinite parole. The county Supervisor must further authenticate such information through the Immigration and Naturalization Service if the authenticity of the information provided is in doubt.

* * * * *

AUTHORITY: 42 U.S.C. 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.

Effective date. This revision shall become effective March 25, 1976.

Dated: March 17, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-8531 Filed 3-24-76;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Delegation of Authority

In a number of cases, the Board of Directors of the Federal Deposit Insurance Corporation imposes certain conditions or enters into certain understandings or agreements as a condition to approving applications of banks for the Corporation's consent to particular actions or changes in their operations or functions (e.g., applications for Federal deposit insurance, for the establishment of branches or facilities, for changes in the location of main offices or branches, for the exercise of trust powers, etc.). The Director of the Corporation's Division of Bank Supervision and the Corporation's Regional Directors, upon whom rests the responsibility for assuring compliance by banks with those conditions, understandings or agreements, have advised the Board of Directors that some continuing conditions, understandings or agreements may have been imposed or entered into so many years ago as to be antiquated and therefore realistically unenforceable. Accordingly, in the interest of administrative efficiency, the Board of Directors has decided to delegate to the Director of the Corporation's Division of Bank Supervision or the appropriate Regional Director, as the case may be, the authority to rescind certain outstanding conditions, understandings or agreements in effect prior to January 1, 1972 made in connection with bank applications. To effectuate its decision, the Board of Directors, pursuant to section 9 "Seventh" of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1819 "Seventh"), hereby amends § 303.13 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 303.13) by adding the following new paragraph (g) at the end thereof:

§ 303.13 Other delegations of authority.

* * * * *

(g) *Rescission of outstanding conditions, understandings or agreements made or imposed in connection with applications submitted to the Corporation.* The Board of Directors has delegated to the Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the bank is located, the authority on behalf of the

Board of Directors to rescind, at his discretion, any continuing outstanding condition, understanding or agreement in effect prior to January 1, 1972 which was made or imposed in connection with an application submitted by the bank to the Corporation, except a condition, understanding or agreement involving management personnel.

The provisions of section 553 of title 5 of the United States Code regarding general notice, public participation, and deferred effective date were not followed in connection with this amendment since the amendment (1) relates to agency organization, procedure, and practice and (2) will have the effect of relieving an existing restriction.

Effective date. This amendment shall become effective March 25, 1976.

By order of the Board of Directors, March 15, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-8512 Filed 3-24-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 67-SW-68; Amdt. 39-2557]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 47G-3, 47G-2A, 47G-3B, 47G-2A-1, 47G-3B-1, 47G-3B-2, 47G-4, 47G-4A, 47G-5, 47J-2, and 47J-2A Helicopters

Amendment 39-2486 (41 FR 1738) AD 76-01-06, as amended by Amendment 39-2506 (41 FR 5385), required removal of tail rotor blades, P/N 47-642-102 and installation of tail rotor blades, P/N 47-642-117, and associated components on certain Bell Model 47 series helicopters within 300 hours' time in service after March 15, 1976. These Model 47 helicopters include about one-half of the Model 47 fleet. As anticipated in the preamble to Amendment 39-2506, the Helicopter Association of America (HAA) submitted to the FAA by letter dated February 18, 1976, a list of 15 Bell Model 47 series helicopter accidents that occurred since January 1968 in which tail rotor blades reportedly failed, and a counterproposal to AD 76-01-06 with justification thereof. The FAA also received six additional letters from Bell Model 47 helicopter operators objecting to the expense in complying with AD 76-01-06 and again questioning the necessity for such severe action.

The agency acknowledges that the cost for parts associated with the installation of tail rotor blades, P/N 47-642-117, would be about $6,000 with a retirement time of 2,500 hours, and two P/N 47-642-102 tail rotor blades cost about $760 with a retirement time of 600 hours. The necessity for AD 76-01-06 on the part of the agency was stated in the preamble to the Notice of Proposed Rule Making published in 40 FR 39896 and resulted from nine reports from January 1968 through July 1975 in which tail rotor blades, P/N 47-642-102, failed after attaining 130 to 572 hours' total time in service. Three additional reports of blade failures have been received since July 1975. In direct response to the proposal notice, 26 letters or messages were received. Twenty-five of these letters summarized satisfactory service history and individual company policy and suggestions regarding tail rotor blades, P/N 47-642-102. These company policies and suggestions were summarized and noted in the preamble of Amendment 39-2486 (41 FR 1738) AD 76-01-06. The inspections and frequent checks specified first in AD 68-2-3 and then in AD 70-10-8, paragraph (a), that may be conducted by either a pilot or a mechanic, have been unsuccessful, for some reason, in preventing the noted blade failures. However, from January 1968 through November 1968, the agency received nine reports of cracked blades being detected by the inspections in AD 68-2-3 that were duplicated in and superseded by AD 70-10-8.

Bell Helicopter Company recommended that AD 76-01-06 be made effective and the National Transportation Safety Board also recommended the adoption of the proposal notice published in 40 FR 39896. Bell has stated and the FAA acknowledges that the blades, P/N 47-642-117, are much more durable and damage tolerant than the blades, P/N 47-642-102. The HAA contends that only four P/N 47-642-102 blade failures out of the 15 reviewed by them had any question of loss of blade integrity during a period of time in which a total of 3,225,127 hours were flown in Bell Model 47 helicopters. They further contend that these four failures equate to one blade failure every one and one-quarter million flight hours and, therefore, Amendment 39-2486, AD 76-01-06, is not warranted. They also indicated that enforcement of and compliance with the provisions of AD 70-10-8 would have prevented the other blade failures. The agency agrees that proper compliance with AD 70-10-8 will enable detection of defective blades and prevent blade failure. The FAA appreciates receiving the comments and information from all parties. After considering all of the comments and information presented, the FAA now believes that Amendment 39-2486, AD 76-01-06, as amended by Amendment 39-2506, should not be adopted at this time. The agency will review Amendment 39-983 (35 FR 7006) AD 70-10-8, as amended by Amendment 39-1063 (35 FR 12834) in the light of all comments received for the airworthiness docket file No. 67-SW-68 and will determine the necessity to supersede or amend AD 70-10-8 by separate rule making action.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations is amended by rescinding Amendment 39-2486 (41 FR 1738), AD 76-01-06, as amended by Amendment 39-2506) (41 FR 5385).

This amendment becomes effective March 12, 1976.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Fort Worth, Texas, on March 12, 1976.

A. H. THURHURN,
Acting Director,
Southwest Region.

[FR Doc.76-8260 Filed 3-24-76;8:45 am]

[Docket No. 75-EA-78; Amdt. 39-2559]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

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

There have been reports of failures of engine exhaust system V-band couplings and vibration isolators. These failures have caused in-flight fires and overheat damage to the engine compartment. Since these deficiencies can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require an inspection, repair and replacement where necessary of the affected components.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 F.R. 13697] section 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive, as follows:

PIPER—Applies to Piper Model PA-31P Airplanes

Compliance required as indicated unless already accomplished. To preclude failure of the engine exhaust system installed on Model PA-31P airplanes, accomplish the following:

(a) On airplanes serial numbers 31P-1 through 31P-7630007 except 31P-7400223 and 31P-7630005 within 50 hours after the effective date of this AD and every 50 hours thereafter, visually inspect turbocharger exhaust V-band couplings, vibration isolators and support brackets (If installed) for cracks, looseness, and distortion. Any part found cracked or distorted shall be replaced prior to further flight.

(b) On airplane serial numbers 31P-1 through 31P-7630001 and on 31P-7630003 within 50 hours time in service after the effective date of this AD perform exhaust pipe slip joint modification in accordance with Lycoming Service Bulletin 393A or an equivalent approved alteration.

(c) On airplanes serial numbers 31P-1 through 31P-7630009 within 50 hours time

in service after the effective date of this AD install bracket and clamp assembly, Piper Kit No. 760 974, in accordance with Piper Service Bulletin 462A or an equivalent approved alteration.

(d) On airplanes serial numbers 31P-1 through 31P-7630007 except 31P-7400223 and 31P-7630005 when new design vibration isolators and V-band couplings are installed in accordance with Piper Service Bulletin No. 492 or equivalent approved parts are installed, the repetitive inspections specified under paragraph (a) above are no longer required.

(e) Aircraft may be flown to a base where the maintenance required by this airworthiness directive is to be performed per FAR's 21.197 and 21.199.

(f) The Chief, Engineering and Manufacturing Branch, FAA Eastern Region may adjust the inspection interval specified in this airworthiness directive upon request of an owner or operator submitted with substantiating data through an FAA maintenance inspector. All equivalent alterations or parts must be approved by the said Branch Chief.

(Piper Service Bulletin No. 430 also pertains to this subject).

This amendment is effective March 31, 1976.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 USC 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 USC 1655(c)].

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

PAUL K. BOHR,
Acting Director,
Eastern Region.

[FR Doc.76-8404 Filed 3-24-76;8:45 am]

[Docket No. 15496; Amdt. 39-2561]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. DH-104 "Dove" Airplanes

There have been reports of cracks occurring in the nose landing gear inner casing on Hawker Siddeley DH-104 "Dove" airplanes that could result in collapse of the nose gear upon landing. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and replacement, as necessary, of the inner casings on Hawker Siddeley DH-104 "Dove" airplanes.

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

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 USC 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH-104 "Dove" airplanes certificated in all categories which have not been modified in accordance with Dove Modification 1728.

Compliance is required as indicated.

To detect cracks in the nose landing gear inner casing, which could result in failure of the casing and collapse of the nose gear, accomplish the following:

(a) For inner casings (P/N's 4UN.443ND and 4UN.555A) which have not been modified in accordance with either Dove Modification 847 or Modification 1008, comply with the following:

(1) Locate and identify the inner casings in accordance with the instructions contained in paragraph 3.1 of Hawker Siddeley Aviation Technical News Sheet, Series CT (104), No. 232, Issue 1, dated September 17, 1973.

(2) Within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the preceding 600 hours time in service, and thereafter at intervals not to exceed 600 hours time in service from the last inspection, inspect the nose landing gear inner casing for cracks in accordance with paragraph 3.5 of Hawker Siddeley Aviation Ltd., Technical News Sheet, Series CT(104), No. 232, Issue 1, dated September 17, 1973, or an FAA approved equivalent.

(3) If any cracks are found during an inspection required by paragraph (a)(2) of this AD, before further flight, except that the airplane may be flown in accordance with FAR's 21.197 and 21.199 to a base where the repair can be performed, replace the inner casing with a new part of the same part number or a serviceable used part of the same part number that has been inspected and found to be free of cracks in accordance with the inspection prescribed in paragraph (a)(2) of this AD. Inspect the replacement casing for cracks in accordance with paragraph 3.5 of Hawker Siddeley Aviation Ltd., Technical News Sheet Series CT(104), No. 232, Issue 1, dated September 17, 1973, or an FAA-approved equivalent, within the next 600 hours time in service from time of replacement and thereafter at intervals not to exceed 600 hours time in service from the last inspection.

(b) For inner casings (P/N's 14UN.467A/ND and 14UN.469A/ND) which have been modified in accordance with either Modification 847 or Modification 1008, comply with the following:

(1) Within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the preceding 600 hours time in service, and thereafter at intervals not to exceed 600 hours time in service from the last inspection, inspect the nose landing gear inner casings for cracks in accordance with paragraph 4.1 of Hawker Siddeley Aviation Ltd., Technical News Sheet, Series CT(104), No. 232, Issue 1, dated September 17, 1975, or an FAA approved equivalent.

(2) If any cracks are found during an inspection required by paragraph (b)(1) of this AD, before further flight, except that the airplane may be flown in accordance with FAR's 21.197 and 21.199 to a base where the repair can be performed, replace the inner casing with a new part of the same part number or a serviceable used part of the same part number that has been inspected and found to be free of cracks in accordance with the inspection prescribed in paragraph (b)(1) of this AD. Inspect the replacement casing for cracks in accordance with paragraph 4.1 of Hawker Siddeley Aviation Ltd., Technical News Sheet, Series CT(104), No. 232, Issue 1, dated September 17, 1975, or an FAA approved equivalent, within the next 600 hours time in service from time of replacement and thereafter at intervals not to exceed 600 hours time in service from the last inspection.

This amendment becomes effective on April 8, 1976.

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

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

[FR Doc.76-8403 Filed 3-24-76;8:45 am]

[Airspace Docket No. 75-SW-68]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

On November 14, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 53045) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-3803 Fort Polk, La., by extending its time of designation, increasing its vertical limits to FL 450 and by subdividing it horizontally at FL 180 to form two Restricted Areas, R-3803A and R-3803B. Similar changes would be made to the designated altitudes for R-3804A and R-3804C Fort Polk, La.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two objections were received; however, one, from the Safety Coordinator of the Aviation Division for the State of Louisiana, containing a general objection to the shrinking amount of usable airspace in west central Louisiana, was withdrawn.

The second objection, made by the Air Transport Association of America (ATA), contended that the alteration of R-3804A and C would restrict a direct routing from Alexandria, La., to Daisetta, Tex.

A direct line between the above locations does penetrate the southeast corner of R-3804; however, flight around the restricted area, even allowing for a clearance of four miles, will not increase the route mileage by more than approximately one mile. Therefore, FAA has concluded that the basis for the objection is not sufficient cause for denial of the proposal.

Subsequent to publication of the NPRM, it was determined that the proposed alteration of R-3803 would also require amendment of Part 71 of the Federal Aviation Regulations in order to replace R-3803 with R-3803A and R-3803B in the continental control area. However, as this is a minor amendment in which members of the public are not particularly interested, it has been determined that it can be effected herein without any further notice and public procedure thereon.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth.

1. In § 71.151 (41 FR 345) "R–3803 Fort Polk, La." is deleted and "R–3803A Fort Polk, La." and "R–3803B Fort Polk, La." are substituted therefor.

2. In § 73.38 (41 FR 676):

a. The description of R–3803 Fort Polk, La., is deleted and the following is subtsituted therefor:

R–3803A FORT POLK, LA.

Boundaries. Beginning at Lat. 31°23'36" N., Long. 93°09'57" W.; to Lat. 31°23'12" N., Long. 93°09'48" W.; to Lat. 31°22'00" N., Long. 93°10'05" W.; to Lat. 31°19'16" N., Long. 93°11'10" W.; to Lat. 31°19'16" N., Long. 93°20'15" W.; to Lat. 31°24'30" N., Long. 93°20'15" W.; to Lat. 31°24'30" N., Long. 93°16'42" W.; to Lat. 31°23' 35" N., Long. 93°13'24" W.; to point of beginning.

Designated altitudes. Surface to FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.

Using agency. Commanding General, Fort Polk, La.

R–3803B Fort Polk, La.

Boundaries. Beginning at Lat. 31°23'36" N., Long. 93°09'57" W.; to Lat. 31°23'12" N., Long. 93°09'48" W.; to Lat. 31°22'00" N., Long. 93°10'05" W.; to Lat. 31°19'16" N., Long. 93°11'10" W.; to Lat. 31°19'16" N., Long. 93°20'15" W.; to Lat. 31°24'30" N., Long. 93°20'15" W.; to Lat. 31°24'30" N., Long. 93°16'42" W.; to Lat. 31°23'35" N., Long. 93°13'24" W.; to point of beginning.

Designated altitudes. FL 180 to FL 450.

Time of designation. As activated by NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.

Using agency. Commanding General, Fort Polk, La.

b. The designated altitudes for R–3804A Fort Polk, La., are changed to read as follows:

Designated altitudes. Surface to FL 180.

c. The designated altitudes for R–3804C Fort Polk, La., are changed to read as follows:

Designated altitudes. FL 180 to FL 450.

These amendments are made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

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

[FR Doc.76–8401 Filed 3–24–76;8:45 am]

[Airspace Docket No. 75–CE–19]

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

Alteration of St. Louis, Mo., Terminal Control Area

The Maryland Heights, Mo., VORTAC will be decommissioned May 20, 1976, concurrently with the commissioning of a new facility near Foristell, Mo., to be known as the Foristell VORTAC (Lat. 38°41'40" N., Long. 90°58'16" W.) The official description of the St. Louis TCA in FAR 71 prescribes a Maryland Heights VORTAC radial as a pilot reference in the TCA.

The description must be altered to delete reference to Maryland Heights and thence will refer to the Foristell VORTAC.

The change of airspace in the TCA caused by the change is negligible since the radial from Foristell is approximately over the same route as that from Maryland Heights VORTAC.

The alteration is basically editorial in nature and will not impose any significant hardship on the public, therefore, notice and public procedure thereon are deemed unnecessary.

In consideration of the foregoing, § 71.401(b) (41 FR 639) of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, by amending the description of Area C of the St. Louis, Mo., Group II Terminal Control Area to read as follows:

Area C: That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR Antenna, and that area which lies south of the Foristell 097° radial which is contained within the 10-mile radius of the St. Louis International Airport ASR Antenna, excluding Areas A and B previously described, and the area within and underlying Area E hereinafter described.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.76–8402 Filed 3–24–76;8:45 am]

[Airspace Docket No. 76–WA–5]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign the south alternate of V–4 by two degrees between Seattle, Wash., and Yakima, Wash. Since this amendment is a minor matter on which the public would have no particular desire to comment and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307 and 3733) is amended as follows: In V–4 "McChord, Wash., 099° radials and INT McChord 099°" is deleted and "McChord, Wash., 097° radials and INT McChord 097°" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

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

[FR Doc.76–8400 Filed 3–24–76;8:45 am]

[Airspace Docket No. 75–CE–21]

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

Establishment and Alteration of Federal Airways

On January 15, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 2249) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish an airway between Mason City, Iowa, and Dubuque, Iowa, and realign the north alternate of V–120 between Mason City and Waterloo, Iowa.

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

The Notice of Proposed Rule Making incorrectly specified use of the Mason City 109° radial in the descriptions of V–120 and V–158. The notice should have specified use of the Mason City 106° radial and this correction is made herein. Since this change to the NPRM is of little substance and is a minor matter on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307) is amended as follows:

1. In V–120 "north alternate." is deleted and "north alternate via INT Mason City 106° and Waterloo 323° radials." is substituted therefor.

2. In V–158 "Waterloo, Iowa, Dubuque, Iowa;" is deleted and "Mason City, Iowa, INT Mason City 106° and Dubuque, Iowa, 293° radials; Dubuque;" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

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

[FR Doc.76–8264 Filed 3–24–76;8:45 am]

[Airspace Docket No. 75-WE-19]

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

Extension of Federal Airway

On August 22, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making (40 FR 36777) proposing to extend V-111 northeast of Salinas, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only objection received was subsequently withdrawn.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth. In § 71.123 (41 FR 307) V-111 is amended to read as follows: "V-111 From Big Sur, Calif., via Salinas, Calif.; to INT Salinas 028° and Stockton, Calif., 164° radials."

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

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

[FR Doc.76-8265 Filed 3-24-76;8:45 am]

[Airspace Docket No. 75-WA-25]

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

Designation of Off Shore Transition Areas

On January 28, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 4021) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate two 700-foot transition areas over the Gulf of Mexico.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440) the following transition areas are added:

GALVESTON, TEX. (OFFSHORE)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates latitude 28°53'00" N., longitude 94°43'00" W.

SABINE PASS, TEX. (OFFSHORE)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates latitude 29°15'53.2" N., longitude 94°08'46.9" W.

This amendment is made under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 USC 1348(a)), and 1510, Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

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

[FR Doc.76-8266 Filed 3-24-76;8:45 am]

[Airspace Docket 76-RM-2]

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

Amendment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to delete reference to Malmstrom VOR in the description of the Great Falls, Montana (Malmstrom Air Force Base) control zone, and to substitute in lieu thereof, the Sand Coulee VOR. The name of this navigational aid was officially changed on January 29, 1976.

Since this amendment is editorial in nature and no substantial change in regulation is effected, notice and public procedure thereon are unnecessary. In view of the foregoing, Part 71.171 (41 FR 355) is amended by deleting "Malmstrom AFB VOR" in the description of the control zone and substituting "Sand Coulee VOR" therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado on March 12, 1976.

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

[FR Doc.76-8112 Filed 3-24-76;8:45 am]

[Airspace Dockt No. 76-SO-21]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency for Restricted Area R-7104 Vieques Island, Puerto Rico. The change will correct the identity of the military organization for whom the restricted area is designated.

Since designation of a different using agency is a minor amendment upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary. However, as it is essential that the correct using agency of the restricted area be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication of this amendment in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.71 (41 FR 701) the using agency for R-7104 Vieques Island Puerto Rico is changed to read as follows:

Using agency. Commanding Officer, Atlantic Fleet Weapons Training Facility, NS, Roosevelt Roads, Puerto Rico.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

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

[FR Doc.76-8262 Filed 3-24-76;8:45 am]

[Airspace Docket No. 76-WE-8]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-2525 Vernalis, Calif.

Revocation of R-2525 was requested by the Department of the Navy because the restricted area is no longer required.

Since this amendment makes available for public use airspace from which the public was previously restricted, thereby relieving a restriction upon the public, it is a minor matter in which the public would have no particular interest and notice and public procedure thereon are unnecessary. Moreover, since it relieves a restriction, it may become effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

In § 73.25 (41 FR 659) R-2525 Vernalis, Calif., title and text is revoked.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

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

[FR Doc.76-8263 Filed 3-24-76;8:45 am]

[Airspace Docket No. 75-SO-160]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On February 6, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 5406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-89 south of Atlanta, Ga.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth.

Section 75.100 (41 FR 704) is amended as follows: In J-89 all before "Atlanta, Ga." is deleted and "Jet Route No. 89 From Biscayne, Fla., via the INT of Biscayne 288° and Lakeland, Fla. 166° radials; Lakeland; Cross City, Fla.;" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

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

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

[FR Doc.76-8261 Filed 3-24-76;8:45 am]

[Docket No. 14776; Amdt. Nos. 75-4, 91-131]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

PART 91—GENERAL OPERATING AND FLIGHT RULES

Revocation of Jet Advisory Area Rules

The purpose of these amendments to Parts 75 and 91 of the Federal Aviation Regulations is to revoke all references in those parts to the descriptions of various kinds of jet advisory areas and the requirements applicable to aircraft operating in such airspace.

This amendment is based on a notice of proposed rule making (Notice No. 75-29) issued on June 30, 1975, and published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28628). Interested persons have been afforded the opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Two public comments were received in response to the notice, and both endorsed the changes proposed therein.

As stated in the notice, § 75.15 prescribes the different kinds of jet advisory areas, and Subpart C of Part 75 describes the airspace within the continental control area, which has been established and specifically designated as jet advisory areas. Section 91.99 prescribes the operational requirements applicable to aircraft operating within the jet advisory areas designated in Part 75. Although not mentioned in the notice, the second sentence in § 75.1 briefly describes the basis for the airspace descriptions in Subpart C of Part 75. As Subpart C was identified in the notice as a regulation to be revoked, and is being revoked herein, the deletion of the second sentence in § 75.1 is within the scope of the notice, and is accomplished in this amendment without further notice or public rulemaking procedures.

By definition, jet advisory areas may not be designated within positive control areas. Thus, as the airspace within positive control areas increased, along with the ATC capability to segregate traffic therein, the need for jet advisory areas correspondingly decreased, and, as stated in the notice, the last jet advisory area was revoked in 1974. No further use of jet advisory areas is foreseen. Therefore, all references to jet advisory areas are unneeded, and are, accordingly, revoked.

Authority: [sections 307 and 313(a) of the Federal Aviation Act of 1958, (49 U.S.C. §§ 1348 and 1354(a)); and section 6(c) of the Department of Transportation Act, (49 USC § 1655(c)).]

In consideration of the foregoing, Parts 75 and 91 of the Federal Aviation Regulations are amended, effective April 26, 1976, as follows:

1. In § 75.1, the second sentence, containing the words "The areas described in Subpart C of this part are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control areas, or in the vicinity of specific geographic locations." is deleted.

2. The text of § 75.15, in its entirety, is deleted and the word "Reserved" is substituted for the section heading.

3. Subpart C of Part 75, in its entirety, is revoked, and the words "Subpart C-[Reserved]" are substituted therefor.

4. In Part 91, the text of § 91.99, in its entirety, is revoked, and the word "Reserved" is substituted for the section heading.

Issued in Washington, D.C., on March 16, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-8399 Filed 3-24-76;8:45 am]

[Docket No. 15463; Amdt. No. 1013]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective May 20, 1976.*

Grand Island, NE—Grand Island Airpark, VOR Rwy 13, Amdt. 12
Grand Island, NE—Grand Island Airpark, VOR Rwy 17, Amdt. 16
Grand Island, NE—Grand Island Airpark, VORTAC Rwy 35, Amdt. 8
Annville, PA—Millard Arpt., VOR Rwy 11, Original
St. Marys, PA—St. Mary's Muni. Arpt., VOR Rwy 28, Amdt. 2

. . . . *effective May 6, 1976*

Auburn, AL—Auburn-Opelika Arpt., VOR Rwy 28, Amdt. 3
Auburn, AL—Auburn-Opelika Arpt., VOR/DME-A, Amdt. 2
Bentonville, AR—Bentonville Muni. Arpt., VOR-A, Amdt. 1
Rogers, AR—Rogers Muni.—Carter Field, VOR Rwy 1, Amdt. 5
Rogers, AR—Rogers Muni.—Carter Field, VOR/DME Rwy 19, Amdt. 1
Springdale, AR—Springdale Muni. Arpt., VOR Rwy 18, Amdt. 5
El Monte, CA—El Monte Arpt., VOR-A, Amdt. 3
El Monte, CA—El Monte Arpt., VOR/DME-B, Original
Galesburg, IL—Galesburg Muni. Arpt., VOR Rwy 2, Amdt. 6
Galesburg, IL—Galesburg Muni. Arpt., VOR Rwy 20, Amdt. 7
Gibson City, IL—Gibson City Muni. Arpt., VOR-A, Amdt. 2
Fort Wayne, IN—Smith Field, VOR Rwy 13, Amdt. 4
Meridian, MS—Akin Arpt., VOR Rwy 4, Amdt. 1, cancelled
Williston, ND—Sloulin Field International, VOR Rwy 11, Amdt. 8
Middlefield, OH—Geauga County Arpt., VOR-A, Amdt. 1
Painesville, OH—Concord Airpark, VOR-A, Amdt. 5
Laredo, TX—Link Ranch Arpt., VOR-A, Amdt. 1, cancelled

. . . . *effective April 1, 1976*

Martinsburg, PA—Blair County Arpt., VOR Rwy 20, Amdt. 4, cancelled

Martinsburg, Pa.—Blair County Arpt., VOR-A, Original

. . . . *effective March 12, 1976*

Brazil, IN—Arthur Muni. Arpt., VOR Rwy 9, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective May 20, 1976.*

Grand Island, NE—Grand Island Airpark, LOC/DME(BC Rwy 17, Amdt. 2
Greer, SC—Greenville-Spartanburg, LOC Rwy 21, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 20, 1976.*

Charles City, Ia—Charles City Muni. Arpt., NDB Rwy 12, Amdt. 5
Grand Island, NE—Grand Island Airpark, NDB Rwy 35, Amdt. 2

. . . . *effective May 6, 1976*

Rogers, AR—Rogers Muni.—Carter Field, NDB Rwy 19, Amdt. 5
Ponape Island, CAROLINE ISLANDS—Ponape Int'l Arpt., NDBB, Original
Ponape Island, CAROLINE ISLANDS—Ponape Int'l Arpt., NDB-C, Original
Titusville, FL—Titusville-Cocoa Arpt., NDB Rwy 18, Amdt. 4
Youngstown, OH—Lansdowne Arpt., NDB-A, Amdt. 4
Greenville, SC—Greenville Downtown Arpt., NDB Rwy 36, Amdt. 15
Moen Island, TT—Truk Int'l Arpt., NDB-B, Original
Newport, VT—Newport State Arpt., NDB Rwy 23, Amdt. 5
Charlottesville, VA—Charlottesville-Albermarle Arpt., NDB Rwy 3, Amdt. 8

. . . . *effective April 1, 1976*

Milwaukee, WI—General Mitchell Field, NDB Rwy 7R, Amdt. 5

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective May 20, 1976.*

Washington, DC—Dulles Int'l Arpt., ILS Rwy 19L, Amdt. 6
Grand Island, NE—Grand Island Airpark, ILS Rwy 35, Amdt. 3

. . . . *effective May 6, 1976*

Titusville, FL—Titusville-Cocoa Arpt., ILS Rwy 36, Amdt. 1
Greenville, SC—Greenville Downtown Arpt., ILS Rwy 36, Amdt. 20
Charlottesville, VA—Charlottesville-Albemarle Arpt., ILS Rwy 3, Amdt. 3

. . . . *effective April 1, 1976*

Martinsburg, PA—Blair County Arpt., ILS Rwy 20, Original
Milwaukee, WI—General Mitchell Field, ILS Rwy 7R, Amdt. 7

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective May 6, 1976.*

Greenville, SC—Greenville Downtown Arpt., RADAR-1, Amdt. 9
Sumter, SC—Sumter Muni. Arpt., RADAR-1, Amdt. 3

6. Section 97.33 is amended by originating, amending. or canceling the following RNAV SIAPs, *effective May 20, 1976.*

Grand Island, NE—Grand Island Airpark, RNAV Rwy 31, Amdt. 2
St. Marys, PA—St. Marys Muni. Arpt., RNAV Rwy 28, Original
St. Marys, PA—St. Marys Muni. Arpt., RNAV Rwy 10, Original

. . . . *effective May 6, 1976*

Auburn, AL—Auburn-Opelika Arpt., RNAV Rwy 18, Amdt. 2

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 USC 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 USC 1655(c).

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.76-8398 Filed 3-24-76;8:45 am]

[Docket No. 15459; Amdt. No. 1012]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective May 6, 1976.*

Scappoose, OR—Scappoose Industrial Airpark, VOR/DME-A, Original

. . . . *effective April 29, 1976*

Mobile, AL—Mobile Aerospace Arpt., VOR Rwy 32 (TAC), Amdt. 5
Mobile, AL—Mobile Aerospace Arpt., VOR/DME Rwy 14, Original
Donalsonville, GA—Donalsonville Muni, Arpt., VOR Rwy 27, Amdt. 1
Detroit, MI—Detroit City Arpt., VOR Rwy 33, Amdt. 16

. . . . *effective March 25, 1976*

Oxnard, CA—Ventura County Arpt., VOR Rwy 7, Amdt. 6
Oxnard, CA—Ventura County Arpt., VOR Rwy 25, Amdt. 4
Oxnard, CA—Ventura County Arpt., VORTAC Rwy 7, Amdt. 1

. . . . *effective March 5, 1976*

Bettles, AK—Bettles Arpt., VOR Rwy 1 (TAC), Amdt. 2

. . . . *effective March 3, 1976*

Tucson, AZ—Tucson Int'l Arpt., VOR-A, Amdt. 5
Tucson, AZ—Tucson Int'l Arpt., VOR/DME-B, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective April 29, 1976.*

Minneapolis, MN—Minneapolis-St. Paul Int'l (Wold-Chamberlain), LOC(BC) Rwy 11L, Amdt. 2
McComb, MS—McComb-Pike County Arpt., LOC Rwy 15, Amdt. 1

. . . . *effective March 25, 1976*

Montgomery, AL—Dannelly Field, LOC Rwy 27, Original, cancelled
Oxnard, CA—Ventura County Arpt., LOC Rwy 25, Original.

. . . . *effective March 5, 1976*

Bettles, AK—Bettles Arpt., LOC/DME Rwy 1, Amdt. 1

. . . . *effective March 3, 1976*

Tucson, AZ—Tucson Int'l Arpt., LOC Rwy 11L, Amdt. 6
Tucson, AZ—Tucson Int'l Arpt., LOC BC Rwy 29R, Amdt. 6

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 6, 1976.*

Sherman-Denison, TX—Grayson County Arpt., NDB Rwy 17L, Amdt. 2
Yap, Caroline Is.—Yap Arpt., NDB Rwy 7, Amdt. 1
Moen Island, TT—Truk Int'l Arpt., NDB-A, Amdt. 1

. . . . *effective April 29, 1976*

McComb, MS—McComb-Pike County Arpt., NDB Rwy 15, Amdt. 1
Medina, OH—Freedom Field, NDB Rwy 27, Amdt. 3

Versailles, OH—Darke County Arpt., NDB Rwy 9, Amdt. 1

. . . . *effective March 8, 1976*

Rochester, MN—Rochester Municipal Arpt., NDB Rwy 31, Amdt. 13

. . . . *effective March 5, 1976*

Bettles, AK—Bettles Arpt., NDB-A, Amdt. 6

. . . . *effective March 3, 1976*

Tucson, AZ—Tucson Int'l Arpt., NDB-C, Amdt. 1

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective May 6, 1976.*

New Orleans, LA—Lakefront Arpt., ILS Rwy 17, Amdt. 1
Seattle, WA—Seattle-Tacoma Int'l Arpt., ILS Rwy 16R, Amdt. 5

. . . . *effective April 29, 1976*

Minneapolis, MN—Minneapolis-St. Paul Int'l Arpt. (Wold-Chamberlain), ILS Rwy 29R, Amdt. 1

. . . . *effective March 25, 1976*

Montgomery, AL—Dannelly Field, ILS Rwy 27, Original
Oxnard, CA—Ventura County Arpt., ILS Rwy 25, Original
Washington, D.C.—Dulles Int'l Arpt., ILS Rwy 1R, Amdt. 14

. . . . *effective March 10, 1976*

Grand Junction, CO—Walker Field, ILS Rwy 11, Amdt. 7

. . . . *effective March 8, 1976*

Rochester, MN—Rochester Municipal Arpt., ILS Rwy 31, Amdt. 11

. . . . *effective March 5, 1976*

Farmingdale, NY—Republic Arpt., ILS Rwy 14, Amdt. 2

. . . . *effective March 3, 1976*

Tucson, AZ—Tucson Int'l Arpt., ILS Rwy 11L, Amdt. 4

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective March 8, 1976.*

Rochester, MN—Rochester Municipal Arpt., RADAR-1, Amdt. 2

. . . . *effective March 3, 1976*

Tucson, AZ—Tucson Int'l Arpt., RADAR-1, Amdt. 8, cancelled

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective April 8, 1976.*

Paris, TX—Cox Field, RNAV Rwy 17, Original, cancelled

. . . . *effective March 3, 1976*

Tucson, AZ—Tucson Int'l Arpt., RNAV Rwy 11L, Amdt. 2
Tucson, AZ—Tucson Int'l Arpt., RNAV Rwy 29R, Amdt. 1

CORRECTION: In Docket Number 15413, Amendment 1010, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated March 4, 1976, on Page 9303 . . . under Section 97.27, effective March 25, 1976, North Conway, NH—White Mountain Arpt., NDB-A, Amdt. 4, is hereby withdrawn . . . Amendment 3 to this procedure remains in effect.

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

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation ER-950; Amdt. 10]

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

Amendment of Reporting Requirements for CAB Form 217

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. February 18, 1976.

For the reasons set forth in ER-949 (Part 241), published contemporaneously herewith, the Board hereby amends Part 217 of the Economic Regulations (14 CFR Part 217), effective May 1, 1976, as follows:

1. Amend the Table of Contents by adding a new § 217.7, the table as amended to read as follows:

Sec.

* * * * *

217.6 Reporting instructions.
217.7 Waivers from reporting requirements.

2. Amend paragraph (b) and add a new paragraph (c) of § 217.3 to read as follows:

§ 217.3 Report of civil aircraft charters performed by foreign air carriers.

* * * * *

(b) Three copies of CAB Form 217[1] shall be filed for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year. These reports shall be submitted to the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, so as to be received on or before the due dates indicated below:

Schedule of due dates

Filing for quarter ended:	*Due date*[1]
March 31	Apr. 30
June 30	July 30
September 30	Oct. 30
December 31	Jan. 30

[1] Due dates falling on a Saturday, Sunday or national holiday become effective the first following working day.

(c) If no charter flights were operated for the quarter to be reported, three copies of CAB Form 217 endorsed "no flights operated" shall nevertheless be filed. If charter flight operations have been discontinued indefinitely, three copies of CAB Form 217 endorsed "charter flight activity discontinued indefinitely" may be filed and thereafter no further quarterly reports are required until such time as any charter flight is flown, after which quarterly reporting shall be resumed.

3. Revise § 217.6 to read as follows:

§ 217.6 Reporting instructions.

(a) A complete report shall be made on this form for the overall or system operations conducted by a foreign air carrier to or from the United States: *Provided, however,* that charter flights with small aircraft (as defined in § 217.1) shall not be reported.

(b) Reporting of passenger flights shall be on a charter group basis, by flight legs; that is, there will be a separate line of data for each flight leg of each charter group which can be distinguished from another charter group on the same flight leg by charterer, type of charter, origin, destination, or duration of charter trip. All groups on the same flight must be reported on consecutive lines without intervening lines of data about groups on other flights. All flight legs should be reported in chronological order of dates of enplanement. (See item (g) below for identification of flight legs.)

(c) Each CAB Form 217 submitted shall consist of three separate monthly reports within each of the respective calendar quarters and data for each flight leg shall be reported for that month in which the flight leg began. Since CAB Form 217 has been designed for direct key punching, the reported month, year, and name of carrier shall be inserted in the areas provided in the upper left hand corner of the report. The date area shall show the year first and then the month (*e.g.*, 7604 for April 1976); the carrier area shall show the carrier's standard 2-position alpha code as shown in the Official Airline Guide (OAG). If the carrier has no such code, it should leave those two positions blank until assigned a code by the Board's Bureau of Accounts and Statistics.

(d) Column (1) shall reflect the day of the month (1, 2, 3, *etc.*) in which the flight leg began.

(e) Column (2) shall reflect the code number for the type of aircraft operated as provided in the Official Airline Guide (OAG). If no aircraft code number exists in the OAG, the manufacturer's type and model shall be writen out, in a footnote if necessary.

(f) Column (4) shall reflect each type of charter by the following codes:

AB—Advance Booking
CP—Common Purpose (Canada, Yugoslavia originations)
EC—Entity—Cargo
EF—Entity—Cargo Forwarder
EP—Entity—Passenger
FT—Foreign Rule FTC

[1] CAB Form 217 may be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

IT—ITC (Part 378 of the Board's Special Regulations)
OM—Overseas Military Personnel
OT—One-stop ITC (Part 378a of the Board's Special Regulations)
PR—Pro Rata Prior Affinity (Includes Mixed Charters)
SE—Special Event
SG—Study Group
TG—Travel Group

Charters flown for the transportation of charter traffic of another air carrier or foreign air carrier shall be reported solely by the carrier in operational control of the aircraft, naming the type of charter, *e.g.*, IT, and traffic carried. Charters flown to accommodate the scheduled traffic of another direct air carrier shall be reported as entity charters. Charters originating in the United States and flown to Canada with aircraft having a maximum takeoff weight greater than 18,000 pounds but not greater than 35,000 pounds shall be reported as Entity—Passenger or Entity—Cargo unless organized and operated pursuant to any Economic or Special Regulation for which the filing of preflight documentation with the Board is required. Charters originating in Canada and flown to the United States shall be identified by the codes AB, CP, EC, EP, or FT, as appropriate.

(g) Column (5) shall identify each leg by the following numbers:

1—One-way flight.
2—Originating leg of round trip.
3—Intermediate leg involving a stopover (applies only where a group made a distinguishable stopover, not merely, *e.g.*, a stop for entry inspection or refueling.)
4—Return leg of trip.

The outbound and return legs of any group movement shall in no instance be reported as one-way flight legs even if a separate contract has been entered into for each leg, whether with the same or a different carrier.

(h) Column (6) shall reflect any point at which a charter group, cargo load, or part of a group or load was enplaned. Departure points for ferry legs shall not be reported. Technical stops, *e.g.*, for departure formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the planned rather than the actual point of enplanement shall be reported. The point of enplanement shall be identified by the three-letter airport code used in the Official Airline Guide (OAG). If no OAG code exists, the point of enplanement shall be written out, in a footnote if necessary.

(i) Column (7) shall reflect any point at which a charter group, cargo load, or part of a group or load was deplaned. Arrival points for ferry legs shall not be reported. Technical stops, *e.g.*, for entry formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the planned rather than the actual point of deplanement shall be reported. The point of deplanement shall be identified by the three-letter airport code used in the Official Airline Guide (OAG). If no OAG code exists, the destination name shall be written out, in a footnote if necessary.

(j) Column (9) shall reflect the entire capacity of the aircraft (to the nearest tenth of a short ton) and shall be completed for Entity—Cargo and Entity—Cargo Forwarder charters only.

(k) Column (10) shall reflect revenue in U.S. dollars only (no cents) for the flight leg being reported. For departing and returning legs of simple round trips, revenue shall be divided so that one-half of total revenue is shown for each flight leg. Where a different rate is charged for the outbound and the return flight legs, the actual charges for each leg shall be reported. For open-jaw or circle-tour trips, report actual revenue for each flight leg, prorating by each leg's mileage if necessary. Where ferry mileage is charged for, prorate the ferry charge over all legs of the total program. Separate revenue entries shall be made for each enplaning charter group. Revenues shall show the price paid for air transportation by the charterer, not the charterer's price to the passenger. In a "wet lease" charter, the lessor shall report the revenue it obtains from the lessee, and not the price the lessee charges the charterer.

(l) Column (12) shall reflect the number of tons (to the nearest tenth of a short ton) of property enplaned in Entity—Cargo and Entity—Cargo Forwarder charters only.

4. Add a new § 217.7 to read as follows:

§ 217.7 Waivers from reporting requirements.

A waiver from any reporting requirement contained in CAB Form 217 may be made by the Civil Aeronautics Board upon its own initiative or upon the submission of a written request therefor to the Board's Bureau of Accounts and Statistics from any foreign direct air carrier, or group of foreign direct air carriers, provided that such a waiver is in the public interest and each request for waiver expressly demonstrates that: existing peculiarities warrant a departure from the prescribed reporting; a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal of the prescribed reporting; and the application of such alternative procedure will maintain or improve uniformity in reporting as between foreign direct air carriers.

5. Amend CAB Form 217 by revising this form as shown in Exhibit A.[*]

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

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-8526 Filed 3-24-76;8:45 am]

[*] Filed as part of the original document.

[Regulation ER-949; Amdt. 21]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Amendment of Reporting Requirements for CAB Form 41, Schedule T-6

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 18, 1976.

By circulation of proposed rulemaking EDR-287, dated September 18, 1975, (Docket 28321) and published at 40 F.R. 43920, dated September 24, 1975, the Board gave notice that it had under consideration proposed amendments to Parts 241 and 217 of its Economic Regulations which would amend the reporting of civilian charter information by the certificated route and supplemental air carriers (CAB Form 41, Schedule T-6) and foreign direct air carriers (CAB Form 217).

The Board pointed out in EDR-287 that since 1967 charter flight reporting requirements have been deemed necessary to provide the Board and other interested users with data about charter markets. Piecemeal amendments to the reporting systems have not proven sufficient to correct their many inadequacies and ambiguities (as listed in EDR-287). The proposed amendments would make a basic change by substituting the reporting of charter group movements by flight leg for the present aggregate flight reporting. The system proposed is similar, but not identical, to one which the Canadian Transport Commission has had in effect for about five years, a system known to and used by virtually all U.S. air carriers and foreign air carriers which serve both Canada and the United States. The Board pointed out that its staff's own experience with the Canadian reporting system, as well as many informal discussions with those responsible for the Canadian system, indicates that an adaptation of it would remedy many existing defects and improve the quality of reporting significantly. In addition, it would make available to carriers, charter organizers, and others, useful information on actual or potential markets, growth rates, volumes of service, charter rates being obtained, and so forth. This would meet a substantial public need (evidenced in part by a large demand for the limited international charter information now made available by the Board), and would thereby promote competition in the charter market.

As proposed, Schedule T-6 and Form 217 would require the reporting of the following data on a charter basis, by flight legs: (1) Name of charterer; (2) Type of charter; (3) Flight number; (4) Flight leg; (5) Number of passengers in each group enplaned; (6) Number of tons of property enplaned; (7) Point of enplanement of each group; (8) (9) and (10) Month, day and year of departure; (11) Point of deplanement of each group; (12) Revenue; (13) Length of stay of each group at destination; (14) Type of

aircraft; (15) Number of seats contracted for each group; and (16) Tons available for revenue property.

Comments in response to the notice were submitted by ten route air carriers;[1] seventeen foreign air carriers;[2] and the National Air Carrier Association (NACA).[3]

Upon consideration of the comments, the Board has decided to adopt the amendments with modifications hereinafter discussed. Except to the extent modified herein, the tentative findings set forth in the Explanatory Statement of EDR–287 are incorporated herein and made final.

There were three main objections to the adoption of the proposed rule which we discuss below, under separate headings: the 20-day filing due date; confidential treatment of certain data; and burden. Other significant comments filed herein will be discussed following these three major subjects.

20-day filing due date

It was the Board's view in EDR–287 that since the new reporting format calls for reporting of flight sectors flown in chronological order, reports could be prepared on a continuing or intermittent basis throughout the period without the necessity to wait for the end of the period of aggregate flights as at present. Accordingly, it was proposed to change the filing due date for Schedule T–6 and Form 217 to 20 days after the reporting period from the present 40 days. In light of objections from the majority of the respondents, who cited various reasons for the inability to meet this 20-day filing requirement, we have decided to adopt the proposal of American Airlines and to increase the time for filing the reports to 30 days after the reporting period. This 30-day filing period will be consistent with the time allowed for most of the other statistical reports filed with the Board.

Confidential treatment of certain data

Several respondents object to public disclosure of the name of the charterer, generally on the grounds that such information is proprietary and that it is an infringement on the rights of the individual charterers to require their names to be filed in a public document. Others objected to public disclosure of combinations of data such as "name of charterer and flight number" and "name of charterer and revenue information." We have determined that the name of the charterer, while potentially of use, should be deleted from the report in that the burden of supplying and processing it outweighs its value. Thus, the requests for confidentiality of the name of the charterer becomes moot. By this deletion, we feel the requests for confidentiality of the flight number and revenue data also become moot since these data cannot be tied to any identifiable charterer.

Burden

The reporting modifications were objected to as burdensome by four trunk carriers, two local service carriers, one all-cargo carrier, the National Air Carrier Association, and six foreign air carriers. In general, the carriers object to the increase in column items to be reported and to the additional volume of data which will result from reporting of nonaggregated data. The Board appreciates that any additional column items will increase the overall workload of those reporting; accordingly, we have decided to reduce the number of column items from 16 to 12, two of which are alternative columns. If any of the remaining items are subsequently found to receive insufficient usage to justify their retention the Board will consider eliminating them from the reports. With regard to reporting nonaggregated data, the burden of additional preparation time required will be at least partially offset by removing from the carrier the responsibility for making such aggregations and checking their accuracy.

With the exception of the actual number of passengers or tons of cargo enplaned, the data now being required can presumably be obtained for each flight from a single-source document, the contract with the charterer. Since most affected carriers already report data on passengers carried to IATA (and in the case of Canadian trips, to the Canadian Transport Commission), it is apparent that systems to obtain that data are already in operation.

For reporting the vast majority of charter flights (simple round trips to a single charterer) the new format will clearly increase the number of line items, but, on the other hand, the additional burden resulting from the revised reports will be fully justified by their increased effectiveness in serving the underlying purpose of these reports, *i.e.*, to furnish accurate data about complex traffic movements, particularly on split charters.[4]

Thus the increased utilization of these reports, for both carriers and the Board's staff, justifies the reasonableness of the increased burden.

Moreover, from a cost standpoint, the increased burden is minimal. For example, United Air Lines, the largest producer of domestic air charter transportation, has identified added costs only in the amount of $8,000 per year, an amount which is about one one-hundredth of one percent of its charter revenues of over $70,000,000 for 1974.

In addition to the foregoing major objections, the comments also included various other objections:

1. *Duplicative Reporting*—Several respondents objected that certain data called for on Schedule T–6 and Form 217 are already provided for in reporting requirements contained in other parts of the Board's regulations. We believe that the primary source for data related to charters should be the subject reports and, to the extent that some of the data reported hereunder may be duplicated by other reporting requirements in other parts of our regulations, such duplication should be avoided, where possible, by appropriately amending such other regulations. A continuing review will be made by the Board with a view toward the elimination of duplicative reporting. In this connection we note that, during the pendency of this proceeding, we eliminated several reporting requirements in Parts 372a,[5] 373,[6] and 378,[7] which would have duplicated in part data contained in the proposed regulation.

2. *Length of Stay Column*—Two respondents have pointed out that it is impossible to report length of stay for passengers traveling on ABC charters originating in the United Kingdom since these passengers are not required to return as a group. Rather, the passengers are permitted the flexibility to determine individual length of stay subject to a minimum-stay requirement and availability of return charter flights. Thus, these respondents urge that reporting of length of stay be excluded for these passengers. Four other respondents cite examples under an ITC charter where the direct air carrier would have no immediate knowledge of the length of stay of the group at a prior stop because that leg was operated by an indirect air carrier. Thus, it is claimed that the reporting of length of stay would impose upon direct air carriers a burden beyond a reporting requirement in that information would have to be sought out from the indirect air carriers. We find merit in the objections raised to the reporting of length of stay and, in the interest of reducing reporting burden, we are eliminating this column from the reporting forms.

3. *Revenue Column*—One respondent states that the Board is incorrect in assuming, in proposed § 217.6, that the revenue for the departing and returning legs of round trips are equal. An example is cited with respect to ABC charters where a minimum tariff charge is speci-

[1] Air New England, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; The Flying Tiger Line Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Seaboard World Airlines, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; and United Air Lines, Inc.

[2] Aerlinte Eireann Teoranta; Aerovias Nacionales de Colombia, S.A.; Air BVI Limited; British Airways Board; British Caledonian Airways Limited; Britannia Airways Limited; Cayman Airways Limited; Compania Mexicana de Aviacion, S.A.; Condor Flugdienst G.m.b.H.; Iran National Airlines Corporation; Japan Air Lines Company, Ltd.; Lineas Aereas Costarricenses, S.A.; Deutsche Lufthansa Aktiengesellschaft; Philippine Air Lines, Inc.; Spantax, S.A.; Transportes Aereos de Carga, S.A.; Venezolana Internacional de Aviacion, S.A.

[3] On behalf of Capitol International Airways, Inc.; Overeseas National Airways, Inc.; Saturn Airways, Inc.; Trans International Airlines, Inc.; and World Airways, Inc.

[4] In fact, with the existing format, the Board's staff and certain reporting carriers have found it impossible to accurately account for some types of charter movements.

[5] SPR–91, adopted October 21, 1975.

[6] SPR–88, adopted September 18, 1975; SPR–92, adopted October 21, 1975.

[7] SPR–89, adopted September 18, 1975; SPR–92, adopted October 21, 1975.

fied for transportation in each direction for each particular season, and the respondent's contracts are entered into on a one-way flight basis, and a separate charter price is published for each outbound or return flight in the tariffs. Consequently, this respondent believes that revenue should be reported on a flight-by-flight basis in all situations where the charter charge is computed or contracted for on a flight-by-flight basis. We concur in this method of reporting and the proposed instructions are being revised accordingly. We are also revising the instructions to clarify that, in reporting revenues for "wet lease" charters, the lessor shall report the revenue he obtains from the lessee, and not the price the lessee charges the initial charterer. However, we have determined not to require the aggregation of revenue by market, as proposed by Pan American, in lieu of our proposal to require revenue by charter group. The suggested aggregation would only increase the workload of the reporting carriers, yet would make it impossible for the Board to check any aggregated figure for accuracy. Accurate revenue figures are necessary for meaningful economic analyses.

4. *Request for Exemption*—One of the smaller certificated route air carriers requested that it be exempt from the provisions of the proposed rule on the grounds that its staff and resources are too limited to meet the extensive reporting requirements contained therein. We do not believe that an individual exemption should be granted for any one carrier in the instant proceeding. Rather, we would prefer to entertain requests for relief from certificated air carriers under the waiver provision in section 241.1-2. Since Part 217 contains no provision similar to that in Part 241 for obtaining waivers of reporting requirements, we have determined to include an express waiver provision in Part 217 to afford such relief to foreign air carriers as may be needed with respect to any type of information from which a departure from prescribed reporting requirements might be warranted.

5. *All-Cargo Reporting*—In response to one respondent, the Board has determined that there is a regulatory need for all-cargo charter reporting and it will, therefore, be continued under the instant rule. Also, in response to another respondent, the Board has determined that there is a regulatory need for adding a separate category of cargo reporting for forwarder charters.

Miscellaneous Changes—Point of Enplanement Column. The instructions for reporting this item will be clarified to state that on weather or other diversions the planned rather than actual point of enplanement shall be reported.

Type of Aircraft Column. The instructions for reporting this item state that it shall reflect the code number for the type of aircraft operated as prescribed by the Board's Bureau of Accounts and Statistics. The Board has determined that while this reporting is appropriate for the certificated air carriers who are familiar with the Boards' codes, it is inappropriate for the foreign air carriers who are unfamiliar with these codes. Accordingly, Part 217 will be amended to permit foreign air carriers to report the code for the type of aircraft operated as provided in the "Official Airline Guide" (OAG).

Arrangement of Columns. In order to reduce needlessly repetitive reporting we have deleted the month and year columns and added a place to designate month and year in the heading of the report. We have grouped the three items which are common to all groups on a flight segment (*i.e.*, the date of enplanement, the type of aircraft, and the flight number) at the left of the form. To facilitate advance preparation of the form we have placed the only items which cannot be determined in advance (*i.e.*, the number of passengers in each group enplaned or tons of property enplaned) at the far right of the form. The new column designations are:

(1) Day of departure.

(2) Type of aircraft (CAB Code—T-6, OAG Code—217).

(3) Flight number.

(4) Type of charter group.

(5) Flight leg of group: 1, 2, 3 or 4.

(6) Point of enplanement of each group (OAG Code).

(7) Point of deplanement of each group (OAG Code).

(8) Number of seats contracted for by each group.

(9) Number of tons available for revenue property (aircraft capacity).

(10) Carrier's revenue for group by flight leg.

(11) Number of passengers in each group enplaned.

(12) Number of tons of property enplaned.

To the extent we have not discussed other specific comments advanced to further modify the proposed rule, we do not believe they have merit and they should be rejected.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective May 1, 1976, as follows:

1. Amend the list of due dates for Schedule T-6 in section 22—Due Dates of schedules in CAB Form 41 report—to read as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date[1]	*Schedule No.*
Jan. 20	P-12, P-12(a).
Jan. 30	B-1, P-1(a), T-1, T-2, T-3, T-6, T-7, T-41.
Feb. 10[2]	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b).
Feb. 20	P-12, P-12(a).
Mar. 1	B-1, P-1(a), T-1, T-7.
Mar. 20	P-12, P-12(a).
Mar. 30	A-2, B-1, B-41, B-43, B-44, B-46, P-1(a), G-41, G-42, G-43, G-44, T-1, T-7.
Apr. 20	P-12, P-12(a).
Apr. 30	B-1, P-1(a), T-1, T-2, T-3, T-6, T-7.
May 10	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b).
May 20	P-12, P-12(a).
May 30	B-1, P-1(a), T-1, T-7.
June 20	P-12, P-12(a).
June 30	B-1, P-1(a), T-1, T-7.
July 20	P-12, P-12(a).
July 30	B-1, P-1(a), T-1, T-2, T-3, T-6, T-7.
Aug. 10	A, A-1, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b).
Aug. 20	P-12, P-12(a).
Aug. 30	B-1, P-1(a), T-1, T-7.
Sept. 20	P-12, P-12(a).
Sept. 30	B-1, P-1(a), T-1, T-7.
Oct. 20	P-12, P-12(a).
Oct. 30	B-1, P-1(a), T-1, T-2, T-3, T-6, T-7, T-41.
Nov. 10	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b).
Nov. 20	P-12, P-12(a).
Nov. 30	B-1, P-1(a), T-1, T-7.
Dec. 20	P-12, P-12(a).
Dec. 30	B-1, P-1(a), T-1, T-7.

[1] Due dates falling on a Saturday, Sunday or national holiday will become effective the first following working day.

[2] B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

2. Amend section 25—Schedule T–6—Summary of Civil Aircraft Charters—by revising the caption and text thereof to read as follows:

Schedule T–6—Report of Civil Aircraft Charters

(a) This schedule shall be filed by each route air carrier, except that intra-Alaskan charters performed by Alaskan air carriers shall not be reported.

(b) A complete report shall be made on this schedule for the overall or system operations conducted by the air carrier.

(c) Reporting of passenger flights shall be on a charter group basis, by flight legs; that is, there will be a separate line of data for each flight leg of each charter group which can be distinguished from another charter group on the same flight leg by charterer, type of charter, origin, destination, or duration of charter trip. All groups on the same flight must be reported on consecutive lines without intervening lines of data about groups on other flights. All flight legs should be reported in chronological order of dates of enplanement. (See item (h) below for identification of flight legs.)

(d) Each Schedule T–6 report submitted shall consist of three separate monthly reports within each of the respective calendar quarters and data for each flight leg shall be reported for the month in which the flight leg began. Since Schedule T–6 has been designed for direct key punching, the reported month, year, and name of carrier shall be inserted in the areas provided in the upper left hand corner of the report. The date area shall show the year first and then the month (*e.g.*, 7604 for April 1976); the carrier area shall show the carrier's standard 2-position alpha code as shown in the Official Airline Guide (OAG). If the carrier has no such code, it should leave those two positions blank until assigned a code by the Board's Bureau of Accounts and Statistics.

(e) Column (1) shall reflect the day of the month (1, 2, 3, *etc.*) in which the flight leg began.

(f) Column (2) shall reflect the code number for the type of aircraft operated as prescribed by the Board's Bureau of Accounts and Statistics.

(g) Column (4) shall reflect each type of charter by the following codes:

AB—Advance Booking
CP—Common Purpose (Canada, Yugoslavia originations)
EC—Entity—Cargo
EF—Entity—Cargo Forwarder
EP—Entity—Passenger
FT—Foreign Rule ITC
IT—ITC (Part 378 of the Board's Special Regulations)
OM—Overseas Military Personnel
OT—One-stop ITC (Part 378a of the Board's Special Regulations)
PR—Pro Rata Prior Affinity (Includes Mixed Charters)
SE—Special Event
SG—Study Group
TG—Travel Group

Charters flown for the transportation of charter traffic of another air carrier or foreign air carrier shall be reported solely by the carrier in operational control of the aircraft, naming the type of charter, *e.g.*, IT, and traffic carried. Charters flown to accommodate the scheduled traffic of another direct air carrier shall be reported as entity charters. Charters originating in the United States and flown to Canada with aircraft having a maximum takeoff weight greater than 18,000 pounds but not greater than 35,000 pounds shall be reported as Entity—Passenger or Entity—Cargo unless organized and operated pursuant to any Economic or Special Regulation for which the filing of preflight documentation with the Board is required. Charters originating in Canada and flown to the United States shall be identified by the codes AB, CP, EC, EP, or FT, as appropriate.

(h) Column (5) shall identify each leg by the following numbers:

1—One-way flight
2—Originating leg of round trip
3—Intermediate leg involving a stopover (applies only where a group made a distinguishable stopover, not merely, *e.g.*, a stop for entry inspection or refueling.)
4—Return leg of round trip

The outbound and return legs of any group movement shall in no instance be reported as one-way flight legs even if a separate contract has been entered into for each leg, whether with the same or a different carrier.

(i) Column (6) shall reflect any point at which a charter group, cargo load, or part of a group or load was enplaned. Departure points for ferry legs shall not be reported. Technical stops, *e.g.*, for departure formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the planned rather than the actual point of enplanement shall be reported. The point of enplanement shall be identified by the three-letter airport code used in the Official Airline Guide (OAG). If no OAG code exists, the point of enplanement shall be written out, in a footnote if necessary.

(j) Column (7) shall reflect any point at which a charter group, cargo load, or part of a group or load was deplaned. Arrival points for ferry legs shall not be reported. Technical stops, *e.g.*, for entry formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the planned rather than the actual point of deplanement shall be reported. The point of deplanement shall be identified by the three-letter airport code used in the Official Airline Guide (OAG). If no OAG code exists, the destination shall be written out, in a footnote if necessary.

(k) Column (9) shall reflect the entire capacity of the aircraft (to the nearest tenth of a short ton) and shall be completed for Entity—Cargo and Entity—Cargo Forwarder charters only.

(l) Column (10) shall reflect revenue in U.S. dollars only (no cents) for the flight leg being reported. For departing and returning legs of simple round trips, revenue shall be divided so that one-half of total revenue is shown for each flight leg. Where a different rate is charged for the outbound and the return flight legs, the actual charges for each leg shall be reported. For open-jaw or circle-tour trips, report actual revenue for each flight leg, prorating by each leg's mileage if necessary. Where ferry mileage is charged for, prorate the ferry charge over all legs of the total program. Separate revenue entries shall be made for each enplaning charter group. Revenues shall show the price paid for air transportation by the charterer, not the charterer's price to the passenger. In a "wet lease" charter, the lessor shall report the revenue it obtains from the lessee, and not the price the lessee charges the charterer.

(m) Column (12) shall reflect the number of tons (to the nearest tenth of a short ton) of property enplaned in Entity—Cargo and Entity—Cargo Forwarder charters only.

3. Amend the list of due dates for Schedule T–6 in section 32—Due Dates of schedules in CAB Form 41 report—to read as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date [1]	*Schedule No.*
Jan. 20	P–12, P–12(a).
Jan. 30	B–11, T–3.1, T–6.
Feb. 10 [2]	A, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b).
Feb. 20	P–12, P–12(a).
Mar. 1	B–11, T–3.1.
Mar. 20	P–12, P–12(a).
Mar. 30	A–2, B–11, B–41, B–43, B–44, B–46, G–41, G–42, G–43, G–44, T–3.1.
Apr. 20	P–12, P–12(a).
Apr. 30	B–11, T–3.1, T–6.
May 10	A, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b).
May 20	P–12, P–12(a).
May 30	B–11, T–3.1.
June 20	P–12, P–12(a).
June 30	B–11, T–3.1.
July 20	P–12, P–12(a).
July 30	B–11, T–3.1, T–6.
Aug. 10	A, A–1, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b).

[1] Due dates falling on a Saturday, Sunday or national holiday will become effective the first following working day.

[2] B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

Due Date[1]	Schedule No.
Aug. 20_____	P-12, P-12(a).
Aug. 30_____	B-11, T-3.1.
Sept. 20_____	P-12, P-12(a).
Sept. 30_____	B-11, T-3.1.
Oct. 20_____	P-12, P-12(a).
Oct. 30_____	B-11, T-3.1, T-6.
Nov. 10_____	A, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-11(a), P-11(b).
Nov. 20_____	P-12, P-12(a).
Nov. 30_____	B-11, T-3.1.
Dec. 20_____	P-12, P-12(a).
Dec. 30_____	B-11, T-3.1.

4. Amend section 35—Schedule T-6—Summary of Civil Aircraft Charters—by revising the caption and text thereof to read as follows:

Schedule T-6—Report of Civil Aircraft Charters

(a) This schedule shall be filed by each supplemental air carrier.

(b) Reporting of passenger flights shall be on a charter group basis, by flight legs; that is, there will be a separate line of data for each flight leg of each charter group which can be distinguished from another charter group on the same flight leg by charterer, type of charter, origin, destination, or duration of charter trip. All groups on the same flight must be reported on consecutive lines without intervening lines of data about groups on other flights. All flight legs should be reported in chronological order of dates of enplanement. (See item (g) below for identification of flight legs.)

(c) Each Schedule T-6 report submitted shall consist of three separate monthly reports within each of the respective calendar quarters and data for each flight leg shall be reported for the month in which the flight leg began. Since Schedule T-6 has been designed for direct key punching, the reported month, year, and name of carrier shall be inserted in the areas provided it the upper left hand corner of the report. The date area shall show the year first and then the month (*e.g.*, 7604 for April 1976); the carrier area shall show the carrier's standard 2-position alpha code as shown in the Official Airline Guide (OAG). If the carrier has no such code, it should leave those two positions blank until assigned a code by the Board's Bureau of Accounts and Statistics.

(d) Column (1) shall reflect the day of the month (1, 2, 3, *etc.*) in which the flight leg began.

(e) Column (2) shall reflect the code number for the type of aircraft operated as prescribed by the Board's Bureau of Accounts and Statistics.

(f) Column (4) shall reflect each type of charter by the following codes:

AB—Advance Booking
CP—Common Purpose (Canada, Yugoslavia originations)
EC—Entity—Cargo
EF—Entity—Cargo Forwarder
EP—Entity—Passenger
FT—Foreign Rule ITC
IT—ITC (Part 378 of the Board's Special Regulations)
OM—Overseas Military Personnel
OT—One-stop ITC (Part 378a of the Board's Special Regulations)
PR—Pro Rata Prior Affinity (Includes Mixed Charters)
SE—Special Event
SG—Study Group
TG—Travel Group

Charters flown for the transportation of charter traffic of another air carrier or foreign air carrier shall be reported solely by the carrier in operational control of the aircraft, naming the type of charter, *e.g.*, IT, and traffic carried. Charters flown to accommodate the scheduled traffic of another direct air carrier shall be reported as entity charters. Charters originating in the United States and flown to Canada with aircraft having a maximum takeoff weight greater than 18,000 pounds but not greater than 35,000 pounds shall be reported as Entity—Passenger or Entity—Cargo unless organized and operated pursuant to any Economic or Special Regulation for which the filing of preflight documentation with the Board is required. Charters originating in Canada and flown to the United States shall be identified by the codes AB, CP, EC, EP, or FT, as appropriate.

(g) Column (5) shall identify each leg by the following numbers:

1—One-way flight
2—Originating leg of round trip
3—Intermediate leg involving a stopover (applies only where a group made a distinguishable stopover, not merely, *e.g.*, a stop for entry inspection or refueling.)
4—Return leg of round trip

The outbound and return legs of any group movement shall in no instance be reported as one-way flight legs even if a separate contract has been entered into for each leg, whether with the same or a different carrier.

(h) Column (6) shall reflect any point at which a charter group, cargo load, or part of a group or load was enplaned. Departure points for ferry legs shall not be reported. Technical stops, *e.g.*, for departure formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the planned rather than the actual point of enplanement shall be reported. The point of enplanement shall be identified by the three-letter airport code used in the Official Airline Guide (OAG). If no OAG code exists, the point of enplanement shall be written out, in a footnote if necessary.

(i) Column (7) shall reflect any point at which a charter group, cargo load, or part of a group or load was deplaned Arrival points for ferry legs shall not be reported. Technical stops, *e.g.*, for entry formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the planned rather than the actual point of deplanement shall be reported. The point of deplanement shall be identified by the three-letter airport code used in the Official Airline Guide (OAG). If no OAG code exists, the destination shall be written out, in a footnote if necessary.

(j) Column (9) shall reflect the entire capacity of the aircraft (to the nearest tenth of a short ton) and shall be completed for Entity—Cargo and Entity—Cargo Forwarder charters only.

(k) Column (10) shall reflect revenue in U.S. dollars only (no cents) for the flight leg being reported. For departing and returning legs of simple round trips, revenue shall be divided so that one-half of total revenue is shown for each flight leg. Where a different rate is charged for the outbound and the return flight legs, the actual charges for each leg shall be reported. For open-jaw or circle-tour trips, report actual revenue for each flight leg, prorating by each leg's mileage if necessary. Where ferry mileage is charged for, prorate the ferry charge over all legs of the total program. Separate revenue entries shall be made for each enplaning charter group. Revenues shall show the price paid for air transportation by the charterer, not the charterer's price to the passenger. In a "wet lease" charter, the lessor shall report the revenue it obtains from the lessee, and not the price the lessee charges the charterer.

(l) Column (12) shall reflect the number of tons (to the nearest tenth of a short ton) of property enplaned in Entity—Cargo and Entity Cargo Forwarder charters only.

5. Amend CAB Form 41 Schedule T-6 by revising this form as shown in Exhibit A.*

(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.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-8527 Filed 3-24-76;8:45 am]

[Regulation ER-948, Amdt. 20]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Updating the Accounting Provisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 9, 1976.

* Filed as part of the original document.

In a Notice of Proposed Rulemaking dated November 19, 1975 (EDR–291, 40 F.R. 54813), the Board proposed to update the accounting provisions to recognize changes in accounting principles, developments in air transportation, and the needs of the Board.

Pursuant to the subject notice, timely comments were received from the following air carriers: American Airlines, Inc.; Delta Air Lines, Inc.; The Flying Tiger Line, Inc.; Frontier Airlines, Inc.; Hughes Air Corporation d.b.a. Hughes Airwest; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; and a joint comment from Trans International Airlines, Inc.; and World Airways, Inc.

All of the responses received supported the proposed rule, either completely or partially. Some of the respondents, however, disagree with certain specific provisions of the proposed rule; while others recommend certain editorial changes in the proposed rule.

Upon full consideration of the relevant matter contained in the comments, we have decided to adopt the rule substantially as proposed. Therefore, except as modified, the tentative findings set forth in the Explanatory Statement to the proposed rule are incorporated by reference and made final. The following are the most significant modifications to the rule as it was proposed: (1) eliminating the existing 18-month prior-approval requirement relative to the effective date of any change in the method of accounting for the investment tax credit; (2) modifying the definition of materiality to include items which would be considered material for the purpose of filing the Securities and Exchange Commission's Form 10–K; (3) amending the applicability of the section on accounting for overhauls to permit air carriers who use the reserve method for existing aircraft to continue its use for all aircraft of that type even if acquired after January 1, 1976; however, either the direct expensing method or the deferral and amortization method would still be required for all new types of aircraft acquired after January 1, 1976; (4) adding a statement that when the estimated useful life or residual value of depreciable equipment is changed, the revised useful life or residual value will be effective as of the beginning of the calendar or fiscal period during which the change was adopted; (5) modifying the maximum run-out period for examining documents relative to a carrier's air traffic liability, applicable to "all other route air carriers," to permit a six-month maximum run-out period; (6) eliminating the required use of the end of a calendar quarter as the cut-off date for the physical verification of Account 2160 "Air Traffic Liability" and establishing that the cut-off date shall be the end of a calendar month; (7) modifying the proposed rule to allow air carriers who use the sales-lift match method to determine their air traffic liability without having to distinguish between the unmatched tickets due to loss in processing and those that were never presented for use.

These and other matters will be discussed below:

1. *18-Month Prior-Approval Requirement for Changes in the Accounting Treatment of Investment Tax Credits*—Both United and Western question the need for the continuation of the Board's existing requirement for an 18-month prior approval before the effective date of any change in accounting method relative to the investment tax credit. Initially, this existing requirement was instituted to provide for consistency in the use of accounting method. However, since the proposed rule provides for consistency in accounting treatment of investment tax credits and due to the fact that any changes in accounting method must be approved by the Department of the Treasury, we feel that the 18-month prior-approval requirement is not necessary and therefore we have removed it from the regulations.

2. *Omission of Criteria for Determining Materiality Pending Definitive Action by the FASB*—It was suggested by Southern Airways and American Airlines that the Board modify the proposed rule to delete the Board's present criteria for determining materiality until the Financial Accounting Standards Board (FASB) completes its review and issues a standard for such criteria. The air carriers are of the opinion that by deleting our existing criteria we would avoid any future conflicts between Form 41 reporting and corporate financial reporting. However, the Board feels that until such time as a standard for determining materiality is issued by the FASB, the Board should continue using the current criteria regarding what constitutes materiality in reporting disclosures. In line with the air carriers' comments, however, the Board has decided to modify its existing criteria for determining materiality to make it more in consonance with the current generally accepted accounting concept of materiality. Under this modification an item will be considered to be material if it meets either of the following criteria: (1) the item would be considered material for the purposes of filing SEC Form 10–K or (2) the item exceeds one-half of one percent of the twelve-months-to-date total operating revenues or total operating expenses, depending on the nature of the item. These criteria will be re-examined after definitive action in this area has been taken by the FASB.

3. *Accounting for Overhauls*—Concern has been expressed by Frontier, Trans International, World and Flying Tiger as to whether the use of an overhaul reserve system will be an acceptable method of accounting for overhauls. These air carriers have all commented that they utilize the reserve accrual method in accounting for overhauls and would like to continue to do so.

We agree with the carriers in one respect, that is, if the reserve system is used for existing aircraft it ought to be continued for all aircraft of that type even if acquired after January 1, 1976. This will allow for consistency in accounting treatment for the same type of aircraft. However, we also feel that the use of the reserve method should not be permitted for new types of aircraft acquired after January 1, 1976.

Recent technological advances in the maintenance of airframes and aircraft engines have resulted in the wider use of continuous overhaul programs, where overhauls are performed in various phases on a more frequent basis than the "block" or "one-shot" overhauls. These changes have resulted in many carriers changing to direct expensing in accounting for overhauls. In instances where direct expensing would not produce an equitable allocation of costs between accounting periods, some carriers have found that reserve accruals are unduly complicated because depreciation exclusions and accrual periods are difficult to determine. Some carriers, therefore, have requested waivers to permit the use of the deferral and amortization method of accounting for overhauls under such circumstances. This rule will recognize these changes as a firmly established trend, within the air carrier industry, which is expected to continue well into the future.

Also relative to accounting for overhauls, Hughes Airwest has indicated a concern for the fact that the proposed rule does not deal with the so-called "free ride" from the date a newly acquired airframe or engine is placed into service to the date of the initial overhaul. Our intention is to provide a reasonable basis for the allocation of overhaul expenses to the accounting periods which they benefit. In assigning the cost of overhauls, the accounting periods benefited by such costs are the periods subsequent to the date of the overhaul. The purpose of incurring overhaul expenses is not to account for the depreciation of the assets prior to the overhaul, but it is to render the assets serviceable for future periods. Therefore, the deferral and amortization method of accounting for overhauls represents a more equitable method than the reserve accrual method for allocating overhaul costs to the periods which are benefited. Moreover, the "free ride" period, which Hughes Airwest suggests would result from the use of the deferral and amortization method, currently exists without expressed concern for those carriers who use the direct expense method which is the predominant method of accounting for overhauls within the industry today.

4. *Determination of the Effective Date of a Change in the Estimated Useful Lives or Residual Values of Equipment*—American has requested, in its comments, further review and clarification of the problems encountered in changing the estimated useful lives of equipment, specifically the problem of determining the effective date of a change. In keeping with our stated objectives, we feel that the rule should be amended to state that when a change in the estimated useful lives or residual values of equipment is adopted during an accounting period, the beginning of the calendar or fiscal period

shall be used as the effective date for such changes. This addition to the rule further conforms the regulations to generally accepted accounting principles.

5. *Determination of Air Carriers' Air Traffic Liability*—In the area of unearned transportation revenues, we received comments from Airwest, Frontier, Northwest, Pan American, Southern, Trans World and Western. These comments covered three areas: (1) the runout period for examining the documentation relative to air traffic liability; (2) the cut-off date for the physical verification of the air traffic liability account; and (3) the determination of the amount of earned revenue resulting from lifted coupons which are lost, destroyed, or mutilated prior to the matching process.

Airwest, Frontier, and Southern are opposed to the use of a three-month maximum run-out period, which under the proposal would have applied to them, for examining the documentation relative to the air traffic liability account. They state that their experience reveals this to be too short a period for properly determining their air traffic liability. Therefore, all three air carriers have recommended a six-month run-out period. In the interest of accounting accuracy, we feel that this is a reasonable request. Therefore, we have modified the rule to allow for a six-month maximum runout period to be applicable to the "all other route carriers" category.

Frontier, Northwest, and Western have objected to the requirement specifying the use of the end of a calendar quarter as the cut-off date for the physical verification of the air traffic liability. The carriers have cited certain practical difficulties which would accompany the use of the end of a quarter as the cut-off date. The difficulties encountered under the proposed rule would be the lack of an adequate run-out period after the cut-off date and the need to allow enough time for the public accountants to consider any adjustments to the air traffic liability account when certifying the year-end financial statements. It appears that in some instances difficulties will result from using the end of a calendar quarter as a cut-off date. We have, therefore, modified the rule to require air carriers to use the end of a month as a cut-off date for verification purposes.

Pan American and Trans World have objected to the requirement, contained in the proposed rule, that a differentiation be made between unmatched sales-lift coupons which have been lost, destroyed, mutilated, or unrecorded during processing and those which were unused or unpresented for use or refund. The carriers' objections are applicable only to those air carriers which utilize a sales-lift match method of accounting for earned revenue. According to their viewpoint, there is no way that a carrier can distinguish between the two types of unmatched sales-lift coupons and, therefore, there should be no requirement for such differentiation. We feel that the carriers' objections are valid. Also, based on the carriers' contentions, it appears that unused or unpresented coupons do not represent a significant portion of the unmatched coupons. Therefore, the rule has been modified to permit the air carriers who use a sales-lift match method to determine earned revenues without having to differentiate between coupons lost or unrecorded and those that were unused or unpresented.

6. *Other Matters*—Western feels that the proposal, as written, goes away from the current clean surplus method of accounting for prior period adjustments. However, in defining a prior period adjustment, the type of which we would require to be treated as an adjustment of the opening balance of retained earnings, we have followed the requirements of Opinions 9, 20, and 30 of the Accounting Principles Board. Even though our proposal would depart slightly from the clean surplus method, this approach is warranted in order for us to achieve the objective of conforming the current regulations to generally accepted accounting principles. Therefore, in keeping with our stated objectives, no adjustment to the proposed rule will be made.

In another comment, United objected to the Board's proposal to eliminate self-insurance reserves. In our proposed rule, Account 2350 "Self-Insurance Reserve," was eliminated in order to comply with the requirements of the Financial Accounting Standards Board's Statement of Financial Accounting Standards No. 5, Accounting for Contingencies. We also note that United eliminated its self-insurance reserve account in its published financial statements. Moreover, since the foremost accounting authority has seen fit to eliminate such reserves, and in view of our stated objective of increasing the conformance of the regulations to generally accepted accounting principles, we feel that self-insurance reserves should be eliminated from the CAB Form 41 reports.

Airwest and Delta have commented, by way of reference to Board Orders 75–8–103 and 75–8–104, that the accounts relative to security surcharges should be eliminated from the CAB Form 41 reports. The Board, through the referenced Board Orders, made the determination to cancel security surcharges and to treat security costs the same as other costs for ratemaking purposes. Subsequently, certain air carriers petitioned the Board to delay the effective date of the Order. It has been subsequently ordered that the final effective date for the air carriers to include security costs in their tariff schedules is April 1, 1976.[1] As a result of this decision, there is no longer any regulatory need for separate data related to boarding security; therefore, we will eliminate the security charge revenue and expense accounts from Form 41 with this amendment. This amendment will also have the effect of rescinding Accounting and Reporting Directive No. 11, "Accounting Treatment for Security Charges and Related Incremental Security Costs," issued on May 22, 1973, by the Board's Bureau of Accounts and Statistics.

Northwest has expressed concern over our proposal to eliminate Account 1604 "Aircraft Communications and Navigational Equipment" and Account 1606 "Miscellaneous Flight Equipment." Their main objection is that the proposed rule would require the capitalization of a portion of a fly-away operating unit into spare parts. However, Northwest's concern appears to be unfounded. The intent of the proposed rule is that Account 1601 "Airframes" will include the cost of a complete fly-away operating unit including all installed equipment with the exception of engines. Only the spare equipment which is not installed in an aircraft will be accounted for through Account 1608 "Flight Equipment Rotatable Parts and Assemblies." Engines will continue to be accounted for separately in Account 1602 "Aircraft Engines."

The Board recognizes that there may be exceptions in the application of uniform reporting requirements and wishes to call attention to section 1–2 of Part 241 of the Economic Regulations which sets forth the criteria for requesting waivers from any provision of this system of accounts and reports.

Hughes Airwest and Northwest have suggested that certain editorial changes be made to the proposed rule. These changes have been reviewed and where appropriate incorporated herein. These changes do not alter either the intent or the substance of the rule.

It was proposed in EDR–291 that these changes should be made effective January 1, 1976, on the basis that the regulation imposes no new recordkeeping requirements and implementation should not be unduly burdensome. Since no negative comments were received on this proposed effective date and because a January 1, 1976, effective date would avoid the inconsistencies that would result from a change in accounting procedures during an accounting year, we find good cause to make this rule effective on less than 30 days' notice. We wish to point out that since the effective date has been made retroactive, insofar as any CAB Form 41 reports which are already on file with the Board, no adjustments will be necessary to conform such reports to the reporting requirements contained in this rule.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) effective January 1, 1976, as follows:

1. Amend Section 03—Definitions for Purposes of This System of Accounts and Reports to insert new definitions as follows:

A. By adding a new definition immediately following "Debt, expense on" to read:

Deferred taxes—tax effects which are deferred for allocation to income tax expense of future periods.

B. By adding two new definitions immediately following "Improvement" to read:

[1] See Board Order 75–12–157.

Income tax expense—the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

Income taxes—taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state, and other taxes (including franchise taxes) based on income.

C. By adding a new definition immediately following "Interchange Agreement" to read:

Interperiod tax allocation—the process of apportioning income taxes among periods.

D. By adding a new definition immediately following "Inventory, Perpetual" to read:

Investor controlled company (for purposes of applying the equity method of accounting)—any business entity in which the accounting air carrier is able to exercise significant influence over operating and financial policies of the issuing company. Significant influence will be presumed, unless established to the contrary by waiver request, with ownership of 20 percent or more of the outstanding voting capital stock. Ability to exercise influence may be indicated in several ways, such as representation on the Board of Directors, participation in policy-making processes, material intercompany transactions, interchange of managerial personnel, or technological dependency. Investor controlled companies shall also be regarded as associated companies for purposes of this system of accounts (see also Associated company).

E. By adding a new definition immediately following "Premium (as applied to securities issued or assumed by the air carrier)" to read:

Pretax accounting income—income or loss for a period exclusive of related income tax expense.

F. By adding two new definitions immediately following "Tariff, published" to read:

Taxable income—the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

Tax effects—differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes, and (3) adjustments of prior periods (or of the opening balance of retained earnings) and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as the term is used in this System of Accounts and Reports.

2. Amend Section 04 to read as follows:

Section 04—Air Carrier Groupings and Standard Name Abbreviations

Name	*Abbreviations*
Group I route air carriers:	
Air Micronesia, Inc.	Air Micronesia.
Aspen Airways, Inc.	Aspen.
Chicago Helicopter Airways, Inc.	Chicago Helicopter.
Kodiak-Western Alaska Airlines, Inc.	Kodiak.
Munz Northern Airlines, Inc.	Munz.
New York Airways, Inc.	NY Airways.
Reeve Aleutian Airways, Inc.	Reeve.
SFO Helicopter Airlines, Inc.	SFO Helicopter.
Wien Air Alaska, Inc.	Wien.
Wright Air Lines, Inc.	Wright.
Group II route air carriers:	
Airlift International, Inc	Airlift.
Aloha Airlines, Inc.	Aloha.
Group III route air carriers:	
Air New England, Inc.	Air New England.
Alaska Airlines, Inc.	Alaska.
Allegenhy Airlines, Inc.	Allegheny.
American Airlines, Inc.[1]	American.
Braniff Airways, Inc.[1]	Braniff.
Continental Air Lines, Inc.[1]	Continental.
Delta Air Lines, Inc.[1]	Delta.
Eastern Air Lines, Inc.[1]	Eastern.
The Flying Tiger Line Inc	Flying Tiger.
Frontier Airlines, Inc.	Frontier.
Hawaiian Airlines, Inc.	Hawaiian.
Hughes Air Corp., d.b.a. Hughes Airwest	Airwest.
National Airlines, Inc.[1]	National.
North Central Airlines, Inc	North Central.
Northwest Airlines, Inc.[1]	Northwest.
Ozark Air Lines, Inc.	Ozark.
Pan American World Airways, Inc.	Pan American.
Piedmont Aviation, Inc.	Piedmont.
Seaboard World Airlines, Inc.	Seaboard.
Southern Airways, Inc.	Southern.
Texas International Airlines, Inc.	Texas.
Trans World Airlines, Inc.[1]	Trans World.
United Air Lines, Inc.[1]	United.
Western Air Lines, Inc.[1]	Western.
Group I Supplemental Air Carriers:	
Evergreen International Airlines, Inc.	Evergreen.
McCulloch International Airlines, Inc.	McCulloch.
Group II Supplemental Air Carriers:	
Capitol International Airways, Inc.	Capitol.
Modern Air Transport, Inc	Modern.
Overseas National Airways, Inc.	Overseas.
Saturn Airways, Inc.	Saturn.
Trans International Airlines, Inc.	Trans International.
World Airways, Inc.	World.

[1] Trunk air carriers.

3. Amend Section 1–9—conversion to this System of Accounts and Reports by revising the text of paragraph (a) to read as follows:

Sec. 1–9 Conversion to this system of accounts and reports.

(a) Upon the adoption of this system of accounts and reports all balance sheet account balances shall be restated as of the effective date of the regulation to conform with the provisions of this Part except as provided in this section 1–9. All necessary adjustments shall be accumulated in an appropriate clearing account and the net transferred to profit and loss classification 9700 Extraordinary Items.

* * * * *

4. Amend Section 2–6—Federal Income Tax Accruals by changing the section title and revising the text to read as follows:

Sec. 2–6 Income tax accruals.

(a) All income taxes shall be accrued by proportionate charges or credits to income in each calendar quarter. The interperiod tax allocation method shall be applied for all material timing differences between pretax accounting income and taxable income.

(b) The tax effect of timing differences which increase or decrease taxes currently payable shall be recognized in balance sheet account 2340, Deferred Income Taxes. Any resulting net debit balance in this account shall be treated for statement purposes as a special subaccount in balance sheet account 1890, Other Deferred Charges. In effecting these accruals, records with respect to deferred taxes (including foreign, state and local taxes based upon income) shall be maintained in accordance with the provisions of balance sheet account 2340, Deferred Income Taxes.

(c) The tax effects of any realizable tax carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing deferred income taxes may be necessary.

(d) The benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce income taxes. However, in unusual circumstances when realization is assured beyond a reasonable doubt, the future benefits may be recognized in the year of loss. In cases where deferred taxes attributable to prior timing differences exist to recognize all or a portion of the loss carryforward, an appropriate amount of the benefit may be offset against deferred taxes. However, net deferred taxes attributable to prior timing differences which would not be amortized until after the expiration of the carryforward period, shall not be offset by loss carryforwards.

(e) At the option of the air carrier, investment tax credits may be treated as a reduction of income tax expense in the year they are actually realized (flow-through method) or they may be defer-

red and amortized over the useful life of the property to which it relates and they shall be accounted for in accordance with the provisions of balance sheet accounts 2131 Accrued Income Taxes, 2340 Deferred Income Taxes, and 2345 Deferred Investment Tax Credits.

5. Amend Section 2–7—Delayed Items by changing the title and revising the text to read as follows:

Sec. 2–7 Extraordinary items, discontinued operations, prior period adjustments, and accounting changes.

(a) All items affecting net income, including revenue and expense adjustments, shall be reported in the profit and loss accounts to which they relate unless evidence clearly supports their treatment as an extraordinary item, as a discontinued operation, a prior period adjustment, or a change in accounting principle.

(b) Extraordinary items recorded in Section 9700 shall be characterized by their unusual nature and infrequent occurrence, taking into account the environment in which the air carrier operates. They must also be material. In this context, unusual means that the underlying event or transaction is abnormal and significantly different from the ordinary and typical activities of the air carrier, and infrequently occurring means that the event or transaction is not reasonably expected to recur in the foreseeable future.

(c) The materiality of an unusual and infrequently occurring event or transaction should be measured in relation to its impact on net income (loss) before extraordinary items or to the trend of earnings. As a standard practice, an unusual and infrequently occurring event or transaction shall be deemed to have a material impact on income (loss) before extraordinary items if it would be considered material for the purposes of filing the Securities and Exchange Commission's Form 10–K or if it exceeds one-half of one percent of the twelve-months-to-date total operating revenues or total operating expenses, depending on the nature of the item. When an item is not material but does exceed one percent of the total functional classification of which it is a part, it shall be included in the ordinary account to which applicable, and footnoted on CAB Form 41 schedule P–2. As a general rule, items shall be considered separately rather than in the aggregate. However, the effects of a series of related transactions arising from a single specific and separately identifiable event or plan of action shall be aggregated for the purpose of determining materiality.

(d) Events or transactions which are material as determined in conjunction with the criteria set forth in paragraph (c) above and are either unusual or nonrecurring, but not both, should be disclosed on CAB Form 41 schedule P–2. The events or transactions should be identified both as to their nature and their financial effects.

(e) The earnings (losses) of discontinued nontransport operations shall be reported separately from transport, transport-related and continuing nontransport operations and separately from extraordinary items. In addition, any gain or loss from the disposal of a nontransport operation shall be reported in conjunction with the related results of discontinued nontransport operations in functional classification 9600 and not as an extraordinary item. For the purposes of this system of accounts and reports discontinued nontransport operations shall refer to the disposal of investor controlled companies and the cessation of nontransport operations, the results of which are accounted for through profit and loss objective accounts 84 and 86.

(f) All material adjustments which can be specifically identified with and directly related to business activities of particular prior periods shall be reflected as adjustments of the opening balance of retained earnings. In order to qualify for such treatment the adjustment must not be attributable to economic events occurring subsequent to the date of financial statements for the prior period; it must depend primarily on determinations by persons other than management; and not be susceptible of reasonable estimation prior to such determination. Corrections of errors in financial statements of a prior period should be disclosed as a prior period adjustment in the period in which the error was discovered and corrected. Materiality should be determined using the criteria set forth in paragraph (c) above.

(g) The cumulative effect of changes in accounting principle shall be reflected in the account provided for in the determination of net income and clearly and completely described in notes to the income statement (see section 18). The amount of the cumulative effect of a change in accounting principles shall represent the difference between (a) the amount of retained earnings at the beginning of the period of the change and (b) the amount of retained earnings that would have been reported at that date if the new accounting principle had been applied retroactively for all prior periods which would have been affected by recognizing only the direct effects of a change and the related income tax effect. Financial statements of prior periods shall not be restated without the prior approval of the Director, Bureau of Accounts and Statistics. Changes in accounting estimates shall be accounted for in (a) the period of change if the change affects that period only or (b) the period of change and future periods if the change affects both. Materiality should be measured both in relation to the effects of each change separately and the combined effect of all changes.

6. Amend Section 2–12—Acquisition and Valuation of Assets by revising paragraph (a) (1) to read as follows:

Sec. 2–12 Acquisition and valuation of assets.

(a) * * *

* * * * *

(1) Investments in investor controlled companies (as that term is defined in section 03) shall be recorded at cost (except as provided in section 5–2(c)) plus the equity in the undistributed earnings or losses of such companies since acquisition. (Investments in associated companies, other than investor controlled companies, and other companies shall be recorded at cost, except as provided in section 5–2(c).)

* * * * *

7. Amend Section 2–13—Establishment of Reserves by deleting and reserving paragraph (c) to read as follows:

(c) [Reserved.]

8. Amend Section 2–17—Revenue Accounting Practices to read as follows:

Sec. 2–17 Revenue and accounting practices.

(a) Revenue accounting practices shall conform to the provisions of account 2160, Air Traffic Liability.

(b) Physical verification of the reliability of passenger revenue accounting practices shall be made at least once each accounting year by each route air carrier and an analysis showing the results of such verification shall be submitted to the Board within 30 days following its completion.

(c) For those carriers who use the yield or average-fare method to determine earned revenue, the analysis supporting the verification shall include:

(1) The cutoff date for the liability to be verified; such cutoff date shall be at the end of a calendar month.

(2) The number of months after the cutoff date during which documents were examined to verify the liability; the number of months after the cutoff date during which documents are examined shall not exceed the maximums set forth below:

Class of carrier:	*Maximum months.*
TWA and Pan American	18
Trunks (except TWA and Pan American)	12
All other route air carriers	6

[1] Applies only to carriers on a yield or average-fare basis.

(3) The nature of the documents which were examined for purposes of the verification.

(4) The totals for each of the various types of documents examined, on actual or sampling basis.

(5) A description of the sampling technique and conversion to totals, if sampling was employed.

(6) The amount and basis for all estimates employed in the verification.

(7) The amount of resulting adjustments and the quarter in which such

adjustments were, or are to be, made in the accounts.

(d) For those carriers who use the sales-lift match method to determine earned revenue, the analysis supporting the physical inventory verification shall include:

(1) The cutoff date for the liability to be verified; such cutoff date shall be at the end of a calendar month.

(2) A trial balance as of the cutoff date of all subaccounts supporting the Air Traffic Liability control account; the subsidiary trial balance must agree with the Air Traffic Liability control account or a reconciliation statement furnished.

(3) A statement to the effect that a sales listing of the value of all unmatched auditor coupons has been compiled and compared to the general ledger control figure; the statement required by this subparagraph shall indicate whether or not the value of the unmatched coupons is in agreement with the general ledger. If the sales listing is not in agreement with the Air Traffic Liability control account, the amount of such difference shall be shown on such statement.

(e) Those carriers who are on a sales-lift match method for determining earned revenue shall submit to the Board an annual statement showing the value of purged auditor coupons from the sales listing, during the calendar year, by quarters. This statement shall accompany the analysis supporting the physical verification, as described in paragraph (b) above.

(f) An annual statement shall be filed with the Board by those carriers who use the sales-lift match method to determine earned revenue, showing the value of revenue earned due to loss, destruction, or mutilation of lifted coupons from passengers who have been furnished transportation. This statement shall show the basis used in computing the amount of revenue taken up as income. The amount of revenue shall be shown by calendar quarters. The statement shall accompany the analysis supporting the physical verification, as described in paragraph (b) above.

9. Amend Section 3—Chart of Balance Sheet Accounts to read in pertinent part as follows:

BALANCE SHEET CLASSIFICATIONS

Section 3—Chart of Balance Sheet Accounts

Name of account	General classification	
* * *	* * *	
Investments and special funds:		
Investments in associated companies	1510	
Investments in investor controlled companies	1510. 1	
Investments in other associated companies	1510. 2	
Advances to nontransport divisions	1520	
Other investments and receivables	1530	
Special funds—other	1550	
* * *	* * *	
	Operating	Nonoperating
* * *	* * *	* * *
Airframes:	1601	1701
Airframes	1601. 1	1701. 1
Unamortized airframe overhauls	1601. 2	1701. 2
Aircraft engines:	1602	1702
Aircraft engines	1602. 1	1702. 1
Unamortized aircraft engine overhauls	1602. 2	1702. 2
Improvements to leased flight equipment	1607	1707
* * *	* * *	* * *
Reserve for depreciation—airframes	1611	1711
Reserve for depreciation—aircraft engines	1612	1712
Reserve for depreciation—improvements to leased flight equipment	1617	1717
* * *	* * *	* * *

	General classification
* * *	* * *
Deferred charges:	
Long-term prepayments	1820
Developmental and preoperating costs	1830
Unamortized expense on debt	1840
Unamortized capital stock expense	1850
* * *	* * *
Current liabilities:	
Current notes payable	2010
Accounts payable general	2020
Collections as agent—other	2040
* * *	* * *
Accrued personnel compensation	2110
Accrued vacation liability	2120
Accrued income taxes	2131
Other accrued taxes	2139
Dividends declared	2140
Air travel plan liability	2150
Air traffic liability	2160
Other current liabilities	2190
* * *	* * *
Deferred credits:	
Deferred income taxes	2340
Deferred investment tax credits	2345
Other deferred credits	3290
* * *	* * *

10. Amend Section 5—Balance Sheet Account Groups as follows:

A. By revising section 5–2(b) to read:

Sec. 5–2 Investments and special funds.

* * * * *

(b) Investments in associated companies, other than those defined in section 03 as investor controlled companies, and investments in other than associated companies shall be recorded at cost, except as provided in paragraph (f) of this section. Investments in investor controlled companies shall be recorded at cost, except as provided in paragraph (c), plus the equity in undistributed earnings or losses since acquisition.

* * * * *

B. By revising paragraphs (f) and (g) of section 5–4 to read:

Sec. 5–4 Property and equipment depreciation and overhaul.

* * * * *

(f) Airframe and aircraft engine overhauls shall be expensed directly as performed when this will produce a relatively equitable allocation of total maintenance costs between accounting years. In the event that direct expensing of overhauls will distort maintenance expense charges between calendar quarters, reserves may be established to equalize or distribute maintenance expense charges between calendar quarters of each accounting year in accordance with operations performed consistent with provisions of section 2–13(d). For the purposes of this system of accounts and reports, an airframe or aircraft engine "overhaul" shall be deemed to encompass the total of those inspections or replacements of major components performed in phases, or in one operation, as are required to be performed at specified maximum periodic intervals by the Civil Air Regulations to recertify that airframes or aircraft engines are in a completely airworthy condition. Costs which attach to the routine replacement of minor parts and servicing or inspection of airframes and aircraft engines, performed on a recurrent but not scheduled basis, or on a scheduled basis without withdrawal from line service, to maintain airframes and aircraft engines in an operating condition, shall not be considered to be "overhauls" and shall be expensed directly as ordinary recurrent maintenance. Extraordinary costs of material amounts associated with the renewal of major structural parts of airframes and aircraft engines beyond the scope of normal periodic overhauls, or which are incurred at periodic intervals approximating the depreciable service life of the airframe and aircraft engine types to which related, shall not be considered overhauls. Such costs shall be accounted for as restoration of assets chargeable to the related property accounts. The cost of components removed, together with related reserves, shall be treated as retired property and accounted for accordingly. In the event identification of the cost of the components removed is not feasible, the costs incurred in substituting components may be charged against the related depreciation reserves.

(g) The accounting procedures in this paragraph (g) shall be observed as a consistent practice for all airframe or aircraft engine types (both owned and leased) for which the direct expensing of overhaul costs as incurred will distort total maintenance expense between accounting years. However, if an air carrier has been using the reserve method of accounting for overhauls prior to January 1, 1976, an election may be made to continue the use of this method for all existing aircraft types and for all aircraft of the same type even if acquired after January 1, 1976, but, for new types of aircraft acquired after this date, the following procedures shall be observed.

(1) When the period benefited by the performance of an overhaul is greater than one accounting year and overhauls are scheduled in such a manner that the direct expensing of overhauls as performed will not result in an equitable allocation of total maintenance expense between accounting years, the costs of such overhauls shall be deferred and amortized over the period benefited. An overhaul permits the use of an airframe or aircraft engine for subsequent additional periods in conformity with overhaul procedures approved by the Federal Aviation Administration. The period benefited by an overhaul is the authorized interval until the related overhaul procedures are required to be performed again. The costs of airframe and aircraft engine overhauls shall not be accrued in advance by charges to maintenance expense before the costs are incurred; except that, equalization reserves may be established pursuant to section 2–13 (d) to distribute expense charges between calendar quarters of each accounting year in accordance with operations performed.

(2) When overhauls are performed, the related costs of labor, materials, outside overhauls, and maintenance burden shall be charged to the applicable direct maintenance and maintenance burden objective expense accounts as incurred. With respect to those airframe or aircraft engine types for which overhauls are being deferred and amortized, a project cost ledger shall be maintained to control and identify overhauls costs, and the accumulated overhauls costs shall be debited each month to appropriate subaccounts of the related airframe, aircraft engine, or leasehold inprovement accounts with a corresponding credit to account 72.3 Airframe Overhauls Deferred (Credit) or account 72.8 Aircraft Engine Overhauls Deferred (Credit).

(3) Upon completion of each overhaul phase or project, the deferred costs shall be amortized to account 72.4 Amortization of Airframe Overhauls or to account 72.9 Amortization of Aircraft Engine Overhauls over the authorized interval until the related overhauls procedures are required to be performed over again.

(4) When improvements and betterments of owned airframes or aircraft engines are effected in conjunction with overhauls of such property, the costs related to such improvements or betterments shall be charged to the appropriate asset subaccount for depreciation over the remaining service life.

(5) Upon retirement of owned airframes or aircraft engines, the applicable unamortized overhaul costs shall be transferred, along with the cost and related depreciation reserves of the property retired, to profit and loss account 81 Capital Gains and Losses.

(h) In accordance with the provisions of section 22(d) or 32(d), as applicable, each air carrier shall file with the Civil Aeronautics Board a statement fully describing its plans of accounting for airframe and aircraft engine overhauls. The required statement shall indicate for each airframe or aircraft engine type whether the costs of overhauls related thereto are, as a matter of consistent practice, expensed directly or deferred and amortized. If deferred and amortized, the statement shall indicate whether projects are established for individual units or on a group basis for specific types of airframes or aircraft engines, the types of cost deferred, the basis for maintenance burden rates, the time between overhauls, and the amortization period and basis.

C. By revising section 5–7(a) to read:

Sec. 5–7 Noncurrent liabilities.

(a) This classification shall include all debts or obligations the liquidation or payment of which is not reasonably expected to require the use within one year of existing resources of a type which are properly classifiable as current assets or the creation of current liabilities. Noncurrent liabilities shall include mortgages, bonds and debentures maturing more than one year from the date of the balance sheet, and other obligations not payable within twelve months. Expense on long-term debt assumed by the air carrier shall be recorded as a deferred charge and discounts or premiums on nontrade debt should be recorded as a deduction from or addition to the face amount of the liability through the use of a subaccount in the account used to record the liability. Subaccounts shall be maintained in such a manner as to enable identification of each discount or premium with the debt issue to which it relates. Such discounts or premiums shall be amortized through profit and loss account 87 Interest and Debt Expense on a basis which applies a constant rate of interest to the balance outstanding at the beginning of each quarter. When debt securities are issued with warrants to purchase stock, the portion of the proceeds attributable to the warrants shall be accounted for as paid-in capital by crediting account 2890.3 Other Capital Stock Transactions.

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D. By revising section 5–8(a) to read:

Sec. 5–8 Deferred credits.

(a) Include in this classification all credit balances in general clearing ac-

counts, including credits held in suspense pending receipt of information necessary for final disposition.

* * * * *

11. Amend Section 6—Objective Classification of Balance Sheet Elements as follows:

A. By revising the title and text for subaccount 1510.*1* and the text for subaccount 1510.2 to read as follows:

1510 Investments in Associated Companies.

* * * * *

1510.1 Investments in Investor Controlled Companies.

Record here the cost of investments in investor controlled companies, except as provided in section 5–2(c), plus the equity in undistributed earnings or losses since acquisition. In the event dividends are declared by such companies, the air carrier shall credit this account for its share in dividends declared and debit balance sheet account 1250 Notes and Accounts Receivable—Associated Companies. This account shall separately state: (a) The cost of such investments at date of acquisition and (b) the equity in undistributed earnings or losses since acquisition. Such accounting method shall not apply to investments in nontransport foreign subsidiary companies.

1510.2 Investments in Other Associated Companies.

(a) Record here the cost of investments in associated companies other than investor controlled companies. Cost shall represent the amount paid at the date of acquisition without regard to subsequent changes in the net assets through earnings or losses of such associated companies, except as provided in section 5–2 (c).

(b) In accordance with the provisions of section 22(d) or 32(d), as applicable, a statement shall be filed with the Civil Aeronautics Board which fully explains the procedures for accounting for investments in investor controlled and other associated companies, including change in status from associated to investor controlled company, or *vice versa*.

B. By revising Account 1530, Other Investments and Receivables to read:

1530 Other investments and receivables.

(a) Record here notes and accounts receivable not due within one year and investments in securities issued by others. Any discount or premium should be recorded in a separate subaccount of this account. Subaccounts shall be maintained in such a manner as to enable identification of each discount or premium with the receivable to which it relates. Such discounts or premiums should be amortized through profit and loss account 83 Interest Income.

(b) This account shall not include securities held as temporary cash investments which should be recorded in balance sheet account 1110 United States Government Securities or 1120 Other Temporary Cash Investments, as appropriate. Investments in and receivables from associated companies which are not settled currently shall be included in balance sheet account 1510 Investments in Associated Companies.

C. By revising the text for account 1601 and account 1602 to read:

1601 Airframes.

(a) Record here the total cost to the air carrier of airframes of all types and classes, as provided in section 5–3, together with the full complement of instruments, appurtenances and fixtures comprising complete airframes including accessories necessary to the installation of engines and flight control and transmission systems, except as specifically provided otherwise in accounts 1602 and 1607. Also record here in separate subaccounts the costs of airframe overhauls accounted for on a deferral and amortization basis as provided in section 5–4(g).

(b) Airframes designed to permit multiple payload configurations shall be recorded in this account at the total cost of the maximum complement of instruments, appurtenances, and fixtures used in the air carrier's operations.

(c) This account shall be subdivided as follows by all air carriers:

1601.*1* Airframes.

1601.2 Unamortized airframe overhauls.

1602 Aircraft Engines.

(a) Record here the total cost to the air carrier of complete units of aircraft engines of all types and classes, as provided in section 5–3, together with a full complement of accessories, appurtenances, parts and fixtures comprising fully assembled engines as delivered by the engine manufacturer ready for operation in test but without the accessories necessary to its installation in airframes. Also record here is separate subaccounts the costs of aircraft engine overhauls accounted for on a deferral and amortization basis as provided in section 5–4(g).

(b) This account shall be subdivided as follows by all air carriers:

1602.*1* Aircraft engines.

1602.2 Unamortized aircraft engine overhauls.

D. By deleting Account 1603 Aircraft Propellers, Account 1604 Aircraft Communications and Navigational Equipment, and Account 1606 Miscellaneous Flight Equipment, from the Objective Classification of Balance Sheet Elements.

E. By revising account 1607 to read:

1607 Improvements to leased flight equipment.

Record here the total cost to the air carrier incurred in connection with modification, conversion or other improvements to leased flight equipment as provided in section 5–3. Also record here in separate subaccounts the costs of airframe and aircraft engine overhauls of leased aircraft accounted for on a deferral and amortization basis as provided in section 5–4(g).

F. By revising Account 1840, Unamortized Discount and Expense on Debt to read:

1840 Unamortized Expense on Debt.

(a) Record here the expense related to the assumption by the air carrier of debt of all types and classes. Amounts recorded in this account shall be amortized to profit and loss account 87 Interest Expense.

(b) This account shall not include the excess of the par value of debt securities over the cash value of consideration received. Instead, discounts shall be recorded in a subaccount of the related liability.

G. By deleting Account 2030, Collections as Agent-Traffic from the Objective Classification of Balance Sheet Elements.

H. By revising Account 2131, Accrued Federal Income Taxes to read:

2131 Accrued Income Taxes.

(a) Record here accruals for currently payable income taxes. Provisions for deferred taxes shall be accrued in accordance with the provisions of section 2–6 Income Tax Accruals.

(b) At the option of the air carrier, investment tax credits may be treated as a reduction of income tax expense in the year they are actually realized (flow-through method) or they may be deferred and amortized over the useful life of the property to which it relates (deferred method).

(c) Air carriers electing to account for the investment tax credit by the flow-through method shall credit profit and loss subaccount 91.2 Investment Tax Credits Utilized or profit and loss account 97 Income Taxes Applicable to Extraordinary Items and debit this account with the amount of investment tax credit utilized in the current accounting period.

(d) Air carriers electing to account for the investment tax credit by the deferred method shall, concurrent with the above entry set forth in subsection (c), debit profit and loss subaccount 93.1 Investment Tax Credits Deferred or profit and loss account 97 Income Taxes Applicable to Extraordinary Items and credit balance sheet account 2345 Deferred Investment Tax Credits with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credits deferred in account 2345 shall be amortized to profit and loss subaccount 93.2 Amortization of Deferred Investment Tax Credits over the service life of the related property.

(e) The amount of any potential investment tax credit applicable to property placed in service during each accounting year and not used as an offset against tax liability or the deferred income tax balance as provided in section 6–2340 shall be debited to a memorandum account under balance sheet account 2390 Other Deferred Credits titled "Investment Tax Credits Available" and shall be credited to a memorandum account also under balance sheet account

2390 titled "Unrealized Investment Tax Credits." As investment tax credits are utilized in the reduction of tax liabilities or deferred taxes these two memorandum accounts shall be adjusted to reflect the balance of unused and unexpired credits.

(f) Each air carrier shall disclose on schedule P–2 of its CAB Form 41 for each calendar quarter whether utilized credits are accounted for by the flow-through method or the deferred method. The method selected shall be consistently followed by the carrier.

I. By revising Account 2160, Unearned Transportation Revenue to reflect a new account title and to read as follows:

2160 Air Traffic Liability.

(a) Record here balances representing the value of unused transportation sold. Transportation sold includes both sales for transportation to be provided by the air carrier and transportation to be provided by another air carrier.

(b) Earned revenue, determined by the yield or average fare method or by the sales-lift-match method, shall be consistently and periodically cleared by debit to this account, and by credit to the appropriate profit and loss revenue account. Amounts receivable for transportation to be provided by the air carrier shall be debited to balance sheet account 1240, Accounts Receivable-General Traffic.

(c) Carriers who determined earned revenue on a yield or average fare method may not accrue income during the accounting year in anticipation of a favorable annual physical inventory determination, nor for unused or unpresented tickets.

(d) Subaccounts to this account shall be established to record balances pertaining to passenger and cargo transportation sold, respectively, and separately to sales in scheduled and nonscheduled services.

(e) In accordance with the provisions of section 22(d) or section 32(d), as applicable, a statement shall be filed with the Board which fully explains the accounting methods and bases of clearing to income, both earned revenue and the revenue that is derived from unused or unredeemed transportation sales.

J. By deleting Account 2161, Unearned Security Charges from the Objective Classification of Balance Sheet Elements.

K. By deleting Account 2330, Unamortized Premium on Debt from the Objective Classification of Balance Sheet Elements.

L. By revising Account 2340, Deferred Federal Income Taxes to read:

2340 Deferred Income Taxes.

(a) Record here credits and debits representing the net tax effect of material timing differences originating and reversing in the current accounting period giving appropriate recognition to the portion of investment tax credits which would have been allowed if taxes were based on pretax accounting income by a reduction of the deferred tax provision. Loss carry-forwards shall be accounted for in accordance with section 2–6(d).

(b) This account shall be credited or debited as appropriate and profit and loss subaccount 92.1 Current Provision for Deferred Taxes or profit and loss account 97 Income Taxes Applicable to Extraordinary Items shall be credited or debited each quarter with the income elements for which the related income tax effect is deferred. The tax effects of timing differences may be computed individually or by similar groups of timing differences. The tax effect of timing for similar groups may be computed using separate computations for the tax effect of originating differences at current rates and for the tax effect of reversing differences at tax rates in effect at the beginning of the period; or, a single computation, at current tax rates for the net cumulative effect of both originating and reversing differences. The method chosen shall be consistently applied from period to period.

(c) This account shall be credited or debited as appropriate and profit and loss subaccount 92.2 Application of Taxes Deferred shall be credited or debited each quarter with deferred tax amounts previously accrued which are allocable to income of the current period.

(d) Upon adjustment or elimination of the income element for which income taxes are deferred, the related deferred tax balance included in this account shall be correspondingly adjusted or eliminated by a credit or debit as appropriate to profit and loss account 92.3 Adjustment of Deferred Taxes.

(e) Any net debit balance in this account shall be treated for statement purposes as a special subaccount of balance sheet account 1890 Other Deferred Charges.

(f) All adjustments shall be effected through appropriate credits or debits to profit and loss subaccount 92.3 Adjustment of Deferred Taxes. Full explanation of each adjustment shall be set forth on CAB Form 41 schedule P–2 for the period in which the adjustment is made.

M. By deleting Account 2350, Reserve for Self-Insurance from the Objective Classification of Balance Sheet Elements.

N. By revising Account 2890, Other Paid-In Capital to read:

2890 Other Paid-In Capital.

(a) Record here in separate subdivisions for each class and series, the difference between the price at which capital stock is sold and the par or stated value of the stock; gains or losses arising from the reacquisition and the resale or retirement of each class and series of capital stock; donations; the excess of retained earnings capitalized over par or stated value of capital stock issued; adjustments in capital resulting from reorganization or recapitalization; and proceeds attributable to detachable stock purchase warrants related to debt issues. This account shall also include balances of contributions to the business enterprise of individual proprietors or partners.

(b) Each air carrier shall maintain the following subaccounts:

2890.1 Premium on Capital Stock.

Record here in separate subdivisions for each class and series of capital stock issued the excess of the cash value of consideration received over the par or stated value and accrued dividends of stock issued together with assessments against stockholders representing payments required in excess of par or stated value.

2890.2 Discount on Capital Stock.

Record here in separate subdivisions for each class and series of capital stock issued, the excess of the par or stated value over the cash value of consideration received, less accrued dividends. Discounts applicable to a particular class and series of capital stock may be offset against premiums from the same class and series of capital stock. Discounts and premiums on different classes and series of capital stock shall not be offset. The air carrier may, at its option, record in this subaccount commissions and expenses incurred in the issuance of capital stock and may charge balance sheet account 2940 Unappropriated Retained Earnings to the extent capital stock expense may exceed any existing balance of paid-in capital over the par or stated value of capital stock.

2890.3 Other Capital Stock Transactions.

Record here in separate subdivisions for each class and series, the balance of credits arising from the reacquisition and resale or cancellation of capital stock, credits arising from a reduction in the par or stated value of capital stock or the net balance of credits or debits resulting from other paid-in capital transactions such as proceeds attributable to detachable stock purchase warrants related to debt issues, not provided for elsewhere, which is identified with a particular class and series of capital stock.

O. By revising Account 2940, Unappropriated Retained Earnings to read:

2940 Unappropriated Retained Earnings.

(a) Record here the net income or loss from operations, prior period adjustments as described in section 2–7(b), and dividends declared on capital stock.

(b) This account shall not be charged with dividends on treasury stock but may be charged with dividends on capital stock of the air carrier held in special funds not under the control of the air carrier. If a dividend is not payable in cash the values entered in this account shall be completely described.

(c) Net income or loss accounted for during the current fiscal year shall not be entered in this account until the close of the fiscal year. Individual proprietorships or partnerships may clear net income or loss accounted for during the year directly to balance sheet account 2890 Other Paid-In Capital, or optionally, to this account for subsequent transfer to balance sheet account 2890 Other Paid-In Capital.

12. Amend Section 7—Chart of Profit and Loss Accounts to read in pertinent part as follows:

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
OPERATING REVENUES AND EXPENSES			
* * *	* * *	* * *	* * *
03 Foreign mail	31, 32	31, 32	31, 32.
06 Property.			
* * *	* * *	* * *	* * *
51 Passenger food expense	69	55	55.
53 Other supplies	51, 53, 59	51, 53, 55, 64, 67, 68.	51, 53, 55, 61, 62 63, 65, 66, 68.
54 Inventory adjustments	53, 69	53, 55	53, 55.
55 Insurance—general	51, 53, 69	51, 53, 68	51, 53, 68.
56 Insurance—traffic liability	69	55, 64	55, 62.
* * *	* * *	* * *	* * *
72 Aircraft overhauls	52, 53	52, 53	52, 53.
72.1 Airworthiness reserve provisions—airframes	52, 53	52, 53	52, 53.
72.2 Airworthiness reserve charges—airframes (credit)	52, 53	52, 53	52, 53.
72.3 Airframe overhauls deferred (credit)	52, 53	52, 53	52, 53.
72.4 Amortization of airframe overhauls	52, 53	52, 53	52, 53.
72.6 Airworthiness reserve provisions—aircraft engines	52, 53	52, 53	52, 53.
72.7 Airworthiness reserve charges—aircraft engines (credit)	52, 53	52, 53	52, 53.
72.8 Aircraft engine overhauls deferred (credit)	52, 53	52, 53	52, 53.
72.9 Amortization of aircraft engine overhauls	52, 53	52, 53	52, 53.
* * *	* * *	* * *	* * *
NONOPERATING INCOME AND EXPENSES			
* * *	* * *	* * *	* * *
84 Income from investor controlled companies and dividend income.			
84.1 Income from investor controlled companies	81	81	81.
84.2 Dividend income—other than investor controlled companies.	81	81	81.
* * *	* * *	* * *	* * *
INCOME TAXES			
91 Provision for income taxes.			
91.1 Income taxes before investment tax credits	91	91	91.
91.2 Investment tax credits utilized	91	91	91.
92 Provisions for deferred income taxes.			
92.1 Current provisions for deferred taxes	91	91	91.
92.2 Application of deferred taxes	91	91	91.
92.3 Adjustment of deferred taxes	91	91	91.
93 Investment tax credits deferred and amortized.			
93.1 Investment tax credits deferred	91	91	91.
93.2 Amortization of deferred investment tax credits	91	91	91.
94 Excess profits taxes	91	91	91.
DISCONTINUED OPERATIONS			
95 Discontinued operations.			
95.1 Income from discontinued operations	96	96	96.
95.2 Loss on disposal of discontinued operations	96	96	96.
EXTRAORDINARY ITEMS			
96 Extraordinary items	97	97	97.
97 Income taxes applicable to extraordinary items	97	97	97.
CHANGES IN ACCOUNTING PRINCIPLES			
98 Cumulative effects of change in accounting principles	98	98	98.
* * *	* * *	* * *	* * *

13. Amend Section 8—General by revising subparagraphs (d)(4) and (d)(5); and adding subparagraph (d)(6) to read as follows:

Section 8 General.

* * * * *

(d) The prescribed of accounts * * *

(4) *Income taxes for current period.* This primary classification (9100) shall include provisions for Federal, state, local, and foreign taxes which are based upon the net income of the air carrier for the current period together with refunds for excess profits credits or carryback of losses and increases or reductions of income taxes of prior years of a magnitude which will not distort net income of the current accounting year. Income taxes applicable to special income credits or debits recorded in profit and loss classification 9700 Extraordinary Items, and other material income tax items not allocable to income of the current accounting year, shall not be included in this classification but in profit and loss classification 9700 Extraordinary Items.

(5) *Discontinued operations.* This primary classification (9600) shall include earnings and losses of discontinued nontransport operations and gains or losses from the disposal of nontransport operations the results of which are customarily accounted for through profit and loss objective accounts 84 and 86 (see sec. 2–7(e)).

(6) *Extraordinary items.* This primary classification (9700) shall include material items characterized by their unusual nature and infrequent occurrence (see sec. 2–7(b)).

(7) *Cumulative effect of changes in accounting principles.* This primary classification (9800) shall include the cumulative effect of material changes in accounting principles (see section 2–7(g)).

14. Amend Section 12—Objective Classification—Operating Revenues and Expenses as follows:

A. By deleting Account 04, Security Charges, from the Objective Classification—Operating Revenues and Expenses.

B. By revising paragraph (c) of account 36, Personnel Expenses to read as follows:

36 Personnel expenses.

* * * * *

(c) Records shall be maintained in a conveniently accessible form which will separately and clearly document each charge to this account in terms of its natural characteristics and contribution to the performance of the air carrier's transport operations. The records shall be maintained in such manner as will identify specifically the persons incurring the cost. Costs for standby hotel or other facilities maintained for the air carrier's personnel generally need not be allocated among the individuals using such facilities; however, sufficiently detailed records are required to identify the use made of such facilities by each individual.

C. By revising Account 55, Insurance-General to read as follows:

55 Insurance-General.

Record here the cost of public liability and property damage insurance and all other general insurance except insurance covering liability for injuries, loss, and damage to passengers and cargo, and insurance carried for the protection or welfare of employees.

D. By revising the title and text of account 72, Flight Equipment Airworthiness Reserve Provisions to read as follows:

72 Aircraft Overhauls.

(a) Record here airframe and aircraft engine overhauls of the current period which are transferred to balance sheet subaccounts 1601.2 Unamortized Airframe Overhauls or 1602.2 Unamortized Aircraft Engine Overhauls. This account shall also include the amount of deferred overhauls costs being amortized for the current period. For carriers which elect to continue accruing for aircraft overhauls for aircraft types acquired before January 1, 1976, as well as for other aircraft of the same type acquired after January 1, 1976, the related provisions and charges shall be recorded in the appropriate subaccounts of this account.

(b) This account shall be subdivided as follows by all carrier groups.

72.1 Airworthiness Reserve Provisions—Airframes.

Record here current provisions for effecting an equitable distribution of airframe overhaul costs between different accounting periods.

72.2 Airworthiness Reserve Charges—Airframes (Credit).

Record here credits for airframe overhaul costs incurred in the current period which have been charged against related airworthiness reserves.

72.3 Airframe Overhauls Deferred (Credit).

Record here airframe overhauls of the current period transferred to subaccount 1601.2 Unamortized Airframe Overhauls.

72.4 Amortization of Airframe Overhauls.

Record here the amount of deferred airframe overhaul costs amortized for the current period.

72.6 Airworthiness Reserve Provisions—Aircraft Engines.

Record here current provisions for effecting an equitable distribution of aircraft engine overhaul costs between different accounting periods.

72.7 Airworthiness Reserve Charges—Aircraft Engines (Credit).

Record here credits for aircraft engine overhaul costs incurred in the current period which have been charged against related airworthiness reserves.

72.8 Aircraft Engine Overhauls Deferred (Credit).

Record here airframe overhauls of the current period transferred to subaccount 1602.2 Unamortized Aircraft Engine Overhauls.

72.9 Amortization of Aircraft Engine Overhauls.

Record here the amount of deferred aircraft engine overhauls costs amortized for the current period.

E. By revising subaccount 75.1 Depreciation—Airframes, 75.2 Depreciation—Aircraft Engines, and 75.5 Depreciation—Other Flight Equipment to read as follows:

* * * * *

75.1 Depreciation—Airframes.

Record here provisions for depreciation of property and equipment carried in balance subaccount 1601.1 Airframes.

75.2 Depreciation—Aircraft Engines.

Record here provisions for depreciation of property and equipment carried in balance sheet subaccount 1602.1 Aircraft Engines.

* * * * *

75.5 Depreciation—Other Flight Equipment.

Record here provisions for depreciation of property and equipment carried in balance sheet account 1607 Improvements to Leased Flight Equipment (exclusive of capitalized overhauls accounted for on a deferral and amortization basis) and balance sheet subaccount 1608.9 Other Parts and Assemblies. Group I air carriers shall also include in this subaccount provisions for depreciation of property carried in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies.

15. Amend Section 14—Objective Classification-Nonoperating Income and Expense by revising the title and text for account 84 to read as follows:

84 Income from Investor Controlled Companies and Dividend Income.

(a) Record here income from the equity in net earnings or losses of investor controlled companies and income arising out of dividends declared on other than investor controlled companies. Dividends on capital stock issued by the air carrier and subsequently reacquired shall not be included in this account.

(b) This account shall be subdivided as follows by all air carrier groups:

84.1 Income from Investor Controlled Companies.

Record here the equity in the current earnings or losses of investor controlled companies. Dividends declared on the stock of such companies shall not be included in this account as income but shall be entered in balance sheet subaccount 1510.*1* Investments in Investor Controlled Companies, as a return on investment. The foregoing instructions shall not apply to investments in nontransport foreign investor controlled companies.

84.2 Dividend Income—Other than Investor Controlled Companies.

Record here income from dividends declared on stocks of other than investor controlled companies. Dividends declared on stock of investor controlled companies shall not be included in this account but shall be entered in balance sheet subaccount 1510.*1* Investments in Investor Controlled Companies.

16. Amend Section 15—Objective Classification-Income Taxes for Current Period by changing the title of objective account 92 and revising the text to read as follows:

92 Provisions for Deferred Income Taxes.

(a) Record here income tax debits and credits deferred in accordance with the provisions of balance sheet account 2340 Deferred Income Taxes for all material timing differences.

(b) This account shall be subdivided as follows by all air carrier groups:

92.1 Current Provisions for Deferred Taxes.

92.2 Application of Taxes Deferred.

92.3 Adjustments of Deferred Taxes.

17. Amend Section 16—Objective Classification-Special Items by changing the title of Section 16 and revising the text to read as follows:

Section 16—Objective Classification-Discontinued Operations

95 Discontinued Operations.

(a) Record here the earnings (losses) of discontinued nontransport operations. For the purposes of this system of accounts and reports discontinued operations shall refer to the disposal of investor controlled companies and nontransport ventures whether sold, abandoned, spun off, or otherwise disposed of. This account shall not include earnings or losses from discontinued transport or transport-related operations.

(b) This account shall be subdivided as follows by all air carrier groups:

95.1 Income from Discontinued Operations.

Record here the results of operations of the discontinued operations.

95.2 Loss on Disposal of Discontinued Operations.

Record here the gain or loss on the disposal of an operation. If loss is anticipated it should be provided for at the measurement date. If gain is anticipated it should be recognized when realized.

18. Establish a new section entitled Section 17—Objective Classification-Extraordinary Items.

Section 17—Objective Classification-Extraordinary Items

96 Extraordinary Items.

Record here material items characterized by their unusual nature and infrequent occurrence as provided in section 2-7(b). Events or transactions which are material and either unusual or nonrecurring, but not both, shall not be recorded in this account but should be disclosed on Schedule P-2 Notes to Income Statement and identified both as to their nature and financial effects.

97 Income Taxes Applicable to Extraordinary Items.

Record here income taxes allocable to items of income included in profit and loss account 96 Extraordinary Items and income tax assessments that do not constitute ordinary adjustments of a recurrent nature. Records supporting entries to this account shall be maintained with sufficient particularity to identify the nature and gross amount of each extraordinary credit and each extraordinary debit.

19. Establish a new section entitled Section 18—Objective Classification-Cumulative Effect of Changes in Accounting Principles to read as follows:

Section 18—Objective Classification-Cumulative Effect of Changes in Accounting Principles

98 Cumulative Effect of Changes in Accounting Principles.

Record here the difference between the amount of retained earnings at the beginning of the period of a change in accounting principle and the amount of retained earnings that would have been reported at that date if the new accounting principle had been applied retroactively for all periods which would have been affected and by recognizing only the direct effects of a change and the related income tax effect.

20. Amend Sections 21—Introduction to System of Reports as follows:

A. By deleting and reserving paragraph (e) to read as follows:

(e) [Reserved.]

B. By revising the list of carrier entities in paragraph (i) to read in pertinent part as follows:

(i) Four separate entities * * *

ROUTE AIR CARRIER REPORTING ENTITIES

Air Carriers:	*Entities*
Airlift International, Inc	Domestic, Latin America.
Air Micronesia, Inc	Pacific.
Air New England, Inc	Domestic.
Alaska Airlines, Inc	Do.
Allegheny Airlines, Inc	Do.
Aloha Airlines, Inc	Do.
American Airlines, Inc	Domestic, Latin America.
Aspen Airways, Inc	Domestic.
Braniff Airways, Inc	Domestic, Latin America.
Chicago Helicopter Airways, Inc	Domestic.
Continental Air Lines, Inc	Domestic, Pacific.
Delta Air Lines, Inc	Domestic, Latin America.
Eastern Air Lines, Inc	Do.
The Flying Tiger Line, Inc	Domestic, Pacific.
Frontier Airlines, Inc	Domestic.
Hawaiian Airlines, Inc	Do.
Hughes Air Corp., d.b.a. Hughes Airwest	Do.
Kodiak-Western Alaska Airlines, Inc	Do.
Munz Northern Airlines, Inc	Do.
National Airlines, Inc	Domestic, Atlantic Latin America.
New York Airways, Inc	Domestic.
North Central Airlines, Inc	Do.
Northwest Airlines, Inc	Domestic, Pacific.
Ozark Air Lines, Inc	Domestic.
Pan American World Airways, Inc	Domestic, Atlantic, Latin America, Pacific.
Piedmont Aviation, Inc	Domestic.
Reeve Aleutian Airways, Inc	Do.
SFO Helicopter Airlines, Inc	Do.
Seaboard World Airlines, Inc	Atlantic.
Southern Airways, Inc	Domestic.
Texas International Airlines, Inc	Do.
Trans World Airlines, Inc	Domestic, Atlantic, Pacific.
United Air Lines, Inc	Domestic.
Western Air Lines, Inc	Domestic, Latin America.
Wien Air Alaska Inc	Domestic.
Wright Air Lines, Inc	Do.

21. Amend Section 22—General Reporting Instructions as follows:

A. By revising paragraph (a) to read in part as follows:

(a) One copy of each schedule in the CAB Form 41 report shall be filed with the Civil Aeronautics Board and shall be received on or before the due date indicated for each such schedule in the list titled "Due Dates of Schedules in CAB Form 41 Report."

* * * * * *

B. By revising the title of schedules B–3 and B–4 in the list of reporting schedules in paragraph (a) so that the list in pertinent part reads:

Schedule No.	Schedule title	Filing frequency
*	*	*
B–2	Notes to balance sheet	Quarterly.
B–3	Paid-in capital; appropriations of retained earnings; deferred income taxes	Do.
B–4	Reserve for uncollectible accounts; accounts with investor controlled companies; other associated companies and nontransport divisions.	Do.
B–5	Property and equipment	Do.
*	*	*

C. By revising paragraph (d) of Section 22—General Reporting Instructions to read in pertinent part as follows:

(d) Statements of accounting or statistical procedures required to be filed under this system of accounts and reports are recapitulated below. As a general rule these statements or revisions thereof shall be filed prior to the date on which the procedures are to become effective. However, in certain cases where a change in procedure or the initial adoption of a new procedure is necessitated by events or transactions occurring for the first time or by new requirements of professional or regulatory bodies, air carriers are permitted to file new or amended statements within thirty days after the close of the first calendar quarter in which the procedures become effective. The procedures shall be regarded as accepted unless the carrier is notified of Board objections within ninety days after receipt. These statements shall be filed in triplicate on standard forms AP–1 through AP–15.

(1) Procedures for assigning * * *

* * * * * *

(6) Procedures of accounting for airframe and aircraft engine overhauls as prescribed by section 5–4(g).

* * * * * *

(9) Procedures for accrual of air traffic liability, and the method for determining earned income, as prescribed by section 6–2160; and annual physical verification procedures, including the cutoff date selected by the carrier, as prescribed by section 2–17.

* * * * * *

(14) Procedures for accounting for investments in investor controlled and other associated companies, including change in status from associated to investor controlled company, or vice versa, and adjustments in investment accounts, as prescribed by section 6–1510(c).

* * * * * *

22. Amend Section 23—Certification and Balance Sheet Elements as follows:

A. Revise paragraph (f) of the reporting instructions for Schedule B–2, Notes to Balance Sheet to read as follows:

(f) The conversion from the cost method to the equity method of carrying investments in investor controlled companies shall be explained on this schedule and cross-referenced to Schedule P–2 Notes to Income Statement.

Any change in the basis of accounting for investments in investor controlled companies and other associated companies (*e.g.*, change from associated to investor controlled company or vice versa) shall be noted here and reported as required by section 22(d).

B. Delete paragraph (g) of the reporting instructions for Schedule B–2, Notes to Balance Sheet.

C. Revise the title and paragraph (e) of the reporting instructions for schedule B–3 to read as follows:

Schedule B–3—Paid-in Capital; Appropriations of Retained Earnings; Deferred Income Taxes

* * * * * *

(e) All credits and debits to appropriations of retained earnings shall be identified and explained in the "Appropriations of Retained Earnings" section of this schedule. The balance of account 2930 Appropriations of Retained Earnings as at the end of each calendar quarter shall agree with the corresponding amount reported on Schedule B–1—Balance Sheet.

D. Revise the title and paragraphs (c), (d) and (e) of the reporting instructions for schedule B–4 to read as follows:

Schedule B–4—Reserve for Uncollectible Accounts; Accounts with Investor Controlled Companies, Other Associated Companies and Nontransport Divisions

* * * * * *

(c) In the "Accounts with Investor Controlled Companies, Other Associated Companies and Nontransport Divisions" section of this schedule, column 1 shall

list the name of each associated company and describe each nontransport division. Associated companies shall be separately grouped by classification. The respective groups shall be captioned "Investor Controlled" and "Other Associated Companies."

(d) Column 4 "Investments at Cost" shall reflect the cost to the air carrier at date of acquisition in investments of associated companies. The cost of investments in investor controlled companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity in Undistributed Earnings" shall agree in aggregate with the corresponding amounts in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies.

(e) Column 5 "Equity in Undistributed Earnings" shall reflect the equity in undistributed earnings or losses of investor controlled companies since acquisition.

E. Revise paragraphs (b), (c), (f), and (g) of the text of schedule B-41 to read as follows:

Schedule B-41—Investments Held by, or for the Account of, Respondent

* * * * *

(b) The data shall be grouped and separately subtotaled according to: (1) Investments in investor controlled companies (account 1510.1); (2) investments in other associated companies (account 1510.2); and (3) other investments and receivables (account 1530).

(c) Column 1 shall reflect the name of each associated company (investor controlled and other) and the name of each other than associated company who is the issuer of securities held by the air carrier. This column shall also reflect the name of each company, associated or other than associated, from which noncurrent notes and accounts receivable are due to the air carrier.

* * * * *

(f) Column 4 "Cost" shall reflect the cost of investments to the carrier. The cost of investments in investor controlled companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity or Book Value" along with noncurrent notes and accounts receivable in investor controlled companies shall agree in aggregate with the corresponding amount in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies. The cost of investments in other associated companies and other than associated companies, along with related noncurrent notes and accounts receivable, shall agree in total with corresponding amounts reflected in balance sheet subaccount 1510.2 Investments in Other Associated Companies and account 1530 Other Investments and Receivables, respectively.

(g) Column 5 "Equity or Book Value" shall reflect the equity in undistributed earnings or losses of investor controlled companies since acquisition, or the book value of investments in other associated and other than associated companies as of the date of this schedule. This column does not apply to investments in industry-owned service organizations which operate on a nonprofit basis.

* * * * *

F. Add new paragraph (h) to the reporting instructions for schedule B-5 to read as follows:

(h) In calculating the "Reserve for Depreciation" any change in the estimated useful lives or in the residual value of depreciable assets shall be effective as of the beginning of the fiscal or calendar period during which the change is adopted.

23. Amend Section 24—Profit and Loss Elements as follows:

A. By revising paragraphs (a) and (b) of the reporting instructions for Schedule P-1.1 Income Statement-Group I Air Carriers and Schedule P-1.2 Income Statement-Group II and Group III Air Carriers to read as follows:

Schedule P-1.1 Income Statement—Group I Air Carriers

Schedule P-1.2 Income Statement—Group II and Group III Air Carriers

(a) Schedule P-1.1 shall be filed by each Group I route air carrier and scheduled P-1.2 shall be filed by each Group II air carrier and each Group III air carrier.

(b) Separate income statements shall be filed covering all indicated items through "Net Income After Extraordinary Items" for each separate operating entity of the air carrier and for the overall or system operations of the air carrier. The indicated items following "Net Income After Accounting Changes" shall be reported on only the income statement for the air carrier's system.

* * * * *

B. By revising paragraph (f) of Schedule P-2 Notes to Income Statement to read as follows:

Schedule P-2—Notes to Income Statement

* * * * *

(f) Dividends declared in the current period on stocks of investor controlled companies shall be noted on this schedule.

C. By revising the title of Schedule P-4 "Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments" and amending the reporting instructions to read as follows:

Schedule P-4—Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Income Tax Adjustments, Prior Period Adjustments and Dividends Declared

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Transport-related operations shall be reported in this schedule in conformance with instructions in section 9-4800, Transport-Related Revenues and sections 10-7100 and 11-7100 Transport-Related Expenses.

(d) The totals of transport-related gross revenues and gross expenses reported in this schedule shall agree with the corresponding amounts reported for classifications 4800 and 7100 on schedule P-1.

(e) Each extraordinary item shall be fully identified and reported in gross amount in this schedule.

(f) Extraordinary credits to income during the current accounting period shall be identified in positive amounts and any extraordinary debits to income shall be identified by asterisks (*).

(g) Extraordinary items and extraordinary income tax credit and debit items shall be reported separately.

(h) The net of extraordinary items and the net of extraordinary income tax items reported on this schedule shall agree with corresponding amounts reported on schedule P-1.

(i) Deferred income tax adjustments shall be fully explained in the bottom section of this schedule. The explanations for each credit and debit, respectively, shall identify the property to which related, provide a complete description of the adjustment and the reasons for the adjustment.

(j) Prior Period Adjustments and dividends declared shall be fully explained in the bottom section of this schedule. If a dividend is not payable in cash, the values of amounts declared shall be completely described.

24. Amend Section 31—Introduction to System of Reports to read in pertinent part as follows:

Section 31—Introduced to System of Reports

* * * * *

(h) Each supplemental air carrier * * *

SUPPLEMENTAL AIR CARRIER REPORTING ENTITIES

Capitol International Airways, Inc.
Evergreen International Airlines, Inc.
McCulloch International Airlines, Inc.
Modern Air Transport, Inc.
Overseas National Airways, Inc.
Saturn Airways, Inc.
Trans International Airlines, Inc.
World Airways, Inc.

25. Amend paragraph (d) of Section 32—General Reporting Instructions to read in pertinent part as follows:

(d) Statements of accounting or statistical procedures required to be filed under this system of accounts and reports are recapitulated below. As a general rule these statements or revisions thereof shall be filed prior to the date on which the procedures are to become effective. However, in certain cases where a change in procedure or the initial adoption of a new procedure is necessitated by events or transactions occurring for the first time or by new requirements of professional or regulatory bodies, air carriers are permitted to file new or amended statements within thirty days after the close of the first calendar quarter in which the procedures become effective. The procedures shall be re-

garded as accepted unless the carrier is notified of Board objections within ninety days after receipt. These statements shall be filed in triplicate on standard forms AP–1 through AP–15.

(1) Procedures for assigning * * *

* * * * *

(5) Procedures of accounting for airframe and aircraft engine overhauls as prescribed by section 5–4(g).

* * * * *

(8) Procedures for accural of air traffic liability, and the method for determining earned income, as prescribed by section 6–2160.

* * * * *

(13) Procedures for accounting for investments in investor controlled and other associated companies, including change in status from associated to investor controlled company, or vice versa, and adjustments in investment accounts, as prescribed by section 6–1510(c).

* * * * *

26. Amend Section 33—Certification and Balance Sheet Elements as follows:

A. Revise paragraph (i) to the reporting instructions for schedule B–2.1 to read as follows:

Schedule B–2.1—Notes to Balance Sheet; Corporate Paid-In Capital; Analysis of Sole Proprietorship Capital or Partnership Capital

* * * * *

(i) The conversion from the cost method to the equity method of carrying investments in investor controlled companies shall be explained on this schedule and cross-referenced to Schedule P–2, Notes to Income Statement. Any change in the basis of accounting for investments in investor controlled companies and other associated companies (*e.g.*, change from associated to investor controlled company, or vice versa) shall be noted here and reported as required by Section 32(d).

* * * * *

B. Revise paragraphs (b), (c), (f), and (g) of the text of schedule B–41 to read as follows:

Schedule B–41—Investments Held by, or for the Account of, Respondent

* * * * *

(b) The data shall be grouped and separately subtotaled according to: (1) Investments in investor controlled companies (account 1510.*1*); (2) investments in other associated companies (account 1510.2); and (3) other investments and receivables (account 1530).

(c) Column 1 shall reflect the name of each associated company (investor controlled and other) and the name of each other than associated company who is the issuer of securities held by the air carrier. This column shall also reflect the name of each company, associated or other than associated, from which noncurrent notes and accounts receivable are due to the air carrier.

* * * * *

(f) Column 4 "Cost" shall reflect the cost of investments to the carrier. The cost of investments in investor controlled companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity or Book Value" along with noncurrent notes and accounts receivable in investor controlled companies shall agree in aggregate with the corresponding amount in balance sheet subaccount 1510.*1* Investments in Investor Controlled Companies. The cost of investments in other associated companies and other than associated companies, along with related noncurrent notes and accounts receivable, shall agree in total with corresponding amounts reflected in balance sheet subaccount 1510.2 Investments in Other Associated Companies and account 1530 Other Investments and Receivables, respectively.

(g) Column 5 "Equty or Book Value" shall reflect the equity in undistributed earnings or losses of investor controlled companies since acquisition, or the book value of investments in other associated and other than associated companies as of the date of this schedule. This column does not apply to investments in industry-owned service organizations which operate on a nonprofit basis.

* * * * *

27. Amend Section 34–Profit and Loss Elements as follows:

A. By revising paragraph (c) to the reporting instructions to schedule P–2 to read:

Schedule P–2—Notes to Income Statement

* * * * *

(c) Balances in subaccounts 84.1 and 84.2 of profit and loss account 8100 as reported on the P–1 schedules, together with dividends declared in the current period on the stocks of investor controlled companies, shall be noted on this schedule.

B. By revising the title and the reporting instructions applicable to schedule P–4 to read as follows:

Schedule P–4—Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Income Tax Adjustments, Prior Period Adjustments and Dividends Declared

(a) This schedule shall be filed by each Group II route air carrier.

(b) Transport-related operations shall be reported in this schedule in conformance with instructions in section 9–4800, Transport-Related Revenues and sections 10–7100 and 11–7100 Transport-Related Expenses.

(c) The totals of transport-related gross revenues and gross expenses reported in this schedule shall agree with the corresponding amounts reported for classifications 4800 and 7100 on schedule P–1.

(d) Each extraordinary item shall be fully identified and reported in gross amount in this schedule.

(e) Extraordinary credits to income during the current accounting period shall be identified in positive amounts and any extraordinary debits to income shall be identified by asterisks (*).

(f) Extraordinary items and extraordinary income tax credit and debit items shall be reported separately.

(g) The net of extraordinary items and the net of extraordinary income tax items reported on this schedule shall agree with corresponding amounts reported on schedule P–1.

(h) Deferred income tax adjustments shall be fully explained in the bottom section of this schedule. The explanations for each credit and debit, respectively, shall identify the property to which related, provide a complete description of the adjustment and the reasons for the adjustment.

(i) Prior period adjustments and dividends declared shall be fully explained in the bottom section ofthis schedule. If a dividend is not payable in cash, the values of amounts declared shall be completely described.

28. Amend CAB Form 41 schedules to reflect the foregoing changes in accounting, as shown in the exhibits [1] as follows:

Schedule No.:	*Exhibit*
A–1	A
B–1	B
B–3	C
B–4(b)	D
B–5	E
B–46	F
P–1.1	G
P–1.2	H
P–1(a)	I
P–3	J
P–4	K
P–5.1	L
P–5.2	M
P–6	N
P–7	O
P–8	P

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

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–8528 Filed 3–24–76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER XX—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

PART 2006—PROCEDURES FOR COMPLAINTS RECEIVED PURSUANT TO SECTION 301 OF THE TRADE ACT OF 1974

Miscellaneous Amendments

Correction

In FR Doc. 76–6357, appearing at page 9307 in the issue for Thursday, March 4, 1976, § 2006.4(b) now reading "Termination of section 301 reviews shall be given effect by notification to the complainant and publication in mination and a statement of reasons for such termination.", should read "Termination of section 301 reviews shall be given effect by notification to the complainant and publication in the FEDERAL REGISTER of a notice of termination and a statement of reasons for such termination."

[1] Filed as part of the original document.

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1016—POLICIES AND PROCEDURES REGARDING INFORMATION DISCLOSURE AND COMMISSION EMPLOYEE TESTIMONY IN PRIVATE LITIGATION

On July 10, 1975 (40 FR 29092), the Consumer Product Safety Commission published a notice of proposed rulemaking to amend Title 16, CFR by adding Part 1016. The proposed regulations stated policies of the Commission regarding availability of its records to private litigants and availability of its employees to testify in private litigation. The regulations set forth procedures to be followed in answering requests or subpoenas to the Commission for records or employee testimony. Interested persons were given until September 10, 1975, to submit comments regarding the proposed regulations. All comments with respect to the proposed regulations were given due consideration.

A. As a result of comments received and internal review, the following changes in the regulations are made in addition to language changes for clarification:

1. Sections 1016.2(a) and 1016.4 have been amended to cite the Commission's policies and procedures implementing the Privacy Act of 1974 which appear at 16 CFR 1014 (40 FR 53380, November 18, 1975).

2. A sentence has been added to § 1016.2(c) to give notice that no charge will be made for certification of records by the Secretary.

3. Section 1016.3, as proposed, did not state the circumstances and the procedure by which the Commission would resist a subpoena for a record. The section has been changed to state that upon a determination by the Secretary, with the advice of the General Counsel, that a subpoenaed record is protected from disclosure by statute or by a privilege under the rules of evidence, the General Counsel will move the court to quash the subpoena or for an appropriate protective order.

4. Section 1016.5, as proposed, did not state the circumstances and the procedure by which the Commission would resist a subpoena for the personal testimony of one of its employees. The section has been changed to state that if the General Counsel, pursuant to § 1016.5(b), denies permission for the employee to testify, the General Counsel will move the court to quash the subpoena.

5. Section 1016.6, as proposed, raised questions of interpretation and did not address many possible situations in which a conflict of interest might be caused by an employee's testifying in private litigation on his or her own time. The section has been changed to make such activity by an employee permissible only on condition that the regulations of the Commission pertaining to employee standards of conduct are complied with. It was decided that the problems inherent in such activity should properly be dealt with under the employee standards of conduct rather than in an elaboration of the present regulations which would be unnecessarily duplicative of the standards of conduct. The Commission's Employee Standards of Conduct (16 CFR Part 1030) appeared in the FEDERAL REGISTER on February 23, 1976 (41 FR 8017).

6. On the basis of experience, the Commission has decided that the responsibilities assigned to the Secretary of the Commission by § 1016.5 should be assigned to the General Counsel. Section 1016.5 has been changed to reflect this decision.

B. Certain other recommendations have been carefully considered but have not been accepted for the reasons stated:

1. Section 1016.14, as proposed, was criticized as "one-sided" because a Commission accident report is not available to a party in litigation with the injured person or the person treating him or her unless such person consents to the disclosure of the report. However, the requirement to obtain the injured party's (or the treating person's) consent is required by section 25(c) of the Consumer Product Safety Act (15 USC 2074(c)). Section 1016.14 implements that statutory provision.

Also, a reference to the Privacy Act of 1974 has been added to the section's existing reference to section 2074(c) of the Consumer Product Safety Act (CPSA). Both of these statutory provisions favor the injured party and the person treating him or her: the Consumer Product Safety Act by stating that when an accident report is disclosed, such persons shall not be identified in the report without their consent; the Privacy Act by requiring that written consent be obtained from the subject of a report in a system of records before the report is disclosed. Section 1016.4 implements both these statutory provisions by requiring written consent before an accident report is disclosed in a manner which would identify the person(s) in question. Section 1016.4(a) states the rule in general terms. Section 1016.4(b) says that a report will not be released to a party in litigation with the injured person or person treating him or her unless written consent of such person is first obtained. The reason for declining to release the report is that in such situations the identity of the person in question is already known to the requester so that it is impossible to release the report in a manner which does not also provide identification.

2. Section 1016.4 was criticized in one comment because it omits reference to section 6(b) of the Consumer Product Safety Act (15 USC 2055(b)). That section requires the Commission to provide prior notice to a manufacturer whenever it intends to release information about a consumer product if the information will permit the public to readily identify the manufacturer. That section will not be referred to in the present regulations because the Commission interprets section 6(b) of its Act as applying only to the affirmative disclosures of information by the Commission (such as press releases) and not to the production of records upon request.

3. Recommendations were made that the Commission forbid its employees to testify on their own time as expert witnesses in private litigation. The Commission believes that its authority to regulate the activities of employees on their own time is limited to activities which may cause or appear to cause a conflict of interest or otherwise be detrimental to the Commission's activities. The situations in question will be dealt with under the Commission's Employee Standards of Conduct published in the FEDERAL REGISTER on February 23, 1976 (41 FR 8017).

Accordingly, with these changes, the proposed Consumer Product Safety Commission Policies and Procedures Regarding Information Disclosure and Commission Employee Testimony in Private Litigation are adopted as set forth below.

Sec.

1016.1 Purpose and policy.
1016.2 Disclosure and certification of information and records.
1016.3 Response to subpoena duces tecum.
1016.4 Requests or subpoena for an accident or investigation report made under the Consumer Product Safety Act.
1016.5 Testimony by Commission employees in private litigation.
1016.6 Appearance of Commission employees in private litigation in an unofficial capacity.

AUTHORITY: Consumer Product Safety Act (15 USC 2051–81), the Federal Hazardous Substances Act (15 USC 1261–1274), the Flammable Fabrics Act (15 USC 1191–1204), the Poison Prevention Packaging Act of 1970 (15 USC 1471–76), the Refrigerator Safety Act (15 USC 1211–14), the Freedom of Information Act (15 USC 552), and the Privacy Act of 1974 (5 USC 552a).

§ 1016.1 Purpose and policy.

(a) The regulations of this part describe the policies and procedures of the Commission with respect to the disclosure of information and records to parties in private litigation and with respect to testimony by Commission employees in private litigation.

(b) It is the policy of the Commission, where possible, to make available official records and employee testimony in private litigation. Official records shall be made available to private litigants as they are available to the public generally. The availability of employees to testify in private litigation shall be fair and evenhanded but based on the recognition that there are limitations on the Commission's resources.

§ 1016.2 Disclosure and certification of information and records.

(a) Identifiable information or records in the possession of the Commission shall be made available to private litigants upon request in accordance with the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR 1015) (5 USC 552), the Com-

mission's Policies and Procedures Implementing the Privacy Act of 1974 (16 CFR 1014.9) (5 USC 552a) and under applicable sections of the Consumer Product Safety Act (15 USC 2055(a)(2), 2055(b), and 2074(c)).

(b) A request or subpoena for records should be sent in writing to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. The Secretary shall make available to the applicant any requested information or record that the Commission may make public in accordance with the statutes and regulations referenced in § 1016.2 (a).

(c) Upon request, the Secretary of the Commission shall certify the authenticity of copies of Commission records. Requests for such certification should be addressed to the Office of the Secretary at the above address. Certification will be made without charge.

§ 1016.3 Response to subpoena duces tecum.

Whenever a subpoena duces tecum has been lawfully served upon any officer or employee of the Commission commanding the production of any record, such officer or employee shall immediately notify the Office of the Secretary. If the Secretary, with the advice of the General Counsel, determines that the subpoenaed record is one which the Commission has a statutory duty to protect from disclosure or is protected by a privilege under the rules of evidence, the General Counsel shall move the court to quash the subpoena, or for an appropriate protective order.

§ 1016.4 Request or subpoena for an accident or investigation report made under the Consumer Product Safety Act.

Pursuant to its responsibilities under 15 USC 2074(c), and the Privacy Act (5 USC 552a(b)) (16 CFR 1014.9);

(a) The Commission will make available any accident or investigation report made under the Consumer Product Safety Act, but only in a manner that does not identify any injured party or person treating him or her unless his or her written consent is obtained to permit identification.

(b) The Commission will not make available any accident or investigation report to a party in litigation with the person whose injury is the subject of the report or the person treating him or her without the written consent of such person. In such a case, the party seeking the report should use applicable discovery procedures to obtain the report from the opposing party or obtain from the opposing party a consent to its release by the Commission.

§ 1016.5 Testimony by Commission employees in private litigation.

(a) It is the responsibility of the Commission to conserve the time of its employees for the conduct of official business and to maintain strict impartiality toward private litigants. Accordingly:

(1) No officer or employee of the Commission, except as authorized by the General Counsel of the Commission pursuant to this section or in the discharge of his or her official duties, shall give any testimony before any tribunal pertaining to any function of the Commission or with respect to any information acquired in the discharge of his or her official duties.

(2) Whenever a subpoena had been lawfully served upon an officer or employee of the Commission commanding the giving of any testimony, the officer or employee shall immediately notify the Office of the General Counsel. The officer or employee shall decline to testify unless otherwise authorized by the General Counsel pursuant to § 1016.5(b). If the General Counsel, pursuant to the policies of § 1016.5(b) denies permission for the employee to testify, the General Counsel shall move the court to quash the subpoena.

(b)(1) A person who desires testimony from a Commission employee may make written request therefor, directed to the General Counsel of the Commission, setting forth his or her interest in the matter sought to be disclosed and generally describing the use to which such testimony will be put in the event of compliance with the request.

(2) When the party seeking testimony has made a showing that the evidence or the facts adduced by him or her is not reasonably available by any other method, that the results of the litigation will have significant implications for future Commission actions or policies, or that Commission actions are material issues in the lawsuit, the General Counsel may grant permission for the employee to testify.

(3) In granting permission, the General Counsel shall arrange for the testimony to be taken by a method which will be sufficient to meet the needs of the party and which will cause a minimum of disruption to Commission business. Ordinarily, the General Counsel shall require that affidavits, answers to interrogatories, or depositions be prepared at the location to which the employee is assigned at a time arranged to avoid interference with performance of the employee's official duties.

§ 1016.6 Appearance of Commission employees in private litigation in an unofficial capacity.

(a) A Commission employee may testify as an expert witness in private litigation in an unofficial capacity and not on Government time, provided that such testimony is permitted under the terms and conditions of the Commission's Employee Standards of Conduct (16 CFR Part 1030).

(b) When testifying in private litigation, the employee, at the time he or she is asked the nature of his or her employment, should state for the record that his or her opinions do not necessarily represent the views of the Commission.

Effective date: March 25, 1976.

Dated: March 22, 1976.

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

[FR Doc.76-8530 Filed 3-24-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD5-76-01R]

PART 127—SECURITY ZONES

Hampton Roads—James River—Newport News, Va.; Establishment of Security Zones

This amendment to the Coast Guard's Security Zone Regulations establishes the waters of the James River in the area of the Newport News Shipbuilding and Drydock Company, Newport News, Virginia as a security zone. This security zone is established to prevent interference with the launching of the Nuclear Submarine USS MEMPHIS at the Newport News Shipbuilding and Drydock Company, Newport News, Virginia.

This amendment is issued without publication of a notice of proposed rule making; and this amendment is effective in less than 30 days from the date of publication because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.505 to read as follows:

§ 127.505 Hampton Roads — James River—Newport News, Virginia.

The waters within the following boundary is a security zone: A line beginning at a point on Newport News Shipbuilding Pier 2 at position 36°58'48" N 76°26'26" W to a position at 36°57'53" N 76°26'42" W thence to a position at 36°59'07" N, 76°27'57" W thence to a point on shore at position 36°59'35" N, 76°26'55" W thence to the point of beginning.

(40 Stat. 220, as amended, (§ 1, 63 Stat. 503), § 6(b), 80 Stat. 937; 50 U.S.C. § 191, (14 U.S.C. § 91), 49 U.S.C. § 1655(b); E. O. 10173, E. O. 10277, E. O. 10352, E. O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment is effective from 1100R to 1400R, 3 April 1976.

Dated: March 16, 1976.

M. H. EATON,
Captain, U.S. Coast Guard, Hampton Roads, Captain of the Port.

[FR Doc.76-8480 Filed 3-24-76;8:45 am]

[CGD 76-110]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Category of Single Outboard Motors Rated Greater Than 150 Horsepower

Correction

In FR Doc. 76-7760, appearing at page 11290, in the issue for Thursday, March 18, 1976, make the following change: on page 11290 in the third column, at the bottom, change the Note to read NOTE: Affected persons may voluntarily comply with this amendment prior to September 15, 1976.

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

PART 11—RESPIRATORY PROTECTIVE DEVICES; TESTS FOR PERMISSIBILITY; FEES

Gas Masks and Self-Contained Breathing Apparatus

Correction

In FR Doc. 76–7095, appearing at page 10892, in the issue for Monday, March 15, 1976, make the following change: in § 11.102–5, Table 5, page 10893, the entries under the column headed "gas or vapor" for Organic vapor should be CCl_4 and CCl_4 and the entries for the same column for Ammonia should read NH_3 and NH_3.

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 644–76]

PART 57—INVESTIGATION OF DISCRIMINATION IN THE SUPPLY OF PETROLEUM TO THE ARMED FORCES

Investigation of Discrimination in the Supply of Petroleum to the Armed Forces

On January 29, 1976, there was published in the FEDERAL REGISTER (41 FR 4292) a notice of proposed rulemaking concerning investigation of discrimination in the supply of petroleum to the Armed Forces. Interested parties were given the opportunity to submit, by March 1, 1976, comments regarding the proposal.

No suggestions for modification of the proposal were received. The order as proposed is hereby adopted without change and is set forth below.

Dated: March 16, 1976.

EDWARD H. LEVI,
Attorney General.

Sec.

57.1 Responsibility for the Conduct of Litigation.
57.2 Responsibility for the Conduct of Investigations.
57.3 Scope and Purpose of Investigation; Other Sources of Information.
57.4 Expiration Date.

§ 57.1 Responsibility for the Conduct of Litigation.

(a) In accord with 28 CFR 0.45(h), civil litigation under § 816 of the Department of Defense Appropriation Authorization Act, 1976, 10 U.S.C.A. 2304 note (hereafter the "Act"), shall be conducted under the supervision of the Assistant Attorney General in charge of the Civil Division.

(b) In accord with 28 CFR 0.55(a), prosecution, under section 816(f) of the Act, of criminal violations shall be conducted under the supervision of the Assistant Attorney General in charge of the Criminal Division.

§ 57.2 Responsibility for the Conduct of Investigations.

(a) When an instance of alleged "discrimination" in violation of section 816 (b)(1) of the Act is referred to the Department of Justice by the Department of Defense, the matter shall be assigned initially to the Civil Division.

(b)(1) If the information provided by the Department of Defense indicates that a non-criminal violation may have occurred and further investigation is warranted, such investigation shall be conducted under the supervision of the Assistant Attorney General in charge of the Civil Division.

(2) If the information provided by the Department of Defense indicates that a criminal violation under section 816(f) of the Act may have occurred, the Civil Division shall refer the matter to the Criminal Division. If it is determined that further investigation of a possible criminal violation is warranted, such investigation shall be conducted under the supervision of the Assistant Attorney General in charge of the Criminal Division.

(3) If a referral from the Department of Defense is such that both civil and criminal proceedings may be warranted, responsibility for any further investigation may be determined by the Deputy Attorney General.

§ 57.3 Scope and Purpose of Investigation; Other Sources of Information.

(a) The authority granted the Attorney General by section 816(d)(1) of the Act (e.g., authority to inspect books and records) shall not be utilized until an appropriate official has defined, in an appropriate internal memorandum, the scope and purpose of the particular investigation.

(b) There shall be no use, with respect to particular information, of the authority granted by section 816(d)(1) of the Act until an appropriate official has determined that the information in question is not available to the Department of Justice from any other Federal agency or other responsible agency (e.g., a State agency).

(c) For purposes of this section, "appropriate official" means the Assistant Attorney General in charge of the division conducting the investigation, or his delegate.

§ 57.4 Expiration Date.

This Part shall remain in effect until expiration, pursuant to section 816(h) of the Act, of the Attorney General's authority under section 816 of the Act.

[FR Doc.76–8381 Filed 3–24–76;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2612—TRADES OR BUSINESSES UNDER COMMON CONTROL

Temporary Regulations

The following temporary regulations set forth a new Part 2612 relating to section 4001(b) of the Employee Retirement Income Security Act of 1974 (the "Act").

Section 4001(b) of the Act provides that for purposes of Title IV of the Act, "all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer and all such trades and businesses as a single employer." Section 4001(b) of the Act provides that the regulations issued under the preceding sentence shall be consistent and coextensive with regulations prescribed for similar purposes by the Secretary of the Treasury under § 414(c) of the Internal Revenue Code of 1954 (the "Code"), added by § 1015 of the Act (88 Stat. 925).

Section 414(c) of the Code states that "[f]or purposes of sections 401, 410, 411 and 415 [of the Code], under regulations prescribed by the Secretary or his delegate, all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer." On November 5, 1975 temporary income tax regulations 11.414(c)–1—11.414(c)–5 pertaining to § 414(c) of the Code relating to employees of organizations under common control were published in the FEDERAL REGISTER (40 FR 51435). Those regulations define the term "two or more trades or businesses under common control."

Pursuant to § 4001(b) of the Act, § 2612.2 defines the term "trades or businesses (whether or not incorporated) which are under common control" as having the same meaning as that term has in the regulations issued under § 414(c) of the Code.

Section 2612.3 provides that for purposes of Title IV of the Act, all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer, and that all such trades and businesses shall be treated as a single employer.

Because of the need for immediate guidance with respect to determining the trades or businesses that shall be treated as a single employer for purposes of Title IV of the Act, and because processing of some plans which have terminated cannot proceed further until such guidance is provided, the Pension Benefit Guaranty Corporation finds that it is impracticable to issue these regulations with notice and public procedure thereon and that good cause exists for making these regulations effective immediately.

However, interested persons are invited to submit written comments, suggestions, data, or arguments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street NW., Washington, D.C. 20006. Each person submitting comments should include his or her name and address, identify this regulation, and give reasons for any recommendations. Comments should be submitted not later than April 30, 1976. Copies of written comments will be available for examination by interested persons in the Office of Communications, Pension Benefit Guaranty Corporation, Suite 7100, 2020 K Street NW., Washington, D.C. 20006 between the hours of 9:00

a.m. and 4:00 p.m. Material submitted will be evaluated and acted upon in the same manner as if this document were a proposal.

In consideration of the foregoing, Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended by adding a new Part 2612 (which shall remain in effect until superseded) to read as follows:

Sec.
2612.1 Purpose and scope.
2612.2 Definitions.
2612.3 Trades or businesses under common control.

AUTHORITY: Secs. 4001(b), 4002(b)(3); Pub. L. 93-406, 88 Stat. 1003, 1004 (29 U.S.C. 1301(b), 1302(b)(3)).

§ 2612.1 Purpose and scope.

(a) Section 40001(b) of the Employee Retirement Income Security Act of 1974 (88 Stat. 1003) provides in part, "[f]or purposes of this title, under regulations prescribed by the corporation, all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer and all such trades and businesses as a single employer." The purpose of this part is to prescribe regulations to determine the trades or businesses that shall be treated as a single employer for purposes of Title IV of the Act.

(b) This part applies with respect to all plans to which § 4021 of the Act (88 Stat. 1014) applies and which terminate:

(1) After June 30, 1974 and before September 2, 1974 and which have complied with the requirements of § 4082(b) of the Act (88 Stat. 1034); or,

(2) After September 1, 1974.

§ 2612.2 Definitions.

For purposes of this part:

"Act" means the Employee Retirement Income Security Act of 1974 (88 Stat. 829 *et seq.*).

"Trades or businesses (whether or not incorporated) which are under common control" has the same meaning as in § 414(c) of the Internal Revenue Code of 1954, added by § 1015 of the Act (88 Stat. 925), and the regulations issued thereunder.

§ 2612.3 Trades or businesses under common control.

For purposes of Title IV of the Act, all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer, and all such trades and businesses shall be treated as a single employer.

Effective date. This part becomes effective March 24, 1976.

Issued in Washington, D.C. on this 23rd day of March 1976.

KENNETH L. HOUCK,
Executive Director, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving the publication of these regulations and authorizing its Executive Director to issue them.

HENRY ROSE,
Secretary.

[FR Doc.76-8769 Filed 3-24-76;11:14 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 294; Re: Notice No. 290]

DOMESTIC AND IMPORTED WINES

"Appellation of Origin", "Viticultural Area", and "Estate Bottled"; Correction

In FR Doc. 76-5450 appearing at pages 8188-8189 in the FEDERAL REGISTER of February 25, 1976, the hearings announced for the Customs House in San Francisco on April 13-14 have been moved to the Hyatt-Regency Hotel, 5 Embarcadero Center, San Francisco, California 94111, San Francisco Room "A". Both sessions will begin at 10:00 A.M. local time.

Signed: March 19, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-8406 Filed 3-24-76;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIF.

Designation of Snowmobile Routes; Withdrawal of Notice of Proposed Rulemaking

The purpose of this Notice is to withdraw the Notice published at 39 FR 35670 in which the National Park Service solicited comments on a proposed amendment to § 7.8 of Title 36 of the Code of Federal Regulations which would have designated certain routes for snowmobile use in Sequoia and Kings Canyon National Parks.

Over 100 groups and individuals commented in response to distribution of environmental assessments regarding the Proposal; a great majority (84%) of the letters expressed opposition to the proposed snowmobile routes. The principal objections focused on adverse impact that snowmobiles would have on the natural, aesthetic and scenic values of the Parks' winter environment.

With regard to the proposed route in Kings Canyon National Park, consideration was also given to the proximity of several alternate routes on lands in Sequoia National Forest adjacent to Grant Grove.

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER (39 FR 35670) on October 3, 1974 and entitled "Sequoia and Kings Canyon National Parks, Proposed Designation of Sowmobile Routes," is hereby withdrawn.

Dated: January 23, 1976.

STANLEY T. ALBRIGHT,
Superintendent, Sequoia and Kings Canyon National Parks.

[FR Doc.76-8425 Filed 3-24-76;8:45 am]

[36 CFR Part 7]

BLUE RIDGE PARKWAY—NORTH CAROLINA AND VIRGINIA

Revision of Fishing Regulations for North Carolina

Notice is hereby given that pursuant to the authority contained in Section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), the Act of June 30, 1936 (49 Stat. 2041; 16 U.S.C. 460a-2 as amended), 245 DM.1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478), as amended; Regional Director, Southeast Region Order No. 5 (37 FR 7721) § 7.34 is amended.

The purpose of the amendment is to establish an annual fishing season on certain streams and lakes within the boundaries of the Blue Ridge Parkway in North Carolina which would be adversely affected by the revised fishing season as established by the State of North Carolina, and to exclude Bee Tree Creek from fishing due to research activities. These actions are supported by fishery research and management studies conducted by Fishery Biologists, Fish and Wildlife Service. This proposed amendment will provide continued proper use of the fishing resources along the Parkway.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit comments on these regulations on or before April 26, 1976. Such comments will be received and considered for the purpose of determining the desirability or need for making further amendments to these regulations. Comments should be addressed to the Superintendent, Blue Ridge Parkway, P.O. Box 7606, Asheville, North Carolina 28807.

Section 7.34 (b) (3) (i) and (b) (3) (i) (e) are proposed to be revised as set forth below.

§ 7.34 Blue Ridge Parkway.

(b) * * *

(3) * * *

(i) North Carolina. Basin Creek and its tributaries in Doughton Park, Trout Lake in Moses H. Cone Memorial Park, Ash Bear Pen Pond, Boone Fork River and its tributaries above the Park boundary (except Bee Tree Creek which is closed for research purposes), Cold Prong Branch, Laurel Creek, Price Lake, Sims Creek, and Sims Pond in Julian Price Memorial Park.

* * * * *

(e) On all of the above designated waters in North Carolina the fishing season shall begin on the first Saturday in April and extend through October 15.

* * * * *

JOE BROWN,
Superintendent, Blue Ridge Parkway.

[FR Doc.76-8455 Filed 3-24-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 17]

SALES OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Eligibility and Approval of Suppliers and Agents; Extension of Time for Submission of Comments

On March 8, 1976, a notice was published in the FEDERAL REGISTER (41 F.R. 9892) that the United States Department of Agriculture was considering an amendment of the regulations (7 C.F.R. Part 17) governing the financing of the sale and exportation of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1711), to provide requirements for the approval by the USDA of suppliers and agents who are involved in the procurement, supplying and shipping of commodities made available under Title I, P.L. 480. It was stated that comments with respect thereto which were received on or before March 22, 1976, would be considered.

Interested parties have requested additional time for the submission of comments. The time for submission of comments is hereby extended to April 7, 1976.

W. GLENN TUSSEY,
Acting General Sales Manager, Office of the General Sales Manager.

MARCH 19, 1976.

[FR Doc.76-8362 Filed 3-24-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NW-25-AD; 76-NW-2-AD]

BOEING MODEL 727 SERIES AIRPLANES

Notice of Proposed Rule Making

Proposals to amend Part 39 of the Federal Aviation Regulations to include airworthiness directives requiring inspections and repair, as necessary, of the lower fuselage body skin at BBL O doubler locations between Body Stations 360 to 740 for corrosion and/or cracks on Boeing Model 727 series airpanes were published in 40 FR 22554 and 40 FR 44841.

The first proposal, NPRM 75-NW-15-AD, consisted of a low frequency eddy current inspection or an external/internal inspection of the BBL O area. Subsequent to issuance of the proposal, the FAA became aware of the cracking/corrosion problems at stringers 27 and 28. Also, comments received in response to the proposals led to further consideration of the inspection methods. Therefore, NPRM 75-NW-15-AD was withdrawn and the second proposal was issued under NPRM 75-NW-25-AD proposing frequent external visual inspections of the BBL O area from Body Station 360 to 740 and Stringers 27 and 28 from the forward end of the body fairing to Body Station 740.

Upon review of the comments received regarding NPRM 75-NW-25-AD, and upon further study, including visits to several operators' maintenance facilities, the FAA has determined that the proposed action is not entirely appropriate or adequate. While an external visual inspection will detect cracking, it may not detect corrosion which causes the cracking. Thus, significant corrosion of the area may be present without detection. Therefore, the FAA now believes that an external/internal visual inspection conducted every two (2) years is necessary to assure adequate corrosion control. The frequency of such an inspection may be increased to three (3) years if accompanied by an external inspection at both the two (2) year and two and one-half (2½) year points. The proposal also incorporates clarification of applicability of airplanes to specific areas due to changes during original production. Also, the FAA is aware that effects of corrosion can be dependent on several factors, such as maintenance schedules and operating environment. Therefore, a paragraph allowing adjustment of inspection intervals, when adequate substantiation is submitted, is included in the proposal. The proposal also permits repairs or modification in accordance with applicable Boeing service bulletins as terminating action.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before May 1, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date, for comments in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 31.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 727 series airplanes, categorized as Group I and II in Boeing Service Bulletin No. 727-53-128, Revision 2, or later FAA approved revisions, and certificated in all categories.

Compliance required as indicated.

To detect corrosion and/or cracking in the lower body skin (*1*) along BBL O from Body Stations 360 to 740 and along Stringers 28L and 28R from the forward end of the body fairing to Body Station 740 on Group I airplanes and (*2*) along Stringers 27L and 27R from the forward end of the body fairing to Body Station 740 on Group I and II airplanes, accomplish the following, as appropriate:

A. Within the next six (6) months from the effective date of this AD, unless accomplished within the last eighteen (18) months, and thereafter at intervals not to exceed twenty-four (24) months, inspect in accordance with the external/internal visual inspection procedures of Figures 1 and 3 of Boeing Service Bulletin No. 727-53-128, Revision 2, or later FAA approved revisions, or equivalent procedures approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region; or,

B. 1. Within eighteen (18) months from the effective date of this AD, unless accomplished within the last eighteen (18) months, and thereafter at intervals not to exceed thirty-six (36) months, inspect in accordance with the external/internal visual inspection procedures of Figures 1 and 3 of Boeing Service Bulletin No. 727-53-128, Revision 2, or later FAA approved revisions, or equivalent procedures approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region; and,

2. Within the next six (6) months after the effective date of this AD, unless accomplished within the last six (6) months, and thereafter at intervals not to exceed six (6) months until an external/internal inspection is performed pursuant to paragraph B.1 above, in accordance with the external visual inspection procedures of Figure 1 of Boeing Service Bulletin No. 727-53-128, Revision 2, or later FAA approved revisions, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region; and,

3. Within twenty-four (24) months after each external/internal inspection conducted per paragraph B.1 above, and thereafter at intervals not to exceed six (6) months until the next external/internal inspection per paragraph B.1 is performed, inspect in accordance with the external visual inspection procedures of Figure 1 of Boeing Service Bulletin No. 727-53-128, Revision 2, or later FAA approved revisions, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. If the inspections conducted per paragraphs A or B reveal corrosion and/or cracking, repair in accordance with Boeing Service Bulletin No. 727-53-128, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. Areas repaired in accordance with paragraph C, the Boeing 727 Structural Repair Manual, or Boeing Service Bulletin No. 727-53-73, or later FAA approved revisions, need not comply with the inspection requirements of this AD, provided faying surface sealant was applied to the faying surfaces. Areas in which corrosion and/or cracking is not found, must be reinspected per paragraph A or B until terminating action per paragraph E is accomplished.

E. Modifications in accordance with Boeing Service Bulletin No. 727-53-128, or later FAA approved revisions, or an installation approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action for the areas specified in the service bulletin.

F. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals in this AD, if the request contains substantiating data to justify the increase for that operator.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 USC 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Seattle, Washington, March 16, 1976.

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

[FR Doc.76-8267 Filed 3-24-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRI 510-1; PP 6E1710/P17]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide Chemical Benomyl

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, N.J. 08903, has submitted a pesticide petition (PP 6E1710) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Connecticut, North Carolina, and New York. This petition requested that the Administrator, pursuant to section 408 (e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) - 2 - benzimidazolecarbamate)

and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity pumpkins at 1 part per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerance of 1 ppm established by amending 40 CFR 180.294 will protect the public health. Existing tolerances are adequate to cover residues which may result in eggs, milk, meat, and poultry as delineated in 40 CFR 180.6(a)(2). It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, within 30 days after publication of this notice, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Room 401, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before April 26, 1976, and should bear a notation indicating both the subject and the petition/document control number "PP6E1710/P17". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 19, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(e)).)

It is proposed that Part 180, Subpart C, § 180.294, be amended by revising the paragraph "1 part permillion in or on almond hull * * *" to include the raw agricultural commodity pumpkins, to read as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

1 part per million in or on almond hulls, avocados, cucumbers, melons, pumpkins, summer squash, and winter squash.

* * * * *

[FR Doc.76-8549 Filed 3-24-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 141, 201, 204, 260]

[Docket No. R-424 and R-446]

LONGTERM DEBT, INTERPERIOD ALLOCATION OF INCOME TAXES, AND DEFERRED INCOME TAXES

Order Granting Petition for Rehearing of Order No. 530-A

MARCH 18, 1976.

Accounting for Premium, Discount and Expense of Issue, Gains and Losses on Refunding and Reacquisition of Long-Term Debt, and Interperiod Allocation of Income Taxes.

Amendments to the Uniform Systems of Accounts for Classes A, B and C Public Utilities and Licensees and Natural Gas Companies; Deferred Income Taxes.

On February 17, 1976, a group of public utilities and licensees [1] filed a petition for rehearing of Order No. 530-A.[2]

Order No. 530-A was a final order denying rehearing, and ordinarily a person believing that he was aggrieved by that order would seek judicial review of the Commission's order by filing a petition for review pursuant to section 313 (b) of the Federal Power Act [3] and/or section 19(b) of the Natural Gas Act [4] rather than seeking rehearing of the order on rehearing.[5] However, the petition is before the Commission, and we find that it should be accorded the status of a motion for reconsideration.

Further we shall grant the motion for reconsideration solely for purposes of further consideration since the "time constraints [imposed by the Commission's governing statutes] do not allow sufficient time for a considered decision of the Commission upon" [6] the motion for reconsideration of Order No. 530-A. By this action, we do not grant or deny the petition for rehearing on its merits in whole or in part.[7]

The Commission also finds that it is in the public interest that parties to this proceeding be permitted to file responses to the Utility Group's motion for reconsideration of Order No. 530-A pursuant to § 1.34(d) of the Commission's rules of practice and procedure.[8]

The Commission orders. (A) The "Petition . . . For Rehearing Of Order No. 530-A" filed by the persons listed in Appendix A hereto is hereby accorded the status of a motion for reconsideration of Order No. 530-A, and such motion for reconsideration is granted solely for purposes of further consideration.

(B) Any party to these proceedings desiring to do so may file a response to the motion for reconsideration of Order No. 530-A pursuant to § 1.34(d) of the rules of practice and procedure (18 CFR § 1.34 (d) (1975)), within 20 days of the date of issuance of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

THE UTILITY GROUP

Alabama Power Company
Baltimore Gas and Electric Company
Boston Edison Company
Central Illinois Light Company
Commonwealth Edison Company
Iowa Power & Light Company
Jersey Central Power & Light Company
Long Island Lighting Company
Metropolitan Edison Company
Montana Power Company
New England Power Company
Pacific Power & Light Company
Pennsylvania Electric Company
Public Service Company of Indiana
Public Service Company of New Hampshire
Virginia Electric and Power Company

PERSONS FILING JOINDER IN THE UTILITY GROUP PETITION

Northern States Power Company
Florida Power Corporation
Minnesota Power and Light Company

[FR Doc.76-8511 Filed 3-24-76;8:45 am]

[1] The members of this group are listed in Appendix A along with those persons joining the petition. Collectively these persons will be referred to as "the Utility Group" or "Petitioners".

[2] —— F.P.C. —— (January 19, 1976).

[3] 49 Stat. 860-861 (1935); 16 U.S.C. 825 l (b) (1970).

[4] 52 Stat. 831 (1938); 15 U.S.C. § 717r(b) (1970).

[5] Neither the Federal Power Act nor the Natural Gas Act provides "for a second application for rehearing where we have not changed our determination." *United Gas Pipe Line Company*, 32 F.P.C. 1163 (1964). *See also Natural Gas Pipeline Company of America*, 34 F.P.C. 437 (1965).

We note the Petitioners "submit that the impact and consequences of Order No. 530 have been so radically changed by Order No. 530-A that we should address this petition to the Commission to point out the errors of analysis, fact and law which led it to conclusions which are contrary to the public interest." Petition at 1-2. We assume that this statement represents an argument that there has been a second determination within the holding of *United, supra*, 32 F.P.C. 1163.

[6] *Just And Reasonable National Rates For Sales Of Natural Gas*, 52 F.P.C. 265, 266 (1974).

[7] *Id.; Area Rate Proceeding, et al. (Southern Louisiana Area)*, 40 F.P.C. 1091 (1968).

[8] 18 C.F.R. § 1.34(d) (1975).

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 241]

[Release No. 34-12148]

UNIFORM NET CAPITAL RULE

Notice of Proposed Amendments and Interpretations

The Securities and Exchange Commission today announced proposed amendments and interpretations to Rule 15c3-1 [17 CFR 240.15c3-1], the uniform net capital rule, pertaining to the treatment of transactions in guaranteed options market maker accounts for purposes of

computing net capital. The proposed amendments are designed primarily to enable net capital computations to reflect more directly the risks incurred by brokers and dealers who guarantee, endorse or clear transactions in listed options for specialists who act as market makers in such options.

DISCUSSION

Section 15(c)(3) of the Securities Exchange Act of 1934 directs the Commission, *inter alia,* to establish minimum financial responsibility requirements for all brokers and dealers. On June 26, 1975, the Commission adopted[1] amendments to Rule 15c3–1 [17 CFR 240.15c3–1] constituting a uniform net capital rule applicable to substantially all brokers and dealers, thus fulfilling this congressional directive.

For purposes of determining compliance with the minimum net capital requirements of Rule 15c3–1(a) [17 CFR 240.15c3–1(a)], Rule 15c3–1(c)(2) [17 CFR 240.15c3–1(c)(2)] defines "net capital" as net worth adjusted by the additions to and deductions from net worth enumerated in this paragraph of the rule. A broker and dealer who guarantees, endorses or carries the account of a listed options specialist is required by Rule 15c3–1(c)(2)(x) [17 CFR 240.15c3–1(c)(2)(x)] to deduct from its net worth, for each class of listed options in which such specialist is a market maker, 130 percent of the market value of short options positions in the account. However, in the case of a market maker account reflecting both long and short positions in options for the same underlying security, Rule 15c3–1(c)(2)(x) [17 CFR 240.15c3–1(c)(2)(x)] requires the deduction from net worth of the greater of (a) 30 percent of the market value of the long positions, or (b) 130 percent of the market value of the short positions less 70 percent of the market value of the long positions, in either case less any equity in the account[2] "Equity" is defined in Rule 15c3–1(c)(13) [17 CFR 240.15c3–1(c)(13)] as the sum of the market value[3] of all long positions and the credit balance (if any) in the account, minus the sum of the market value of all short positions and the debit balance (if any) in the account.

Unlike other deductions from net worth enumerated in Rule 15c3–1(c)(2) [17 CFR 240.15c3–1(c)(2)], Rule 15c3–1(c)(2)(x) & (c)(13) [17 CFR 240.15c3–1(c)(2)(x) & (c)(13)] constitute a self-contained test of liquity in a specialist's market maker account in the sense that the broker or dealer guaranteeing, endorsing or carrying such account sustains a charge to capital to the extent that the required adjustments exceed the equity in the account. Theoretically, this provides a direct incentive to the carrying broker or dealer to require the maintenance of an appropriate capital cushion in the account. However, it has come to the Commission's attention that the practical ramifications of situations wherein one broker or dealer carries, guarantees[4] and clears on a combined basis[5] the market maker accounts of numerous options specialists tend to dilute the protections afforded by Rule 15c3–1(c)(2)(x) & (c)(13) [17 CFR 240.15c3–1(c)(2)(x) & (c)(13)]. Specifically, if the combined account principle is interpreted to permit such a clearing broker or dealer to "cross-net" equity in some market makers' accounts against liquidating deficits existing in other market makers' accounts for purposes of Rule 15c3–1(c)(2)(x) & (c)(13) [17 CFR 240.15c3–1(c)(2)(x) & (c)(13)], the efficacy of these provisions is diminished in two significant respects. First, the deductions from net worth resulting from such cross-netting do not fully reflect the credit and market risks attending the clearing broker's or dealer's guarantee of the numerous options specialists who constitute the combined market makers' account, and therefore do not require the maintenance of an adequate capital cushion against such risks.

Second, individual options specialists may be left free to incur potentially hazardous liquidating deficits in their market maker accounts, so long as their clearing broker or dealer is able to cross-net such deficits against equity maintained by other members of the combined account. Particularly in the context of a rising, active market, this may produce consequences which do not comport with the public interest or the protection of investors. In these circumstances, the Commission has determined that it is appropriate to propose certain amendments to Rule 15c3–1 [17 CFR 240.15c3–1] designed to eliminate these potential dangers to the public.

These proposed amendments contemplate modifications to Rule 15c3–1(c)(2)(x) [17 CFR 240.15c3–1(c)(2)(x)] stemming from three distinct considerations. First, the Commission believes that the capital sufficiency standard established by Rule 15c3–1(c)(2)(x) [17 CFR 240.15c3–1(c)(2)(x)] will more appropriately reflect the credit and market risks borne by brokers and dealers carrying, guaranteeing and clearing combined accounts if deficit and equity conditions existing in the constituent individual market maker accounts are not cross-netted at the clearing firm level. Therefore, proposed Rule 15c3–1(c)(2)(x) would make it clear that cross-netting is not to be employed for purposes of this provision. Second, given the existence of a prohibition against cross-netting, the Commission has determined that the percentage adjustments to net worth presently required by Rule 15c3–1(c)(2)(x) [17 CFR 240.15c3–1(c)(2)(x)] may be unduly burdensome as applied to bonda fide spread or hedged positions.

Accordingly, proposed Rule 15c3–1(c)(2)(x) (A), (B) & (E) treats positions meeting the definitions of bona fide hedged or spread positions set forth in proposed Rule 15c3–1(c)(2)(x) (C) & (D) in a manner more precisely reflecting the market risks inherent in such positions.[6] Finally, the Commission has determined that it may be appropriate in the public interest and for the protection of investors to apply to the combined account the principles of day-to-day control and early warning embodied in the present Rule 15c3–1(a)(6) [17 CFR 240.15c3–1(a)(6)],[7] which provides an optional financial responsibility standard for certain dealers engaging in market maker or specialist transactions. Thus, if the equity in an options specialist's market maker account at any time were less than the required adjustments to net worth in respect of such account, proposed Rule 15c3–1(c)(2)(x) (F) would require the deposit of additional equity by noon of the business day following the call for additional equity required by this provision. If this requirement were not met, the clearing firm would be required to transmit telegraphic notice of such failure to the Commission's Washington, D.C. office, the appropriate Commission regional office, and the designated examining authorities of the options specialist and the clearing firm. Furthermore, if the specialist's market maker account at any time liquidated to a deficit, then proposed Rule 15c3–1(c)(2)(x) (G) would require the prompt liquidation of existing positions in that account. The Commission believes that these early warning and control procedures will provide appropriate protection against the credit and market risks borne by brokers and dealers guaranteeing, endorsing or carrying the market maker accounts of options specialists.

PROPOSED AMENDMENTS TO RULE 15c3–1

Pursuant to Sections 15(c)(3) and 23(a) of the Securites Exchange Act of 1934, the Commission proposes to amend § 240.15c3–1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below.

TEXT OF PROPOSED AMENDMENTS TO RULE 15c3–1(c)(2)(x)

§ 240.15c–1 Net capital requirements for brokers and dealers.

* * * * *

(c) * * *

(2) * * *

(x) Brokers or dealers carrying accounts of options specialists. (A) With respect to any transactions in options

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[1] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1976).

[2] *See also* Options Clearing Corp. R. 307.

[3] Proposed amendments to Rule 15c3–1(c)(13) [17 CFR 240.15c3–1(c)(13)] would clarify that for purposes of the computation of equity, "market value" is adjusted as required by paragraphs (c)(2)(vi), (c)(2)(x) or Appendix A of Rule 15c3–1 [17 CFR 240.15c3–1]. *See* Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976).

[4] *See* Chicago Bd. Options Exch. R. 8.5 (market makers may not engage in floor transactions without a Letter of Guarantee from a clearing member of Options Clearing Corp.).

[5] *See* Options Clearing Corp. By-Laws art. VI, § 3(c) (terms of combined account agreement).

[6] *See also* text accompanying note 10 *infra.*

[7] Rule 15c3–1(a)(6) was adopted in Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5277 (Feb. 5, 1976).

listed on a registered national securities exchange or a facility of a registered national securities association for which a broker or dealer acts as a guarantor, endorser or carrying broker or dealer for options purchased or written by a specialist not otherwise subject to the provisions of this section, such broker or dealer shall adjust its net worth by deducting, for each class of option contracts in which each such specialist is a market maker, an amount equal to 130 percent of the market value of each option contract in a short position. Provided, however, in the case of long or short positions in option contracts for the same underlying security which do not constitute a bona fide hedged or spread position as defined in this paragraph (c)(2)(x) of this section, the deduction shall be the greater of (1) 30 percent of the market value of the long positions or (2) 130 percent of the market value of the short positions less 70 percent of the market value of the long positions. Provided further, in the case of a bona fide hedged position as defined in this paragraph (c)(2)(x) of this section involving a long position in a security other than an option and a short position in a call option, the deduction shall be 30 percent of the market value of the long position reduced by any excess of the market value of the long position over the exercise value of the short option position. Provided further, in the case of a bona fide hedged position as defined in this paragraph (c)(2)(x) of this section involving a short position in a security other than an option and a long position in a call option, the deduction shall be 30 percent of the market value of the short position not to exceed the amount by which the exercise value of the long option position exceeds the market value of the short position; however, if the exercise value of the long option position does not exceed the market value of the short position, no deduction shall be applied. Provided further, in the case of a bona fide spread position as defined in this paragraph (c)(2)(x) of this section, the deduction shall be 30 percent of the difference between the market value of the long and short positions determined in accordance with this paragraph (c)(2)(x) of this section. The deduction computed for each specialist's positions pursuant to this paragraph (c)(2)(x)(A) of this section shall be reduced by any equity as defined in this paragraph (c)(2)(x) of this section that is deposited in such specialist's market maker account with the broker or dealer, and shall be increased to the extent of any deficit condition in such account. Provided further, that in no event shall this provision result in increasing the net capital of any such guarantor, endorser, or carrying broker or dealer.

(B) For purposes of this paragraph (c)(2)(x) of this section, equity in each such specialist's market maker account shall be computed by (1) marking all securities positions long or short in the account to their respective current market values, (2) if such positions are not part of a bona fide hedged or spread position as defined in this paragraph (c)(2)(x) of this section or if such securities are listed options not assigned to such specialist or if such securities are listed options not traded on the national securities exchange where such specialist is a market maker, adjusting the current market value of securities positions long or short in the account by applying the adjustments set forth in paragraph (c)(2)(vi) or Appendix A to this section, (3) adding (deducting in the case of a debit balance) the credit balance carried in each such specialist's market maker account, and (4) adding (deducting in the case of a short position) the market value of positions long in such account as adjusted by (2) above.

(C) For purposes of this paragraph (c)(2)(x) of this section, a bona fide hedged position shall mean a long or short position in a security other than an option, including a currently exchangeable or convertible security the conversion or exchange of which does not require the payment of money, which is offset by a call option position for the same number of shares of the same underlying security.

(D) For purposes of this paragraph (c)(2)(x) of this section, a bona fide spread position shall mean a long and short position in call option contracts for the same number of shares of the same underlying security, where the long option expires no sooner than the short option.

(E) In the case of a bona fide spread position as defined in this paragraph (c)(2)(x) involving long options of different expiration dates or short options of different expiration dates, the deduction required by this paragraph (c)(2)(x) of this section shall be applied after matching the long options taken in order of decreasing time to expiration against the short options taken in order of decreasing time to expiration. For purposes of the preceding sentence, in the case of long or short options of equal time to expiration, the option possessing the lowest exercise value shall be matched first.

(F) If at any time the deductions required in respect of any such specialist's market maker account pursuant to paragraph (A) of this paragraph (c)(2)(x) of this section exceed the equity in the account computed pursuant to paragraph (B) of this paragraph (c)(2)(x) of this section, then the broker or dealer guaranteeing, endorsing, or carrying options transactions in such account:

(1) Shall not extend further credit in the account, and

(2) Shall issue a call for additional equity which shall be met by noon of the following business day, and

(3) Shall notify by telegraph the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer maintains its principal place of business, and the Designated Examining Authorities of the specialist and the broker or dealer if the specialist fails to deposit any required equity within the time prescribed in (ii) above; said telegraphic notice shall be received by the Commission's Washington, D.C. office, the Commission's regional office, and the Designated Examining Authorities not later than the close of business on the day said call is not met.

(G) If at any time a deficit condition exists in any such specialist's market maker account, then the broker or dealer guaranteeing, endorsing or carrying options transactions in such account shall take steps to liquidate promptly existing positions in the account.

(H) Upon written application to the Commission by the specialist and the broker or dealer guaranteeing, endorsing, or carrying options transactions in such specialist's market maker account, the Commission may approve upon specified terms and conditions lesser adjustments to net worth than those specified in paragraph (A) of this paragraph (c)(2)(x).

PROPOSAL TO DELETE RULE 15c3-1(c)(13)

Insofar as proposed Rule 15c3-1(c)(2)(x) contains its own definition of "equity" in paragraph (B) thereof, the present Rule 15c3-1(c)(13) [17 CFR 240.15c3-1(c)(13)] definition of that term would be superfluous in the event of the adoption of proposed Rule 15c3-1(c)(2)(x). Accordingly, the Commission proposes to delete Rule 15c3-1(c)(13) [17 CFR 240.15c3-1(c)(13)].[8]

PROPOSAL TO AMEND RULE 15c3-1(a)(6)

Rule 15c3-1(a)(6) [17 CFR 240.15c3-1(a)(6)][9] establishes an optional financial responsibility standard available to certain dealers who combine specialist activities exempted from Rule 15c3-1 [17 CFR 240.15c3-1] with other nonexempted floor activities. Rule 15c3-1(a)(6) [17 CFR 240.15c3-1(a)(6)] is predicated on the maintenance of a specified level of equity in the dealer's market maker or specialist account carried with another broker or dealer, including, in the case of long and short positions in options, the same percentage levels as are required by the present Rule 15c3-1(c)(2)(x) [17 CFR 240.15c3-1(c)(2)(x)]. The Commission has determined that it is appropriate to continue such equality of treatment for these options positions. Accordingly, the Commission proposes amendments to Rule 15c3-1(a)(6) [17 CFR 240.15c3-1(a)(6)] with respect to bona fide spread and hedged positions conforming to the proposed amendments to Rule 15c3-1(c)(2)(x) [17 CFR 240.15c3-1(c)(2)(x)] described above.[10]

The text of the proposed amendments to Rule 15c3-1(a)(6) [17 CFR 240.15c3-1(a)(6)] is as follows:

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[8] This proposal would also entail abandonment of the previously proposed amendments to Rule 15c3-1(c)(13) [17 CFR 240.15c3-1(c)(13)]. *See* note 3 *supra*.

[9] *See* note 7 *supra* and accompanying text.

[10] *See* text accompanying note 6 *supra*.

§ 240.15c3–1 Net Capital Requirements for Brokers and Dealers.

(a) * * *
(6) (i) * * *
(iii) * * *

(D) An amount equal to 130 percent of the market value of each option contract in a short position, provided however in the case of long and short positions in options contracts for the same underlying security which do not constitute a bona fide hedged or spread provision as defined in this paragraph (a) (6) the required amount shall equal the greater of (1) 30 percent of the market value of such long positions or (2) 130 percent of the market value of the short positions less 70 percent of the market value of the long positions, provided further, in the case of a bona fide hedged position as defined in this paragraph (a) (6) of this section involving a long position in a security other than an option and a short position in a call option, the required amount shall be 30 percent of the market value of the long position reduced by any excess of the market value of the long position over the exercise value of the short option position, provided further, in the case of a bona fide hedged position as defined in this paragraph (a) (6) of this section involving a short position in a security other than an option and a long position in a call option, the required amount shall be 30 percent of the market value of the short position not to exceed the amount by which the exercise value of the long option position exceeds the market value of the short position; however, if the exercise value of the long option position does not exceed the market value of the short position, no amount shall be required, provided further, in the case of a bona fide spread position as defined in this paragraph (a) (6) of this section, the required amount shall be 30 percent of the difference between the market values of the long and short positions determined in accordance with this paragraph (a) (6) of this section, or

(E) Such lesser requirement as may be approved by the Commission under specified terms and conditions upon written application of the dealer and the carrying broker or dealer.

(F) (1) For purposes of this paragragh (a) (6) of this section equity in each such specialist or market maker account shall be computed by (i) marking all securities positions long or short in the account to their respective current market values, (ii) if such positions are not part of a bona fide hedged or spread position as defined in this paragraph (a) (6) of this section or if such securities are listed options not assigned to such specialist or market maker or if such securities are listed options not traded on the national securities exchange of which the specialist or market maker is a member, adjusting the current market value of securities positions long or short in the account by applying the adjustments set forth in paragraph (c) (2) (vi) or Appendix A to this section, (iii) adding (deducting in the case of a debit balance) the credit balance carried in each such specialist or market maker account, and (iv) adding (deducting in the case of a short position) the market value of positions long in such account as adjusted by (ii) above.

(2) For purposes of this paragraph (a) (6) of this section a bona fide hedged position shall mean a long or short position in a security other than an option, including a currently exchangeable or convertible security the exchange or conversion of which does not require the payment of money, which is offset by a call option position for the same number of shares of the same underlying security.

(3) For purposes of this paragraph (a) (6) of this section, a bona fide spread position shall mean a long and short position in call option contracts for the same number of shares of the same underlying security, where the long option expires no sooner than the short option.

(4) In the case of a bona fide spread position as defined in this paragraph (a) (6) of this section involving long options of different expiration dates or short options of different expiration dates, the amount of equity required by this paragraph (a) (6) of this section shall be determined after matching the long options taken in order of decreasing time to expiration against the short options taken in order of decreasing time to expiration. For purposes of the preceding sentence, in the case of long or short options of equal time to expiration, the option possessing the lowest exercise value shall be matched first.

PROPOSED INTERPRETATIONS RELATING TO PROPOSED RULE 15c3–1(c) (2) (x)

The Commission proposes to clarify, by interpretation of the definition of "aggregate indebtedness" set forth in Rule 15c3–1(c) (1) [17 CFR 240.15c3–1 (c) (1)], that equity in individual options specialists' market maker accounts is includable in the aggregate indebtedness of the broker or dealer guaranteeing, endorsing or carrying such accounts.

With respect to proposed Rule 15c3–1 (c) (2) (x) (H), the Commission proposes to clarify by interpretation that the broker or dealer guaranteeing, endorsing or carrying an options specialist's market maker account for which lesser adjustments to net worth have been approved shall deduct from his capital the difference between the equity in such account maintained pursuant to such lesser adjustments and the equity required therein pursuant to proposed Rule 15c3–1(c) (2) (x) (A). This would conform to the treatment of specialist or market maker accounts under Rule 15c3–1(a) (6) [17 CFR 240.15c3–1(a) (6)], if lesser equity requirements therefor were approved pursuant to Rule 15c3–1(a) (6) (iii) (E) [17 CFR 240.15c3–1(a) (6) (iii) (E)].

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

These proposed amendments and interpretations to Rule 15c3–1 [17 CFR 240.15c3–1] would be adopted pursuant to the Securities Exchange Act of 1934 and particularly sections 15(c) (3) and 23(a) thereof. The Commission finds that any burden imposed upon competition by the proposed amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under section 15 (c) (3) thereof to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

REQUEST FOR COMMENTS

All interested persons are invited to submit their views and comments concerning the amendments and interpretations to Rule 15c3–1 [17 CFR 240.15c3–1] proposed herein. In particular, the Commission solicits public comment addressed to the following questions:

1. On the basis of impact studies and other appropriate statistical compilations, do the adjustments to net worth set forth in proposed Rule 15c3–1(c) (2) (x) provide adequate safeguards against market risks assumed by those brokers and dealers subject to its provisions?

2. In particular, on the basis of such statistical input, does the proposed treatment of bona fide hedged and spread positions accurately reflect the market risks inherent in such positions?

3. Are there alternatives to proposed Rule 15c3–1(c) (2) (x) which will provide more appropriate standards of financial responsibility for those brokers and dealers subject to its provisions, with due regard for the public interest and the protection of investors?

All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than April 1, 1976.[11] Reference should be made to File No. S7–616. All comments received will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 26, 1976.

[FR Doc.76–8451 Filed 3–24–76;8:45 am]

[11] Since the publication date of this release, the Commission has extended this comment period until April 15, 1976. *See* Securities Exchange Act Release No. 12233 March 19, 1976).

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 THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceed one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Barnes, Richard C., Route 1, Box 8, San Simon, Arizona, convicted on December 2, 1969, in the United States District Court, Tuscon, Arizona.

Bates, Samuel B., Jr., Route 1, Tuscumbia, Alabama, convicted on March 16, 1972, in the United States District Court, Northern District of Alabama, Birmingham, Alabama.

Best, Jerome G., 40-09 12th Street, Long Island City, New York, convicted on October 27, 1969, in the Supreme Court, Queens County, New York.

Burgess, Doy Ras, 4021 Blackington, Flint, Michigan, convicted on February 10, 1956, in the District Court of Sedgwick County, Kansas; on October 9, 1961, in the Circuit Court of Kent County, Michigan; and on October 2, 1969, in the Circuit Court of Genesee County, Michigan.

Corbin, Earl Edward, Sr., 1904 Brandonview Avenue, Richmond, Virginia, convicted on September 21, 1964, in the United States District Court for the Eastern District of Virginia, Richmond, Virginia.

Craig, Michael T., 485 South James, Richland Center, Wisconsin, convicted on May 25, 1973, in the County Court, Richland County, Wisconsin.

Cygan, Dennis P., 122 South Hellertown Avenue, Quakertown, Pennsylvania, convicted on July 17, 1969, in the Bucks County Court, Court of Common Pleas, Doylestown, Pennsylvania.

Dalton, John C., Jr., 3874 North 30th Street, Phoenix, Arizona, convicted on April 29, 1971, in the United States District Court for the Northern District of Texas.

Dudley, Roy Franklin, Route 2, Box 47-A, Rustburg, Virginia, convicted on April 2, 1965, in the Circuit Court, Campbell County, Rustburg, Virginia.

Ewing, Albert M., 708 South Story, Irving, Texas, convicted on June 26, 1970, in the United States District Court, Northern District of Texas.

Fisher, Robert A., 2521 West 118th Street, Inglewood, California, convicted on March 22, 1972, in the California Superior Court, Los Angeles County.

Fleming, Charles, 219 Legion Street, Brooklyn, New York, convicted on March 12, 1935, in the Court of Special Sessions, Manhattan, New York.

Helper, Ronald Lee, Sr., 2723 Carlyle Street, Winston-Salem, North Carolina, convicted on June 19, 1969, in the Forsyth County Superior Court, Winston-Salem, North Carolina.

Jacobson, Harvey, 1656 Emeric Street, Simi Valley, California, convicted on September 25, 1957, in the California Superior Court, Los Angeles County, California.

Jenkins, Neal Kenneth, 2706 Cheswolde Road, Baltimore, Maryland, convicted on August 30, 1971, in the Circuit Court for Baltimore County, Baltimore, Maryland.

Kish, Ernest, RR3, Box 60 Rolling Acres, Brownsburg, Indiana, convicted on September 11, 1940, in the Marion County Criminal Court, Marion County, Indiana.

Lane, Robert Whitmal, 2941 Maryland Street, Paducah, Kentucky, convicted on or about October 4, 1954, in the McCracken County Circuit Court, Paducah, Kentucky.

Latham, Samuel H., 1731 Walker, Des Moines, Iowa, convicted on November 8, 1961, in the Polk County District Court, Des Moines, Iowa.

Longacre, Boyd F., 3015 Paxson Avenue, Missoula, Montana, convicted on March 14, 1940, in the Superior Court of California, County of Los Angeles, California; on July 14, 1941, in the Superior Court of Contra Costa County, California; on or about March 29, 1943, in the Lane County Circuit Court, Oregon; on or about August 22, 1944, in the Josephine County Circuit Court, Oregon; and on or about December 21, 1959, in the Eighth Judicial District Court, Clark County, Nevada.

McManamy, Charles H., 10421 Springhaven Drive, Dallas, Texas, convicted on December 12, 1958, in the District Court, Logan County, Oklahoma.

Nestell, Jack, 426 Cleveland Avenue, Cheboygan, Michigan, convicted on October 19, 1967, and on May 20, 1970, in the Circuit Court for the County of Cheboygan, Cheboygan, Michigan.

Padgett, Charles W., 106 Old Town Street, Galax, Virginia, convicted on November 9, 1971, in the Grayson County Circuit Court, Virginia.

Saarela, Gary Lee, Route 1, Sunset Trail, Annandale, Minnesota, convicted on November 16, 1973, in the Wright County District Court, Tenth Judicial District, Minnesota.

Sabatasse, James, RD 3, Cherry Valley, Burgettstown, Pennsylvania, convicted on September 11, 1972, in the United States District Court, Western District, Pennsylvania.

Shipp, Loid A., 6401 N.E. 137th Avenue, Vancouver, Washington, convicted on February 1, 1974, in the Clark County Superior Court, Clark County, Washington.

Smith, Robert Gale, 3440 S.E. 29th, Topeka, Kansas, convicted on November 15, 1971, in the Douglas County District Court, Lawrence, Kansas.

Watts, Thomas E., 708 East Jefferson, Powell, Wyoming, convicted on March 7, 1958, in the Fifth Judicial District Court, Park County, Wyoming.

Signed at Washington, D.C., this 18th day of March 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-8407 Filed 3-24-76;8:45 am]

DEPARTMENT OF THE TREASURY

[T.D. 76-92]

Customs Service

DULONG FRERES & FILS

Notice of Recordation of Trade Name

MARCH 22, 1976.

On February 5, 1976, there was published in the FEDERAL REGISTER (41 F.R. 5324) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name DULONG FRERES & FILS used by Dulong Freres & Fils. The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "DULONG FRERES & FILS" is hereby recorded as the trade name of Dulong Freres & Fils, a corporation organized under the laws of France, located at 29 Rue Jules-Guesde, Floriac pres Bordeaux, France, when applied to wine, manufactured in France.

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

[FR Doc.76-8525 Filed 3-24-76;8:45 am]

[T.D. 76-91]

FOREIGN CURRENCIES

Certification of Rates

MARCH 8, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-30 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenver it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:

Mar. 1, 1976	$0.001279
Mar. 2, 1976	.001267
Mar. 3, 1976	.001258
Mar. 4, 1976	.001255
Mar. 5, 1976	.001251

Spain peseta:	
Mar. 1, 1976	.015010
Mar. 2, 1976	.014980
Mar. 3, 1976	.014990
Mar. 4, 1976	.014995
Mar. 5, 1976	.014950

G. S. SHREVE,
Acting Director,
Duty Assessment Division.

[FR Doc.76-8524 Filed 3-24-76;8:45 am]

[Supplement, Dept. Circular, Public Debt Series—No. 8-76]

TREASURY NOTES OF SERIES K-1978

Redesignation

MARCH 19, 1976.

The Secretary of the Treasury announced on March 18, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 8-76, dated March 12, 1976, will be 6¾ percent per annum. Accordingly, the notes are hereby redesignated 6¾ percent Treasury Notes of Series K-1978. Interest on the notes will be payable at the rate of 6¾ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-8405 Filed 3-24-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES EPIDEMIOLOGICAL BOARD

Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board.

Date of Meeting: April 16, 1976.

Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.

Time: 0830-1700.

Proposed Agenda: Briefings on military medical operational planning and Army Medical Department mobilization planning; review of medical aspects of U.S. involvement in the Middle-East since WWII; reports from Preventive Medicine Officers; discussion of Board participation in the planning of health and environment objective and programs in the military services, and the organization of commissions.

2. That portion of the meeting to be held from 0830-1030 will involve discussion of information classified SECRET pursuant to Executive Order 11652 in the interest of National Defense, and will be closed to the public. It is necessary to provide the Board information on the threat to our Nation and on planning for National Defense in order that the Board can formulate recommendations on planning for Medical support of National Defense. This type of information is exempt from public disclosure under section 552(b)(1) of Title 5, U.S. Code. Accordingly, it has been determined necessary to close a portion of this meeting to the public pursuant to section 10(d), P.L. 92-463.

3. All subsequent portions of this meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

MARCH 16, 1976.

[FR Doc.76-8378 Filed 3-24-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COEUR D'ALENE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Pursuant to the requirements of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Coeur d'Alene District Multiple Use Advisory Board will hold ad hoc committee meetings begining at 7:00 p.m., May 4, 1976, at the Edgewater Lodge in Sandpoint, Idaho. These committees will discuss timber management, grazing, wildlife, occupancy trespass, and recreation. At 9:00 a.m., May 5, 1976, at the Edgewater Lodge in Sandpoint, Idaho, the entire Advisory Board will meet to hear presentations on law enforcement and the District's proposed 1977 program. The committees will also act upon resolutions promulgated by the ad hoc committees and visit the Sandpoint City watershed.

The meeting is open to the public. Interested persons will have an opportunity at the end of committee business to make oral presentations to the committee or file written statements. Such requests should be made to the official listed below at least three days prior to the meeting.

Further information concerning this meeting may be obtained from BLM District Manager Larry Woodard, 1808 North Third Street, Coeur d'Alene, Idaho 83814. His telephone number is 208-664-8231. Minutes of the meeting will be available for public inspection and copying two weeks after the meeting at the BLM District Office in Coeur d'Alene, Idaho and the BLM resource Area Headquarters in Cottonwood, Idaho.

LARRY L. WOODARD,
District Manager.

[FR Doc.76-8475 Filed 3-24-76;8:45 am]

Bureau of Land Management

ROCK SPRINGS DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

MARCH 18, 1976.

Notice is hereby given that the Rock Springs District Multiple Use Advisory Board will meet at 9:00 a.m., April 28, 1976, and at 8:30 a.m., April 29, 1976, at the Bureau of Land Management District Office, Rock Springs, Wyoming.

The agenda will include allotment management plan preparation and implementation, including range improvements, grazing system and range studies; the District wild horse management program; and animal damage control.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration the afternoon of April 28. Such statements should be limited to matters pertaining to national resource lands within the District. Any interested person wishing to make an oral statement must inform the Board Chairman, c/o Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901, prior to the beginning of the April 28 afternoon session. Time limits for oral presentations may be established by the Chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for be submitted to the District Manager, its consideration. Such statements may be submitted to the District Manager, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901.

Further information concerning the meeting may be obtained from Mr. Ronald Herdt, Public Affairs Officer, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901. His telephone is (307) 362-6613.

NEIL F. MORCK,
District Manager.

[FR Doc.76-8380 Filed 3-24-76;8:45 am]

[Colorado 19593-RW]

WESTERN SLOPE GAS CO.

Amendment to Pipeline Right-of-Way

MARCH 17, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for an amendment to right-of-way C-19593 to construct two 4½ inch o.d. natural gas gathering pipelines to connect to applicant's West Douglas Gathering System. The laterals cover approximately 8,062 linear feet of National Resource Land located in Sections 15 and 22, T. 2 S., R. 103 W., 6th P.M., Rio Blanco County, Colorado.

The facility will enable applicant to construct, operate and maintain the above referenced 4½ inch o.d. natural gas pipelines to connect three natural gas wells to applicant's West Douglas Gathering System. The primary purpose for construction of the proposed pipelines is to enable applicant to convey natural gas from said gas wells in the West Douglas Natural Gas Field to the Grand Junction, Colorado, market area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

MERRILL G. ANDERSON,
Acting Chief, Branch of Land Operations.

[FR Doc.76-8476 Filed 3-24-76;8:45 am]

[Colorado 21999-RW]

WESTERN SLOPE GAS CO.

Amendment to Pipeline Right-of-Way

MARCH 17, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for an amendment to right-of-way C-21999 to construct two natural gas well laterals to connect to wells in the White River Dome Field northwest of Meeker, Colorado. The laterals cover approximately 988 linear feet of the following National Resource Lands in Rio Blanco County, Colorado

T. 2 N., R. 96 W., 6th P.M., Colorado
Sec. 28: SW¼NW¼
Sec 29: SE¼SW¼

The facility will enable applicant to construct, operate and maintain two 4-inch natural gas gathering pipelines to connect to applicant's White River Dome Gathering system. This will help applicant to convey natural gas from the gas wells in the White River Dome Natural Gas Field to the Meeker, Rifle, Craig and Steamboat Springs market areas.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

MERRILL G. ANDERSON,
Acting Chief, Branch of Land Operations.

[FR Doc.76-8477 Filed 3-24-76;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, April 16, 1976, at 1:30 p.m., at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Public Law 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Cooperative agreement with the Massachusetts Division of Fisheries and Game, (2) Provincetown Airport proposed improvements, (3) Use of road salts, (4) Use of pesticides, (5) Hang gliding, (6) Guidelines relating to alterations and/or improvements to improved property, and (7) Discussion of oil exploration in Atlantic Ocean. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617-349-3785). Minutes of the meeting will be available for public information and copying four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: March 15, 1976.

JERRY D. WAGERS,
Regional Director, North Atlantic Region.

[FR Doc.76-8423 Filed 3-24-76;8:45 am]

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, April 19, 1976, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C. 20242.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. Gary Everhardt, Chairman, Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Fine Arts Commission, Washington, D.C.
Mr. David Childs, Chairman, National Capital Planning Commission.
Honorable Walter E. Washington, Mayor of the District of Columbia, Washington, D.C.
Mr. Nicholas Panuzio, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of this meeting is to consider:

1. Site location for 101st Airborn Division Memorial.
2. H.R. 11844 and S. 3031—"To authorize the erection of a statue of Barnardo de Galvez on public grounds in the District of Columbia."

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting

will be available for public inspection and copying two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: March 16, 1976.

RICHARD L. STANTON,
Acting Deputy Director,
National Capital Parks.

[FR Doc.76-8424 Filed 3-24-76;8:45 am]

National Park Service

HOWARD T. ROSE CO.

Intention To Extend Concession Contract; Correction

In FR Doc. 76-5576 appearing at page 8517 in the FEDERAL REGISTER of Friday, February 27, 1976, the following changes should be made:

1. In the heading, change the word "Negotiate" to "Extend".

2. On line 8 change the words "negotiate a" to "extend the".

Dated: March 18, 1976.

PHILLIP O. STEWART,
Acting Associate Director,
National Park Service.

[FR Doc.76-8454 Filed 3-24-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Albert M. Finney, Route 1, Box 373, Naches, Washington 98937.

OMB NO. 42-R1575

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To be able to purchase A pair of White-EARED Pheasants + to be able to propagate them to be sure of their survival

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
ALBERT M. FINNEY
RT. 1, BOX 373
NACHES, WASH. 98937

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6' WEIGHT: 160
DATE OF BIRTH: 8-15-24
COLOR HAIR: BRW COLOR EYES: GRAY
PHONE NUMBER WHERE EMPLOYED:
SOCIAL SECURITY NUMBER: 431-40-2002
OCCUPATION: FARMER

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
Does not Apply

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
DOES not Apply

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Don't Apply

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Don't Apply

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
RT. 1, BOX 373
NACHES, WASH
98937

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licenses or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
NONE REQUIRED

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 1-1-76

11. DURATION NEEDED: Long as possible

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22 | permits for breeding or for the enhancement of propagation of survival

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Albert M. Finney
DATE: 12-29-75

FEBRUARY 20, 1976.

DIRECTOR (FWS),
U.S. FISH AND WILDLIFE SERVICE,
P.O. Box 19183,
Washington, D.C. 20036.

(1.) Pheasants: White-eared (crossoptilon-crossoptilon) would like to purchase one pair. Would like to be able to buy and sell the above for propagation purposes, and to get new blood to keep the stock strong.

(2.) (1.1.1.) Wildlife—born in captivity.

(3.) By purchasing the above pheasants that were raised in captivity, from breeders in the states. By having the above shipped or sent in padded crates to avoid any chance injury.

(4.) The white-eared pheasants I would like to purchase were raised in captivity by Mr. Charles Sivelee, Long Island, New York.

(5.) The birds will be kept at my place, one bird to a pen. During breeding a door will be open between pens. The aviaries are 9'/20'/7"/high, and planted with shrubs and small trees to insure contentment of the birds. The birds will be maintained at my home, Rt. 1 Box 373 (Craig Road) Naches, WA 98937.

(6.) (I) Pens are 9'/20'/7" high. Each pen is covered with 1" mesh netting and boarded up 2 ft. on the bottom. The back of the pens are solid and covered by a roof extending six feet. This six feet has solid sides, the pens are located on a 2½ acre lot.

(II) I've been raising different species of pheasants for twelve years. I have raised young from brown eared for the last few years. The total raised to adult was 36 of 38 hatched. I feel the climate at this location is especially suited for eared pheasants. I keep only a few pair of pheasants and give them close care. At this time I have two pair of brown ear and one pair of Impeyan.

(III) I would be more than willing to cooperate in a breeding program and keep accurate records as I believe the only reason some species exist today is from the dedicated people who raised them in captivity.

(IV) The containers used for shipping are 1 ft. wide, 18 inches high, and 2 ft. long made of Masonite, and the top is lined with 1 inch foam rubber. Feed and water are placed in each box, the duration the birds would be in a box, would be not over 36 hours.

(V) I have had brown eared the last five years and raised young the last four years. No adult birds have been lost. Of the 38 chicks hatched two were lost at 2 or 3 days. I believe the hen let them chill. I changed hens. I clean the pens once a month and disinfect the pens twice a year.

(6.) (V) I give the birds medicated water spring and fall and whenever they get stressed. (Such as a day or so before moving from pen to pen or before they are to be examined or before shipping.) I believe medication a day or so before handling is more beneficial than after they have been handled.

(7.) There are no contracts or agreements. As stated before, if I get the permit I do plan to purchase a pair of white-eared pheasants from Mr. Charles Sivelle, Long Island, New York.

(8.) (I) I plan on keeping, breeding, buying and selling for propagation only white-eared pheasants.

(II) and (III) I will supply adequate pens, housing, feed and care to insure the birds contentment in captivity, in order that they will breed—to keep the species going. I believe captive propagation to be insurance of the birds survival and to decrease pressure on wild populations.

(IV) If I should decide to quit raising birds, I would sell or give them to other breeders whom I felt were capable of raising them. I do not expect this to happen in less than ten years.

Sincerely yours,

ALBERT M. FINNEY,
Rt. 1, Box 373,
Naches, Washington 98937.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 26, 1976, will be considered.

Dated: March 29, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-8542 Filed 3-24-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Merlin D. Tuttle, Ph. D., Milwaukee Public Museum, Milwaukee, Wisconsin 53233.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Live capture, temporary detainment, limited banding and release.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Merlin D. Tuttle
Vertebrate Division
Milwaukee Public Museum
Milwaukee, Wisconsin 53233

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'10" WEIGHT: 150 lbs.
DATE OF BIRTH: 26 August 1941
COLOR HAIR: brown COLOR EYES: blue
PHONE NUMBER WHERE EMPLOYED: (414) 278-2775
SOCIAL SECURITY NUMBER: 411-72-2024
OCCUPATION: Curator in charge of Birds and Mammals
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Milwaukee Public Museum

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Milwaukee Public Museum
A non-profit institution devoted to education, research and public welfare.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (414) 278-2746
Dr. Kenneth Starr, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Wisconsin

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Alabama
Kentucky
Tennessee
Wisconsin
Virginia
North Carolina
More than 90% of proposed work will be in Tennessee.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Applications have been made to all states in which I hope to work.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Not applicable

10. DESIRED EFFECTIVE DATE
16 November 1975

11. DURATION NEEDED
2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 13.12 a & b and 50 CFR, Part 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In Ink): Merlin D. Tuttle
DATE: 7 October 1975

3-200
16/741

17.22 Permits for scientific purposes.

(1) Common Name: Indiana bat. Scientific Name: *Myotis sodalis*. Number, sex and age of species. Approximately 500 per year, adults of about equal sex ratio.

(2) All individuals in question are in the wild.

(3) Applicant does not wish to cause death or remove from natural habitat.

(4) Not applicable.

(5) Not to be maintained or displayed in captivity.

(6) Live wildlife to be covered.

(i) Not applicable.

(ii) Applicant has had 17 years of experience in the field observing this species and is exceptionally well informed regarding habitat requirements and present status of this species in the southeastern United States.

(iii) Not applicable.

(iv) The Tennessee Valley Authority, on 1 January 1976 contracted with me (contract no. TV-43449A) to serve them as Consultant on Endangered Bats in areas under TVA jurisdiction. In this capacity it will be necessary for me to examine both cave and noncave habitat of the Indiana Bat (*Myotis sodalis*) and the Gray Bat (*Myotis grisescens*). Further, in order to make appropriate impact recommendations, it will be necessary to census population activities and uses of various habitats. This will necessitate limited capture of individual bats using Tuttle traps and/or mist nets. Bats will be released immediately within their natural habitat, and none will be collected as specimens or retained in captivity. Limited banding may be necessary in specific instances in summer habitat, but none is anticipated.

(v) No mortalities have ever occurred while the applicant was working on this species. The possibility of indirect, subsequent mortality resulting from disturbance is difficult to assess, however winter populations visited in the past, only by the applicant, were observed to remain stable over a period of several years. Most hibernating populations will be visited by the applicant less than once per winter.

(7) None.

(8) Reasons why applicant is justified in obtaining a permit.

(i) Activities sought to be authorized. See explanation under (6)(iv).

(ii) Details of activities. See explanation under (6)(iv).

(iii) Relation of such activities to scientific objectives. The activities for which the applicant requests permission are essential to his role as consultant to the Tennessee Valley Authority. Information obtained will be used in recommending areas to be set aside as critical habitat and is essential to management planning in the area.

(iv) Planned disposition of wildlife on termination of activities. Will remain in the wild.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036.

All relevant comments received on or before April 26, 1976, will be considered.

Dated: March 29, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-8545 Filed 3-24-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A324]

ALABAMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Alabama Counties as a result of various adverse weather conditions shown in the following chart:

11 ALABAMA COUNTIES

Blount.—Excessive rainfall April 15 through November 30, 1975, caused severe damages and losses to cotton and tomatoes.

Cherokee.—Excessive rainfall June 1 through December 31, 1975; caused severe damages and losses to cotton, crops and vegetables.

Colbert.—Excessive rainfall July 1 through September 30, 1975, and cold weather from September 25 to 28, 1975, caused severe damages and losses to cotton and crops.

Etowah.—Excessive rainfall May 20 through December 1, 1975, and cold weather May 28 through June 2, 1975, caused severe damages and losses to cotton.

Franklin.—Excessive rainfall March 1 through December 1, 1975, caused severe damages and losses to cotton and crops.

Lauderdale.—Excessive rainfall April 20 through October 20, 1975, caused severe damages and losses to cotton.

* *Macon.*—Excessive rainfall February 1 through November 30, 1975, caused severe damages and losses to cotton, crops and vegetables.

Madison.—Excessive rainfall June 1 through December 31, 1975; flooding October 7 and 8 and October 17 and 18, 1975, caused severe damages and losses to cotton and crops.

Marengo.—Excesisve rainfall June 1 through October 31, 1975; cold weather September 4 to 30, 1975, caused severe damages and losses to cotton and crops.

* *St. Clair.*—Excessive rainfall April 15 through November 30, 1975, caused severe damages and losses to hay, cotton, crops and vegetables.

Talladega.—Excessive rainfall July 5 through October 30, 1975, and cold weather September 23 to 30, 1975, caused severe damages and losses to cotton.

These counties were declared major disaster areas on 10/2/75 in Macon County and 10/6/75 in St. Clair County by President Ford because of high winds, tornadoes, heavy rains and flooding resulting from Hurricane Eloise beginning about 9/22/75. The incidence period is 9/22/75 through 9/25/75.

* Request to precede and proceed major disaster declaration M488 in Macon and St. Clair Counties as per FmHA Instruction 441.2, Exhibit A, Part 1832—Subpart A, paragraphs (b) and (d)(1).

The Governor's request for Macon County is for excessive rainfall February 1 through November 30, 1975, and from excessive rainfall April 15 through November 30, 1975, in St. Clair County.

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 Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George C. Wallace that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 10, 1976, for physical losses and December 9, 1976, 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 rule making and invite public participation.

Done at Washington, D.C., this 18th day of March, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8418 Filed 3-24-76;8:45 am]

[Notice of Designation Number A325]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in West Baton Rouge Parish, Lousiana, as a result of excessive rainfall March 1 through September 15, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 10, 1976, for physical losses and December 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of March, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8419 Filed 3-24-76;8:45 am]

[Notice of Designation Number A322]

OHIO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Ohio Counties as a result of the natural disasters shown:

Defiance.—Excessive rainfall May 1 through July 3, 1975, and hailstorm July 3, 1975.

Paulding.—Excessive rainfall May 20 through June 20 and August 15 through September 30, 1975, and drought July 1 through August 2, 1975.

Williams.—Excessive rainfall April 1 through August 31, 1975.

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 Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James A. Rhodes that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 10, 1976, for physical losses and December 9, 1976, 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 rule making and invite public participation.

Done at Washington, D.C., this 18th day of March, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8420 Filed 3-24-76;8:45 am]

[Notice of Designation Number A323]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Hall County, Texas, as a result of excessive rainfall and high winds June 17 through July 4, 1975, and hailstorms October 11 and 21, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 10, 1976, for physical losses and December 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for sub-

sequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of March, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8421 Filed 3-24-76;8:45 am]

Forest Service

TIMBER MANAGEMENT PLAN, HOMOCHITTO NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for the Timber Management Plan, Homochitto National Forest, USDA-FS-R8-DES-ADM 76-12.

The Homochitto National Forest is one of six National Forests in Mississippi containing 189,039 acres in Adams, Wilkinson, Jefferson, Franklin, Amite, Copiah, and Lincoln Counties.

Management actions include timber harvesting and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides.

This Draft Environmental Statement was transmitted to CEQ on March 16, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd., Room 804, Atlanta, Georgia 30309.
USDA, Forest Service, 350 Milner Building, Box 1291, Jackson, Mississippi 39205.

A limited number of single copies are available upon request to Forest Supervisor, B. F. Finison, Box 1291, Jackson, Mississippi 39205.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and 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 for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to B. F. Finison, Forest Supervisor, Box 1291, Jackson, Mississippi 39205. Comments must be received by May 15, 1976, in order to be considered in the preparation of the final environmental statement.

DAVID F. JOLLY,
Regional Environmental Coordinator.

MARCH 18, 1976.

[FR Doc.76-8457 Filed 3-24-76;8:45 am]

Office of the Secretary

SUPERIOR NATIONAL FOREST, BOUNDARY WATERS CANOE AREA MANAGEMENT PLAN

Public Hearing

On April 22, 1976, the United States Department of Agriculture will hold a public hearing on elements of the Boundary Waters Canoe Area (BWCA) Management Plan dated September 10, 1974. Pursuant to administrative review procedures at 36 CFR 211.2, the Secretary of the Department of Agriculture will review a decision of the Chief, Forest Service, affirming that portion of the BWCA Management Plan which would prohibit the use of snowmobiles and regulate motorboat use, including motor size.

Copies of the BWCA Management Plan and decisional documents may be obtained from the Chief, Forest Service, United States Department of Agriculture, Washington, D.C. 20250.

The hearing will be held at Paulucci Hall, Arena Auditorium, 350 S. Fifth Avenue West, Duluth, Minnesota 55802 on Thursday, April 22, 1976, from 10 a.m. to 9 p.m.

Both oral and written comment will be received at the hearing. Those parties desiring to make an oral statement should pre-register with the Office of the Secretary, United States Department of Agriculture, Washington, D.C. 20250, or Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801, Telephone 218/727-6692, extension 321. The record will remain open until May 7, 1976, for submission of public comment to the Office of the Secretary, United States Department of Agriculture.

Dated: March 19, 1976.

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.76-8422 Filed 3-24-76;8:45 am]

Rural Development Service

COMPUTER PROGRAM AND TAPES

Availability to Time Sharing Companies

The Rural Development Service of the U.S. Department of Agriculture is making available for distribution to commercial computer timesharing companies the program and data tapes of the Federal Assistance Programs Retrieval System (FAPRS). Availability is via a licensing agreement. FAPRS is a software program and data base. Its purpose is to identify the programs for which a specific community is eligible as it seeks federal assistance in undertaking a community development project. Program listings are keyed to the Catalog of Federal Domestic Assistance to facilitate followup action by the community. At present, the system contains information on about 600 federal programs distributed among 37 categories of community need. For complete details contact: Administrator, Rural Development Service, USDA, Washington, D.C. 20250.

Dated: March 19, 1976.

WALTER A. GUNTHARP,
Administrator.

[FR Doc.76-8417 Filed 3-24-76;8:45 am]

Soil Conservation Service

NORTH BLACK VERMILLION WATERSHED PROJECT, KANSAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice than an environmental impact statement is not being prepared for the North Black Vermillion Watershed Project, Marshall and Nemaha Counties, Kansas.

The environmental assessment of this federal action indicates that the project will not creat significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservtion Service, USDA, 760 South Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by 12 floodwater retarding structures, 21 combination floodwater retarding-grade stabilization structures, and two grade stabilization structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

The negative declaration is available for single copy requests. Requests should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 18, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-8376 Filed 3-24-76;8:45 am]

UPPER BLACK VERMILLION WATERSHED PROJECT, KANSAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Black Vermillion Watershed Project, Marshall and Nemaha Counties, Kansas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 South Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for the project.

The project concerns a plan for watershed protection, flood prevention, water supply and recreation. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by seven floodwater retarding structures and seven combination floodwater retarding-grade stabilization structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

The negative declaration is available for single copy requests. Requests should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 18, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-8377 Filed 3-24-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ALBANY MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00224. Applicant: Albany Medical Center Hospital, 47 New Scotland Avenue, Albany, New York 12208. Article: EMI Scanner System with Magnetic Tape System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in two research projects relating to problems of hydrocephalus. The first hydrocephalus project is a study to determine the type and development of hydrocephalus following trauma to the head or nontraumatic subarachnoid hemorrhage and would involve weekly head scans following the bleeding incident for a period of about three months. The other hydrocephalus study will be carried out on children who have meningoceles in which it is anticipated that sequential EMI scanning might possibly classify these children into two groups, the first those with hydrocephalus and brain hypoplasia and the second those without hydrocephalus. In a third project EMI scans will be done on tumor specimens obtained at either surgery or postmortem. It is also planned to utilize the EMI Scanner in residency training programs in Radiology, Neurology and Neurosurgery to teach individuals the value and usefulness of brain scanning in the diagnosis and treatment of intracranial disease.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States at the time the order for the foreign article was prepared (March 26, 1975).

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. Although competitive systems are now being manufactured domestically, none of these systems were available at the time the applicant prepared the order for the foreign article. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 13, 1976 that the sensitivity and the non-invasive methodology of the article is pertinent to the purpose for which the foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article for such purposes as the article is intended to be used which was being manufactured in the United States at the time the order for the article was prepared.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant prepared the order.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-8515 Filed 3-24-76;8:45 am]

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00162-60-10000. Applicant: Cornell University, Dept. of Food Science & Technology, New York State Agric. Expt. Station, Geneva, N.Y. 14456. Article: Kjel-Foss Macro Automatic Analyzer. Manufacturer: A/S N. Foss Electric, Denmark.

Intended use of article: The article is intended to be used to identify the protein content of food, feed and feedstuffs. The materials to be studied include a market basket type sampling of commercially available animal feeds including processed pet foods, experimentally prepared foods prepared by researchers, fresh fruits, vegetables, and forage crop samples resulting from Station plant breeding programs and other research samples submitted for protein analysis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides automatic analysis and at the same time conforms to the official method of analysis standardized by the American Association of Analytical Chemists. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 4, 1976 that the combination of specifications described above is pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides the pertinent combination of features.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-8516 Filed 3-24-76;8:45 am]

MASSACHUSETTS GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00158-33-46040. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Massachusetts 02114. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of animal and human tissues, cells, and cell organelles as well as similar components of animal and human cells in culture systems. The phenomena to be investigated will include: (1) Basophil/mast cell functions in immunologic reactions and in the control of cancer; (2) Basophil degranulation mechanisms; (3) Basophil granule contents; (4) Macrophage-lymphocyte functions in immunologic phenomena; (5) Cell surface membrane changes in neoplasia, immunologic phenomena, and the inflammatory response. The article will also be used for advanced training in research for post-doctoral fellows.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (September 11, 1975). Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope manufactured by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 4, 1976 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-8517 Filed 3-24-76;8:45 am]

QUEENS COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00108-98-42900. Applicant: Queens College, 65-30 Kissena Blvd., Flushing, N.Y. 11367. Article: Superconducting Magnetic System and accessories. Manufacturer: Canada Superconductor and Cryogenics Co. Limited, Canada. Intended use of article: The article is intended to be used for studies of the galvanometric properties of normal and superconducting metals in strong magnetic fields to gain a better understanding of the microscopic structure of metals and superconductors.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Two domestic firms, Intermagnetics General Corporation (IGC) and American Magnetics, Incorporated (AMI), offered to meet the applicant's technical requirements with superconducting magnets comparable to the foreign article. The applicant makes no claim that there are any capabilities of the foreign article not available in a domestic instrument. In reply to Question 8 of the application form, wherein a listing of differences between available domestic instruments and the article is required, the applicant states, "There are no significant differences—except in cost." The applicant also indicates, in reply to Question 8.d., that excessive delivery time was not a factor in the decision to purchase the foreign article. The determination of scientific equivalency is based on a comparison of pertinent specifications of the instruments in question. However, as defined in Subsection 301.2 (n) of the regulations, the term "pertinent specifications" does not include cost of the instrument or apparatus. Accordingly, we find that cost of a comparable domestic instrument cannot be a basis for duty-free entry. For these reasons, we find that the domestic superconducting systems offered by either IGC or AMI are of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-8518 Filed 3-24-76;8:45 am]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00155-33-07700. Applicant: University of Pennsylvania, Department of Pharmacology, School of Medicine, 36th & Hamilton Walk, Philadelphia, Pennsylvania 19174. Article: Instrumentation Camera, Model PC-2A with standard accessories. Manufacturer: Nihon Kohden, Japan. Intended use of article: The article is intended to be used for an ongoing study of the interaction of divalent ions with drugs at the cell surface and within. The effects of pharmacological agents on skeletal muscle will be determined. Students who are candidates for the Ph.D. degree in pharmacology will be taught to use electro-physiological techniques in the investigation of the interaction of drugs with cell membranes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States. Reasons: The foreign article is capable of recording continuously in a lighted room. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 4, 1976 that the characteristics of the article described above is pertinent to the applicant's electrophysiology studies. HEW further advises, that it knows of no similar domestic cameras of equivalent scientific value to the foreign article for its intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-8519 Filed 3-24-76;8:45 am]

UNIVERSITY OF UTAH ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

"The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. . . . If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11."

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effects of a final decision denying their respective applications.

Subsection 301.8 further provides:

". . . the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the *Federal Register* for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 74-00011-01-77040. Applicant: University of Utah, Salt Lake City, Utah 84112. Article: Mass Spectrometer, Model CH-7. Date of denial without prejudice to resubmission: August 21, 1975.

Docket number: 75-00217-33-46500. Applicant: Biomedical Laboratory, Edgewood Arsenal, Aberdeen Proving Ground, Md. 21010. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: December 4, 1975.

Docket number: 75-00232-33-46500. Applicant: Children's Hospital Research Foundation, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: December 3, 1975.

Docket number: 75-00542-33-90000. Applicant: Washington University, Department of Radiology, 510 South Kingshighway, St. Louis, Missouri 63110. Article: EMI Scanner Body System (Prototype Design). Date of denial without prejudice to resubmission: December 29, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-8522 Filed 3-24-76;8:45 am]

VETERANS ADMINISTRATION HOSPITAL, PALO ALTO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00163-33-46040. Applicant: Veterans Administration Hospital, 3801 Miranda Avenue, Palo Alto, California 94304. Article: Electron Microscope, Model HS-9 and 70mm Roll Film Camera. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for the examination of DNA macromolecules from bacteria and animal cell sources to gain a better understanding of the organization and structure of animal cell genes. The article will also be used to teach the course Medicine 405 in which instruction in the molecular biology of hematological diseases is taught to undergraduate medical students. In addition, the machine will be widely used for the instruction of graduate fellows and Physicians who are training for careers in academic medicine and research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 10, 1975). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 6Å point to point resolution, an accelerating voltage of 75 kilovolts, and low distortion magnifications 500X through 100,000X with 200X for scanning which permits an overlap of light and electron microscopy.

The domestic instruments available at the time the article was ordered was the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C is a relatively complex instrument designed for use of an experienced operator which provides magnifications of 1400X to 240,000X with its standard pole piece and low distortion magnifications of 500X to 70,000X through the use of a low magnification pole piece. The Department of Heath, Education, and Welfare (HEW) advises in its memorandum dated March 4, 1976 that the full magnification range of the article without a pole piece change and relative simplicity and ease of operation are pertinent to the applicant's

intended purposes. HEW also advises that the Model EMU–4C does not have an equivalent magnification range without a pole piece change and is more complex than the work requires. In addition, HEW advises in its memorandum cited above that the Model PA–1 supplied by the Adam David Company was in development at the time the article was ordered. In this regard, we note that a prototype of the PA–1 was first shown by Adam David in November, 1974. The record shows that neither the Department nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus the Department does not have a sufficient bases for ruling that the Adam David Company was able to supply the PA–1 at the time the foreign article was ordered, or that it is the scientific equivalent of the foreign article.

We, therefore, find that the Model EMU–4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–8520 Filed 3–24–76;8:45 am]

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00425–33–46040. Applicant: Yale University, Dept. of Biology, Kline Biology Tower, 219 Prospect St., New Haven, Conn. 06520. Article: Electron Microscope, Model EM 201C.

Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for bio-medical research which will include studies of animal cells, subcellular components, and aggregates of cellular molecules. The processes which will be investigated include: (1) the mechanism of cell division in animal cells; (2) the role of filamentous structures in the development, maintenance and function of nerve cells; (3) ultrastructural aspects of nerve tumor cell development in tissue culture; and (4) the assembly of filamentous structures responsible for movements of subcellular particles. The experiments to be conducted are devised to give insight into each of the topics mentioned above with the objective of obtaining a full understanding of mechanism by which normal and tumor cells divide, the mechanism by which nerve cells develop and maintain their long axons and dendrites, and the mechanism by which filamentous structures operate to move the chromosomes apart during cell division. Other experiments are designed to determine how these same filamentous structures operate to cause sperm motility. The article will also be used for advanced training in research for graduate students, postdoctoral fellows, and research associates.

Comments: Comments dated April 15, 1975 and April 17, 1975 were received from Adam David Company (AD). AD alleged *inter alia* that its EMU–4C electron microscope, when properly installed and maintained, does work satisfactorily and that AD was not asked to bid on the procurement of an electron microscope by the applicant at the time the article was ordered. AD also expressed its difficulty in determining the guaranteed resolving power of the article (7, 5, 3 or 4 Angstroms (Å) from the applicant's statements and specifications attached to the application (in this and the applicant's initial submission).

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 75–00072–33–46040 which was denied without prejudice to resubmission on December 19, 1974 for informational deficiencies. In this application, in reply to Question 8, the applicant alleges that the foreign article provides the following pertinent features:

(1) Guaranteed resolution. —4Å point to point (pt.).
(2) Stability.
(3) Convenience of operation.
(4) Reliability and low down-time.
(5) Accelerating voltage. —80 and 100 kilovolts (kv).

At the time the foreign article was ordered, two domestically manufactured electron microscopes were available. These were (1) the Model ETEM 101 (a relatively simple, low resolution instrument designed to facilitate use by beginners with a minimum of supervision) manufactured by Elektros Incorporated, and (2) The Model EMU–4C, supplied by AD.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated July 1, 1975 that the applicant's use is research oriented with the teaching use at a sophisticated level. Therefore, simplicity (i.e., ease of operation) is not pertinent and AD's EMU–4C is the most closely comparable domestic instrument. HEW further advises that none of the features cited by the applicant as a basis for duty-free entry represents a pertinent feature (within the meaning of Subsection 301.2(n) of the regulations) upon which duty-free entry could be based. Moreover, HEW finds that the EMU–4C is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(1) Resolution.—AD, in comments, questioned the applicant's statements relating to the guaranteed resolution of the foreign article. In this connection, we note that the foreign article was ordered a short time after its manufacturer upgraded the specifications of the EM 201 series. Subsequently the article's manufacturer informed the Department of Commerce that all instruments of this series with a serial number higher than 750 would have new resolution specifications and would be termed the Model 201C. In view of the high serial number of the article, the handwritten changes in the specifications provided by the vendor in lieu of specifications to be printed at a later date and the article's price, the Department finds that the applicant ordered and received an EM 201C.

HEW advises that the article has a 4Å pt. guarantee or a 3.4Å lattice guarantee which HEW notes is actually a diffraction. HEW finds that this degree of resolution does not represent a scientifically significant difference from the 5Å pt. guarantee of the EMU–4C for the applicant's intended purposes.

(2) Stability.—In view of HEW's advice that the EMU–4C's resolution is scientifically equivalent to that of the article for the intended use, we find that any difference in the stability of the two instruments is not pertinent.

(3) Convenience of operation.—HEW advises that simplicity, (i.e., ease of operation) is not pertinent. Similarly, we find that convenience is not pertinent. Moreover, Subsection 301.2(n) clearly stipulates that necessary specifications, not mere convenience, is to be considered in the Department's determination.

(4) Reliability and down time.—The applicant states in reply to Question 8 and other material attached to the application that the EMU–4C has a poor reputation with respect to reliability and down time which is reflected in a significant drop in sales from 1968 (when the applicant states it was a product of the Radio Corporation of America (RCA)) to 1970 (and later) even though the EMU–4C was cheaper than competitive products. In addition, the applicant identifies two laboratories alleged to have had poor experiences with the EMU–4C involving excessive down time, insufficient resolution and generally unsatisfactory performance and states that a

number of other researchers have found that the EMU–4C does not deliver, or delivers only for short time periods, the resolution claimed by the manufacturer. In this connection the applicant contends that, for the intended purposes, an instrument capable of delivering high resolution consistently and an instrument which has little "down" time is required for projects already underway. The EMU–4C, the applicant states, would slow down our overall research productivity "with cost in time and money." AD, in comments, disagrees with the applicant's

With respect to the drop in sales of the EMU–4C from 1968 to 1970, we note that the EMU–4C was not introduced to the scientific community until the Spring of 1970 which was well after RCA sold its electron microscope business but retained its service organization. The 4C did differ from the EMU–4 although the manufacturer used RCA components in its construction. The EM 201 and 201C also differ from their predecessor, the EM 200. In connection with prior cases similar to this (e.g., Docket Number 75–00230–33–46040 and 75–00213–65–46070) HEW has pointed out that reliability which is associated with the level of maintenance and hence, cost of ownership, is not a pertinent specification within the meaning of Subsection 301.2(n) of the regulations. In its recommendation relating to this application HEW advises that operation out of specification limits or other forms of down time are cost-related and, therefore, are not pertinent.

In general, information which can lead to a direct quantitative comparison of the reliability (i.e., ability to conform the specifications without excessive breakdown) of two instruments is almost never available. When a specification is "guaranteed", the manufacturer is stating, in effect, that the necessary steps have been taken to verify ability to meet this obligation. Thus a guaranteed specification presupposes a determination of reliability to some "engineered-in" degree. Customarily, manufacturers neither issue quantitative specifications on reliability nor guarantee reliability. Moreover, the reliability of a single instrument can, and frequently does, improve abruptly with time (for example, as the manufacturer gains experience and makes minor modifications dictated by such experience). No two instruments of the same model supplied by the same manufacturer will have identical records insofar as reliability is concerned and a documented history of poor reliability does not mean that such performance will not vastly improve with the very next instrument (and subsequent instruments) produced. Without strong and substantive supporting evidence in the record that the reliability of two instruments were measurably different and the difference in reliability precluded performance of the work intended, reliability could not be considered a justifiable basis for duty-free entry under P.L. 89–651. While reputations with respect to reliability which are derived from subjective, word-mouth allegations or even personal experience may, reasonably or otherwise, enter into a person's decision to buy a particular instrument, such a yardstick could not serve as a clear-cut objective basis for duty-free entry.

Moreover, we would reemphasize that reliability is considered a cost-related consideration for duty-free entry purposes which by regulation and by Congressional intent is not a sufficient basis for the granting of duty-free entry.

We note that according to applicant's letter dated April 28, 1975, the applicant did not request alternate bids from domestic manufacturers, having already (unilaterally) "decided [that] the EM 201 was the only acceptable instrument."

(5) Accelerating voltage.—HEW advises that the accelerating voltages of the EMU–4C (25, 50, 75 and 100 kv) are equivalent to those of the article.

For the foregoing reasons we find that the Model EMU–4C electron microscope is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–8521 Filed 3–24–76;8:45 am]

Economic Development Administration

CORT INDUSTRIES CORP.

Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition by Cort Industries Corporation, 330 West 38th Street, New York, New York 10018, a producer of slide fasteners (zippers) was accepted for filing on March 16, 1976, under section 251 of the Trade Act of 1974 (P.L. 93–618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business April 5, 1976.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76–8523 Filed 3–24–76;8:45 am]

Maritime Administration

[Docket No. S–502]

AERON MARINE SHIPPING CO.

Notice of Application

Notice is hereby given that an application dated March 4, 1976, has been filed by Kominers, Fort, Schlefer & Boyer on behalf of Aeron Marine Shipping Company (Aeron) and other affiliates of Aeron which are signatories to operating-differential subsidy agreements with the Maritime Subsidy Board for certain written permission pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended.

Captain Leo V. Berger and Mr. Peter Constas, who have major or controlling interests in Aeron and affiliated companies, propose to acquire a 75 percent stock interest in Aquila Shipping Co., Inc. (Aquila). Aquila has purchased the SS TAMPICO (to be renamed SS VIRGO) from Mathiasen Tanker Industries, Inc., and proposes to operate the VIRGO in the coastwise and intercoastal trades of the United States as well as in worldwide trading. After Messrs. Berger and Constas acquire the stock interest, Aquila will be related to Aeron and other affiliates of Aeron, and it will be necessary for Aeron and affiliates to have written permission pursuant to section 805(a) of the Act for Aquila to operate the VIRGO in the coastwise and intercoastal trades of the United States.

The following companies are affiliates of Aeron and have been awarded operating-differential subsidy contracts:

Achilles Marine Company
Ajax Marine Shipping Company
American Shipping, Inc.
Aquarius Marine Company
Aries Marine Shipping Company
Athena Marine Shipping Company
Atlas Marine Company
Pacific Shipping, Inc.
Worth Oil Transport Company

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on April 7, 1976, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence

under section 805(a) relative to whether the propsoed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: March 22, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-8547 Filed 3-24-76;8:45 am]

BARNETT BANK OF MIAMI BEACH NATIONAL ASSOCIATION

Notice of Approval of Request for Removal From Roster of Approved Trustees

On March 4, 1976, there was published in the FEDERAL REGISTER (41 FR 9411) a Notice of Request for Removal from Roster of Approved Trustees pursuant to the request of the Barnett Bank of Miami Beach, National Association (formerly Mercantile National Bank of Miami Beach) with offices at 420 Lincoln Road, Miami Beach, Florida.

Therefore, pursuant to Public Law 89-346 and 46 CFR 221.21-221.30, the Barnett Bank of Miami Beach National Association (formerly Mercantile National Bank of Miami Beach) is removed from the Roster of Approved Trustees.

This notice shall become effective on date of publication.

Dated: March 22, 1976.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-8548 Filed 3-24-76;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE SUBCOMMITTEE ON PLANNING FOR EXTENDED JURISDICTION

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a meeting of the Marine Fisheries Advisory Committee subcommittee on Planning for Extended Jurisdiction.

The meeting will be held on Tuesday and Wednesday, April 27 and 28, 1976, in the Kimberly Central Room of the Dulles Holiday Inn Motel, 1000 Sulley Road, Sterling, Virginia. That meeting will convene at 9:30 a.m. on Tuesday, April 27 and adjourn for the day at approximately 5:00 p.m. The subcommittee will reconvene on Wednesday, April 28 at 8:30 a.m. It is anticipated that the meeting will conclude by approximately 4:30 p.m. on April 28.

Items proposed for discussion included:

APRIL 27, 1976

Morning Session—Review of legislative requirements.

Afternoon Session—Conceptual fishery management system.

APRIL 28, 1976

Morning Session—Specific fishery management requirements.—Scientific technical function.—Decision making function.—Compliance/monitoring function.

Afternoon Session—Procedures for Implementation.

The meeting is open to the public throughout and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Alfred J. Bilik, Executive Secretary, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, Telephone: Area Code 202-634-7270.

on or about April 20, 1976.

At the discretion of the Chairman, interested members of the public may be permitted to speak at times which will allow the orderly conduct of committee business, and a reasonable time relation between the committee's discussion of a given subject and an address to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so by addressing the same to the Executive Secretary, as above. To receive due consideration and facilitate their inclusion within the record of the meeting, typewritten statements should be received within 10 days after the close of the committee meeting.

Dated: March 23, 1976.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.76-8565 Filed 3-24-76;8:45 am]

Office of the Secretary

ECONOMIC ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Wednesday, April 28, 1976 from 9:30 a.m. to 3:30 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established by the Secretary of Commerce on October 5, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

Discuss specific industry situations in terms of consumer spending, inventory, and capital spending.

Discuss monetary and fiscal policy and the near-term outlook for prices and interest rates.

Discuss the outlook for overall economic activity through 1976 in terms of output and employment.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should advise Mr. Dominic R. Quinn, telephone (202) 377-3884, by April 23, 1976.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. Dominic R. Quinn, Office of the Chief Economist for the Department of Commerce, Room 4854, Department of Commerce, Washington, D.C. 20230.

MAYNARD S. COMIEZ,
Acting Chief Economist for the Department of Commerce.

[FR Doc.76-8397 Filed 3-24-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Service Administration

BLOOD SEPARATION CENTERS

Delegation of Authority

Notice is hereby given that the following delegation and redelegation, with authority for further redelegation, have been made under Section 1132 of the Public Health Service Act, as added by Section 606 of Public Law 94-63 providing for projects to develop and expand, within existing facilities, blood separation centers:

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities vested in the Secretary of Health, Education, and Welfare, by Section 1132 of the Public Health Service Act, as added by Section 606 of Public Law 94-63, with the exception of authority to issue regulations.

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Services Administration to perform all of the authorities delegated to the Assistant Secretary for Health regarding Section 1132 of the Public Health Service Act, as added by Section 606 of Public Law 94-63.

The above delegation and redelegation were effective on March 8, 1976.

Dated: March 16, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-8412 Filed 3-24-76;8:45 am]

Health Services Administration

ALABAMA

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Alabama Medical Review, Inc. for the State of Alabama, which area is designated a Professional Standards Review Organization area in 42 CFR 101.3.

The Secretary has determined that the Alabama Medical Review, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Alabama, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Alabama.

As stipulated in its Articles of Incorporation, the principal officers of the Alabama Medical Review, Inc. are:

NAME AND OFFICE HELD

1. H. C. Mosteller, Jr., M.D., president.
2. William J. Perry, M.D., vice president.
3. Carl F. Luckey, M.D., secretary.
4. Ralph H. Yarbrough, M.D., treasurer.

The official address of the corporation is 400 Office Park Drive, Suite 105, Birmingham, Alabama 35223.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Alabama who objects to the Secretary entering into an agreement with the Alabama Medical Review, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 3,390 doctors of medicine and/or osteopathy are engaged in active practice in the State of Alabama. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Alabama Medical Review, Inc. is representative of such doctors in such area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8458 Filed 3–24–76;8:45 am]

ALASKA

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Alaska Professional Review Organization for the State of Alaska, which area is designated a Professional Standards Review Organization area in 42 CFR 101.4.

The Secretary has determined that the Alaska Professional Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Alaska, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Alaska.

As stipulated in its Articles of Incorporation, the principal officers of the Alaska Professional Review Organization are:

NAME AND OFFICE HELD

1. J. J. Smith, M.D., President.
2. Wayne Myers, M.D., vice president.
3. Jerry Little, M.D., secretary/treasurer.
4. Glen Crawford, M.D., chairman of the board.

The official address of the corporation is 135 West 8th Avenue, Suite 6, Anchorage, Alaska 99501.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Alaska who objects to the Secretary entering into an agreement with the Alaska Profesisonal Review Organization, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976 mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 467 doctors of medicine and/or osteopathy are engaged in active practice in the State of Alaska. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Alaska Professional Review Organization is representative of such doctors in such area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8459 Filed 3–24–76;8:45 am]

CALIFORNIA; PSRO AREA V

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act (42 USC 1320c–1(f)) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation

process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the San Francisco Peer Review Organization, Inc. for PSRO Area V, which area is designated a Professional Standards Review Organization area in 42 CFR 101.7.

The Secretary has determined that the San Francisco Peer Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of California, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area V of the State of California.

As stipulated in its Articles of Incorporation, the principal officers of the San Francisco Peer Review Organization, Inc. are:

NAME AND OFFICE HELD

1. Albert Clark, M.D., president.
2. Edward Callahan, M.D., vice president.
3. Nicholas Bonfilio, M.D., secretary.
4. Kent Barber, M.D., treasurer.

The official adress of the corporation is 250 Masonic Avenue, San Francisco, California 94118.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area V of the State of California who objects to the Secretary entering into an agreement with the San Francisco Peer Review Organization, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 4,718 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area V of the State of California. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secetary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the San Francisco Peer Review Organization, Inc., is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Pub. L. 94-182, the provisions of Section 1152 (f) [42 USC 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76-8460 Filed 3-24-76;8:45 am]

CALIFORNIA; PSRO AREA XIV

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Kern County Professional Standards Review Organization, Inc. for PSRO Area XIV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.7.

The Secretary has determined that the Kern County Professional Standards Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of California, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area XIV of the State of California.

As stipulated in its Articles of Incorporation, the principal officers of the Kern County Professional Standards Review Organization, Inc. are:

NAME AND OFFICE HELD

1. Francis A. Matychowials, M.D., president.
2. Gene A. Anderson, M.D., vice president/secretary-treasurer.

The official address of the corporation is 2012 18th Street, Bakersfield, California 93301.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XIV of the State of California who objects to the Secretary entering into an agreement with the Kern County Professional Standards Review Organization, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 374 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area XIV of the State of California. In the event that more than 10 per centum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Kern County Professional Standards Review Organization, Inc. is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) [42 USC 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

DELAWARE

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Delaware Review Organization for the State of Delaware, which area is designated a Professional Standards Review Organization area in 42 CFR 101.10.

The Secretary has determined that the Delaware Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Delaware, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Delaware.

As stipulated in its Articles of Incorporation, the principal officers of the Delaware Review Organization are:

NAME AND OFFICE HELD

1. R. Walter Powell, M.D., president.
2. Alfred E. Bacon, Jr., M.D., vice president.
3. Rhoslyn J. Bishoff, M.D., secretary.
4. Richard N. Taylor, M.D., treasurer.

The official address of the corporation is Delaware Trust Plaza, Suite 800, 1800 Pennsylvania Avenue, Wilmington, Delaware 19806.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Delaware who objects to the Secretary entering into an agreement with the Delaware Review Organization, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 802 doctors of medicine and/or osteopathy are engaged in active practice in the State of Delaware. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Delaware Review Organization is representative of such doctors in such area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8462 Filed 3–24–76;8:45 am]

MASSACHUSETTS; PSRO AREA II

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Central Masaschusetts Health Care Foundation for PSRO Area II, which area is designated a Professional Standards Review Organization area in 42 CFR 101.25.

The Secretary has determined that the Central Massachusetts Health Care Foundation is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Massachusetts, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Massachusetts.

As stipulated in its Articles of Incorporation, the principal officers of the Central Massachusetts Health Care Foundation are:

NAME AND OFFICE HELD

1. Edward Mason, M.D., president.
2. Lewis Cataldo, M.D.
3. Richard Gifford, D.O.
4. Charles Brink, II, M.D.

The official address of the corporation is 105 Merrick Street, Worcester, Massachusetts 01609.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Massachusetts who objects to the Secretary entering into an agreement with the Central Massachusetts Health Care Foundation, on the grounds that this organization is not representative of the doctors in such area may, on or before thirty days after the date this Notice appears in the FEDERAL REGISTER, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 884 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area II of the State of Massachusetts. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Central Massachusetts Health Care Foundation is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8463 Filed 3–24–76;8:45 am]

MINNESOTA; PSRO AREA III

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Professional Services Quality Council of Minnesota for PSRO Area III, which area is designated a Professional Standards Review Organization area in 42 CFR 101.27.

The Secretary has determined that the Professional Services Quality Council of Minnesota is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Minnesota, as a nonprofit professional organization whose membership is vol-

untary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Minnesota.

As stipulated in its Articles of Incorporation, the principal officers of the Professional Services Quality Council of Minnesota are:

NAME AND OFFICE HELD

1. Richard W. Hill, M.D., chairman.
2. John Arnesen, M.D., vice chairman.

The official address of the corporation is 200 First Street SW., Rochester, Minnesota 55901.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Minnesota who objects to the Secretary entering into an agreement with the Professional Services Quality Council of Minnesota, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,859 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area III of the State of Minnesota. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Professional Services Quality Council of Minnesota is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76-8464 Filed 3-24-76;8:45 am]

PSRO AREA II, MISSOURI

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Mid-Missouri PSRO Foundation for PSRO Area II, which area is designated a Professional Standards Review Organization area in 42 CFR 101.29.

The Secretary has determined that the Mid-Missouri PSRO Foundation is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Missouri, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Missouri.

As stipulated in its Articles of Incorporation, the principal officers of the Mid-Missouri PSRO Foundation are:

NAME AND OFFICE HELD

1. Robert E. Bregant, M.D., president.
2. Jack Ouster, vice president.
3. Byran Stuart, treasurer.
4. James Miller, D.O., secretary.

The official address of the corporation is 1907 William Street, P.O. Box 253, Jefferson City, Missouri 65101.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Missouri who objects to the Secretary entering into an agreement with the Mid-Missouri PSRO Foundation, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,104 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area II of the State of Missouri. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Mid-Missouri PSRO Foundation is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76-8465 Filed 3-24-76;8:45 am]

MISSOURI; PSRO AREA V

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Southeast Missouri Foundation for Medical Care for PSRO Area V, which area is designated a Professional Standards Review Organization area in 42 CFR 101.29.

The Secretary has determined that the Southeast Missouri Foundation for Medical Care is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State oof Missouri, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area V of the State of Missouri.

As stipulated in its Articles of Incorporation, the principal officers of the Southeast Missouri Foundation for Medical Care are:

NAME AND OFFICE HELD

1. Dr. Max Heeb, president.
2. Harold Rapp, vice president.
3. Ron Hill, treasurer.
4. Mike Kepner, secretary.

The official address of the corporation is P.O. Box 816, Cape Girardeau, Missouri 63701.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area V of the State of Missouri who objects to the Secretary entering into an agreement with the Southeast Missouri Foundation for Medical Care, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 351 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area V of the State of Missouri. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Southeast Missouri Foundation for Medical Care is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8466 Filed 3–24–76;8:45 am]

NEW JERSEY; PSRO AREA I

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Area I-Region II Professional Standards Review Organization, Inc. for PSRO Area I, which area is designated a Professional Standards Review Organization area in 42 CFR 101.34.

The Secretary has determined that the Area I-Region II Professional Standards Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of New Jersey, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area I of the State of New Jersey.

As stipulated in its Articles of Incorporation, the principal officers of the Area I-Region II Professional Standards Review Organization, Inc. are:

NAME AND OFFICE HELD

1. Donald P. Burt, M.D., President.
2. Alden Hall, M.D., Vice President.
3. Lawrence Flariani, M.D., Secretary.
4. Arthur Ginsburg, M.D., Treasurer.

The official address of the corporation is 2 Shunpike Road, Madison, New Jersey 07940.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of New Jersey who objects to the Secretary entering into an agreement with the Area I-Region II Professional Standards Review Organization, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 881 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area I of the State of New Jersey. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Area I-Region II Professional Standards Review Organization, Inc. is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8467 Filed 3–24–76;8:45 am]

NEW JERSEY; PSRO AREA IV

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Essex Physicians' Review Organization, Inc. for PSRO Area IV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.34.

The Secretary has determined that the Essex Physicians' Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of New Jersey, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of New Jersey.

As stipulated in its Articles of Incorporation, the principal officers of the Essex Physicians' Review Organization, Inc. are:

NAME AND OFFICE HELD

1. Arthur Berstein, M.D., President.
2. George L. Benz, M.D., Vice President.
3. A. E. Bythewood, MD., Secretary.
4. John A. Ferrara, D.O., Treasurer.

The official address of the corporation is 144 South Harrison Street, East Orange, New Jersey 07018.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of New Jersey who objects to the Secretary entering into an agreement with the Essex Physicians' Review Organization, Inc.,

on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,831 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area IV of the State of New Jersey. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Essex Physicians' Review Organization, Inc. is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8468 Filed 3–24–76;8:45 am]

PENNSYLVANIA; PSRO AREA II

Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Central Pennsylvania Area II PSRO Area II, which area is designated a Professional Standards Reveiw Organization area in 42 CFR 101.42.

The Secretary has determined that the Central Pennsylvania Area II PSRO is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Pennsylvania, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors o fmedicine or osteopathy engaged in active practice in PSRO Area II of the State of Pennsylvania.

As stipulated in its Articles of Incorporation, the principal officers of the Central Pennsylvania Area II PSRO are:

NAME AND OFFICE HELD

1. C. Jack Rogers, Chairman.
2. John F. Rose, Jr., Vice Chairman.
3. Robert F. Beckley, M.D., Treasurer.
4. L. R. Kroner, M.D., Secretary.

The official address of the corporation is 699 Rural Avenue, Box 26, Williamsport, Pennsylvania 17701.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Pennsylvania who objects to the Secretary entering into an agreement with the Central Pennsylvania Area II PSRO, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 824 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area II of the State of Pennsylvania. In the event that more than 10 per centum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Central Pennsylvania Area II PSRO is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review, or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8469 Filed 3–24–76;8:45 am]

PENNSYLVANIA; PSRO AREA IV

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Eastern Pennsylvania Health Care Foundation for PSRO Area IV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.42.

The Secretary has determined that the Eastern Pennsylvania Health Care Foundation is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Pennsylvania, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Pennsylvania.

As stipulated in its Articles of Incorporation, the principal officers of the Eastern Pennsylvania Health Care Foundation are:

NAME AND OFFICE HELD

1. David A. Tilly, M.D., President.
2. John H. Updegrove, M.D., Vice President.
3. Peter Haynicz, M.D., Secretary.
4. Henry H. Fetterman, M.D., Treasurer.

The official address of the corporation is 65 East Elizabeth Avenue, Suite 203, Bethleham, Pennsylvania 18018.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Pennsylvania who objects to the Secretary entering into an agreement with the Eastern Pennsylvania Health Care Foundation, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature,

and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 914 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area IV of the State of Pennsylvania. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Eastern Pennsylvania Health Care Foundation is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8470 Filed 3–24–76;8:45 am]

PENNSYLVANIA; PSRO AREA VIII

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Highlands PSRO Corporation for PSRO Area VIII, which area is designated a Professional Standards Review Organization area in 42 CFR 101.42.

The Secretary has determined that the Highlands PSRO Corporation is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Pennsylvania, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area VIII of the State of Pennsylvania.

As stipulated in its Articles of Incorporation, the principal officers of the Highlands PSRO Corporation are:

NAME AND OFFICE HELD

1. Thomas Skrenty, M.D., President.
2. Robert MrKich, M.D., Vice President.
3. Lysle Sherwin, M.D., Treasurer.
4. Mary E. Tipton, D.O., Secretary.

The official address of the corporation is 325 Swank Building, Johnstown, Pennsylvania 15901.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VIII of the State of Pennsylvania who objects to the Secretary entering into an agreement with the Highlands PSRO Corporation, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 519 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area VIII of the State of Pennsylvania. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Highlands PSRO Corporation is representative of such doctors in the area; Provided that pursuant to Section 108 (b) of Pub. L. 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperating with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8471 Filed 3–24–76;8:45 am]

SOUTH DAKOTA

Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 USC 1320c–1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the South Dakota Foundation for Medical Care for the State of South Dakota, which area is designated a Professional Standards Review Organization area in 42 CFR 101.46.

The Secretary has determined that the South Dakota Foundation for Medical Care is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of South Dakota, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of South Dakota.

As stipulated in its Articles of Incorporation, the principal officers of the South Dakota Foundation for Medical Care are:

NAME AND OFFICE HELD

1. J. A. Muggly, M.D., President.
2. William Taylor, M.D., Vice President.
3. James Ryan, M.D., Secretary.
4. Th. Sattler, M.D., Treasurer.

The official address of the corporation is 608 West Avenue North, Sioux Falls, South Dakota 57104.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of South Dakota who objects to the Secretary entering into an agreement with the South Dakota Foundation for Medical Care, on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.105, the Secretary has determined that 565 doctors of medicine and/or osteopathy are engaged in active practice in the State of South Dakota. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct

a poll of all such doctors of medicine or osteopathy in such area to determine whether the South Dakota Foundation for Medical Care is representative of such doctors in such area; Provided that pursuant to Section 106(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8472 Filed 3–24–76;8:45 am]

VERMONT

Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act (42 USC 1320c–1(f)) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Vermont Professional Standards Review Organization, Inc. for the State of Vermont, which area is designated a Professional Standards Review Organization area in 42 CFR 101.50.

The Secretary has determined that the Vermont Professional Standards Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Vermont, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Vermont.

As stipulated in its Articles of Incorporation, the principal officers of the Vermont Professional Standards Review Organization, Inc. are:

NAME AND OFFICE HELD

1. Raymond L. Milhous, M.D., President.
2. Alvin L. Schein, D.D.S., Vice President.
3. C. Peter Albright, M.D., Secretary.
4. Edgar W. Francisco, Ph. D., Treasurer.

The official address of the corporation is P.O. Box 517, Shelburne, Vermont 05482.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Vermont who objects to the Secretary entering into an agreement with the Vermont Professional Standards Review Organization, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before April 26, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,001 doctors of medicine and/or osteopathy are engaged in active practice in the State of Vermont. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Vermont Professional Standards Review Organization, Inc. is representative of such doctors in such area; Provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established prgram of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: March 17, 1976.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.76–8473 Filed 3–24–76;8:45 am]

Public Health Service

ASSISTANT SECRETARY FOR HEALTH, ADMINISTRATOR, HEALTH SERVICES ADMINISTRATION

Delegation of Authority

Notice is hereby given that the following delegation of authority by the Assistant Secretary for Health to the Administrator, Health Services Administration has been made under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) effective March 12, 1976.

On July 3, 1975, the Secretary delegated to the Assistant Secretary for Health all of the authorities vested in the Secretary of Health, Education, and Welfare by Title I of the Indian Self-Determination and Education Assistance Act, Public Law 93–638, with the exception of Section 107 of Title I.

I hereby delegate to the Administrator, Health Services Administration (HSA), those authorities delegated to me by the Secretary with the exception of Section 105(b).

The exercise of the authority under Section 106(b) of the Indian Self-Determination and Education Assistance Act to make advance payments under any contracts is subject to the provisions that (1) there be a prior review and documented recommendation for approval by the Director, Office of Contracts and Grants (OCG), HSA, on each proposed advance and (2) a copy of each approved advance be submitted (within two weeks of its approval) to the Director, Office of Administrative Management.

This supersedes the delegation made by me, effective July 3, 1975, to you of authorities under Title I of the Indian Self-Determination and Education Assistance Act. Previous redelegations which are in effect within HSA on the date of signature of this delegation may continue in effect, for no more than 60 days from the signatory date of this delegation, only to the extent that they are consistent with the provisions of this delegation.

These authorities may be redelegated, except that the authority under Section 106(b) to make advance payments under any contracts may not be redelegated to a level lower than the Director, Indian Health Service.

Dated: March 12, 1976.

RUPERT MOURE,
Executive Officer,
Public Health Service.

[FR Doc.76–8474 Filed 3–24–76;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled was established by P.L. 91–517, and amended by P.L. 94–103, to advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this Act, to study and evaluate programs authorized by this Act, to determine their effectiveness in carrying out purposes for which they were established, monitor the develop-

ment and execution of the Act and report delays of this execution to the Secretary, review special projects and advise Secretary with respect thereto.

Notice is hereby given, pursuant to P.L. 92-463 that the National Advisory Council on Services and Facilities for the Developmentally Disabled will hold a meeting on April 26, 27 and 28, 1976. The meeting will be held in Room 5051, Health, Education, and Welfare, North Building, 330 Independence Avenue, S.W., Washington, D.C. from 9 A.M. to 5 P.M. all three days. Agenda: Guided Reading and Review of Regulations; Assignment of Work Groups; Presentation of Issue Papers and Discussion; Reports of Work Groups; Recommendations to Secretary and Reports From Outside Groups.

This meeting is open for public observation.

Further information on the Council may be obtained from Mr. Francis X. Lynch, Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled, 330 C Street, S.W., Washington, D.C. 20201, telephone: Area Code 202 245-0335.

FRANCIS X. LYNCH,
Executive Secretary.

[FR Doc.76-8379 Filed 3-24-76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY, COMPTROLLER

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the statement of organization, functions, and delegations of authority for the Department of Health, Education and Welfare is amended to revise Section 1W and related subsections Office of the Assistant Secretary, Comptroller (39 FR 42403, December 5, 1974, as amended). The changes are made to reflect the transfer, effective March 14, 1976, of the Federal Assistance Financing Branch from the National Institutes of Health to the Division of Accounting Systems and Procedures under the Deputy Assistant Secretary, Finance. This change is reflected as follows:

Add to Chapter 1W.20D Functions:

10. Provides payment, accounting and related services, systems and operational support for the HEW Federal Assistance System.

Add to Chapter 1W09.20 Functions:

J. Provides payment, accounting and related services, systems and operational support for the HEW Federal Assistance Financing System.

Add to Chapter 1W0903.20 Functions:

11. Provides payment, accounting and related services, systems and operational support for the HEW Federal Assistance Financing System.

Dated: March 12, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-8411 Filed 3-24-76;8:45 am]

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Notice of Rescheduled Public Hearing and Meeting

Notice is hereby given that the public hearing and meeting of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research scheduled for April 9 and 10, 1976 and announced in the FEDERAL REGISTER on January 23, 1976 (41 FR 3500) have been rescheduled. The public hearing originally scheduled for April 9, 1976 will be held on April 9 and 10, 1976. On April 9, 1976 the hearing will be devoted to the presentation of views on the use of children as subjects in biomedical and behavioral research. On April 10, 1976, the hearing will be devoted to the presentation of views on the use of the institutionalized mentally disabled as subjects in biomedical and behavioral research. The meeting which was originally scheduled for April 10 will commence on that day, following the hearing on the institutionalized mentally disabled, and will continue on April 11, 1976.

The public hearings and meetings will be held in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The proceedings will commence at 9 a.m. each day and will be open to the public, subject to the limitations of available space.

At its meeting, the Commission will discuss issues identified in the legislative mandate under Public Law 93-348, including the use of children and the institutionalized mentally disabled as research subjects in biomedical and behavioral research, and research involving prisoners.

Requests to speak at the public hearings were required to be filed not later than March 5, 1976, as announced in the notice on January 23, 1976. Written materials, however, may be submitted to the Commission at any time.

Requests for information should be directed to Ms. Anne Ballard (301) 496-7776, Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: March 18, 1976.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.76-8410 Filed 3-24-76;8:45 am]

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Amended Notice of Meeting

The time of the meeting of the President's Biomedical Research Panel as announced in Volume 41, F.R., page 9585, March 5, 1976, has been changed. The meeting was originally scheduled from 9:00 a.m. to 12:00 noon and from 2:00 p.m. to 5:00 p.m. on March 29 and from 9:00 a.m. to 4:00 p.m. on March 30. The new schedule is as follows: from 3:00 p.m. to 5:00 p.m. on March 29 and from 1:00 p.m. to 5:00 p.m. on March 30. If additional business remains, the Chairman may convene the Panel for a meeting at 9:00 a.m., Wednesday, March 31, 1976.

Dated: March 17, 1976.

CHARLES U. LOWE, M.D.,
Executive Director.

[FR Doc.76-8409 Filed 3-24-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-76-510]

TRAINING FOR STATE AND LOCAL AGENCIES UNDER TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968, STATE AND LOCAL LAW EQUIVALENCY REQUIREMENTS

Notice of Training Conference

Pursuant to the delegation of authority (35 FR 6877 (1970)) with respect to the administration of fair housing under Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, and HUD recognition of substantially equivalent state and local laws (24 CFR, Part 115; 37 FR 16540 (8-16-72)), notice is hereby given of a training conference for staff members of state and local fair housing agencies. The conference will convene on Monday, April 19, 1976, at 8:30 a.m. at the HUD East Training Center, 5565 Sterrett Place, Clark Building, Columbia, Maryland 21044, and extend through Friday, April 23, 1976.

This course is designed for State and local commissioners and senior personnel administering their fair housing laws. The course will provide an overview of HUD procedures as they relate to the statute, with emphasis on the principles of investigation, the art of conciliation, and HUD's procedures respecting substantial equivalency. It will include an examination of the hearing process and alternative approaches to obtaining relief for the complainant.

The course will include a review of the role of the private attorney and the Department of Justice under the Federal Fair Housing Laws. Current court decisions will be discussed.

This course is designed to develop or sharpen the skills of participants. Upon completion of the course, each participant should be able to:

1. Recognize all forms of prohibited conduct under fair housing laws;

2. Identify essential elements of a thorough investigation;

3. Secure quality conciliations from respondents with adequate relief to the complainant, appropriate affirmative action, and proper reporting; and

4. Utilize procedures and remedies developed by private attorneys, HUD, and the Justice Department, in the administration of their fair housing laws.

This course is intended principally for commissioners and senior staff of State and local agencies administering fair housing laws. Participation will be limited to 30 persons. Eligibility lists will close April 8, 1976. Persons selected to attend the training must be able to attend the entire conference. The accommodations provided require double occupancy.

For further information concerning HUD's provision of lodging and meals, call the Fair Housing Toll Free WATS Line, 800-424-8590.

Dated at Washington, D.C. March 23, 1976.

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

[FR Doc.76-8701 Filed 3-24-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS, SPECIAL COMMITTEE 126, AIRBORNE OMEGA RECEIVERS

Notice of Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 126—Airborne OMEGA Receivers, which is being utilized as an advisory committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It will be held April 13, 1976, in Conference Room 6A and B, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591, commencing at 9:30 a.m.

The purpose is to clarify certain items in the Final Draft of the Minimum Operational Characteristics and Minimum Performance Standards for Airborne OMEG Receiving Equipment discussed at the March 19, 1976, Executive Committee meeting.

Meetings of the RTCA Special Committee 126 are open to the public, subject to space limitations. The public may submit written statements to and obtain additional information from the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Oral statements may be presented at the meeting, subject to time being available.

Issued in Washington on March 22, 1976.

EDGAR A. POST,
Designated Officer.

[FR Doc.76-8514 Filed 3-24-76;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

On April 27, 28 and 29, 1976 the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C. The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representative of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On April 27 the following committees and task groups will meet: At 9:00 a.m. in room 3200 the Defect-Recall Task Group Leaders; at 11:00 a.m. in room 4436 the Awards Committee; at 2:00 p.m. in room 3200 the Safety Research Task Group.

On April 28 the following committees and task groups will meet; At 9:00 a.m. in room 3200 the Motorcycle Committee; at 9:0 a.m. in room 4436 the July 1977 Congress Committee; at 1:00 p.m. in room 3200 the Accident Avoidance and Operating Systems Committee; at 1:00 p.m. in room 4436 the July 1976 Conference Committee.

On April 29 in room 3200 the full Council will meet beginning at 8:30 a.m. and at 12:00 noon in room 3200 the Executive Committee will meet.

Detailed agendas for the above meetings will be published prior to the meeting.

For further information contact the NHTSA Executive Secretary, room 5215, 400 Seventh Street, S.W., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: March 22, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-8481 Filed 3-24-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Notice of Change in Meeting Date and Agenda

Notice is hereby given of a change in meeting dates and agendas for the Advisory Committee on the Definition and Regulation of Market Instruments. The full Committee will meet only on March 30, 1976, at the Sheraton Carlton Hotel, 16th and K Streets, N.W., Washington, D.C. in the Mount Vernon Room, beginning at 9:30 a.m., rather than meeting on both March 30 and 31 as previously stated in the FEDERAL REGISTER of March 12, 1976 (41 F.R. 10702). The Options Subcommittee will meet in lieu of the full Committee meeting on March 31, 1976, at the same place and time. The Committee meeting scheduled for 7:30 p.m., March 30 has been cancelled.

In addition, the agendas for both the full Committee meeting on March 30 and the Options Subcommittee meeting on March 31 have been changed. The amended agendas are as follows:

MARCH 30, 9:30 A.M.

The Committee will seek to approve its recommendations to the Commission on the implementation of the cash market antifraud and anti-manipulation authority under the Commodity Exchange Act, as amended. It will also seek to approve its recommendation to the Commission regarding the cash price and supply data and reporting needs of the Commission.

The Committee will also seek to approve its recommendations to the Commission with respect to what regulations are necessary to regulate adequately leverage transactions.

Finally, the Commission will seek to approve a subcommittee study of the essential elements of futures, forward and leverage contracts.

MARCH 31, 9:30 A.M.

The subcommittee will seek to approve its recommendations to the full Committee with respect to commodity options trading.

Dated: March 22, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-8478 Filed 3-24-76;8:45 am]

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Notice of Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments") will conduct an Advisory Committee meeting on April 12 and 13, 1976, at the Sheraton Carlton Hotel, 16th and K Streets, N.W., Washington, D.C., in the Mount Vernon Room, beginning at 9:30 a.m. each day. The Advisory Committee on Market Instruments was chartered to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the def-

inition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash market manipulations; and

(iii) Data and reporting needs for cash markets.

The summarized agenda for the meeting is as follows:

APRIL 12 AND 13, 9:30 A.M.

The Committee will seek to approve its recommendations to the Commission with respect to commodity options trading.

All meetings are open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mrs. Harrison, The Advisory Committee on Market Instruments, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, by April 5, 1976.

The Commission is maintaining a list of persons interested in the operations of this Advisory Committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated: March 22, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-8479 Filed 3-24-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 509-6; OPP-30000/1]

KEPONE (CHLORDECONE)

Notice of Presumption Against Continued Registration of Pesticide Product

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against continued registration of all pesticide products containing chlordecone (decachlorooctahydro-1,3,4-metheno-2H-cyclobuta [cd] pentalen-2-one), trade name Kepone, for all uses.

The Environmental Protection Agency amended Part 162 of 40 CFR by promulgation on July 3, 1975, of its new regulations on the registration, reregistration and classification of pesticides (40 FR 28242). Section 162.11 of these regulations provides that a rebuttable presumption against registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in section 162.11(a)(3). If it is determined that such a presumption against continued registration of a pesticide has arisen, the regulations require that the registrant be notified, by certified mail, that he has the opportunity to submit evidence in rebuttal of the presumption in accordance with section 162.11(a)(4). As is explained below, the registrants of pesticide products containing chlordecone have been so notified. The Agency is taking this opportunity to inform the public at large of the presumption against continued registration of pesticide products containing chlordecone and to solicit comments from interested parties relevant to the presumption.

A notice of a rebuttable presumption against continued registration of a pesticide is not to be confused with notice of intent to cancel a pesticide. The latter is issued when it is determined that the pesticide may generally cause unreasonable adverse effects on the enivronment. A notice of a rebuttable presumption against continued registration of a pesticide is issued, on the other hand, when the pesticide meets or exceeds the indicated criteria for risk. As is discussed below, this presumption can be rebutted. In addition, a party, seeking continued registration, may submit evidence as to whether the economic, social and environmental benefits from use of the pesticide outweigh the risks. Thus, issuance of a notice of rebuttable presumption will not necessarily lead to a notice of intent to cancel the pesticide.

Pesticide products containing chlordecone meet or exceed the following risk criteria, set forth in 40 CFR Sec. 162.11, for presuming against the registration of a pesticide product under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended:

(I) Chronic Toxicity.

(A) Oncogenic Effects.

40 CFR Sec. 162.11(a)(3)(ii)(A) provides that "[a] rebuttable presumption shall arise if a pesticide's ingredients . . . [i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure. . . ." Available data indicate that chlordecone induces oncogenic effects in both sexes of mice and rats as a result of oral exposure. "The Report on Carcinogenesis Bioassay of Technical Grade Chlordecone" prepared by the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute, released in January 1976, reports the results of a long-term study on the oncogenic effects of chlordecone on both sexes of Osborne-Mendel rats and B6C3F1 mice. Chlordecone was administered orally at average dosage levels ranging from 8 to 26 ppm for rats and from 20 to 40 ppm for mice for a period of 80 weeks. The mice were sacrificed after 90 weeks and the rats after 112 weeks; moribund animals were sacrificed and necropsied. None of the 225 control rats developed hepatocellular carcinomas. Fourteen of the 68 male control mice developed hepatocellular carcinomas. None of the 50 female control mice developed hepatocellular carcinomas. Pathological diagnosis revealed a statistically significant increase ($P<.05$) in the incidence of hepatocellular carcinomas in rats fed an average 24 ppm (males) and 26 ppm (females) and in mice fed an average 20 and 23 ppm (males) and 20 and 40 ppm (females). Extensive hyperplasia of the liver was also reported in both species.

Data submitted to EPA by Allied Chemical Company entitled "Toxicological Studies on Decachloro-Otahydro-1, 3,4-metheno-2H-cyclobuta [cd] pentalen-2-one" (Document No. 108253, July 1, 1961) also indicates that chlordecone is oncogenic in rats. Six groups of male and female albino rats were fed 0, 5, 10, 25, 50, and 80 ppm chlordecone respectively for periods of up to two years. Oncogenic effects appeared only in rats receiving chlordecone in their diets for between one and two years. None of the 23 control rats examined developed hepatocellular carcinomas. Of the seven male rates examined at 25 ppm dose level, liver lesions in one rat were diagnosed as hepatocellular carcinoma by 2 pathologists and "evolving carcinoma" by one pathologist, who also found "evolving carcinoma" in a second male rat at this feeding level. Of the sixteen female rats surviving at the 10 ppm feeding level, liver lesions in three were diagnosed as heptocellular carcinoma by one pathologist. One of the nine female rats surviving at the 25 ppm level, liver lesions in one was diagnosed as "evolving carcinoma" by one pathologists.

For the foregoing reasons the Deputy Assistant Administrator has determined that a rebuttable presumption exists against continued registration of pesticide products containing chlordecone for all uses. The registrants may rebut this presumption by sustaining the burden of proving:

(1) That when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or

(2) That the determination by the Agency that the pesticide meets or exceeds the chronic risk criteria set forth in 40 C.F.R. § 162.11(a)(3)(ii) was in error. The supportive data listed above should not be considered the entire support for the Administrator's determination; the Administrator at any time may use heretofor undiscovered data to support his determination that the rebuttable presumption criteria set forth in 40 C.F.R. § 162.11(a) have been met.

At the time that a registrant submits evidence in rebuttal of the presumption, he may also submit evidence as to whether the economic, social and environmental benefits of the use of chlordecone outweigh the risk of use.

The current registrants of chlordecone and the currently registered products containing chlordecone are set forth in the following table:

Kepone—List of Registered Products

Registrant	Product	EPA regulation No.
Action Product Corp., Box H, North Miami, Fla. 33161.	Kil-Ded Roach, Ant, Waterbug Killer	6538-3
Allied Chemical Co., Agricultural Division Pesticide Marketing Department, P.O. Box 2061 R, Morristown, N.J. 07960.	Allied Chemical, Kepone/Ant and Roach Paste.	218-564
	Allied Chemical Kepone/Ant Trap	218-515
	Allied Chemical Kepone Roach Trap	218-535
	Allied Chemical Kepone Ant Paste Trap	218-537
	Allied Chemical Kepone/Insecticide Pellets	218-539
	Allied Chemical Kepone/Insecticide Paste	218-540
	Allied Chemical Kepone/Paste Roach Trap	218-541
	Allied Chemical 25 percent Kepone/Special Mixture.	218-544
	Allied Chemical Kepone/Ant and Roach Bait Pelleted.	218-553
	Allied Chemical 5 percent Kepone Dust	218-566
	Allied Chemical 80 percent Kepone Concentrate.	281-589
	Allied Chemical Kepone/Ant and Roach Paste (Tube Package).	218-605
Athena Corp., 4838 Woodall, Dallas, Tex. 75247	Pest Guard Roach, Ant and Waterbug Killer	3941-20
Black Leaf Products, Co., 667 North State St., Elgin, Ill. 60120.	Black Leaf Ant Trap	5887-63
Black Magic Co., Box 16453, Jacksonville, Fla. 32276.	Black Magic Roach Killer	6248-5
Boyle-Midway, Inc., South Avenue and Hale St., Cranford, N.J. 07016.	Antrol Ant Trap	475-11
	Black Flag Ant Trap	475-82
Brown Chemical Specialty, P.O. Box 14007, San Antonio, Tex. 78214.	Blu-Roach Ban Kills Roaches Ants and Waterbugs.	5545-2
Clarence Boord & Sons, Inc., 105 East Commercial, P.O. Box 379, Leon, Iowa 50144.	Hide Roach and Ant Traps	3325-4
Common Sense Manufacturing Co., Inc., 1392 Niagara St., Buffalo, N.Y. 14213.	Common Sense Cockroach and Ant Preparation No. 2 Kepone.	401-26
F. C. Sturtevant Co., 237 Shunpike Rd., Cromwell, Conn. 06416.	Lilly's Ant Trap with Kepone	460-17
Gaston Johnston Corp., 24-64 45th St., Long Island, N.Y. 11103.	Johnston's No-Roach Bait	2019-18
	Johnston's No-Roach Traps	2019-19
General Pest Service Co., 2015 Pontius Ave., Los Angeles, Calif. 90025.	Dekko Roach-ettes	3324-4
	Dekko Silverfish Pak	3324-5
Grant Laboratories Division, Leisure Enterprises, Inc., 6020 Adeline St., Oakland, Calif. 94608.	Grant's Ant Trap	1663-21
	Grant's Roach Trap	1663-22
	Grant's Ant Control	1663-24
J. & F. Manufacturing Co., P.O. Box 26363, Houston, Tex. 77032.	Capitol Punishment Roach, Ant, and Waterbug Killer.	6150-2
John Opitz, Inc., 5014 39th St., Long Island, N.Y. 11104.	J-O Paste Kills Roaches and Ants	509-10
Judd Ringer Corp., 6860 Flying Cloud Dr., Eden Prairie, Minn. 55343.	Ant Pak	4825-17
Lethelin Products Co. Inc., 15 MacQuesten Pkwy. South, Mount Vernon, N.Y. 10550.	Mysterior Ant Trap with Kepone	395-19
	Magikil Jelly with Kepone Ant-Roach Bait	395-20
	Magikil Ant Trap with Kepone	395-21
	Magikil Roach Trap with Kepone	395-25
McCall Manufacturing Co., P.O. Box 145, Jasper, Fla. 32052.	Lucky Mack Roach and Ant Killer	5880-1
Nott Manufacturing Co., Inc., Pleasant Valley, N.Y. 12569.	Ant-not Ant Trap	358-20
	Nott Roach Trap	358-129
O. E. Linck Division, Walco Link Corp., 1234 State Hwy. 46, Clifton, N.J. 07015.	E-Z Ant Trap Contain Kepone	506-109
	Tat Ant Bait Containing Kepone	506-113
	Tat Ant Trap	506-126
	Antchek Ant Trap	506-129
Old 97 Co., Box 5207, Tampa, Fla. 33605	Old 97 Roach and Ant Killer	267-19
Pearson and Co., P.O. Box 7151, Mobile, Ala. 36601.	Pearson's Water Bug and Roach Killer Bait	728-54
Quinn Drug and Chemical Co., Box 847, Greenwood, Miss.	Quinn's Kepone Roach and Ant Bait Pellets	416-57
Trager Manufacturing Co. Inc., 1200 Wheeler Ave., Scranton, Pa. 18510.	Dead Shot Ant Killer	274-23
Vinson Chemical Products Co., 13001 Port Said Rd., Opalocka, Fla. 33054.	T.N.T. Ant Killer	2095-2
Winn Chemical Co. Inc., Box 94A, R.F.D. 1, Blountsville, Ala. 35031.	Winn's Waterbug Roach and Ant Killer	7040-3

The above registrants have been notified by registered mail of the rebuttable presumption existing against the continued registration of their products.

The registrants shall have forty-five (45) days from the date of the last receipt of the notifying letter to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days in which such evidence may be submitted. Notice to this effect will appear in the FEDERAL REGISTER.

During the time allowed for submission of rebuttal evidence, any member of the public or any other federal agency is invited to submit written comments and other information relevant to the presumption against continued registration contained in this notice. Such comments or information should be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M St., S.W., Room 401 East Tower, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and others interested in inspecting them. All comments should bear the identifying notation "OPP (FRS No. 30000/1)." Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 C.F.R. § 162.11(a)(5)(ii) and 7 U.S.C. § 136(a)(c)(6) or 7 U.S.C. § 136d(b)(1). Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by 40 C.F.R. § 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. on normal business days.

Dated: March 19, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-8550 Filed 3-24-76;8:45 am]

[FRL 509-7; OPP-30000/1A]

KEPONE (CHLORDECONE)

Notice of Presumption Against Registration of Pesticide Product

The Deputy Assistant Administrator, Office of Pesticides Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against new registration of all pesticide products containing chlordecone (decachlorooctahydro-1,3,4-metheno-2H-cyclobuta [cd] pentalen-2-one), trade name kepone, for all uses.

On July 3, 1975, the Environmental Protection Agency promulgated regulations (40 F.R. 28242) governing the registration, reregistration, and classification of pesticides. These regulations (40 CFR 162) provide that whenever data in the Agency's possession concerning a particular pesticide product meet or exceed risk criteria contained therein, a rebuttable presumption exists against registration of that product.

The regulations also govern pesticide products currently registered under State pesticide registration laws. 40 C.F.R. § 162.17. Registrants of pesticide products that are registered under State pesticide registration laws must file with the Environmental Protection Agency a "Notice of Application for Federal Registration for an Intrastate Pesticide Product" (EPA Form 8570-8).

The following notice is directed to all applicants for federal registration of pesticide products containing kepone (chlordecone), including applicants with products that are currently registered under State pesticide registration laws who have submitted EPA Form 8570-8 to the Agency.

The Agency reaches its conclusion to issue this type of notice only after carefully reviewing published and unpublished data in its possession and assessing the validity of that data.

At this point in the review process, the Agency has only evaluated the question of whether the criteria set forth in 40 C.F.R. § 162.11 have been met or exceeded. The law requires that a public procedure be followed whenever a significant question of safety arises, even though subsequently it may be shown that no safety risks exist or that benefits exceed risks; thus the issuance of a notice of rebuttable presumption will not necessarily lead to a final denial of registration.

Pesticide products containing chlordecone meet or following risk criteria, set forth in 40 C.F.R. § 162.11, for pre-

suming against the registration of a pesticide product under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended:

(I) Chronic Toxicity.

(A) Oncogenic Effects.

40 C.F.R. § 162.11(a)(3)(ii)(A) provides that "[a] rebuttable presumption shall arise if a pesticide's ingredients . . . [i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure . . . ." Available data indicate that chlordecone induces oncogenic effects in both sexes of mice and rats as a result of oral exposure. "The Report on Carcinogenesis Bioassay of Technical Grade Chlordecone" prepared by the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute, released in January 1976, reports the results of a long-term study on the oncogenic effects of chlordecone on both sexes of Osborne-Mendel rats and B6C3F1 mice. Chlordecone was administered orally at average dosage levels ranging from 8 to 26 ppm for rates and from 20 to 40 ppm for mice for a period of 80 weeks. The mice were sacrificed after 90 weeks and the rats after 112 weeks; moribund animals were sacrificed and necropsied. None of the 225 control rats developed hepatocellular carcinomas. Fourteen of the 68 male control mice developed hepatocellular carcinomas. None of the 50 female control mice developed hepatocellular carcinomas. Pathological diagnosis revealed a statistically significant increase ($P.<.05$) in the incidence of hepatocellular carcinomas in rats fed an average 24 ppm (males) and 26 ppm (females) and in mice fed an average 20 and 23 ppm (males) and 20 and 40 ppm (females). Extensive hyperplasia of the liver was also reported in both species.

Data submitted to EPA by Allied Chemical Company entitled "Toxicological Studies on Decachlorootahydro-1,3,4-metheno-2H-cyclobuta [cd] pentalen-2-one" (Document No. 108253, July 1, 1961) also indicates that chlordecone is oncogenic in rats. Six groups of male and female albino rats were fed 0, 5, 10, 25, 50, and 80 ppm chlordecone respectively for periods of up to two years. Oncogenic effects appeared only in rats receiving chlordecone in their diets for between one and two years. None of the 23 control rats examined developed hepatocellular carcinomas. Of the seven male rats examined at the 25 ppm dose level, liver lesions in one rat were diagnosed as hepatocellular carcinoma by 2 pathologists and "evolving carcinoma" by one pathologist, who also found "evolving carcinoma" in a second male rat at this feeding level. Of the sixteen female rats surviving at the 10 ppm feeding level, liver lesions in three were diagnosed as hepatocellular carcinoma by one pathologist. Of the nine female rats surviving at the 25 ppm level, liver lesions in one was diagnosed as "evolving carcinoma" by one pathologist.

For the foregoing reasons the Deputy Assistant Administrator has determined that a rebuttable presumption exists against new registration of pesticide products containing chlordecone for all uses. The applicant for federal registration may rebut this presumption by sustaining the burden of proving:

(1) That when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or

(2) That the determination by the Agency that the pesticide meets or exceeds the chronic risk criteria set forth in 40 C.F.R. § 162.11(a)(3)(ii) was in error. The supportive data listed above should not be considered the entire support for the Administrator's determination; the Administrator at any time may use heretofore undiscovered data to support his determination that the rebuttable presumption criteria set forth in 40 C.F.R. § 162.11(a) have been met.

At the time that an applicant for federal registration submits evidence in rebuttal of the presumption, he may also submit evidence as to whether the economic, social and environmental benefits of the use of chlordecone outweigh the risk of use.

The current applicants for federal registration of chlordecone are set forth in the following table:

List of State applicants for Federal registration of chlordecone (kepone) products

Registrant	Product	EPA establishment No.
Asgrow Florida Co., P.O. Drawer D, Plant City, Fla. 33566	Asgrow Kepone Bait No. 1	14775
Chem-Pak Co., P.O. Box 430757, South Miami, Fla. 33143	R and A Pelleted Bait	7478
Landia Chemical Co., P.O. Box 366, Lakeland, Fla., 33802	Lanco 4 percent Kepone Bait	9859
Southern Mill Creek Products Co., P.O. Box 1096, Tampa, Fla. 33601.	SMCP Kepone Bait No. 4	6720

The above is the most current Agency listing of federal registration applicants producing chlordecone (kepone) products who have filed a correct form EPA-8570-8 before the extended postmarked deadline of Feb. 19, 1976.

Any applicant formulating chlordecone (kepone) products who has filed on or before the deadline and is not included in this list is requested to notify this Agency immediately.

The above applicants for federad registration have been notified by registered mail of the rebuttable presumption existing against the continued registration of their products.

The applicants for federal registration shall have forty-five (45) days from the date of the last receipt of the notifying letter to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days in which such evidence may be submitted. Notice to this effect will appear in the Federal Register.

During the time allowed for submission of rebuttal evidence, any member of the public or any other federal agency is invited to submit written comments and other information relevant to the presumption against continued registration contained in this notice. Such comments or information should be submitted in triplicate to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M St., S.W., Room 401 East Tower, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and others interested in inspecting them. All comments should bear the identifying notation "OPP–30000/1A." Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 C.F.R. § 162.11(a)(5)(ii) and 7 U.S.C. § 136(a)(c)(6) or 7 U.S.C. § 136d(b)(1). Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by 40 C.F.R. § 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. on normal business days.

Dated: March 19, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76–8551 Filed 3–24–76;8:45 am]

[FRL 509–8; OPP–30111]

SANDOZ, INC.

Notice of Receipt of Application To Register a Pesticide Product Entailing a Changed Use Pattern

Sandoz, Inc., PO Box 1489, Homestead FL 33030, has submitted to the Environmental Protection Agency (EPA) an application to amend the registration for the pesticide product ZORIAL (EPA Reg. No. 11273–12), containing 5% of the active ingredient Norflurazon [4-chloro-5-(methylamino)-2-(α,α,α-trifluoro-*m*-tolyl)3(2*H*)-pyridazinone]. This herbicide product has been registered for ground use to control weeds in cranberry bogs. The application for amended registration received from Sandoz, Inc., proposes a change in the use pattern to include aerial application of the herbicide for weed control in cranberry bogs. The application also proposes that the product be classified for general use. PM24

Application was made by Sandoz, Inc., pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.) and the regulations thereunder (40 CFR 162). Notice of receipt of this application is given in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received within 30 days from the publication of this notice and should bear a notation indicating the EPA Reg. No. 11273–12. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of this application to register ZORIAL will be announced in the FEDERAL REGISTER. The label furnished by Sandoz, Inc., as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

MARCH 19, 1976.

[FR Doc.76–8552 Filed 3–24–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76–496]

BANGOR HYDRO-ELECTRIC CO.

Correction to Proposed Rate Tariff

MARCH 18, 1976.

Take notice that on February 11, 1976, Bangor Hydro-Electric Company (Bangor) tendered for filing a corrected rate sheet, "Rate For Other Public Utilities, Supplement No. 3 (Seventh Revision), Class E1". Bangor states that the subject rate sheet as originally tendered recited an energy charge of $1.03 per KWH per month. Bangor further states that the correct energy charge as proposed should be 1.03 cents per KWH per month.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 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.76–8443 Filed 3–24–76;8:45 am]

[Docket No. ER76–459]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Order Accepting for Filing and Making Effective Proposed Rate Increase, Granting Waiver of Notice Requirement, and Granting Late Petition To Intervene

MARCH 18, 1976.

On January 14, 1976, Columbus and Southern Ohio Electric Company (C&S) tendered for filing an unsigned service agreement providing for increased rates and charges for wholesale electric service rendered to the City of Columbus, Ohio (Columbus).[1] According to C&S, the filing would increase revenues from service to Columbus by $407,186 annually, based on data for the 12-month period ended June 30, 1975. In the transmittal letter accompanying its filing, C&S states that the terms of the agreement provide that, upon acceptance by the customer, said agreement shall become effective on January 1, 1976. Accordingly, C&S requests that the agreement be accepted for filing and made effective as of January 1, 1976.

By letter dated February 6, 1976, the Commission informed C&S that its currently effective agreement with Columbus (Rate Schedule FPC No. 24, as supplemented) does not permit a rate increase absent termination of such agreement or Columbus' voluntary acceptance of such increase. On February 17, 1976, C&S completed its filing by submitting a copy of the proposed agreement duly executed by Columbus.

Public notice of C&S' filing was issued on January 22, 1976, with all comments, protests or petitions to intervene due on or before February 3, 1976. No responses were timely filed, but a late protest and petition to intervene was received from the City of Westerville, Ohio (Westerville). In its pleading, Westerville states that it purchases at wholesale from C&S its entire requirement of electrical energy for resale to ultimate consumers in its operating area. With respect to the instant filing, Westerville contends that C&S' proposed rates to Columbus ". . . may be unjust, unreasonable, and unduly discriminatory and preferential as to Westerville. . . ." In conclusion, Westerville prays that the Commission issue an order noting its protest and granting it leave to intervene in this proceeding.

Our review of the rate increase to Columbus proposed herein by C&S, together with the data contained in the filing, indicates that the proposed increase is not excessive and is fully justified from a cost of service standpoint. Moreover, because Columbus has agreed to the increase and to the requested effective date, we find that good cause exists to waive the notice requirement of our Regulations. Accordingly, we shall accept for filing the proposed rate increase and make it effective as of January 1, 1976.

We now turn to the pleading which was filed late by Westerville. The issue of discrimination by C&S with respect to the rates it charges Westerville vis-a-vis the rates it charges Columbus has been raised in Docket No. E–9407, which docket concerns a proposed rate increase by C&S to Westerville and two other full requirements wholesale customers. Westerville has been permitted to intervene in that proceeding. We believe that proceedings in Docket No. E–9407 provide an adequate forum for resolution of the discrimination issue raised by Westerville, that Westerville can fully protect its rights in that proceeding, and that, should Westerville prevail in its claim of discrimination, any relief found to be proper can be granted in that proceeding. For these reasons, and in light of the above-discussed finding that the rate proposed herein is fully cost-justified, we see no reason to establish an evidentiary hearing in this docket. However, Westerville's untimely petition to intervene shall be granted, as hereinafter ordered and conditioned.

The Commission finds: (1) Good cause exists to accept for filing and make effective as of January 1, 1976, the rate increase to Columbus proposed herein by C&S.

(2) Good cause exists to waive the notice requirement of our Regulations to permit the subject rate increase to become effective as of January 1, 1976.

(3) Good cause exists to grant the late petition to intervene of Westerville, provided such intervention is conditioned as hereinafter ordered.

The Commission orders: (A) The notice requirement of our Regulations is hereby waived to permit the rate increase proposed herein by C&S to become effective as of January 1, 1976.

(B) The rate increase to Columbus proposed in the instant docket by C&S is hereby accepted for filing and made effective as of January 1, 1976.

(C) Westerville is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene, and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

[1] The agreement is designated Columbus and Southern Ohio Electric Company, Rate Schedule FPC No. 25.

(D) The Secretary shall cause prompt publications of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8428 Filed 3-24-76;8:45 am]

[Docket No. ER76-320]

CONNECTICUT LIGHT AND POWER CO.

Order Denying Petition for Rehearing

MARCH 19, 1976.

By order issued December 31, 1975 the Commission accepted for filing and suspended for two months an amended tariff, R-3 Rate, tendered by The Connecticut Light and Power Company (CL&P) in this docket. A Motion to Reject and Petition for Reconsideration was denied and intervention granted by order issued January 20, 1976. The Connecticut Municipal Group (Municipals)[1] filed on February 19, 1976 a Petition for Rehearing of the January 20, 1976 order. The Municipals state that rehearing should be granted because "the Commission erred (1) in failing to reject CL&P's filing as defective under Section 35.13(b) of the Commission's Regulations; (2) in failing to reject the filing for failure to quantify the monetary impact of the filing; (3) in not rejecting the Company's proposed increase above the level earned on operations other than jurisdictional sales, and (4) failing to summarily dismiss CL&P's claim for measured [sic] depreciation rate."

The Municipals at various points of their Petition have requested that we reject or summarily dismiss CL&P's proposed increase insofar as it pertains to a claimed depreciation rate increase because CL&P failed to include in its filing any studies to support the new depreciation rates. CL&P had marked for identification as Exhibit 18 at the Prehearing Conference in this proceeding a depreciation study which was not included as part of their filing. (Tr. 86-89) This study purports to supply justification for CL&P's proposed depreciation rate increase. The question posed by a motion for summary disposition is whether there exists a genuine issue as to a material fact. The study marked as Exhibit 18 does raise genuine issues as to material facts concerning CL&P's proposed depreciation increase. Accordingly, the Municipals' motion for summary disposition of this issue must be denied. The Municipals' motion also urges the Commission to reject CL&P's filing for failure to include workpapers relating to the proposed depreciation rate increase. This argument was considered and rejected in the January 19, 1976, order in this docket. No new facts have been alleged by Municipals to warrant or grant rehearing of this issue and accordingly the instant motion shall be denied.

[1] City of Groton, Borough of Jewett City, Town of Wallingford, City of Norwich and the Second and Third Taxing Districts of Norwalk, Connecticut.

The Municipals also argue that we should summarily dismiss or reject that portion of CL&P's filing pertaining to its use of tax normalization because CL&P has failed to show that this use results in a tax deferral. With regard to this, we believe it is appropriate to allow CL&P 30 days to present evidence to show that use of tax normalization results in a tax deferral, not a tax savings. Order No. 530-A, issued January 19, 1976, stated that such a showing was necessary where the utility seeks to normalize taxes for a class of items. Since CL&P's filing was made prior to the issuance of Order No. 530-A, we believe it is appropriate to allow it additional time to file such evidence with the Commission for further action as may be appropriate.

The Municipals urge us to summarily dismiss the increase in return above 8.00%, the level "calculated by CL&P to be earned on total company operations at present rates for the period ending December 31, 1976."

Municipals' argument as to rate of return does not lend itself to summary disposition. Factual issues are presented which require formal hearing. Accordingly, we shall not summarily dismiss that portion of CL&P's rate increase which Municipals' claim exceeds an 8.0% rate of return.

The Commission finds: Good cause exists to deny the Municipals' Petition for Rehearing.

The Commission orders: (A) The Municipals' Petition for Rehearing is hereby denied.

(B) CL&P shall, within thirty days of the issuance of this order, submit such testimony and exhibits as it deems appropriate to support the tax normalization it seeks herein. Upon receipt and review of that evidence the Commission shall rule upon the Municipals' request for summary disposition.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8484 Filed 3-24-76;8:45 am]

[Docket No. ER76-151]

DELMARVA POWER & LIGHT CO.

Conference on Power Supply Agreement

MARCH 17, 1976.

Take notice that on April 5, 1976, a conference of all parties to intervene in this proceeding, Delmarva Power & Light Company, and the Commission Staff will be held in Room 6200 at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. at 10:00 A.M. (EST).

Copies of this notice are being mailed this date to all jurisdictional customers and interested state commissions.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8435 Filed 3-24-76;8:45 am]

[Docket No. ER76-494]

DELMARVA POWER & LIGHT CO.

Compliance Filing

MARCH 18, 1976.

Take notice that on March 12, 1976, Delmarva Power & Light Company (Delmarva) tendered for filing revised fuel adjustment clauses purporting to comply with the Commission's order issued February 27, 1976, in the above captioned proceeding.

Delmarva states that copies of the filing were served upon the affected wholesale customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 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.76-8430 Filed 3-24-76;8:45 am]

[Docket No. RP76-59]

EL PASO NATURAL GAS CO.

Order Granting Timely and Late Interventions

MARCH 18, 1976.

Upon notice of this filing which established a deadline for comments, protests, or petitions to intervene on or before February 23, 1976, timely petitions to intervene were filed by the Navajo Tribal Utility Authority, the Citizens Utilities Company, the City of Los Angeles, Southern California Gas Co., Pacific Gas and Electric Co., Salt River Project Agricultural Improvement and Power District, and the Arizona Public Service Company in addition to a petition filed jointly by Asarco, Inc. and the Kennecott Copper Corporation. On February 24, 1976, a late petition to intervene was filed by the San Diego Gas and Electric Company.

The Commission finds: The participation of the aforementioned Petitioners in this proceeding may be in the public interest.

The Commission orders: (A) The above-named Petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission, *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the requests to intervene, *Provided, further,* that the admission of such intervenors shall not be construed

by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding, and that such Petitioners shall take the record as presently established.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8438 Filed 3-24-76;8:45 am]

[Docket Nos. ER76-397, E-9091]

GEORGIA POWER CO.

Order Accepting for Filing and Suspending Proposed Fuel Adjustment Clause, Denying Motion To Reject, Granting Intervention, and Consolidating Proceedings

MARCH 19, 1976.

On December 29, 1975 as supplemented on February 20, 1976,[1] Georgia Power Company (Georgia Power) tendered for filing a proposed fuel adjustment clause[2] to comport with the Commission's Order No. 517. In addition to proposed changes to conform its fuel adjustment clause to Order No. 517, Georgia Power's filing reflects a change in its existing fuel clause by eliminating the "lag" in fuel cost recovery. To compensate for the alleged revenue loss occasioned by the transfer to the proposed clause Georgia Power has included a fuel adjustment surcharge of $.00224 per kWh to be charged for a period of six months. Georgia Power requests an effective date of February 1, 1976.

Public notice of Georgia Power's filing was issued on January 7, 1976 with all protests, comments and petitions to intervene due on or before January 16, 1976. Timely petitions to intervene were filed on behalf of the Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, Georgia (Dalton) and the Cities of Acworth, Georgia, *et al.* (Cities).[3] The Cities additionally protested Georgia Power's filing and moved the Commission to reject the filing, or, in the alternative, to suspend its effectiveness for the full statutory period. In support of its protest and motion to reject the Cities argue (1) that the proposed fuel clause does not conform to Section 35.14 of the Commission's Regulations by "removing the built-in incentive provided by the lag for utilities to bargain for lower prices from their fuel suppliers," by providing an opportunity for the Company to obtain forced interest-free loans from its customers by overestimating fuel usage and fuel costs for the current period, and by utilizing *estimated* fuel usage and fuel costs rather than actual historical fuel usage and fuel costs; (2) that the proposed surcharge constitutes retroactive ratemaking by permitting Georgia Power to collect rates from a period prior to the effective date of the fuel adjustment clause, and (3) that the proposed surcharge constitutes discrimination against Georgia Power's Municipal customers since the surcharge will not be applied to the Cooperative customers of Georgia Power.

On January 30, 1976, Georgia Power filed a response to the Cities' motion, Georgia Power argues that none of the Cities' contentions warrant a rejection of the filing. Georgia Power argues that Order No. 517 does not require a "lag" in fuel adjustment clauses. With respect to the Cities' argument that the proposed surcharge constitutes retroactive ratemaking, Georgia Power contends that the surcharge "has nothing to do with Order No. 517 but is solely the result of switching from a fuel clause with a 'lag' to one which matches current fuel cost with current energy sales." Georgia Power further argues that since the proposed surcharge will be applied prospectively to only those customers who purchased the energy associated with the unrecovered cost it is not discriminatory.

Our review of Georgia Power's proposed revised fuel adjustment clause and its attendant temporary surcharge, as well as the pleadings submitted, indicates that the proposed fuel adjustment clause has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. We shall therefore accept the revisions for filing and suspend their effectiveness for one day and set the matter for hearing. We shall further, for purposes of hearing and decision, consolidate this proceeding with the pending proceeding in Docket No. E-9091.

Since Georgia Power has not shown good cause for waiver of the Commission's notice requirements we shall permit the proposed changes to become effective March 23, 1976, subject to refund. We shall also require Georgia Power to file actual data in support of the proposed surcharge based on the March 23 effective date.

Insofar as the matters raised by petitioners are proper subjects for investigation rather than bases for a rejection of the proposed filing, we shall deny Cities' motion for rejection.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed fuel adjustment clause tendered by Georgia Power in this docket and that the proposed fuel adjustment clause be suspended as hereinafter provided.

(2) Good cause does not exist to grant Cities' motion to reject Georgia Power's filing.

(3) Good cause does not exist to grant the petitions to intervene of Cities and Dalton.

(4) Good cause does not exist to grant waiver of the Commission's notice requirements.

(5) For purposes of hearing and decision the present proceeding should be consolidated with the proceeding in Docket No. E-9091.

The Commission orders: (A) Pending a hearing and a decision thereon, Georgia Power's proposed changes in its fuel adjustment clause tendered on December 29, 1975, and completed on February 20, 1976, are accepted for filing, and suspended for one day, the use thereof deferred until March 23, 1976, subject to refund.

(B) The petitioners referred to in this order are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Cities' motion to reject is hereby denied.

(D) Georgia Power's request of an effective date of February 1, 1976 is hereby denied.

(E) For purposes of hearing and decision this proceeding is hereby consolidated with the pending proceeding in Docket No. E-9091.

(F) Georgia Power shall, within thirty days of the issuance of this order file testimony and exhibits to support its contentions as to the justness and reasonableness of its proposed fuel adjustment clause and the proposed surcharge, as well as actual data in support of the proposed surcharge based on the March 23 effective date.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlements pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(H) Georgia Power shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR § 35.19a.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8487 Filed 3-24-76;8:45 am]

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[1] The supplemental filing was in response to a letter of January 23, 1976 from the Commission's Secretary informing Georgia Power that its filing was deficient.

[2] Revised Sheet Nos. 24, 25, and 25A to Georgia Power Company's FPC Electric Tariff, Original Volume No. 1.

[3] The Cities of Acworth, Adel, Albany, Barnesville, Blakely, Braselton, Brinson, Buford, Cairo, Calhoun, Camilla, Cartersville, College Park, Commerce, Covington, Doerun, Douglas, East Point, Elberton, Ellaville, Fairburn, Fitzgerald, Forsyth, Fort Valley, Grantville, Griffin, Hampton, Hogansville, Jackson, LaFayette, LaGrange, Lawrenceville, Mansfield, Marietta, Monroe, Monticello, Moultrie, Newnan, Norcross, Palmetto, Quitman, Sandersville, Sylvania, Sylvester, Thomaston, Thomsville, Washington, West Point, and Whigham, Georgia.

[Docket No. ER76-469]

IDAHO POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Establishing Procedure and Granting Intervention

MARCH 18, 1976.

On January 19, 1976 Idaho Power Company (Idaho) tendered for filing Supplement 1 to its Rate Schedule FPC No. 57. This Supplement proposes to increase revenues from sales of electric power and energy to California-Pacific Utilities Company (CPUC) by approximately $2,024,000 based on the 12-month period ending December 31, 1976. Idaho states that the increases are necessitated by additional investments made to serve these loads and by increased costs for labor, materials, supplies, purchased power and taxes. Part of these increased costs are attributable to bringing on line a 500 megawatt steam generating unit which marked the end of what had been previously a 100% hydroelectric system.

Notice of this proposed increase was issued on January 23, 1976 with comments, protests or petitions to intervene due on or before February 9, 1976. A Petition to Intervene was filed by California Public Utilities Company (CPUC) on February 9, 1976 in which CPUC requested a hearing and requested a five month suspension. Idaho seeks to place the increased rates into effect on March 19, 1976.

Our review of Idaho's proposed rate increase indicates that it has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful. Accordingly, we shall accept Idaho's proposal for filing and suspend its operation for two months, or until May 19, 1976, when the rate will be permitted to become effective, subject to refund, pending the outcome of the hearing which is hereinafter ordered.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Idaho's revised rate schedules proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

(2) Good cause exists to grant CPUC's petition to intervene.

The Commission orders: (A) Pending a hearing and a decision thereon, Idaho's proposed changes in its rates and charges are accepted for filing, and suspended for two months, the use thereof deferred until May 19, 1976, when they will be permitted to become effective, subject to refund.

(B) CPUC is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its respective petitions to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the initial conference in this proceeding on April 1, 1976 at 10:00 A.M. EST, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(E) Idaho shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8432 Filed 3-24-76;8:45 am]

[Docket Nos. ER76-366 and ER76-367]

KANSAS GAS & ELECTRIC CO.

Tender of Supplemental Data

MARCH 18, 1976.

Take notice that on March 1, 1976, Kansas Gas & Electric Company (KG&E) tendered for filing supplemental data intended to complete its filings of December 15, 1975 in the above dockets. This data was filed in response to a deficiency letter from the Secretary of the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 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 March 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8444 Filed 3-24-76;8:45 am]

[Docket No. ER76-501]

MONONGAHELA POWER CO. AND WEST PENN POWER CO.

Order Granting Late Intervention

MARCH 18, 1976.

On February 3, 1976, Allegheny Power Service Corporation (APS) tendered for filing on behalf of its affiliates, West Penn Power Company and Monongahela Power Company and on behalf of Appalachian Power Company, Ohio Power Company and Wheeling Electric Company, Modification No. 5, dated January 27, 1976 to the Operating Agreement dated June 1, 1971 among West Penn Power Company, Monongahela Power Company, Appalachian Power Company, Ohio Power Company and Wheeling Electric Company designated Monongahela Power Company, Rate Schedule, FPC No. 31, West Penn Power Company, Rate Schedule, FPC No. 28, Appalachian Power Company, Rate Schedule, FPC No. 55, Ohio Power Company, Rate Schedule, FPC No. 73, and Wheeling Electric Company, Rate Schedule, FPC No. 5.

Modification No. 5, requested to be effective March 1, 1976, provides for participation by the parties in economy transactions involving systems which are not parties to the Agreement.

APS's filing was noticed by the Commission on February 13, 1976, with protests and petitions to intervene due on or before February 25, 1976.

On February 27, 1976, a late notice of intervention was filed by the Public Service Commission of West Virginia. We believe that the State Commission has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to accept the untimely notice of intervention and permit intervention of the Public Service Commission of West Virginia.

The Commission orders: (A) The Public Service Commission of West Virginia is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8437 Filed 3-24-76;8:45 am]

[Docket No. RP-76-8]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Notice of Further Extension of Procedural Dates

MARCH 19, 1976.

On March 16, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 10, 1975, as most recently modified by notice issued January 21, 1976, in the above-designated proceeding.

Staff's motion states that Kansas-Nebraska, Nebraska Distributor Group, Central Kansas Power Company, Inc., and Nebraska Public Power District have been contacted and there is no opposition to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 21, 1976.
Service of Intervenor Testimony, June 18, 1976.
Service of Company Rebuttal, July 9, 1976.
Hearing, July 20, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8485 Filed 3-24-76;8:45 am]

[Docket No. CP76-285]

MOUNTAIN FUEL RESOURCES, INC.

Notice of Application

MARCH 18, 1976.

Take notice that on March 3, 1976, Mountain Fuel Resources, Inc. (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-285 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction, and operation of facilities necessary to convert the Dakota formation of the Clay Basin gas field in Daggett County, Utah, into an underground natural gas storage field and the operation of said field to render natural gas storage service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to render natural gas storage service of up to 100,000 Mcf of gas per day during the 1976-77 heating season and up to 200,000 Mcf of gas per day each season thereafter. Applicant states that it anticipates that the storage field upon full development may be capable of deliveries of up to 500,000 Mcf of gas per day. It is stated that upon full development the storage field is estimated to be approximately 50,000,000 Mcf of cushion gas and 50,000,000 Mcf of working gas.

Applicant describes the field as an anticlinal dome underlying about 4,680 acres. The Dakota formation is said to have an estimated 12,124,756 Mcf of remaining recoverable reserves as of September 30, 1975.

Applicant proposes to acquire its parent, Mountain Fuel Supply Company (Mountain Fuel), all operating rights and interests of the latter in the Dakota formation, together with seven lateral pipelines, seven wells, and eight metering stations. In addition Applicant proposes to drill eight injection/withdrawal wells. To permit injection and withdrawal Applicant proposes to connect the field to the facilities of Northwest Pipeline Corporation (Northwest) with approximately 14.9 miles of 20-inch pipeline all in Daggett County. At the field Applicant proposes to install two 2,600 horsepower compressors for injection and withdrawal, approximately eight miles of six-inch pipeline connecting the seven existing wells to the central receipt/dispatching point, approximately nine miles of six-inch pipeline similarly connecting the eight new wells, wellhead dehydration units, a central metering system, and miscellaneous field items. The cost of the new facilities and of working over the existing wells is estimated at $14,804,000.

Applicant states that it is a recently-formed, wholly-owned subsidiary of Mountain Fuel and presently has no assets or liabilities. It is further stated that Applicant's initial capital structure would consist of $9,000,000 equity, with all of the common stock purchased and held by Mountain Fuel, and that additional funds would be acquired through issuance of intermediate or long-term debt. Applicant would acquire the existing rights and facilities of Mountain Fuel in the proposed storage field in exchange for Applicant's production and delivery to Mountain Fuel of the remaining recoverable reserves. The agreement between Applicant and Mountain Fuel provides for a payment of five cents per Mcf delivered to Mountain Fuel.

The application includes as an exhibit thereto and in support thereof a letter of understanding with Northwest which provides that the proposed facility would be operated to provide base load storage for Northwest. The letter further provides that the storage service from the field would be dedicated to Northwest for the ultimate benefit of Northwest's existing customers for their use only and that no off-system deliveries would be made by Northwest, but that Applicant would reserve the right to utilize the field to the extent that it has capacity over and above that required by Northwest. The base-load storage service would not constitute a new supply of natural gas for Northwest's customers, but is intended to offset in whole or in part the substantial firm gas deliverability shortfalls experienced by Northwest's customers, thereby, in effect, maximizing Northwest's customer companies' ability to receive their firm contract demand from Northwest. It is contemplated that injections into storage would be made during off-peak periods by Northwest from its general system supply. Withdrawlas of base-load storage gas for the benefit of the customers of Northwest would not cause the base-load deliveries to exceed the sum of the pipeline firm contract demands of Northwest's customers. Base-load storage volumes as used by Applicant and Northwest is said to mean the volume from the storage field together with any particular day's pipeline supply which may equal but not exceed Northwest's customers' Rate Schedule ODL, PL-1 and DS firm contract demands and Northwest's direct sale customers' firm contract requirements. Inclusion of the PL-1 customers would be limited to an initial period of two years (heating seasons 1976-77 and 1977-78) whereupon the continuance of storage service to the PL-1 customers would be subject to review.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 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, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8429 Filed 3-24-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Interventions

MARCH 18, 1976.

On December 29, 1975, Michigan-Wisconsin Pipe Line Company (Mich-Wisc) tendered for filing, in Docket No. RP76-50, seven tariff sheets, setting forth its

proposed curtailment plan to be effective February 1, 1976. Notice of Mich-Wisc's filing was issued on January 14, 1976, with protests and petitions to intervene due on or before January 21, 1976.

Late petitions to intervene were received from Northern Indiana Public Service Company on February 23, 1976 and from Peoples Natural Gas Division of Northern Natural Gas Company on February 27, 1976.

Having reviewed the above petitions to intervene, we believe the above petitioners have sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8436 Filed 3-24-76;8:45 am]

[Docket No. RP76-69]

MID LOUISIANA GAS CO.

Proposed Change in FPC Gas Tariff

MARCH 17, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on March 9, 1976, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, First Revised Sheet Nos. 22 and 23 and Original Sheet Nos. 23a, 23b, 23c, 23d, 23e, 23f and 23g.

Mid Louisiana states that these tariff sheets constitute its curtailment plan pursuant to Section 2.78 of the Commission's General Policy and Interpretations and that no change in rate level is proposed by these tariff sheets. Mid Louisiana request that the tendered Tariff Sheets be made effective May 1, 1976.

Mid Louisiana states that the proposed curtailment plan provides that curtailments will be made pursuant to the nine end use priority-of-delivery categories established by Section 2.78 of the Commission's Rules with the single modification to include small firm industrial sales (up to 300 Mcf per day) in priority category (2).

Mid Louisiana states that the curtailment plan provides for the full curtailment of the lower priority category volumes before curtailment of any higher priority volumes, that curtailments within each priority category shall be made on a prorata basis and that both its direct and indirect customers that use gas for similar purposes shall be placed in the same category of priority.

The plan states that gas taken under any rate schedule in excess of curtailment orders shall be deemed unauthorized overrun gas and that a purchaser taking unauthorized overrun gas shall pay for such gas in accordance with the penalty provisions of Mid Louisiana's respective rate schedules. The plan further provides that variations in the curtailment procedure provided in the plan may be permitted when necessary to respond to emergency situations, including environmental emergencies, where supplemental deliveries are required to forestall irreparable injury to life or property.

Copies of the filing have been served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8442 Filed 3-24-76;8:45 am]

[Docket Nos. E-8641, E-8476, E-8251, E-8169]

NEW ENGLAND POWER CO.

Further Extension of Time

MARCH 18, 1976.

On March 11, 1976, Staff Counsel filed a motion to further extend the time for filing briefs on exceptions to the initial decision issued on February 3, 1976, in the above-indicated proceeding. The time was previously extended by notice issued March 1, 1976.

Notice is hereby given that the time for filing briefs on exceptions in the above proceeding is extended from March 18, 1976 to and including April 13, 1976. The time for filing briefs opposing exceptions is extended to and including May 3, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8431 Filed 3-24-76;8:45 am]

[Docket No. E-9550]

NIAGARA MOHAWK POWER CORP.

Notice of Application

MARCH 17, 1976.

Take notice that on February 5, 1976, the Town of Massena, New York (Massenna), pursuant to Section 202b of the Federal Power Act and Section 32.1 of the Commission's Regulations under the Federal Power Act, filed an application for an order directing the Niagara Mohawk Power Corporation (Niagara) to establish physical connection of its facilities with the facilities to be possessed and operated by Massena.

Massena is a municipal corporation as defined under the laws of the State of New York. Massena is located in the County of St. Lawrence and lies adjacent to the St. Lawrence River. Massena's population is approximately 16,000 and its economic base consists of three major industrial facilities along with recreational activities and related services based on the St. Lawrence River and Lake St. Lawrence formed by one of the two hydroelectric facilities owned and operated by the Power Authority of the State of New York (PASNY).

Niagara currently serves electric power and energy to the residents of Massena at retail under rates, terms and conditions of service approved or prescribed by the Public Service Commission of the State of New York.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commissions Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8441 Filed 3-24-76;8:45 am]

[Docket No. ER76-551]

NIAGARA MOHAWK POWER CORP.

Notice of Tariff Filing

MARCH 15, 1976.

Take notice that Niagara Mohawk Power Corporation, on March 8, 1976, tendered for filing revisions to its Rate Schedule FPC No. 25. By the provisions of this rate schedule, Niagara Mohawk supplies wholesale electric service to the Village of Brocton, New York.

The revisions are made to conform the fuel adjustment clause, contained in this rate schedule, with the provisions of the Commission's Order No. 517.

Copies of the filing were served upon the following:

Village of Brocton, 34 W. Main Street, Brocton, New York 14716.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All petitions or protests should be filed on or before March 29, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available of public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-8440 Filed 3-24 76;8:45 am]

[Docket No. CP76-160]

NORTHERN NATURAL GAS CO.

Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity

MARCH 18, 1976.

On November 11, 1975, Northern Natural Gas Company (Northern) filed in Docket No. CP76-160 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer of domestic farm tap service presently provided through its Peoples Natural Gas Division (Peoples Division) to Central Telephone and Utilities (Central) for resale service in the State of South Dakota, all as more fully set forth in the application.

Northern's Peoples Division is currently serving a domestic-rural farm customer, John Stone (Stone), from a tap on its pipeline near Bell Rapids, South Dakota. At Stone's request, Northern proposes to transfer the service at such tap to Central, a local distributor and an existing resale customer of Northern, which provides natural gas service to the town of Dell Rapids. Thus, under the instant proposal, Stone will change from a direct sale customer of Northern to a resale customer of Central.

The Peoples Division does not maintain an office in the proximity of the service area, thus requiring Stone to make monthly meter readings and forward same to a Peoples Division office and precluding the availability of service personnel to service his appliances. Since Central provides distribution service to the town of Dell Rapids, it has agreed to assume resale service to Stone.

The instant application does not require the construction of any additional facilities. The proposed transfer of service will not result in any additional sales of gas since the firm service will be provided out of Central's existing contract demand authorized by the Commission.

After due notice of the application in Docket No. CP76-160 by publication in the FEDERAL REGISTER on December 12, 1975 (40 FR 57857), no petitions to intervene, notices of intervention, or protests to the granting of the application have been filed.

At a hearing held on March 16, 1976, the Commission on its own motion received and made part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds: (1) Applicant, Northern Natural Gas Company, a Delaware corporation, having its principal place of business in Omaha, Nebraska, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its order of April 6, 1943, in Docket No. G-280 (3 FPC 967).

(2) The proposed transfer of domestic farm tap service, as more fully described in the application in the instant proceeding, is to be made in interstate commerce, subject to the jurisdiction of the Commission, and said transfer is subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed transfer of domestic farm tap service is required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

The Commission orders: (A) Upon the terms and conditions of this order a certificate of public convenience and necessity is issued in the instant docket authorizing Northern to transfer the aforementioned domestic farm tap service to Central, as hereinbefore described and as more fully set forth in the application filed in this docket.

(B) The certificate issued in paragraph (A) and the rights granted thereunder are conditioned upon Northern's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in Part 154 and Section 157.20(a), (c) (3), (e) and (f) of the Commission's Regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8434 Filed 3-24-76;8:45 am]

[Project No. 2337]

PACIFIC POWER AND LIGHT CO.

Order Approving Revised Exhibit L

MARCH 16, 1976.

On December 18, 1973, Pacific Power and Light Company (Licensee) filed for Commission approval a revised Exhibit L for the Prospect No. 3 Project No. 2337, located on the South Fork Rogue River in Jackson County, Oregon, and affecting lands of the United States within the Rogue River National Forest. The revised Exhibit L drawing showing the project dam, canal intake structure, and fish ladder reflects the "as-built" configuration of the project.

On July 30, 1931, the Commission issued a minor-part license for Project No. 1163 to the California Oregon Power Company thereby authorizing the construction and operation of those portions of the project facilities located within the Rogue River National Forest. On June 16, 1961, the Commission approved transfer of the license for Project No. 1163 to Pacific Power and Light Company and directed the Company to file concurrent applications for surrender of the minor-part license and issuance of a new major license. The project works of Project No. 1163 were among those included in the application for license for major Project No. 2337. On July 8, 1964, the Commission accepted the surrender of the minor-part license for Project No. 1163 and issued a major license to Pacific Power and Light Company for a period of 25 years, effective as of January 1, 1964, for the operation and maintenance of Prospect No. 3 Project No. 2337. Included in the new license as Exhibit L were pre-construction drawings which had been previously approved and included in the minor-part license for Project No. 1163 and an additional drawing showing the constructed powerhouse.

The revised Exhibit L drawing submitted by Licensee shows that a wood sill, approximately eight inches high, was added to the crest of the diversion dam. The drawing also shows plans and section views of the canal intake structure and fish ladder which were not shown on the previously approved Exhibit L drawings. Annual inspections of the project works by Commission staff have revealed no substantial construction, additions, or modifications to the project since issuance of the major license.

The approval of the "as-built" revised Exhibit L drawing does not change project operation nor does it authorize additional construction. Therefore, this approval does not constitute a major Federal action significantly affecting the quality of the human environment.

The Commission finds: (1) The following revised Exhibit L drawing conforms to the Commission's Rules and Regulations and should be approved for Project No. 2337:

FPC No.	Title	Superseding in part FPC No.
2337-9 (sheet 3).	Dam, intake, and fish facilities.	2337-4 (sheet 1).

(2) Revised FPC No. 2337-9 (Sheet 3) supersedes FPC No. 2337-4 (Sheet 1) only isofar as it depicts a typical cross-section of the dam.

The Commission orders: (A) The revised Exhibit L drawing listed in finding (1) above is hereby approved as part of the license for Project No. 2337.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8433 Filed 3-24-76;8:45 am]

[Docket No. CI75-584]

PHILLIPS PETROLEUM CO.

Notice of Withdrawal

MARCH 19, 1976.

On March 12, 1976, Phillips Petroleum Company filed a motion to withdraw its Application for Certificate of Public Convenience and Necessity filed on April 2, 1976 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on April 12, 1976.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8486 Filed 3-24-76;8:45 am]

[Docket Nos. RP76-53, and RP76-60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Granting Timely and Late Petition To Intervene

MARCH 19, 1976.

On January 12, 1976, South Texas Natural Gas Gathering Company (South Texas) tendered for filing in Docket No. RP76-53 proposed changes in rates for the sale of gas to Natural Gas Pipeline Company of America under FPC Rate Schedule No. 1 and Transcontinental Gas Pipeline Corporation under FPC Rate Schedule No. 2. South Texas requested that the proposed rates be made effective as of February 12, 1976. By order issued February 10, 1976, the Commission accepted for filing and suspended the proposed rate increase for five months, to become effective July 12, 1976.

Notice of South Texas' filing in Docket No. RP76-53 was issued on January 20, 1976, with protests or petitions to intervene due on or before February 2, 1976. On January 29, 1976, a timely petition to intervene was filed by Transcontinental Gas Pipe Line Corporation (Transco). Late petitions to intervene were filed on February 3, 1976, by Brooklyn Union Gas Company, a contract customer of Transco; on February 5, 1976, by Natural Gas Pipeline Company of America; and on February 6, 1976, by Public Service Electric and Gas Company, a contract customer of Transco. The Commission has reviewed said petitions and concludes that the petitioners have an interest in said proceeding which is sufficient to warrant their intervention herein.

On January 30, 1976, South Texas tendered for filing in Docket No. RP76-60 a request for a rate increase for sales to Natural under South Texas' FPC Gas Rate Schedule No. 1. South Texas requested that the proposed rates be made effective as of March 1, 1976. By order issued February 27, 1976, the Commission denied South Texas' request to treat its January 30, 1976 filing as a unilateral filing under Section 4(d) of the Natural Gas Act, and instituted a proceeding under Section 5 of the Act to determine the just and reasonable rate to be charged Natural. The Commission order also consolidated the proceedings in Docket No. RP76-53 with those in Docket No. RP76-60.

Notice of South Texas' filing in Docket No. RP76-60 was issued February 6, 1976, with protests or petitions to intervene due on or before February 20, 1976. Natural filed a Petition to Intervene on February 20, 1976. The Commission has reviewed the petition and finds that the petitioner has an interest in said proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to permit Transcontinental Gas Pipe Line Corporation; Brooklyn Union Gas Company; Natural Gas Pipeline Company of America; and Public Service Electric and Gas Company to intervene in the above-referenced proceedings, provided such intervention is conditioned as hereafter ordered.

The Commission orders: (A) Transcontinental Gas Pipe Line Corporation; Brooklyn Union Gas Company; Natural Gas Pipeline Company of America; and Public Service Electric and Gas Company are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The late interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8483 Filed 3-24-76;8:45 am]

[Docket No. CP76-281]

TRUNKLINE GAS COMPANY

Notice of Application

MARCH 18, 1976.

Take notice that on February 27, 1976, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-281 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing March 10, 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with Applicant's pipeline system or to connect gas to the system of another natural gas company authorized to transport gas for or exchange gas with Applicant.

The total cost of the proposed facilities would not exceed $10,000,000, and the cost of any single onshore project would not exceed $1,500,000 and the cost of any single offshore project would not exceed $2,500,000. Applicant states these costs would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-8439 Filed 3-24-76;8:45 am]

[Project No. 2197]

YADKIN, INC.

Notice of Application for Change in Land Rights

MARCH 18, 1976.

Public notice is hereby given that an application was filed December 18, 1975, and supplemented January 26, 1976, under the Federal Power Act (16 U.S.C. § 791–825r), by Yadkin, Inc. (Correspondence to: LeBoeuf, Lamb, Leiby & MacRae, 140 Broadway, New York, New York 10005; and to Gayle Jordan, Esquire, Southern Region Industry Realty, P.O. Box 1808, Washington, D.C. 20013), for Commission approval of a disposition of certain lands and waters of constructed Yadkin Project No. 2197, located in Stanly, Montgomery, Davidson, and Rowan Counties, North Carolina, on the lower stretch of the Yadkin River.

Yadkin, Inc. requests Commission approval to sell four tracts of land to Southern Region Industry Realty, Inc. (SRIR) for construction of a modern automated railroad hump classification yard in Davidson County near Linwood, North Carolina. As proposed, Linwood Yard would have a total capability for handling between 4,100 and 4,200 cars, while utilizing approximately 59 miles of track. These tracks would be located north and upstream of the existing tracks.

The four tracts of the land involved are located in arms of High Rock Reservoir and comprise a total area of approximately 52.41 acres of project property. Linwood Yard would occupy approximately 375 acres of rolling land having maximum elevation differentials of about 80 feet. The yard would be about 1800 feet wide tapering to approximately 660 feet and 800 feet at the western and eastern ends, respectively. The overall length would be about 4.28 miles. In addition, portions of the four arms of reservoir would be filled. To maintain the water flow in those areas of North and South Potts Creeks to be filled, a 156" diameter pipe for North Potts Creek and a 531 square foot opening for South Potts Creek would be constructed. These measures are planned to permit the creeks to continue discharges into the reservoir and enable aquatic species to travel into the upper limits of the tributaries.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (19 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. 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. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. The applicant or initial pleader has requested that the shortened procedure of Section 1.32(b) be issued. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8445 Filed 3-24-76;8:45 am]

[Docket No. ER76-394]

ARIZONA PUBLIC SERVICE CO.

Order Accepting for Filing and Suspending Fuel Clause

MARCH 18, 1976.

On December 24, 1975, Arizona Public Service Company (APS) tendered for filing a revised fuel adjustment clause in purported compliance with Commission Order No. 517. The proposed clause was to be applicable to 16 wholesale customers.[1] APS was advised, by letter dated January 22, 1976, that its filing was deficient in that the tendered fuel adjustment clause was not in the form prescribed by Order No. 517. APS resubmitted a revised clause on February 17, 1976.

Notice of APS' initial submittal in the instant docket was issued January 6, 1976, with responses due on or before January 15, 1976. On January 15, 1976, Arizona Electric Power Cooperative, Inc. and Papago Tribal Utility Authority (jointly, Petitioners) petitioned to intervene and moved for an order finding that the corrected revised fuel clause filed by APS is part of the ongoing proceedings in Docket No. E–8624 and directing that the present refund obligation under the currently effective fuel clause should continue with respect to the corrected revised fuel clause. In the alternative, if the Commission deems the corrected revised fuel clause to constitute a new fuel clause rather than a change in the existing fuel clause, Petitioners move that the Commission order its operation suspended for one day, set it for hearing, order that all revenues collected thereunder be subject to refund from the effective date thereof and consolidate this docket with the proceedings in Docket No. E–8624, so that the decision reached therein shall be dispositive of any and all issues herein.

At issue in Docket No. E–8624 is the base cost of fuel utilized in APS' currently effective fuel adjustment clause. In moving for consolidation of the two dockets, Petitioners contend that the proposed fuel clause submitted herein uses the same base cost of fuel as, and is otherwise nearly identical to, the currently effective fuel clause, which is being collected subject to refund. Petitioners argue that the only change with practical effect is that, while in the existing clause the computation of line losses of energy is figured on a systemwide basis, the proposed clause confines losses to those attributable to wholesale customers. Petitioners maintain that this change is an outgrowth of the proceedings in Docket No. E–8624, and that therefore the two proceedings should be consolidated for hearing. Petitioners also move that the instant filing be suspended for one day so that APS' present refund obligation will continue until the date of a final decision and order in the earlier proceeding.

The Petitioners take the position that by filing the proposed fuel adjustment clause to be effective January 1, 1976, Arizona has created a "locked-in" period in Docket No. E–8624. Such locked-in period runs from April 2, 1974 (the date the present fuel adjustment clause became effective subject to refund), to January 1, 1976 (the proposed effective date of the instant fuel adjustment clause). Petitioners argue that there will also be a locked-in period in the instant docket which will run from January 1, 1976, to the date the Commission issues a final decision on the proposed clause. Given these locked-in periods, Petitioners argue that refunds cannot lawfully be determined upon the test-year used in Docket No. E–8624 but must be determined on the basis of actual operating results for the locked-in periods. Petitioners state that they will waive any further hearings and a new cost of service study if the additional revenues earned by Arizona—under the fuel clauses in effect from April 2, 1974, to the date of the Commission's final decision—are added to the demand and energy revenues earned in the test period in determining whether Arizona has earned a fair rate of return.

If the Commission does not consolidate the instant docket with Docket No. E–8624, or if the Commission does not agree that refunds in the consolidated docket shall be based upon actual fuel clause revenues, Petitioners alternatively move that APS be directed to file, pursuant to Section 35.14(a)(9)(ii), a full cost of service study within 60 days of an order suspending the proposed clause.

On January 30, 1976, APS filed a response to Petitioners' motion. APS stated, *inter alia*, that it opposes consolidation of Docket No. E–8624 and the instant docket, on the grounds that the former proceeding involves a determination of whether the Company's currently effective fuel clause was in compliance

[1] See Appendix A for list of customers and rate schedule designations.

with Section 35.14 prior to adoption of Order No. 517, while the latter involves a determination of whether the proposed fuel clause complies with Section 35.14 as amended by Order No. 517. APS also contends that the change in computation of line losses of energy was made in response to the requirements of the Commission's regulations. APS asks the Commission to accept the new fuel clause for filing, to be made effective as of January 1, 1976, without suspension.

APS argues that its instant filing falls under the proviso in Section 35.14(a)(9)(ii) which does not require full cost of service data when an existing fuel adjustment clause is being modified to conform to the Commission's regulations. APS adds that, since the base costs which underlie both fuel clauses are subject to review in Docket No. E-8624, no further cost support is required.

Petitioners on February 9, 1976, filed a reply to APS' response which by and large recapitulates the arguments in their original petition, but which also states that, if the Commission fails to consolidate the instant filing with Docket No. E-8624 and to order refunds to be determined on the basis of actual past operating results, then alternatively Petitioners move that operation of the proposed fuel clause be suspended for five months and that it be set for hearing.

The instant filing by Arizona is a modification of the presently effective fuel adjustment clause to comply with Order No. 517. Under the terms of Section 35.14(a)(9)(ii), therefore, APS shall not be required to submit full cost of service data supporting the instant filing. Due to the change to reflect wholesale losses, as opposed to system losses, the proposed clause produces approximately $59,000 (1.13%) less in fuel adjustment revenue than the presently effective fuel adjustment clause for the twelve months preceding the proposed effective date.

At issue in Docket No. E-8624 is the base cost of fuel, total revenue level, and whether the presently effective clause complies with the Regulations prior to the adoption of Order No. 517. There appears to be no justification for consolidating the instant filing with the proceedings in Docket No. E-8624, wherein initial briefs have already been filed. Since, however, the proposed fuel clause is intended to produce the same revenues, except for losses, as the present fuel clause, the instant docket is dependent upon the outcome of the proceedings in Docket No. E-8624 and shall be made subject thereto. APS' tendered filing was completed on February 17, 1976. Accordingly, APS' proposed revised fuel clause shall be accepted for filing and suspended for one day, the use thereof deferred until March 19, 1976, subject to refund.

It is noted that on February 26, 1976, APS tendered for filing in Docket No. ER76-530 a proposed rate increase with a new cost of service study and requested that the proposed rates be made effective April 1, 1976.

The Commission finds: (1) Good cause exists to allow Petitioners to intervene in this proceeding.

(2) Good cause exists to accept for filing and suspend for one day the revised fuel adjustment clause submitted by APS.

(3) Good cause exists to deny Petitioners' motion to consolidate the instant filing with the proceedings in Docket No. E-8624.

(4) Good cause exists to deny Petitioners' motion to suspend the filing for five months, to order APS to file a new and updated cost of service, and to set the case for hearing.

The Commission orders: (A) Petitioners are hereby permitted to intervene in this proceeding; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) APS' proposed revised fuel adjustment clause tendered for filing December 24, 1975 and revised February 17, 1976, is hereby accepted for filing and suspended for one day, when it is permitted to become effective, subject to refund, on March 19, 1976.

(C) Petitioners' motion to consolidate the instant docket with the proceedings in Docket No. E-8624 is hereby denied.

(D) Petitioners' motion to suspend APS' filing for five months, to order APS to file a new and updated cost of service, and to set the case for hearing, is hereby denied.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—RATE SCHEDULE DESIGNATIONS

ARIZONA PUBLIC SERVICE CO.

Customer	*Designation*
Electrical District No. 3	Supp. No. 14 to rate schedule FPC No. 12 (supersedes supp. No. 12).
Electrical District No. 7	Supp. No. 14 to rate schedule FPC No. 13 (supersedes supp. No. 12).
Maricopa County Municipal Water Conservation District No. 1.	Supp. No. 14 to rate schedule FPC No. 14 (supersedes supp. No. 12).
Roosevelt Irrigation District	Supp. No. 14 to rate schedule FPC No. 15 (supersedes supp. No. 12).
Buckeye Water Conservation and Drainage District.	Supp. No. 5 to rate schedule FPC No. 16 (supersedes supp. No. 3).
Navopache Electric Cooperative, Inc	Supp. No. 18 to rate schedule FPC No. 17 (supersedes supp. No. 14).
Town of Wickenburg	Supp. No. 13 to rate schedule FPC No. 34 (supersedes supp. No. 11).
Electrical District No. 6	Supp. No. 14 to rate schedule FPC No. 35 (supersedes supp. No. 12).
Citizens Utilities Co	Supp. No. 8 to rate schedule FPC No. 50 (supersedes supp. No. 2).
Comision Federal de Electricidad (NACO)	Supp. No. 4 to export rate schedule FPC No. 51 (supersedes supp. No. 2).
Papago Tribal Utility Authority	Supp. No. 44 to rate schedule FPC No. 52 (supersedes supp. No. 2).
Comision Federal de Electricidad (Sonoita)	Supp. No. 4 to export rate schedule FPC No. 53 (supersedes supp. No. 2).
Compania de Servicios Publicos de Aguo Prieta.	Supp. No. 5 to export rate schedule FPC No. 54 (supersedes supp. No. 4).
Arizona Electric Power Cooperative, Inc	Supp. No. 2 to rate schedule FPC No. 57.
Wellton-Mohawk Irrigation and Drainage District.	Supp. No. 3 to rate schedule FPC No. 58.
Arizona Power Authority	Supp. No. 4 to rate schedule FPC No. 59.
FPC electric tariff original vol. No. 1	Revised sheet dated Jan. 1, 1976 under FPC electric tariff original vol. No. 1 (supersedes revised sheet).

[FR Doc.76-8509 Filed 3-24-76;8:45 am]

[Docket No. RP76-61]

BACA GAS GATHERING SYSTEM, INC.

Notice of Filing

MARCH 19, 1976.

Take notice that on March 8, 1976, in accordance with the Commission order issued February 27, 1976, in the above-referenced docket, Baca Gas Gathering System, Inc. submitted for filing as part of its FPC Gas Tariff, Original Volume 1, a substitute Third Revised Sheet No. 3-A, and as part of its FPC Gas Tariff, Original Volume 2, a substitute Second Revised Sheet No. 3-A.

Baca states that copies of these substitute revised tariff sheets were mailed to the purchaser, Panhandle Eastern Pipe Line Company and to Kansas State Corporation Commission.

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 Streets, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 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.76-8502 Filed 3-24-76;8:45 am]

[Docket No. RI76-19]

WILLIAM C. BLANKS, ET AL.

Order Granting Petition for Special Relief

MARCH 15, 1976.

On August 13, 1975, William C. Blanks (Blanks) *et al.*, filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations [1] with respect to a sale of natural gas to El Paso Natural Gas Company (El Paso) from a well located on the Stites Lease, North Branch Field, Sutton County, Texas. Blanks, a small producer, is operator and owner of a 50% working interest in the property involved. In his petition and in response to various subsequent requests from the FPC staff, he filed and presented cost and reserve evidence on behalf of both himself and another small producer, Wichita Resources, 701 Ltd., owner of the other 50% interest in the property.

Blanks, *et al.*, are currently selling gas to El Paso pursuant to a base contract dated October 22, 1970. The relief sought is from a rate of 35¢ per Mcf plus Btu adjustment prescribed by Opinion No. 662.[2]

On July 17, 1973, Blanks, *et al.'s* contract with El Paso was amended to provide for a base rate of 51¢ per Mcf at 14.73 psia with annual 1¢ escalations beginning January 1, 1976, reimbursement of production taxes, and Btu adjustment, in consideration of the installation of compression equipment. Blanks states that the increased rate is necessary to offset an estimated $47,200 of additional cost from the compression, which he expects to permit production of an estimated 348,500 Mcf remaining reserves. Blanks states that the only alternative is abandonment of the well.

Notice of the petition was issued on August 27, 1975, and appeared in the FEDERAL REGISTER on September 5, 1975, 40 FR 41188. No protests or petitions to intervene were filed.

The Commission staff has reviewed the cost and reserve data submitted by Blanks.[3] Based thereof Staff estimates that 344,400 Mcf of reserves remain to be produced over a period of four years and concludes that the proposed rate is justified. After careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Blanks, *et al.'s* petition.[4]

The Commission finds: The petition for special relief filed herein should be granted.

The Commission orders: (A) The petition for special relief of William C. Blanks, *et al.*, described in the body of this order, is hereby granted.

(B) Blanks, *et al.*, are hereby authorized to charge and collect from El Paso Natural Gas Company for gas from the well described in the body of this order, a total rate of 52¢ per Mcf at 14.73 psia; plus all State or Federal production, severance, or similar taxes; plus or minus a proportionate Btu adjustment as Btu varies from 1000. This rate may be placed into effect upon completion of the remedial work to the satisfaction El Paso and additionally, by a statement to this effect signed by El Paso and filed with the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8488 Filed 3-24-76;8:45 am]

[Docket No. CS76-367, *et al.*]

CADY & BEARD ET AL.

Applications for "Small Producer" Certificates [1]

MARCH 19, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS76-367	Mar. 10, 1976	Cady & Beard, 808 Beck Bldg., Shreveport, La. 71101.
CS76-522	Mar. 4, 1976	Robert S. West, 11118 S. Mary Dr., Sandy, Utah 81070.
CS76-523	do	William J. Krepps, 950 National Foundation Life Bldg., Oklahoma City, Okla. 73112.
CS76-524	do	The Fort Worth National Bank, Trustee Trust No. 2975, Mrs. Mary Leonard, P.O. Box 2605, Fort Worth, Tex. 76101.
CS76-525	do	Paul F. Zahn, P.O. Box 954, Bartlesville, Okla. 74003.
CS76-526	do	Loddie Rybka, 122½ North Wyandotte, Dewey, Okla. 74029.
CS76-527	do	Magnatex Corp.—Oil Division, P.O. Box 82, Midland, Tex. 79701.
CS76-528	Mar. 1, 1976	Adobe Marketing Corp., P.O. Box 82, Midland, Tex. 79701.
CS76-529	Mar. 8, 1976	Ash Robinson, 1029 Kirby Dr., Houston, Tex. 77019.
CS76-530	do	Sweet Pea Oil & Gas Inc., 522 Patterson Bldg., Denver, Colo. 80202.
CS76-531	do	Tyler Banking & Development Co., P.O. Box 2019, Tyler, Tex. 75701.
CS76-532	Mar. 9, 1976	David F. Bradley, Trustee, 111 South Main, Wichita, Kans. 67202.
CS76-533	Mar. 10, 1976	Lorene K. Delaune, P.O. Box 4546, Shreveport, La. 71101.
CS76-535	do	Layton Wells, 836 Olive (Box 4546), Shreveport, La. 71101.
CS76-536	do	G. W. Breuer, P.O. Box 8255, Denver, Colo. 80201.
CS76-537	do	HBOP, Ltd., 3232 Liberty Tower, Oklahoma City, Okla. 73102.
CS76-538	do	H. M. Gillespie Trust, First National Bank in Wichita, Trustee, P.O. Box 1, Wichita, Kans. 67201.
CS76-539	Mar. 11, 1976	William P. Quan, 51 Colonia Mairmonte, Scottsdale, Ariz. 85253.
CS76-540	do	Cortlandt S. Dietler, P.O. Box 1646, Denver, Colo. 80201.
CS76-541	do	Joe S. Mellon, Sr., P.O. Box 9, Bolton, Miss. 39041.
CS76-542	do	Bernard A. Taylor, 554 Main Bldg., 1212 Main St. Houston, Tex. 77002.

[1] 18 CFR 2.76. *Policy With Respect To Rates Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices.*

[2] Area Rate Proceeding, Permian II, 50 FPC 390 (1973).

[3] The rate sought by Blanks, *et al.*, does not reflect increase in tax liability, if any, resulting from the Tax Reduction Act of 1975.

[4] Future escalations provided for under the contract amendment between Blanks, *et al.*, and El Paso can be presented to the Commission in future rate filings. The Commission does not by this order approve them in advance.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76-543	Mar. 12, 1976	Samedan Offshore Corp., 301 Little Bldg., Ardmore, Okla. 73401.
CS76-544	do	Wynn Exploration Co., Inc., Suite 1808, Campbell Centre, Dallas, Tex. 75206.
CS76-545	do	Jene Harper, Suite 2400, 1600 Broadway, Denver, Colo. 80202.
CS76-546	Mar. 15, 1976	L & M Oil and Gas Co., Inc., 227 St. Ann St. Owensboro, Ky. 42301.
CS76-547	do	Charles K. Theis, 4600 Kietzke Lane, No. 188, Reno, Nev. 89502.
CS76-548	Mar. 11, 1976	Franklin E. Bersen, 2110 Fourth National Bank Bldg., Tulsa, Okla. 47119.
CS76-549	Mar. 15, 1976	Sam Lett, 3400 Inwood Rd., Dallas, Tex. 75245.
CS76-550	do	I & L Development Co., 3400 Inwood Rd., Dallas, Tex. 75245.
CS76-551	do	Charlene K. Seay, 2727 De Anza Rd., K-38, San Diego, Calif. 92109.

[FR Doc.76-8510 Filed 3-24-76;8:45 am]

[Docket Nos. RP74-81 and RP74-82]

COLUMBIA GULF TRANSMISSION CORP. AND COLUMBIA GAS TRANSMISSION CORP.

Order Accepting and Approving Settlement

MARCH 19, 1976.

Presently before the Commission is a proposed settlement and record certified by Administrative Law Judge Curtis Wagner on August 21, 1975, and noticed on September 11, 1975. This proposed settlement would resolve most of the cost of service issues arising from the April 15, 1974, concurrent rate increase filings of Columbia Gas Transmission Corporation (Columbia), Docket No. RP74-82, and Columbia Gulf Transmission Company (Columbia Gulf), RP74-81.

By order of May 31, 1974, the Commission had accepted the revised tariff sheets of each company for filing, suspended the rate increases for five months, to become effective subject to refund on November 1, 1974, consolidated the two dockets for hearing and decision, and set the matter for hearing for October 29, 1974. Following several extensions of procedural dates and Commission orders resolving evidentiary motions, settlement discussions first convened on April 22, 1975, and continued intermittently for several months, resulting in the submission of the instant stipulation and agreement to the Administrative Law Judge on August 12, 1975.

Following the September 11, 1975, notice of the certification of the proposed settlement agreement comments in full support of the proposed settlement were filed by Columbia and Columbia Gulf, UGI Corporation (UGI), Baltimore Gas and Electric Company (BG&E), Cincinnati Gas and Electric Company and Union Light, Heat and Power Company (Cincinnati and Union), Washington Gas Light Company (WGL), and New York State Electric and Gas Corporation (NYSE&G). Comments in support of the proposed settlement generally but in opposition to Article IV thereof were filed by Staff and the City of Charlottesville, Virginia (Charlottesville). Reply comments were thereafter filed by Staff, Columbia and Columbia Gulf, and Columbia Gas Distribution Companies (CDC).

Columbia Gulf sought a jurisdictional rate increase in RP74-81 of $16,128,000, while Columbia sought a rate increase of $102,822,000. The test period in both cases is for the year ended December 31, 1973. The new rates being collected in these dockets have recently been superseded by a subsequent rate increase filing in RP75-106. Accordingly, this proposed settlement only governs a "lockedin" period from November 1, 1974, to December 15, 1975.

SETTLEMENT

In pertinent part the stipulation and agreement consists of the following provisions:

Article I—Rate Levels and Refunds: Costs are classified and rates designed utilizing *Seaboard* methodology. The rate levels for the various schedules are attached in Appendix B, and a refund procedure is established, interest being asserted at 7% annually.

Article II—Cost of Service: The settlement cost of service is $842,790,000. The overall rate of return is 9.37% with a 12.25% return on common equity. In addition compromise depreciation rate increases are included except for one portion of Columbia Gulf's plant.

Article III—Issues Reserved for Hearing: Four issues have been reserved for hearing after Commission approval of the agreement, to-wit: cost classification and rate design (the *United* 25/75 method will be employed prospectively but any subsequent finding shifting away from *Seaboard* will have prospective effect only); conjunctive billing; depreciation of Columbia Gulf's onshore plant (Columbia Gulf seeks an increase in this rate from 4.25% to 5.5%, and the 5.5% rate is employed herein subject to refund); and advance payments to Clark Oil Producing Company ($16,966,000 of advances in the settlement rate base subject to refund).

Article IV—Contingency in Relation to Cost of Service Treatment of New Lease Production Operations: The settlement cost of service includes $8,460,311 covering Columbia's cost of service for production operations in the Appalachian Area from leases acquired on or after October 8, 1969. Staff would have used the applicable Appalachian area rate and arrived at $2,282,645. The issue arising from this difference, whether Columbia should be limited to the Appalachian area rate or be allowed cost of service treatment, would be deferred to resolution of the same issue in the subsequent proceeding, RP75-106, which would control in the present case. Refunds would be made if Columbia's cost of service method and/or quantum is rejected by the Commission in resolving RP75-106. As will be discussed hereinafter, this is the only provision being opposed by Staff and Charlottesville.

Article V—Contingency in Relation to Champlin-Tennessee: The settlement cost of service also includes $4,866,000 representing costs incurred by Columbia in an exchange arrangement with Champlin Petroleum Company and Tennessee Gas Pipeline Corporation. The appropriateness of this item is being litigated in a separate docket, RP73-86, and Commission resolution of it therein will control this settlement, refunds to be made if Columbia is unsuccessful in the other docket.

Article VI—Future Transportation Rate Increases, Reductions and Refunds: Increases or reductions of transportation rates, and related refunds arising from the transportation services provided by several other interstate pipeline companies will be reflected in the prospective rates established by the proposed settlement.

Article VII—Advance Payment Tracking: Columbia will be permitted in the future to track additional advance payments made after July 1, 1975, as well as repayment of advance payments.

Article VIII—Taxes: Any change in Federal or state taxes, whether due to changed base rate, surcharge or deductions, will be reflected in changed rates under this settlement while it is in effect.

Artilce IX—Limitation on Rate Increases, Rate Reductions and Refunds: Rate increases, decreases and refunds provided for in Articles III, IV, V, VI, VII and VIII (only as to increases and decreases) will not be made until they accumulate to .10¢ per Mcf of Columbia's annual sales.

Article X—Term: The settlement will be in effect from the final Commission order approving it to the effective date of Columbia's next Section 4 rate increase filing.

Article XI—Without Prejudice: This settlement is merely a compromise, establishing no finding precedent and not requiring agreement of any party to the treatment of any particular item.

Article XII—Severability: The settlement does not become effective until all provisions are approved by the Commission, except that Article IV is severable and therefore need not be approved by the Commission to insure a binding settlement.

COMMENTS

Columbia and Columbia Gulf, CDC, BG&E, WGL, NYSE&G, UGI, and Cincinnati and Union support the proposed settlement in its entirety. Staff and Charlottesville vigorously contest the inclusion of Article IV, although they support the remainder of the settlement. No other portion of the settlement is opposed by any party.

The substantive issue in Article IV arises from Opinion No. 568[1] applying the area rates to pipeline production, as well as Opinion No. 568-A, *supra* note 1, permitting pipelines to prove "special circumstances" justifying exception to the area rate and warranting a higher rate based upon cost of service. The procedural issue herein arises from Columbia's

[1] *Pipeline Production Area Rate Proceeding (Phase I)*, 42 FPC 738 (1968), *reh. denied* 42 FPC 1089, *aff'd* 458 F. 2d 731 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 1074 (1972).

last minute supplemental evidence filing to justify its claim of special circumstances and resolution of the substantive issue for the "locked-in" period of this settlement in the form of Columbia's superseding rate increase filing.

Specifically, Staff argues that Columbia should only be permitted to recover $2,282,645 for its Appalachian Area productions operations, this amount resulting from application of the Appalachian Area Rate ($.32 per Mcf for the South Subarea and $.34 per Mcf for the North Subarea), as well as the National Rate. Article IV in contrast provides Columbia $8,460,311 for this Appalachian Area pipeline production operation, this sum being derived from its cost of service study (Exh. 55), although final resolution of this issue would be deferred to resolution of the same issue (whether the area rate must be used) in Columbia's succeeding filing, RP75–106, for which the Commission on July 14, 1975, ordered severence of the pipeline production issue and an expedited hearing schedule.

Staff supports this position by first of all attacking Columbia's direct evidence (it advanced the intrastate market price to prove special circumstances justifying $.55 per Mcf, or $3,441,109) as impermissible in establishing a just and reasonable rate.[2]

Staff then attacks consideration of Columbia's supplemental evidence (Exhibit 55 introduced at the August 12, 1975, prehearing conference) which sought to justify $8,460,311 based upon a cost of service study. Staff characterized Exhibit 55 as a *post hoc* filing which cannot be considered by the Commission: Under Section 154.63(e) of the Commission Regulations under the Natural Gas Act the applicant must be prepared to prove its case upon its direct evidence, and, since Columbia's direct evidence (higher intrastate market price) is patently inadequate, its case must fail and cannot be rehabilitated by Exhibit 55. Staff views this *post hoc* evidence as beyond the scope of rebuttal for, while Columbia could supplement its direct case with additional data even when on a different basis, Exhibit 55 presents a completely different theory, allowance of which would prejudice Staff and intervenors as they prepare their evidence to address Columbia's direct case.

Staff moreover points to Section 154.107(e) which provides that special relief from the Appalachian Area Rate can only be prospective in effect, and it argues that, since this docket is presently locked-in, special circumstances cannot be demonstrated. Likewise, the "locked-in" status of this docket is seen by Staff as necessarily foreclosing the essential showing, required by Opinion No. 568 and subsequent Commission order,[3] that, besides the inadequacy of the area rate to permit recovery of expenses and return on investment, additional discovery and dedication of gas reserves will result which would not be dedicated to the pipeline by others.

Charlottesville likewise seeks Commission disapproval of Article IV. To begin with, it emphasizes that the Commission has consistently imposed a heavy burden of proof upon the pipeline or producer which seeks special relief or treatment from the applicable area rate.[4] It then reviews Columbia's direct evidence in support of special treatment,[5] concluding that Columbia did not make a *prima facie* case for special treatment. It then argues that Columbia's case is therefore subject to summary disposition, that in similar cases the Commission has refused to permit supplemental evidence to be filed to cure a patent evidentiary deficiency,[6] and that accordingly proof of Columbia's case in this docket cannot be permitted through reference to its superseding filing in RP75–106: Assuming *arguendo* that Columbia makes a case for special treatment in RP75–106, Charlottesville contends that the resulting higher rate should only be collected at the earliest as of the effective date of the new rates in RP75–106 and preferably as of the final Commission order in this latter docket since special relief should be given prospective effect only. It concludes by advancing the same argument against Columbia's subsequent attempt to amend its evidence, Exhibit 55.

In support of Article IV Columbia and CDC advance several contentions individually or jointly: They first of all assert that Columbia's direct case supports special treatment, pointing out that this testimony of witness Hubbard is not limited to the intrastate market price but also includes references to cost evidence previously presented for the Appalachian Area Rate proceeding which culminated with Opinion No. 639. Then to justify Exhibit 55 Columbia contends that § 154.63 was intended by the Commission to permit the filing of such additional material upon a different basis[7] and that Exhibit 55 is necessary because the $.55 per Mcf advanced in its direct case had become blatantly inadequate and out of date. Columbia and CDC moreover read Commission case authority[8] as precedent for this supplemental introduction of Exhibit 55. Staff would distinguish these cited orders as solely supporting the "forward-looking" test year, that is updating with actual expenses, as contrasted to Columbia's total change of theory between its initial evidence and the subsequent Exhibit 55. Columbia would furthermore justify the increase in the quantum of its special treatment from $3,441,109 in the original filing to $8,460,311 in Exhibit 55 by pointing to the approximately $35 million refund obligation allegedly resulting from the proposed settlement which would more than offset this individual increase.

Columbia and CDC would also rebut several of the contentions advanced by Staff and Charlottesville: First of all they attack the assertion that a *prima facie* direct case was not presented as they posit that Columbia's original filing satisfies the standard of proof then extant, which is embodied in Opinion Nos. 568 and 568–A, *supra* note 1, and that as a matter of equity the more stringent burden of proof subsequently propounded by the Commission in Opinion Nos. 731 and 731–A, as well as *Consolidated Gas, supra* notes 3 and 4, cannot be retroactively imposed upon Columbia without first providing an opportunity to supplement its filing, as it did with the introduction of Exhibit 55. Commission and judicial precedent is cited as recognition that evidence should be judged by the Commission policy statements then extant.[9] In addition they confront Staff's reliance upon the "locked-in" status of this docket to absolutely preclude the possibility of benefit to the consumer: They see this rationale as barring special relief for all "locked-in" cases, as well as being in conflict with Opinion No. 731–A, *supra* note 3, in which the Commission remanded this pipeline production issue despite the "locked-in" nature of that docket and being factually erroneous in that the ultimate consumer will benefit from this requested special treatment (Columbia is spending tremendous sums to obtain new supplies and the $8.4 million of special treatment is needed to

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[2] *F.P.C. v. Texaco, Inc.*, 417 U.S. 380 (1974).

[3] *Kansas-Nebraska Natural Gas Company*, Opinion No. 731–A, Docket No. RP72–32, issued September 3, 1975.

[4] Opinion No. 568, *supra* note 1, 42 FPC at 750; Opinion No. 568–A, *supra* note 1, 42 FPC at 1091; *Permian Basin Area Rate Proceeding*, Opinion No. 468, 34 FPC 159, 226 (1965); *Kansas-Nebraska Natural Gas Company*, Opinion No. 731, Docket No. RP72–32, issued May 15, 1975 (slip op. at 7–9); and *Consolidated Gas Supply Corporation*, Docket Nos. RP73–107 *et al.*, order issued August 25, 1975 (slip op. at 3–4).

[5] Columbia's witness Hubbard had three pages of testimony and no exhibits on the issue. He propounded a $.55 per Mcf figure based on the following factors, none of which represent a cost of service approach: The Appalachian area rate is too low, the intrastate market price ranges from $.54 to $1.00 per Mcf, the Commission allowed $.55 per Mcf in an optional procedure case, and the $.35 to $.47 per Mcf figure in Opinion No. 639 should be increased to $.55 due to inflation and lower productivity.

[6] *Mississippi River Transmission Corporation*, Docket No. RP75–20, issued June 5, 1975.

[7] *Revisions of § 154.63*, Order No. 254, 28 FPC 495 (1962): "Since the purpose of this regulation is to insure that an applicant proposing changes in an existing pipeline rate schedule will supply the detailed data necessary to enable the Staff to make a complete and expeditious examination of the rate filing, the applicant may adduce additional material or present such data on a different basis to the extent it believes desirable."

[8] *Consolidated Gas Supply Corporation*, Opinion No. 703, Docket No. RP71–77, issued August 28, 1974 (slip op. at 3); Order No. 488, 50 FPC 138 (1973); *El Paso Natural Gas Company*, Opinion No. 635, 48 FPC 1022 (1972); *Panhandle Eastern Pipe Line Company*, 44 FPC 133, 137 (1970); and *United Gas Pipe Line Company*, Opinion No. 428, 31 FPC 1180, 1186 (1964).

[9] *Michigan Wisconsin Pipe Line Company v. F.P.C.*, 520 F. 2d 84 (D.C. Cir. 1975); *Columbia Gas Transmission Corporation (Advance Payment-Getty)*, Opinion No. 722, RP71–18, *et al.* issued March 7, 1975; and Opinion No. 731–A, *supra* note 5.

strengthen its finances to continue this program).

CONCLUSION

We have reviewed Columbia's and Columbia Gulf's settlement agreement, and we find that it constitutes a just and reasonable resolution of the issues in this proceeding, except for a small modification which we make in Article IV. As Article XI of the Stipulation and Agreement makes clear, the rate level reached in this settlement does not purport to show the intermediate steps or principles of ratemaking. With the exception of Article IV we find that no further purpose will be served by ordering this matter to proceed to hearing.

As previously noted, only Article IV of the settlement is contested. We note that Article XII of the settlement expressly states that Article IV is a severable provision; that is, Commission rejection of this section does not abrogate the binding effect upon the parties of the settlement otherwise approved by the Commission. We find that Article IV should be approved along with the rest of the settlement because it will both give Columbia the opportunity to satisfy its heavy burden of proof, which has been continually refined by subsequent Commission orders, and also properly protect the consumer because a refund obligation is explicitly attached in the event Columbia's request for special relief is subsequently rejected or modified by the Commission. We will, however, modify Article IV to the extent that, instead of deferring consideration of Columbia's request for special treatment for its pipeline production in the Appalachian Area to its superseding case, RP75–106, this issue of pipeline production for this "locked-in" period will be remanded for hearing solely in this docket. We make this procedural alteration because of the status of the ongoing proceeding in RP75–106.

While we note that Columbia's initial evidence as to special treatment for its pipeline production was minimal, it did present a *prima facie* case in its direct evidence on this issue (Tr. 58–62) in the context of the then-controlling Commission precedent.[10] It is at least conceivable that, based upon Columbia's direct evidence and accepting that evidence as true, the Commission could find that the request for special treatment is warranted. For the purpose of satisfying Section 154.63 Columbia need not totally persuade the Commission at this preliminary juncture. While Staff correctly discounts Columbia's testimony comparing the prevailing intrastate market price of gas since "the prevailing price in the marketplace cannot be the final measure of 'just and reasonable' rates," *F.P.C. v. Texaco, Inc., supra* note 2, 417 U.S. at 397, the remainder of this testimony, though less than persuasive, is not patently inadequate vis-a-vis the general standard of Opinions No. 568 and 568–A. In particular Columbia's discussion of Opinion No. 639 [11] is some evidence.

By relying upon Opinion No. 639, as well as mentioning the greater expense of alternate gaseous fuels, Columbia had relied upon "non-cost factors", which the Commission had previously accepted [12], only to be rejected by the Court [13] somewhat after Columbia filed its direct evidence. The Court has made abundantly clear that in ruling upon a special relief petition the Commission must "give complete consideration to that producer's individual costs in order to insure that the producer's profit margin is not thereby raised to an unreasonable level." *Supra* note 13, 505 F. 2d at 364. While in today's context actual costs are a necessary ingredient for a special relief showing, it is perhaps inequitable to preclude Columbia from litigating this issue in this docket for while it did not show actual costs in April 1974, *George Mitchell, supra* note 12, was still at that time precedent.

Although its direct case is admittedly very weak, Columbia should be allowed to file Exhibit 55, whether as rebuttal to Staff's testimony on the issue (Tr. 372–375) or as updating contemplated under § 154.63(e). Charlottesville's reliance upon prior Commission refusal to permit supplementation of evidence when it found that a *prima facie* case was not made, *supra* note 8, is misplaced for the deficiency in Columbia's direct evidence falls short of the magnitude precluding supplemental evidence. In addition the rulemaking order underlying § 154.63(e), *supra* note 7, does contemplate the opportunity to "adduce additional material or present such data on a different basis to the extent it believes desirable," so long as this supplemental data relates to the original test year and is not needed to meet the filing requirements of § 154.63. In light of the evolutionary nature of the Commission's treatment of special relief from area rates for pipeline production, as well as the Court imposed alteration of the types of evidence necessary to justify special relief in general (from non-cost evidence to actual cost of service), Exhibit 55 should be admitted into evidence for, while it presents "a different basis," it does not establish a totally new theory, as Staff contends. We emphasize, however, that these evidentiary uncertainties represent a peculiar context in which we must act.

An initial analysis of Exhibit 55 reveals a detailed cost of service study as to Columbia's specific pipeline production operations in the Appalachian area. While Charlottesville accurately notes that Exhibit 55 only addresses the possibility that Columbia's unit production cost is greater than the Appalachian Area Rate (standing alone this evidence would be inadequate to prove special treatment because it does not address the issue of consumer benefit), Columbia's direct case (Tr. 58–62) by bringing up Opinion No. 639 at least considers this further evidentiary requirement: The Commission in Opinion No. 639 as of 1972 in essence found that the Appalachian Area Rate was inadequate to cover the expenses of and a fair rate of return for new pipeline production; therefore, the Commission could conceivably conclude in this docket that there would be no new gas available to Columbia from any independent producer at the Appalachian Area Rate.

Commission approval of Section IV of the settlement would not prejudice any party's rights since the issue of special relief will be subject to full adversarial scrutiny. Staff and Charlottesville will be given the right to file further testimony on the subject. Athough when Columbia introduced Exhibit 55 in August 1975 it was on notice from Opinion No. 731, *supra* note 4, that it had a heavy burden of proof to show extraordinary circumstances, it was not until September 1975 that the Commission detailed this burden of proof in Opinion No. 731–A, *supra* note 3. Accordingly, Columbia will be afforded the opportunity to address these matters, but it is not permitted to update its cost of service study.

The Commission further finds: (1) It is desirable and in the public interest that the stipulation and agreement which Columbia and Columbia Gulf submitted on August 12, 1975, be approved as a just and reasonable resolution of all issues presented in this docket.

(2) Good cause exists for the Commission to waive the notice requirements contained in the Regulations under the Natural Gas Act in order that the rate changes required to be filed by this settlement agreement will become effective in accordance with the terms of the agreement.

(3) Article IV of the settlement agreement should be modified so that adjudication of the issue of special relief for Columbia's pipeline production will be accomplished by remand for hearing in this docket, RP74–82.

[10] At the time this evidence was filed, April 24, 1974, special relief from the applicable area rate for pipelines was governed by Opinion No. 568, *supra* note 1, which merely recognized that special relief is available to pipelines, and Opinion No. 568–A, *supra* note 1, 42 FPC at 1091, in which the Commission added that "we need not and cannot here specify all of the special circumstances which may serve as a basis for exceptions to the area rate, but the right to make a showing in no way implies that an exception will be granted merely because the pipeline cannot recover its expenses and earn the return specified for the production rate base."

[11] *Area Rates for the Appalachian and Illinois Basin Areas*, Opinion No. 639, 48 FPC 1299, 1305, 1306 (1972). While the Commission therein declined to increase the Appalachian area rate because of its desire to avoid further "vintaging" and to await judicial review of the other area rates so as to institute a national rate rulemaking, it did note Staff's study showing the cost of new gas between $.35 and .47 per Mcf for 1969–1970 and did state that "we are aware that 1971–72 costs probably exceed the levels computed by Staff." The Commission also stated that "we are persuaded that the rate structure provided in Order No. 411 is not a complete answer to the need of the consuming public for adequate and reliable supplies of new gas."

[12] *George Mitchell and Associates, Inc.* Opinion No. 649, 49 FPC 424 (1973).

[13] *MacDonald v. F.P.C.*, 505 F. 2d 355 (D.C. Cir. September 19, 1974).

The Commission orders: (A) The stipulation and agreement submitted by Columbia and Columbia Gulf on August 12, 1975, incorporated herein by reference, is approved as modified and made effective in accordance with its terms.

(B) The matter of special relief from the applicable area or national rate for Columbia's pipeline production is remanded for hearing in this docket.

(C) This remanded issue of special relief for pipeline production is joined with the four other reserved issues in Article III of the Stipulation and Agreement, and it is subject to the same procedural schedule advanced by Administrative Law Judge Curtis Wagner in his August 21, 1975, certification of the Stipulation and Agreement to the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8496 Filed 3-24-76;8:45 am]

[Docket No. ID-1779]

R. E. DISBROW

Application

MARCH 19, 1976.

Take notice that on March 5, 1976, R. E. Disbrow, (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director, Appalachian Power Company, Electric Utility.
Director, Kentucky Power Company, Electric Utility.
Director, Kingsport Power Company, Electric Utility.
Director, Ohio Power Company, Electric Utility.
Director, Wheeling Electric Company, Electric Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8492 Filed 3-24-76;8:45 am]

[Docket No. RP72-134; PGA76-11]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Costs Adjustment to Rates and Charges

MARCH 19, 1976.

Take notice that Eeastern Shore Natural Gas Company (Eastern Shore) on March 10, 1976, tendered for filing Twentieth Revised Sheet No. 3A and Twentieth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to become effective November 2, 1975, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, I-1 and PS-1 by .013¢ per Mcf to reflect a corresponding increase in Transcontinental Gas Pipe Line Corporation's (Transco) commodity or delivery charges, effectuated pursuant to its filing of February 13, 1976, in FPC Docket No. RP75-75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted herewith to become effective as of November 2, 1975, to coincide with the proposed effective date of Transco's rate increase.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8504 Filed 3-24-76;8:45 am]

[Docket No. RP 72-134; PGA 76-14]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

MARCH 19, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on March 11, 1976, tendered for filing Twenty-Seventh Revised Sheet No. 3A and Twenty-Seventh Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to become effective April 1, 1976, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, I-1 and PS-1 by .014¢ per Mcf to reflect a corresponding increase in Transcontinental Gas Pipe Line Corporation's (Transco) commodity or delivery charges, effectuated pursuant to its filing of February 13, 1976, in FPC Docket Nos. RP75-75 and AP76-6. Transco's filing represents a "tracking" rate increase for advance payments made by it.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted herewith to become effective as of April 1, 1976, to coincide with the proposed effective date of Transco's rate increase.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8505 Filed 3-24-76;8:45 am]

[Docket No. ES76-30]

IDAHO POWER CO.

Application

MARCH 19, 1976.

Take notice that on March 15, 1976, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine, and qualified to transact business in the states of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an Application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to

250,000 shares of its Preferred Stock, no par value, said shares to have an aggregate stated value of $25,000,000.

If authorized by the Commission, Applicant proposes to negotiate with underwriters for the sale of said Preferred Stock. If the Commission does not allow the Company to negotiate, then the Company proposed to sell the Preferred Stock in accordance with the competitive bidding requirements of Section 34.1a of the Commission's Regulations under the Federal Power Act.

The net proceeds from the issuance and sale of the Preferred Stock will be applied to the payment of part of the short-term unsecured promissory notes outstanding and commercial paper (estimated at $66,600,000) at the time of the sale of the Preferred Stock.

The issuance of the Preferred Stock is a part of Applicant's program for financing its construction expenditures for 1976, which construction expenditures are presently estimated at $105,700,100.

Any person desiring to be heard or to make any protest with reference to said Application, should, on or before April 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

KENETH F. PLUMB,
Secretary.

[FR Doc.76-8490 Filed 3-24-76;8:45 am]

[Docket No. RI74-188]

INDEPENDENT OIL AND GAS ASSOCIATION OF WEST VIRGINIA

Order Approving Settlement

MARCH 19, 1976.

On December 10, 1975 Presiding Administrative Law Judge Ernst Liebman certified to the Commission a Settlement Proposal (Exhibit No. 24) which would allow 62.85 cents per Mcf for gas sold by over three hundred small producers in West Virginia pursuant to contracts under which the gas was sold in interstate commerce prior to January 1, 1973. All parties, except Staff, concur in the Proposed Settlement. Staff does not object to the proposed contract rate, but in its comments filed December 31, 1975, asked for the deletion of two sections of the Proposed Settlement, Sections 5 and 8. Additionally Staff asked the Commission to invoke "a one year moratorium from filing collectively upon the parties to this proceeding." Staff stated that under that proposal "an individual producer would not be prohibited from seeking relief from the Settlement rate, that a group (any number greater than one) would be required to defer such a relief request for one year from the date of a Commission order approving this Settlement."

We do not agree with Staff's objections and we will approve the Proposed Settlement without deletion of any of its sections and without condition.

This proceeding began on March 25, 1974 when the Independent Oil and Gas Association of West Virginia (IOGA) filed a petition on behalf of its ninety independent small producers in West Virginia requesting, *inter alia* an order pursuant to Section 5(a) of the Natural Gas Act declaring the natural gas prices currently paid by four pipeline purchasers [1] to IOGA members to be unjust, unreasonable and unduly discriminatory, preferential and contrary to the public interest. The petition requested a price for IOGA members' sales at 98.51 cents per Mcf and that the present life-of-lease contracts be limited to three years, or that there be periodic renegotiation required. On May 10, 1974, we issued an order initiating an investigation of the rates and other conditions of the IOGA contract. On October 25, 1974 the Presiding Administrative Law Judge certified IOGA's settlement proposal to the Commission. Staff opposed the settlement on the grounds that it could find no cost support for the 55 cents per Mcf proposed rate. Staff stated it would support as just and reasonable a rate of 46 cents per Mcf with a one cent annual escalation. On March 17, 1975, we issued an order rejecting the settlement proposal. The order provided for further hearing and directed that Staff make a review and verification of IOGA's cost of production and reserve data and submit its evaluation of and conclusions on such data as evidence, subject to cross-examination and the submission of evidence and rebuttal. One additional order prior to the instant certification of settlement was issued by the Commission on April 10, 1975. This order was in response to a request from the Public Service Commission of the State of New York that any resulting order in this proceeding apply to all West Virginia small producers regardless of whether or not they are members of IOGA. The Commission's order declined to make its resulting orders so broad but did state that the relief in this proceeding would apply to any small producers making sales in West Virginia to any of the respondents in this proceeding.

The sections to which Staff objects are Sections 5 and 8. Section 5 states that producers have a right to file at any time during the term of the contract for approval of an increase in the adjusted price of flowing gas after "having determined that further production of flowing gas at the Adjusted Price as theretofore increased under Section 4 hereof, under reasonable and prudent operating practices, would be uneconomical, . . ." Section 8 is an undertaking as to increased production. Section 8.1 provides that the producers will use increased revenues derived from sales of gas under the subject contracts to the extent necessary, for the provision of adequate maintenance on all wells covered by the contracts. It states that "such expenditures are to be made for the purpose of increasing the current interstate gas supply sold pursuant to the contracts." Section 8.2 had imposed certain reporting requirements on the producers.

The Public Service Commission of the State of New York in its comments on Staff's objections states that while the increased production undertaking outlined in Sections 8.1 and 8.2 is "not as detailed as we might wish it to be, we believe, given the particular problems of the small producers in this case, that the provision gives enough flexibility to producers while still exacting a commitment from them to properly maintain and repair the well." New York also points out that the undertaking solved the potential Mobile-Sierra problem by providing the needed public interest justification for the contract changes this settlement effects. We concur in New York's statement and we do not agree with Staff that the undertakings provided in Section 8 are "cosmetic". Further we do not agree that the reporting requirements of Section 8.2 will impose an undue burden on Staff.

Staff's suggestion that we delete Section 5 and require a one year moratorium on rate increase requests is consistent with prior Commission action in somewhat analogous cases. For example, in Opinion No. 468* we provided for a moratorium for filing "any change in rate providing for a price in excess of the applicable area rate prior to (1) subsequent order of the Commission in this proceeding permitting such filing or (2) January 1, 1968, whichever is earlier." We conclude, however, on the basis of the record in this proceeding that there is not evidentiary support for a similar moratorium in this case. We will therefore reject Staff's proposal for a one year moratorium and the deletion of Section 5.

In response to the Commission's March 17, 1975, order Staff did make a review and verification of IOGA's cost of production and reserve data. Bureau of Natural Gas Engineer Saman M. Hazou, made a study of 18 selected companies, the remaining recoverable gas reserves for each, and production cost data on a sampling of 841 wells. The testimony of Mr. Hazou plus the appropriate exhibits were made a part of the record herein at the hearing held December 2, 1975. Additionally, Bureau of Natural Gas Engineer Walter W. Lawson, provided testimony and exhibits on cost of service and unit costs of gas with remaining productive life of 16 years as of December 31, 1974. Mr. Lawson performed or supervised the performance of 27 field audits of IOGA members. These audits were made of companies selected from those responding to preliminary questionnaires sent to all IOGA members. On the basis of this investigation, Staff concluded that the settlement provisions for

[1] Consolidated Gas Supply Company, Columbia Gas Transmission Corporation, Carnegie Natural Gas Company, and Equitable Gas Company, all respondents in this proceeding.

* *Opinion and Order Determining Just and Reasonable Rates for Natural Gas in the Permian Basin* (1965) 34 FPC 159, 242, Affirmed, in Re. *Permian Basin Area Rate Cases* 390 U.S. 747.

62.85¢/Mcf for all flowing gas purchased from the producers after the effective date (the date of this order) with an annual escalation of 1¢/Mcf commencing in 1976, is a fair rate of return. We concur in Staff's view and will approve the proposed settlement and the rate provided for therein as just and reasonable.

The Commission finds: The Proposed Settlement certified by the Presiding Administrative Law Judge to the Commission on December 10, 1975 is just and reasonable and in the public interest.

The Commission orders: The Settlement in this proceeding certified by the Presiding Administrative Law Judge on December 10, 1975 is approved.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8493 Filed 3-24-76;8:45 am]

[Docket No. CP75-58]

IOWA POWER AND LIGHT CO. AND NORTHERN NATURAL GAS CO.

Extension of Time

MARCH 18, 1976.

On January 30, 1976, Iowa Power and Light Company filed a motion to extend the time for filing briefs on exceptions to the initial decision issued on January 9, 1975, in Docket No. CP75-85.

Notice is hereby given that the time for filing briefs on exceptions to the initial decision in the above-indicated proceeding is extended to and including March 17, 1976. The time for filing briefs opposing exceptions, is extended to and including April 6, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8495 Filed 3-24-76;8:45 am]

[Docket No. RP76-66]

MCCULLOCH INTERSTATE GAS CORP.

Proposed Changes in Rates and Charges

MARCH 19, 1976.

Take notice that on March 2, 1976, McCulloch Interstate Gas Corporation ("McCulloch") tendered for filing First Revised Sheet No. 38 (First Alternative) and First Revised Sheet No. 38 (Second Alternative) to its FPC Gas Tariff Original Volume No. 1. The Proposed Effective Date of such revised tariff sheet, (First Alternative) or (Second Alternative), is April 1, 1976. McCulloch proposes to increase its presently effective Rate Schedule X-1 rate in the First Alternative by 11.18¢ per Mcf, and in the Second Alternative by 2.60¢ per Mcf, in order to provide an annual estimated increase in revenues of approximately $735,706 or $171,925, respectively. McCulloch states that this proposed change in rate is made to cover increases in the cost of transporting gas through its facilities to Colorado Interstate Gas Company; to reflect a reclassification and allocation of its cost of service; and to insure a reasonable rate of return. McCulloch states further that this rate request will be applicable to transportation of gas service in from the Spearhead Ranch Area, Powder River Basin, Wyoming. According to McCulloch, its total net operating revenue for 1975 was $5,328,923.

McCulloch states that this rate filing is made on two alternative bases. First, on the straight volumetric basis recommended by FPC Staff witness Daniel E. Hahn in McCulloch's prior 1975 rate increase proceedings (Exhibit No. C, Docket No. RP75-98). Second, on the inch-mile basis recommended by McCulloch's policy witness Mr. Ouzts in the same proceedings (Exhibit No. 2, Docket No. RP75-98).

Basis of cost allocation	Existing rate	Proposed rate increase	New proposed rate
Straight volumetric method (first alternative):			
Cents per 1,000 ft³	3.50	11.18	14.68
Dollars per year	228,674	735,706	964,380
Inch-mile method (second alternative):			
Cents per 1,000 ft³	3.50	2.60	6.10
Dollars per year	228,674	171,925	400,599

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8501 Filed 3-24-76;8:45 am]

[Docket No. RP74-100; PGA76-6]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

MARCH 19, 1976.

Take notice that on March 1, 1976, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Seventh Revised Sheet No. 4, proposed to be effective April 1, 1976.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 3.06¢ per MCF on Seventh Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commisison and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8500 Filed 3-24-76;8:45 am]

[Docket No. RP73-8; PGA76-7]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

MARCH 19, 1976.

Take notice that North Penn Gas Company (North Penn) on March 10, 1976, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective April 1, 1976. The proposed rate change will increase jurisdictional revenues based on the twelve-month period ending January 31, 1976, by $45.0 thousand annually.

North Penn states that the PGA filing was triggered by a PGA increase filed by Consolidated Gas Supply Corporation, to become effective April 1, 1976.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on April 1, 1976.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commisison's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 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.76-8507 Filed 3-24-76;8:45 am]

[Docket Nos. ER76-149 and E-9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Deferring Staff Motion for Summary Disposition and Permitting the Introduction of Supplemental Evidence

MARCH 19, 1976.

On February 5, 1976, Commission Staff filed a motion for summary disposition in which it sought the exclusion of tax normalization from the jurisdictional rate increase filing of Public Service Company of Indiana, Inc. (PSCI). Numerous wholesale customers of PSCI (The Cooperatives) responded in support of Staff's motion on February 12, 1976. PSCI then responded in opposition to this motion on February 19, 1976, and at the same time requested permission to supplement its evidence.

PSCI had tendered for filing on September 28, 1975, proposed tariff and jurisdictional rate schedule changes encompassing a $9,713,394 rate increase. The Commission thereafter on October 7, 1975, notified PSCI by letter that its filing was deficient for it did not comply with the test period regulations. PSCI supplemented its filing on October 30, 1975, in response to this deficiency letter, and on November 28, 1975, the Commission accepted PSCI's supplemented data for filing, suspended the proposed rates for four months to become effective subject to refund on March 31, 1976, and set the matter for hearing. While the Commission noted in this order the Cooperatives' motion for summary disposition of the tax normalization portion of PSCI's rate increase filing, it deferred action.

In its motion Staff, fully supported by the Cooperatives, relies upon Order No. 530-A [1] for the ratemaking principle that for a utility to receive normalized treatment for taxes it must at a minimum make a showing of tax *deferral*, not tax *saving*. Staff then scrutinizes PSCI's tax normalization evidence [2] against this evidentiary standard, concluding that PSCI has presented no evidence going to a showing of tax deferral: Specifically Staff argues that, since PSCI indicates increased load and capacity, only a tax savings is possible. Staff concludes by characterizing this as solely a legal issue and by citing judicial and Commission case authority supporting the Commission's power to summarily dispose of such purely legal or policy determinations which present no question of fact.

In its opposition PSCI relies primarily upon the argument that it has not been given an opportunity to submit evidence addressing the newly promulgated Order No. 530-A standard of tax deferral since at the time of its filing Order No. 530 [3] was controlling. This order allegedly did not require a showing of tax deferral. It also contests Staff assertion that evidence of continuing plant construction necessarily precludes a showing of tax *deferral* pursuant to Order No. 530-A. It also notes that the Commission has permitted other utilities to supplement their filings in light of the subsequent issuance of Order No. 530-A. Moreover, PSCI asserts that Commission termination of tax normalization for ratemaking will result in the loss of normalization of tax deferrals for income tax purposes, which in turn will increase actual taxes paid, reduce its cash flow and accordingly increase PSCI's cost of service. PSCI concludes by requesting both denial of Staff's motion and also permission to file further evidence within thirty days addressing the Order No. 530-A standard.

Upon review of its evidence we conclude that PSCI has not yet made a *prima facie* case of tax *deferral* so as to satisfy the utility's burden of proof imposed in Order No. 530-A. While this finding would normally lead the Commission to summarily dispose of the matter, the apparent confusion concerning tax normalization engendered by Order No. 530 and resolved, after PSCI's filing, in Order No. 530-A necessitates that we treat PSCI equitably by permitting it thirty days in which to supplement its evidence to directly address the standard clarified in Order No. 530-A. This approach has become standard Commission practice in this tax normalization context.[4] Such a resolution is particularly appropriate in this docket because PSCI's proposed rate increase has not yet gone into effect. Accordingly, PSCI will have thirty days in which to supplement its direct case so as to show a tax *deferral*. If, however, it chooses not to pursue tax normalization for ratemaking purposes, it should revise its tariff sheets to reflect the flow through of these tax savings. Also to the extent that PSCI's supplemental presentation fails to make a *prima facie* case of tax deferral, we believe that summary disposition of this issue will be appropriate and such rate adjustments and refunds as may be necessary will be ordered.

The Commission further finds: (1) The motion for summary disposition of the tax normalization issue filed by Staff on February 5, 1976, should be deferred at this time.

(2) PSCI's motion for permission to file additional evidence to supplement its case for tax normalization should be granted.

The Commission orders: (A) Staff's motion for summary disposition is deferred at this time until after PSCI's filing pursuant to ordering paragraph (B) below.

(B) PSCI is given thirty days from the date of this order in which to file supplemental evidence to the extent permitted in the body of this order.

By the Commission. Commissioner Watt, concurring, filed a separate statement appended hereto.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8498 Filed 3-24-76;8:45 am]

[1] *Deferred Income Taxes*, Order No. 530-A, Docket No. R-446, Order clarifying prior order issued January 19, 1976.

[2] Statement J, Schedules 1 and 2.

[3] *Deferred Income Taxes*, Order No. 530, Docket No. R-446, order issued June 18, 1975.

[4] *Consumers Power Company*, Docket No. ER76-45, issued February 6, 1976; and *Kansas City Power and Light Company*, Docket No. ER76-184, issued January 30, 1976.

[Docket No. ER76-562]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Agreement

MARCH 19, 1976.

Take notice that on March 15, 1976 Public Service Company of Indiana, Inc. (PSI) tendered for filing an agreement dated December 1, 1975 between it and Henry County Rural Electric Membership Corporation. PSI states this is the first supplement to an agreement between the two parties submitted August 29, 1975 as part of the compliance filing of its FPC Electric Tariff, Original Volume No. 2. The Agreement amends Exhibit A to the contract by the addition of reference to a new delivery point, called the Fall Creek delivery point.

PSI states that service commenced December 23, 1975 at the Fall Creek point.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8506 Filed 3-24-76;8:45 am]

[Docket No. E-9418]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Further Extension of Time

MARCH 18, 1976.

On March 16, 1976, Staff Counsel filed a motion to further extend the date for filing briefs on exceptions to the initial decision issued on February 2, 1976 in Docket No. E-9418. The time was previously extended on February 26, 1976. Staff's motion states that she has notified the company and intervenors, and there is no objection to the requested extension.

Notice is hereby given that the time for filing briefs on exceptions in the above-indicated proceeding is extended from March 17, 1976 to and including March 26, 1976. The time for filing briefs opposing exceptions is extended to and including April 13, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8497 Filed 3-24-76;8:45 am]

[Docket No. CP72-203]

TENNECO INC., ET AL.

Petition To Amend

MARCH 18, 1976.

Take notice that on February 5, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, and National Fuel Gas Supply Corporation (National Fuel), 308 Seneca Street, Oil City, Pennsylvania 16301, jointly Petitioners, filed in Docket No. CP72-203 a petition to amend the order of the Commission of August 10, 1972 (48 FPC 299), issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the exchange of natural gas between Tennessee and Consolidated, to include authorization for National Fuel to exchange natural gas with Tennessee and Consolidated, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Consolidated is authorized to deliver up to 15,000 Mcf of gas per day to Tennessee in Steuben County, New York, and Tennessee is authorized to deliver equivalent volumes of gas to Consolidated at the Ellisburg Storage Pool in Potter County, Pennsylvania, pursuant to an agreement of December 20, 1971. Gas delivered by Consolidated to Tennessee is from production from the Raisch Unit in the Adrian Pool in Steuben County. The Ellisburg Storage Pool, where the gas is redelivered, is jointly owned by Tennessee, Consolidated, and National Fuel as successor to United Natural Gas Company (United).

Petitioners state that by agreement of September 2, 1972, among Consolidated and others, including Sylvania Corporation (Sylvania), an affiliate of National Fuel, Sylvania obtained the right to receive 6.25 percent of the production from the Raisch Unit. They state further that by agreement of October 4, 1972, among Tennessee, Consolidated, and Sylvania, Consolidated assigned to Sylvania the right to deliver to Tennessee through Consolidated's facilities in Steuben County 6.25 percent of the gas from the Raisch Unit. The agreement of October 4, 1972, is said to provide that equivalent volumes of gas will be delivered by Tennessee to National Fuel for the account of Sylvania at the Ellisburg delivery point. Pursuant to an agreement of April 15, 1974, between Sylvania and United, Petitioners state, Sylvania agrees to sell gas, including its share of gas obtained as a result of the September 2, 1972, agreement.

The petition to amend states that Tennessee, Consolidated, and National Fuel have entered into an agreement dated October 28, 1975, wherein Consolidated and National Fuel agree to deliver gas to Tennessee and Tennessee agrees to deliver gas to Consolidated and National Fuel, except that Tennessee is not required to deliver any gas during any winter period. Petitioners request authorization for such exchange. Petitioners note that all of the gas delivered to Tennessee by Consolidated would be considered as gas delivered for the account of National Fuel until such time that Consolidated has returned to National Fuel the volume of gas reserves owned by Sylvania in the Raisch Unit as a result of the September 2, 1972, agreement. Such volumes as of August 31, 1975, are said to be approximately 268,000 Mcf.

Petitioners note that by order issued December 29, 1975, in Docket No. CP75-344 the Commission permitted and approved the abandonment by Sylvania of certain facilities and authorized National Fuel to acquire said facilities in order to facilitate a merger of Sylvania and National Fuel. They state that while such merger might moot the sale by Sylvania to National Fuel under the agreement of April 15, 1974, the merger will not affect the instant petition to amend since the authorization sought pertains only to the delivery of gas by National Fuel to Tennessee and by Tennessee to National Fuel.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8494 Filed 3-24-76;8:45 am]

[Docket No. CP76-290]

TEXAS EASTERN TRANSMISSION CORP.

Application for Certificate of Public Convenience and Necessity

MARCH 19, 1976.

Take notice that on March 8, 1976, Texas Eastern Transmission Corporation (Applicant), Post Office Box 2521, Houston, Texas, 77001, filed an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport, for a term of two years, pursuant to it TS Rate Schedule for transportation service under Order 533, up to 80 dekatherms daily of natural gas for National Can Corporation (National Can) for use at its Hamburg, Pennsylvania plant to offset curtailment from its supplier, Hamburg Gas Company, an affiliate to Penn Fuel Gas, Inc., Applicant's resale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Such gas is to be diverted from gas volumes currently purchased by National Can in Muskingum County, Ohio, for use at its Zanesville, Ohio plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

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 certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8503 Filed 3-24-76;8:45 am]

[Docket No. E-9145]

UTAH POWER & LIGHT CO.

Filing of Settlement Agreement

MARCH 18, 1976.

Take notice that on March 8, 1976, the Utah Power & Light Company (Utah) tendered for filing a settlement agree-

ment in the above-referenced docket which is intended to resolve all issues in this proceeding, with the exception of a rate design question raised by Lincoln Service Corporation, a jurisdictional customer, and a question as to the reasonableness of a specific R–4 rate (discounted from the presently proposed R–3 rate) for customers taking service at 230 Ku and above raised by Mt. Wheeler, who purchases power from Sierra Pacific Power Company, a jurisdictional customer of Utah.

Utah states that copies of the agreement have been sent to all intervenors and other jurisdictional customers.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 7, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–8499 Filed 3–24–76;8:45 am]

[Docket No. RP74–85; PGA76–2]

WESTERN GAS INTERSTATE CO.

Proposed PGA Rate Adjustment

MARCH 19, 1976.

Take notice that on March 1, 1976, Western Gas Interstate Company ("Western") filed herein Third Revised Sheet No. 3A to its FPC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective on April 1, 1976.

Western states the proposed increase in rates is being filed in accordance with its Tariff's PGA clause which permits the recovery of increases in the cost of gas and of unrecovered purchased gas costs. Western further states the proposed Purchased Gas Cost Adjustment for the Northern Division is .20 cents per Mcf; for the Southern Division it is a reduction of 7.24 cents per Mcf. The proposed surcharge adjustment is an increase of 4.23 cents per Mcf for the Northern Division and 11.73 cents per Mcf for the Southern Division; these latter adjustments will only be effective over the six-month period April 1, 1976 through September 30, 1976.

The proposed Purchased Gas Cost Adjustment will compensate Western for the increases in the annual cost of gas purchased by Western from producers. The proposed surcharge adjustment will compensate Western for the actual cost of gas purchased during the period July 1, 1975 through December 31, 1975 which was not recovered through Western's then-effective rates.

Any person desiring to be heard and to make any protest with reference to 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 the requirements 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 March 31, 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. Western's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–8508 Filed 3–24–76;8:45 am]

[Docket No. CI73–157 and CI76–243]

WESTLAND OIL DEVELOPMENT CORP.

Order Denying Reconsideration and Motion for Deletion of Refund Condition From Temporary Certificate

MARCH 19, 1976.

On February 20, 1976, Westland Oil Development Corporation (Westland) filed a motion for reconsideration of a letter order issued June 13, 1975 in Docket No. CI73–157 declaring that certain reserves were developed reserves that had been acquired from a large producer within the meaning of Section 157.40 of the Commission's Regulations, as a result of which the sale of these reserves was not eligible for the small producer rate. In the alternative, Westland requests that the Commission delete from a letter order issued on December 19, 1975, in Docket No. CI76–243 a condition attached to the temporary certificate that required Westland to refund any amounts paid to it in excess of the applicable just and reasonable area rate for the sale of the reserves previously determined not to be entitled to small producer treatment.

Westland and Amoco Production Company (Amoco) agreed on May 24, 1971, to jointly develop an area where both companies held leases, with Westland to own three-quarters and Amoco one-quarter of the resultant unit. Following the completion of the initial well in July of 1971, the Eddie Roquemore Gas Unit No. 1, Panola County, Texas (Other Southwest Area), the agreed upon transfer of lease interests took place. On December 15, 1971, Westland contracted to sell its interest to Natural Gas Pipeline Company of America. Deliveries commenced on March 2, 1972. On March 30, 1972, Westland and Amoco executed an agreement transferring Amoco's remaining one-quarter interest to Westland. This agreement was dated as of December 1, 1971, although the actual execution did not take place until the following March.

Westland argues that since the transfer of the Amoco one-quarter interest took place prior to the sale of the gas in interstate commerce or the commencement of deliveries, the Commission had no jurisdiction over such a transfer, and, furthermore, that the Commission did not have the authority to look beyond the date of the inception of its jurisdiction, either the date of the contract of sale to Natural or the commencement of deliveries thereunder, to determine whether a large producer or small producer had developed the subject reserves.

The question raised by Westland rests upon the erroneous factual basis that the transfer of the Amoco interest pre-dated the contract of sale, merely because in the March 30, 1972 agreement the parties chose to back-date the effectiveness of the arrangement to precede the contract with Natural and the commencement of deliveries. It is the actual date of transfer that controls, since prior to that date Westland would have had no right or title to the Amoco interest and could not have disposed of it to Natural as of the December 15, 1971 contract date. In addition, at the time of transfer it is clear that the subject reserves were "developed reserves in place". The result proposed by Westland would serve to defeat the very purpose for which the "developed reserves in place" acquired from a large producer exception was included in Section 157.40(c).[1] The Commission included the limiting language in Section 157.40 (c) to prevent the possibility, illustrated by the Amoco-Westland agreement, that a large producer could evade the just and reasonable rates applicable to large producers by selling their reserves in place to a small producer which would resell the gas at a rate higher than the price permitted to a large producer.[2]

Westland also argues that the Commission was incorrect when it attached a refund condition to the sale of the reserves acquired from Amoco that Westland had been selling at an above ceiling rate. The Commission's determination follows from its finding that Amoco reserves had been acquired from a large producer. In this situation, a small producer must act in all respects like a large producer, and has the same refund obligation as a large producer where it has collected a rate in excess of the applicable just and reasonable area rate. Westland's arguments to the contrary not withstanding, with respect to the Amoco reserves, Westland stood in the place of a large producer and was, thereby, subject to the Commission's rules and regulations that govern the conduct of such companies.

We decide here only that the transfer of Amoco's one quarter interest to Westland in the Roquemore Gas Unit No. 1

[1] Westland correctly notes that in Order No. 428–B, 46 FPC 47 (1971), the Commission stated that the Section 157.40(c) exception at issue in this proceeding would not apply to reserves acquired prior to the issuance of Order No. 428, 46 FPC at 52. The Amoco-Westland transfer occurred after the March 18, 1971 issuing date of Order No. 428.

[2] Order Establishing Blanket Certificate Procedure For Small Producer Sales And Providing Relief From Detailed Filing Requirements, Order No. 428, Docket No. R–393, 45 FPC 454, 455–456 (March 18, 1971).

constituted the purchase of "developed reserves in place." We do not purport to decide whether gas from any additional wells which may be drilled hereafter in this same field would also be "developed reserves in place" if or to the extent the interest therein was acquired from Amoco.

The Commission orders: For the reasons expressed herein, the motion for reconsideration of the letter order issued June 13, 1975, in Docket No. CI73–157 is denied and the motion to delete the refund condition from the temporary certificate issued on December 19, 1975, in Docket No. CI76–243 is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–8469 Filed 3–24–76;8:45 am]

[Docket No. ID–1598]

WILLIS S. WHITE, JR.

Notice of Application

MARCH 19, 1976.

Take notice that on March 3, 1975, Willis S. White, Jr. (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

President, Appalachian Power Company, Electric Utility.
President, Indiana & Michigan Electric Company, Electric Utility.
President, Kanawha Valley Power Company, Electric Utility.
President, Kentucky Power Company, Electric Utility.
President, Kingsport Power Company, Electric Utility.
President, Michigan Power Company, Electric Utility.
President, Ohio Power Company, Electric Utility.
President, Wheeling Electric Company, Electric Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–8491 Filed 3–24–76;8:45 am]

FEDERAL RESERVE SYSTEM

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

Meetings

The National Commission on Electronic Fund Transfers will meet on Friday, April 9, 1976, and on the second Friday of each succeeding month, unless notice to the contrary is published in the FEDERAL REGISTER. The meetings, which will be from 10:00 a.m. to 5:00 p.m., with a break for lunch, will be open to public observation. Any person wishing to file a written statement with the Commission may do so by sending thirty copies to:

National Commission on Electronic Fund Transfers, Suite 900, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036.

The meeting on April 9 will be held at the Federal Reserve Martin Annex Building located on "C" Street, N.W., between 20th and 21st Streets, in Dining Room "E" on the Terrace Level.

Further information on the meetings can be obtained from Ms. Janet Miller at (202) 254–7400.

Dated: March 22, 1976.

JAMES O. HOWARD, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–8546 Filed 3–24–76;8:45 am]

ADAIR INSURANCE AGENCY, INC.

Formation of Bank Holding Company

Adair Insurance Agency, Inc., Adair, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of Exchange State Bank, Adair, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Adair Insurance Agency, Inc. has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in the activities of a general insurance agency. Notice of the application was published on February 19, 1976 in *The Adair News*, a newspaper circulated in Adair, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a town of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing purposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 9, 1976.

Board of Governors of the Federal Reserve System, March 18, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76–8385 Filed 3–24–76;8:45 am]

CEDAR INVESTMENT CO.

Acquisition of Bank

Cedar Investment Company, Waverly, Iowa, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 60.5 per cent or more of the voting shares of State Bank of Waverly, Waverly, Iowa ("Bank"). The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Cedar Investment Company is also engaged in the nonbank activity of acting as agent for insurance that is directly related to an extension of credit by Bank. In addition to the factors considered under § 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in § 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 19, 1976.

Board of Governors of the Federal Reserve System, March 19, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76–8386 Filed 3–24–76;8:45 am]

CUBANC CORP.

Formation of Bank Holding Company

CUbanc Corp., Columbus, Ohio, has applied for the Board's approval under

§ 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 96 percent of the voting shares of The Alexandria Bank Company, Alexandria, Ohio. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 19, 1976.

Board of Governors of the Federal Reserve System, March 19, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8387 Filed 3-24-76;8:45 am]

CU BANK SHARES, INC.

Order Approving Formation of Bank Holding Company

CU Bank Shares, Inc., Dallas, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 99 percent or more of the voting shares (less directors' qualifying shares) of Town North National Bank, Farmers Branch, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently formed corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank.[1] Bank has total deposits of approximately $12.1 million, representing 0.1 percent of total deposits in commercial banks in the relevant banking market,[2] and is the 74th largest banking organization in the market.[3]

Since Applicant has no present operations or subsidiaries, consummation of the proposed transaction would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Thus the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory and the future prospects for each appear favorable. Applicant will not incur debt incident to the subject proposal. Following consummation of this proposal, Applicant proposes to enable Bank to offer trust services. Moreover, as a result of the proposal, credit unions that share in the ownership of Applicant would be able to expand and improve their services. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons set forth above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 17, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8388 Filed 3-24-76;8:45 am]

FIRST NATIONAL BOSTON CORP.

Order Denying Acquisition of Bank

First National Boston Corporation, Boston, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Blackstone Valley National Bank, Northbridge, Massachusetts ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).[1]

Applicant, the largest banking organization in Massachusetts, controls four banks, with aggregate deposits of approximately $3.4 billion, representing approximately 23.9 per cent of the total deposits in commercial banks in the State.[2] Acquisition of Bank would increase Applicant's share of total State deposits by .2 per cent and would not result in a significant increase in the concentration of banking resources in Massachusetts.

Bank, the 71st largest bank in the State, controls total deposits of $26.6 million representing 2.9 percent of the total deposits in commercial banking institutions in the relevant market,[3] and is the 5th largest of eight commercial banks in the Worcester market. Three of Bank's five offices are located in the Worcester banking market and two are located on the western edges of the Boston and Providence banking markets, respectively. The closest office of any office of Bank to a subsidiary of Applicant is 17 miles away. Both of these offices are located on the fringes of the Boston banking market and consummation of the proposal would therefore eliminate a small amount of existing and potential competition involving these two offices. Applicant, while not having a subsidiary in the Worcester market, draws a significant amount of business from that area. While a good deal of this involves corporate and trust business, there is no question that consummation of the proposal will have some adverse effects on existing competition for such types of accounts. Furthermore, Applicant appears to be the most likely potential entrant into the Worcester banking market. While current economic prospects of the area may somewhat decrease the likelihood of Applicant's entry absent this proposal, it still appears that consummation of the proposal would have some adverse effects on existing and potential competition and that competitive considerations therefore weigh against approval of the application.

In recent years, Applicant has expanded its activities on a broad front,

[1] All of Applicant's shares are currently owned by the Texas Credit Union League ("TCUL"), an association of Texas credit unions. As part of the proposed transaction, Applicant will issue an additional 3,500,000 shares. Over 150 State and federal credit unions in Texas have committed themselves to acquiring Applicant's shares if this application is approved. After the additional shares of Applicant are issued, neither TCUL nor any credit union will own more than 5 percent of the voting shares of Applicant.

[2] The relevant banking market is approximated by the Dallas RMA, which consists of Dallas County and portions of six adjacent counties.

[3] All banking data are as of June 30, 1975.

[4] Voting for this action: Chairman Burns and Governors Gardner, Holland, Wallich, Coldwell, Jackson, and Partee.

[1] In a letter dated October 27, 1975, the Federal Reserve Bank of Boston was informed that the Massachusetts Board of Bank Incorporation had voted to revoke the authority granted on May 28, 1974, to Applicant to acquire up to 100 percent of the successor by merger to Blackstone Valley National Bank. Subsequently, in a letter dated November 4, 1975, the Board of Bank Incorporation informed the Federal Reserve Bank of Boston that ". . . the Board had voted to reinstate authority as previously voted on May 28, 1974, by rescinding the revocation of authority voted by the Board on October 27, 1975."

In a letter dated January 12, 1976, the Comptroller of the Currency expressed the views and recommendations of his Office with respect to this application. That letter and the comments expressed in it are part of the record of this application upon which the Board based its decision. In addition, the record includes, and the Board has relied upon, consolidated financial statements of Applicant for the year ended December 31, 1975, which were forwarded to the Board on January 26, 1976, and Applicant's 1975 Annual Report, which was received on February 26, 1976.

[2] All banking data are as of June 30, 1975.

[3] The relevant banking market is approximated by the Worcester Ranally Metro Area, which is comprised of the city of Worcester and 26 towns in Worcester County.

both in the United States and abroad.[4] Applicant has management of recognized ability, and while it is soundly capitalized and has a favorable earnings record, such expansion must necessarily be accompanied by some dispersion of its financial and managerial resources. The facts of record show that approval of this acquisition would result in a cash expenditure by Applicant of approximately $3.8 million from general corporate funds. In addition, Applicant would commit to increase Bank's capital by at least $620,000 and to maintain Bank's capital on a par with other commercial banks in the State. The Board believes, as it has in a number of other applications involving leading banks, that at the present time, Applicant should direct its financial and managerial resources toward its existing structure and that considerations relating to financial and managerial factors lend some weight against approval of the application.

There is no evidence in the record that the banking needs of the community are not currently being adequately served. Applicant has proposed to implement a number of wholesale and retail banking services that would benefit some of Bank's customers. However, these considerations are not sufficient to outweigh the adverse considerations referred to above. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record,[5] the application is denied for the reasons summarized above.

By order of the Board of Governors,[6] effective March 18, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8389 Filed 3-24-76;8:45 am]

NBF CORP.

Formation of Bank Holding Company

NBF Corporation, Frederick, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of National Bank of Frederick, Frederick, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 15, 1976.

Board of Governors of the Federal Reserve System, March 18, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8390 Filed 3-24-76;8:45 am]

WESTERN MICHIGAN CORP.

Acquisition of Bank

Western Michigan Corporation, Niles, Michigan, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of The First National Bank of Cassopolis, Cassopolis, Michigan. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 16, 1976.

Board of Governors of the Federal Reserve System, March 18, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8391 Filed 3-24-76;8:45 am]

WOODBINE AGENCY, INC.

Formation of Bank Holding Company

Woodbine Agency, Inc., Woodbine, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 50.8 per cent or more of the voting shares of Citizens State Bank, Woodbine, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Woodbine Agency, Inc., Woodbine, Kansas has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of Woodbine Agency, Inc., Woodbine, Kansas. Notice of the application was published on February 12, 1976 in The Herrington Times, a newspaper circulated in Woodbine, Kansas.

Applicant states that it would engage in the sale of general insurance in a community with a population of less than 5,000. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 16, 1976.

Board of Governors of the Federal Reserve System, March 18, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8392 Filed 3-24-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

MUSHROOMS

Report to the President

MARCH 17, 1976.

In accordance with section 201(d)(1) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation made under section 201(b)(1) of that act, relating to mushrooms.

The investigation was undertaken to determine whether—

> mushrooms, prepared or preserved, except fresh or dried, provided for in item 144.20 of the Tariff Schedules of the United States (TSUS),

are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

The investigation was instituted on September 30, 1975, upon receipt of a petition filed on September 17, 1975, by the Mushroom Canners Committee of the Pennsylvania Food Processors Association and the Mushroom Processors Tariff Committee.

[4] Since year-end 1972, Applicant has acquired three commercial bank subsidiaries, proposed to acquire three other banks, merged two banks, and refiled this application. Applicant has expanded its foreign banking activities through cash expenditures and currently has four proposals pending involving cash outlays.

[5] Voting for this action: Chairman Burns and Governors Holland, Coldwell, Jackson, and Partee. Voting against this action: Governors Gardner and Wallich.

[6] Dissenting Statements of Governors Gardner and Wallich filed as part of the original document. Copies are available upon Request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of October 6, 1975 (40 F.R. 46158). A public hearing in connection with the investigation was conducted on January 6 and 7, 1976, in the Commission's hearing room in Washington, D.C. All interested parties were afforded an opportunity to be present, to produce evidence, and to be heard. A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.

The information for this report was obtained from fieldwork, from responses to questionnaires sent to domestic growers and canners, and from the Commission files, other Government agencies, evidence presented at the hearings, briefs filed by interested parties, and other sources.

DETERMINATIONS, FINDINGS, AND RECOMMENDATIONS OF THE COMMISSION

On the basis of its investigation, the Commission determines[1] that mushrooms, prepared or preserved, except fresh or dried, provided for in item 144.20 of the Tariff Schedules of the United States, are being imported in such increased quantities as to be a substantial cause of serious injury or the threat thereof[2] to the domestic industry producing articles like or directly competitive with the imported articles.

Findings and recommendations

Commissioners Leonard, Minchew, and Ablondi[3]—determine, pursuant to section 201(d)(1) of the Trade Act, that adjustment assistance as provided in title II, chapters 2, 3, and 4 of that act can effectively remedy the serious injury or the threat thereof to the domestic industry and recommend the provision of such assistance.

Commissioner Parker—finds that to prevent the injury described in section 201(b) of the Trade Act, it is necessary to impose a tariff-rate quota system for the ensuing 5-year period applying to the mushrooms covered by the Commission's notice of investigation which are the subject of my affirmative determination, with the existing rates of duty applying to imports of mushrooms within the tariff quotas and rates of duty hereinafter specified applying to such imports outside the tariff quotas, and with the tariff quotas established and allocated to countries subject to rates of duty provided for in rate-of-duty column numbered 1 of the TSUS as hereinafter specified.

The proposed rates of duty for imports outside the tariff quotas should be as follows:

Fisrt 3 years	Fourth year	Fifth year
3.2 cents per lb on drained weight plus 35 percent ad val.	3.2 cents per lb on drained weight plus 25 percent ad val.	3.2 cents per lb on drained weight plus 15 percent ad val.

The within-quota imports entered in any year should be established and allocated to countries as follows:

Country:	*Aggreaate annual quota (Millions of pounds, drained weight)*
Republic of China (Taiwan)	31.7
Republic of Korea	11.8
Japan	1.4
Dominican Republic	.7
France	.6
Costa Rica	.5
Ecuador	.5
All others	.8
Total	48.0

Commissioner Moore—having found in the negative, makes no recommendation to the President under section 201(d)(1) of the Trade Act of 1974.

By order of the Commission.

Issued: March 22, 1976.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-8448 Filed 3-24-76;8:45 am]

[1] Commissioners Leonard, Parker, and Ablondi determine in the affirmative. Commissioners Moore and Minchew determine in the negative. Commissioner Bedell abstains.

[2] Commissioner Leonard determines that the domestic industry is seriously injured, and Commissioners Parker and Ablondi determine that the domestic industry is threatened with serious injury.

[3] Commissioner Minchew noting that the Commission has made an affirmative determination has made a recommendation of remedy.

NATIONAL SCIENCE FOUNDATION

SUBGROUP ON BASIC RESEARCH OF THE ADVISORY GROUP ON ANTICIPATED ADVANCES IN SCIENCE AND TECHNOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subgroup on Basic Research of the Advisory Group on Anticipated Advances in Science and Technology.

Dated: April 15, 1976.

Time: 10:00 a.m. to 4:30 p.m.

Place: Room 338, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.

Type of meeting: Open.

Contact person: Mr. William Montgomery, Special Assistant to the Director of Operations, National Science Foundation, Washington, DC 20550, telephone 202/632-4061. Anyone planning to attend should notify Mr. Montgomery by April 7, 1976.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Div. of Personnel & Mgmt., Room 248, National Science Foundation, Washington, DC 20550.

Purpose of meeting: Review potential issues regarding the interests of the new Office of Science and Technology Policy in national policies toward the support of basic research and utilization of scientific manpower in support of basic research.

Agenda:

10:00—Convene—Chairman's remarks.
10:30—Review of budget and science indicators.
11:00—Discussion of issues.
12:00—Lunch.
1:00—Continued discussion.
4:30—Adjourn.

M. REBECCA WINKLER, *Acting Committee Management Officer.*

MARCH 22, 1976.

[FR Doc.76-8446 Filed 3-24-76;8:45 am]

SUBPANEL ON ALTERNATIVES IN HIGHER EDUCATION

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Alternatives in Higher Education (AHE), Advisory Panel for Science Education Projects.

Dates and times: April 15 and 16—9 a.m. to 5 p.m. each day.

Place: 5225 Wisconsin Avenue, NW., Washington, D.C. (Rm. 651-W).

Type of meeting: Closed.

Contact person: Dr. Gregg Edwards, Program Manager, AHE, Room W-618, National Science Foundation, Washington, D.C. 20550, tel: (202) 282-7910.

Purpose of subpanel: To provide advice and recommendations concerning support in the AHE Program.

Agenda: To review and evaluate specific education proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4), (5), and (6) of U.S.C. 552(b), Freedom of Information Act.

Authority to close meeting: The determination made by the Committee Management Officer pursuant to provisions of Section 10(d) of Public Law 92-463.

M. REBECCA WINKLER, *Acting Committee Management Officer.*

MARCH 22, 1976.

[FR Doc.76-8447 Filed 3-24-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-13]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Pipeline Accident Report. The National Transportation Safety Board's investigation of the rupture of a 6-inch natural

gas-gathering pipeline south of Meridian, Mississippi, on May 21, 1974, is the subject of a recently released report. The report, No. NTSB–PAR–76–1, was released March 16. The Safety Board determined that the probable cause of the accident was the rupture of the pipe which had been weakened by internal corrosion and hydrogen embrittlement as a result of poor operating practices. Based on the investigation, the Board issued on February 29, five recommendations—one, No. P–75–5, to the U.S. Department of Transportation, and four, Nos. P–76–6 through 9, to the Texas Oil and Gas Corporation of Dallas, Texas, owner of the pipeline. (See 41 FR 10482, March 11, 1976.) These recommendations are reproduced in the report.

Safety Recommendation Letters. Citing five instances in the past 10 years where in-flight loss of directional control occurred in the Bell Model 47 series helicopter, the Safety Board now recommends that the Federal Aviation Administration issue an Airworthiness Directive to require immediate compliance with Bell's Mandatory Service Bulletin No. 47–76–1. The Class I (urgent followup) recommendation, No. A–76–5, was issued March 15, 1976.

Last November 20, about 6:45 a.m., a 47-passenger, 1974 AM General bus, operated by the Washington Metropolitan Area Transit Authority, caught fire and burned in the bus/carpool lanes of Interstate 95 in Alexandria, Virginia. Investigation by the Safety Board showed that a wheel bearing in the left-rear wheel assembly had failed. This failure raised the operating temperature of the wheel hub beyond the autoignition temperature of the wheel bearing lubricant; fire ensued and rapidly spread to the tires and other components underneath the bus. As a result of this incident, the Safety Board recommended that the National Highway Traffic Safety Administration develop and issue a Federal Motor Vehicle Safety Administration develop and issue a Federal Motor Vehicles Safety Standard to insure that wheelwell components can withstand fires and resist penetration by objects propelled by wheel rotation. The recommendation, No. H–76–7, was issued March 14.

Letters Responding to Safety Board Recommendations

Letter of March 4, 1976, from the Business and Transportation Agency of California's Department of Transportation, concerns recommendations H–75–37 and 38, issued last December 2 in connection with a multiple-vehicle, fog-related accident near Corona, California. (See 40 FR 57726, December 11, 1975.) The letter quotes from the Federal Highway Administration's February 4 letter (41 FR 7600, February 19, 1976) regarding the fog-warning system described in the 1974 paper entitled "Adverse Weather and Visibility Hazard Warning Systems." The FHA had commented that the system had limited utility for specific, localized high-density fog locations such as stream crossings and that that type of system would have questionable value for valley-type fogs. Commenting on the FHA letter, the California transportation agency states, "Our experience in California leads us to a similar conclusion. It would be necessary to place detectors and speed limit displays much closer than five or even two and one-half mile spacings noted in the report. Fog density changes rapidly and the general mass of fog is not static; it moves about." The agency is following closely the research, under way in Oregon, regarding appropriate speed limits for fog, and Caltrans representatives are serving on an FHA task force to study "Effectiveness of Reduced Visibility Guidance Techniques." Also, the agency is experimenting with truck-mounted, changeable message signs for controlling traffic through fog. These trucks are on call 24 hours a day. The letter concludes, "This mobile situation-responsive sign system will be evaluated for motorist reaction. If this system proves to be effective, it will receive further implementation in California."

The Federal Aviation Administration's letter of March 9 notes complete agreement with recommendation A–76–3 and states that the following actions are planned or have been initiated: (1) Information contained in the Safety Board's aircraft accident report (41 FR 9423, March 4, 1976) has been included in the National Air Traffic Training Program conducted at the FAA Aeronautical Center in Oklahoma City; (2) a video tape briefing aid will be distributed to all Air Traffic Facilities for mandatory viewing; coincidental with the video tape presentation a mandatory briefing will be given; and (3) FAA will distribute copies of the Board's accident report to all Air Traffic Controller personnel.

The U.S. Coast Guard has recently provided five letters updating responses to earlier Safety Board recommendations, as follows:

Letter of March 8 refers to recommendation 69–M–53 which was issued July 1, 1969, in marine casualty report on the foundering of the *SS Panoceanic Faith* in the Pacific Ocean, October 9, 1967. The recommendation had asked for amended regulations requiring that each life preserver be equipped with a waterproof battery-powered light. In response, the Coast Guard states that regulations are being drafted to require lights on all life preservers aboard inspected vessels. Recommendations 72–M–18 and 72–M–20 are addressed in a Coast Guard letter, also dated March 8. These recommendations were issued by the Safety Board July 26, 1972, in the marine casualty report on the structural failure and sinking of the *SS Texaco Oklahoma*, March 27, 1971. Recommendation 72–M–18 requested the Coast Guard, with the assistance of the American Bureau of Shipping, to reevaluate the structural adequacy of the *Texaco Oklahoma* class of tankships with a view toward strengthening these vessels to reduce their long-term risk levels. The Coast Guard states that, despite years of reesarch, a purely scientific solution to the ship design problem has not been found, and it is, therefore, "premature to attempt to establish design criteria based on first principles and material properties." The Coast Guard states, "What previous research has shown is that there are several other factors which affect the performance of ship's structure as a whole. These other factors include the magnitude and location of the externally applied loads, the rate at which these loads are applied, the size and location of the flaws which may exist in the welded structure and the interaction between the various elements of the structure." The knowledge gained to date has been used in a continuing program of modifying the standards for the design and construction of ship's hulls, but it is still not adequate to develop design criteria which can be traced back to fundamental physical principles, according to the Coast Guard. Recommendation 72–M–20 asked the Coast Guard to require all ship owners of this class tankship to install a hull stress monitor capable of indicating hull bending stresses at the most critical region of the ship. The Coast Guard indicates that it is following the developments of several stress indicating devices, notably one developed by the EDO Corporation of College Point, New York, named the Heavy Weather Damage Avoidance System which is designed to predict the effects on stress levels of sea conditions along a vessel's projected track by monitoring various strain sensors over a short-time interval. The Coast Guard states, "It is a very sophisticated system and each ship would require an installation that was unique in at least some aspects. The limitations and strengths of such a sophisticated system will have to be considered."

Another Coast Guard letter of March 8 refers to recommendation M–74–4, issued February 27, 1974, in marine casualty report, No. USCG/NTSB–MAR–74–2, on the collision of the Tug *Carolyn* and Barge *Weeks No. 254* with the Chesapeake Bay Bridge and Tunnel on or about September 21, 1972. The Coast Guard indicates that a reevaluation of the need for anchors on unmanned barges, based on the opinions of various Commanding Officers of Coast Guard Marine Inspection Offices, has been completed. The Coast Guard commented, "Opinions were mixed; however, a majority felt that there was not sufficient justification to require the recommended ground tackle." A statistical study utilizing marine casualty statistics is being initiated to further determine a need for implementation of this recommendation.

Coast Guard's letter of March 9 refers to recommendation M–74–15, issued July 22, 1974, in marine casualty report No. USCG/NTSB–MAR–74–4 on the collision of the *SS African Neptune* with the Sidney Lanier Bridge at Brunswick, Georgia, November 7, 1972. The recommendation asked that the Coast Guard require that every master of an ocean-going vessel inform himself of the pilot's plan to maneuver his ship in or out of a harbor and that the master determine, with the pilot's assistance, the critical

aspects of the maneuver, including the pilot's plan for emergencies; the master then would be required to instruct his crew to insure that high-risk tasks receive priority. In response, the Coast Guard states that the Navigation Safety Regulations, formerly entitled Marine Traffic Requirements, are nearing the completion stage, and a notice of proposed rulemaking is expected to be published this fiscal year.

Recommendation M–74–25, issued September 26, 1974, in marine casualty report No. USCG/NTSB–MAR–74–6 on the death of three ship's officers on board the *SS William T. Steele* at Guayanilla, Puerto Rico, November 18, 1972. The recommendation requested that the Coast Guard review and revise its requirements regarding the responsibility of owners/masters to indoctrinate crews in the safe use of emergency equipment on tank vessels. The Coast Guard indicates that new Tankerman Regulations are expected to be published this fiscal year. After these regulations are established, the Coast Guard will seek to upgrade the training and qualifications of other shipboard personnel. Increases in personnel qualifications, combined with the requirements of Title 46 CFR 35.10, will adequately provide for the desired indoctrination, according to the Coast Guard.

The accident report and Safety Board recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

MARCH 22, 1976.

[FR Doc.76–8513 Filed 3–24–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–324]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR–62 issued to the Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit 2 (the facility), located in Brunswick County, North Carolina. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specifications to add requirements that limit the period of time operation can be continued with immovable control rods that could have control rod mechanism collet housing failures.

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 the Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on December 23, 1975 (40 FR 59379). 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 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 Commission's letters to Carolina Power and Light Company dated September 23, 1975 and December 15, 1975, (2) Amendment No. 11 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, NW., Washington, D.C., and at the Southport Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A single copy of items (1), (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 March 1976.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–8290 Filed 3–24–76;8:45 am]

[Docket No. 50–358]

CINCINNATI GAS AND ELECTRIC CO., ET AL. (WILLIAM H. ZIMMER NUCLEAR POWER STATION, UNIT 1)

Hearing on Application for Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, the Commission's Rules of Practice, notice is hereby given that a public hearing will be held concerning the application of the Cincinnati Gas and Electric Company (Cincinnati), Columbus and Southern Ohio Electric Company, and The Dayton Power and Light Company (Applicants) for a nuclear power plant facility operating license which would authorize Cincinnati, acting on behalf of all Applicants, to possess, use and operate the William H. Zimmer Nuclear Power Station, Unit 1, which is a boiling water nuclear reactor located near Moscow, on the eastern shore of the Ohio River in Ohio.

On September 24, 1975, the Nuclear Regulatory Commission (the Commission) published in the FEDERAL REGISTER (40 FR 43959) a notice of Receipt of Application for Facility Operating License; Availability of Applicants' Environmental Report; and Consideration of Issuance of Facility Operating License and Opportunity for Hearing. The same notice provided that by October 24, 1975 any person whose interest might be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene, in accordance with Section 2.714 of 10 CFR Part 2 of the Commission's Rules of Practice. Petitions for leave to intervene were filed by the City of Cincinnati, Dr. David B. Fankhauser, Mrs. Mari B. Leigh, and Miami Valley Power Project, and their requests for a hearing have been granted by the petitions board in a ruling issued the same date as this instant Notice of Hearing.

The hearing board assigned to conduct the hearing is an Atomic Safety and Licensing Board (the Board) designated by the Acting Chairman of the Atomic Safety and Licensing Board Panel. This Board will consist of:

Mr. Glenn O. Bright
Dr. John R. Lyman
Samuel W. Jensch, Esq., Chairman

The evidentiary hearing to consider the proposed application for operating license for the William H. Zimmer Nuclear Power Station, Unit 1 will be held at a time and place to be designated in the future by the assigned Atomic Safety and Licensing Board, and it will begin in the reasonably adjacent vicinity of the subject facility, such as Cincinnati, Ohio.

A prehearing conference or conferneces will be held by the Board at a date and place to be set by it, to consider the pertinent procedural matters in accordance with the Commission's Rules of Practice. A date and place for the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and public hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

Prior to issuance of the requested and proposed operating license, the Commission will first have made the findings required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations.

For further details with respect to this action, see the application for operating license, and the documents referred to in the notice dated September 17, 1975 (published in the FEDERAL REGISTER on September 24, 1975 (40 FR 43,959), which are available for public inspection at the Commission's Public Document Room,

1717 H Street, N.W., Washington, D.C., and at the Clermont County Library, Batavia, Ohio. The Safety Evaluation and the Final Environmental Statement, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Section, Room 1015, or may be filed by delivery to the Commission's Public Document Room, 1717 R Street, N.W., Washington, D.C. 20555.

Pending further order of the hearing board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR Section 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that a public evidentiary hearing in this proceeding shall convene to consider the accepted contentions asserted in the petitions to intervene which have been granted, and shall convene at a time and place later to be designated by the Board.

Issued: March 19, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-8291 Filed 3-24-76;8:45 am]

[Docket No. 50-254]

COMMONWEALTH EDISON 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. 25 to Facility Operating License No. DPR-29, issued to Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Nuclear Power Station Unit 1 located in Rock Island County, Illinois. The amendment is effective as of its date of issuance.

The amendment (1) authorizes operation with additional 8 x 8 fuel assemblies and (2) incorporates operating limits in the Technical Specifications for the facility based on an acceptable evaluation model that conforms with the requirements of Section 50.46 of 10 CFR Part 50.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (2) above was published in the FEDERAL REGISTER on September 5, 1975 (40 FR 41197). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on item (2) above. Prior public notice of item (1) above is not required since the amendment does not involve a significant hazards consideration.

In connection with the issuance of this amendment, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.[1]

For further details with respect to this action, see (1) the applications for amendments dated July 1, 1975 and December 23, 1975 and supplements thereto dated July 7, 1975, September 19, 1975, November 6, 1975, February 4, 1976, February 6, 1976 and March 5, 1976, (2) Amendment No. 25 to License No. DPR-29, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's Declaration dated March 10, 1976 (which is also being published in the FEDERAL REGISTER), and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library at 504 17th Street, Moline, Illinois 61265. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of March, 1976.

For the Nuclear Regulatory Commission.

RICHARD D. SILVER,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-8292 Filed 3-24-76;8:45 am]

[Docket Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 18, 18, and 16 to Facility Operating Licenses No. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised the licenses for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments change the wording of condition 2.E of the licenses to permit the transfer of byproduct and special nuclear material between each of the three Oconee units.

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 is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated February 5, 1976, (2) Amendments No. 18, 18, and 16 to License Nos. DPR-38, DPR-47, and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of March 1976.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-8293 Filed 3-24-76;8:45 am]

[Docket Nos. STN 50-488, 50-489, 50-490]

DUKE POWER CO. (PERKINS NUCLEAR STATION, UNITS 1, 2 AND 3)

Order for Prehearing Conference

The Atomic Safety and Licensing Board will hold a prehearing conference on April 5, 1976, at 11 a.m. in the Conference Room on the first floor of the Old YWCA Building at 217 West Jones Street, Raleigh, N.C. The parties or their counsel will appear to consider:

1. Simplification, clarification, and specification of the issues;
2. The necessity or desirability of amending the pleadings;
3. The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;
4. Identification of witnesses and the limitation of the number of expert wit-

[1] Filed as part of the original document.

nesses, and other steps to expedite the presentation of evidence;

5. The setting of a hearing schedule; and

6. Such other matters as may aid in the orderly disposition of the proceeding. It is so ordered.

Dated at Bethesda, Maryland, this 17th day of March, 1976.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.76-8294 Filed 3-24-76;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Consideration of Proposed Modification to Facility Spent Fuel Storage Pool

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-31 and DPR-41 issued to Florida Power and Light Company (the licensee), for operation of the Turkey Point Nuclear Generating Units Nos. 3 and 4, located near Dade County, Florida.

In accordance with the licensee's application for license amendments dated January 28, 1976, the proposed amendments would add revisions to the Technical Specifications relating to the use of new spent fuel storage racks. The proposed revisions to the Technical Specifications would allow a closer design center-to-center spacing between stored fuel assemblies by modifying the specified effective neutron multiplication factor. The proposed modifications would increase the spent fuel storage capacity from 217 to 621 fuel assemblies for each facility.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By April 26, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Jack R. Newman, Esquire, Lowenstein, Newman, Reis & Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 28, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of March 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-8295 Filed 3-24-76;8:45 am]

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO. (ST. LUCIE NUCLEAR POWER PLANT, UNIT 2)

Order for Prehearing Conference

A prehearing conference in this matter will commence on Friday, April 9, 1976, at 9:30 a.m., in the Plaza Room, 1st Floor, Howard Johnson's Downtowner, 200 S.E. 2nd Avenue, Miami, Florida. The Board will consider all matters relevant to the forthcoming evidentiary hearing on the radiological health and safety aspects of the St. Lucie, Unit 2 facility.

So ordered.

Dated at Bethesda, Maryland, this 18th day of March, 1976.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.76-8296 Filed 3-24-76;8:45 am]

[Docket Nos. 50-458, 50-459]

GULF STATES UTILITIES CO. (RIVER BEND STATION, UNITS 1 & 2)

Hearing

Take notice that a public hearing will be held before an Atomic Safety and Licensing Board (the Board), pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Regulations (Title 10, Code of Federal Regulations, Parts 2 and 50), and pursuant to the Commission's Notice of Hearing dated October 17, 1973 (38 *Fed. Reg.* 29243, Oct. 23, 1973), to consider the application of the Gulf States Utilities Company (the Applicant) for construction permits to build two boiling water nuclear reactors in the West Feliciana Parish, on the east bank of the Mississippi River, about 24 miles north-northwest of Baton Rouge, Louisiana. The plant would be designated as the River Bend Station, Units 1 and 2. Each unit would be designed to operate at approximately 2894 megawatts thermal with a net electrical output of about 934 megawatts.

The public, evidentiary hearing will start at 9:30 A.M. local time, Tuesday, April 6, 1976, at the following location:

Holiday Inn, U.S. 61 & State Route 10, St. Francisville, Louisiana 70775.

This hearing phase will concern the radiological health and safety aspects of the construction permit (CP) application, as well as an additional, more limited issue (uranium fuel efficiency) that has been remanded back to this Board by the Appeal Board (Atomic Safety and Licensing Appeal Board) in its March 4, 1976 Memorandum and Order (ALAB-317). That latter issue had been considered during the Board's earlier public hearings on the environmental and site suitability issues (March–May, 1975), but the remand requires the taking of additional evidence, reconsideration and new findings, with respect to the fuel utilization efficiency question.

After conferring with counsel for all parties (prehearing conference, March 12, 1976), the Board anticipates that the health and safety phase of this CP proceeding may well be completed during the week of April 6, however, the remanded issue may require a later continuation to allow time for the parties to complete their analyses and preparation of testimony.

Limited appearance statements, by those persons and organizations who have not already given the Board its

views on the proposed plant, will be heard on the morning of the first day of the hearing. All interested members of the public are invited to attend the proceeding.

It is so ordered.

Issued at Bethesda, Maryland, this 17th day of March, 1976.

ATOMIC SAFETY AND LICENSING BOARD,
THOMAS W. REILLY,
Chairman.

[FR Doc.76-8297 Filed 3-24-76;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications that will (1) add limiting conditions for operation and surveillance requirements for a new main steam line isolation valve leakage control system, (2) update the inservice inspection requirements for Class 1 and Class 2 components, and (3) remove the lower limit for closure times of the purge supply, drywell purge outlet, and torus purge outlet power operated isolation valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application, for amendment dated December 22, 1975, November 20, 1975 and February 24, 1976, (2) Amendment No. 18 to License No. 49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of March 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-8298 Filed 3-24-76;8:45 am]

[Docket No. 40-8452]

ROCKY MOUNTAIN ENERGY CO., BEAR CREEK PROJECT

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Rocky Mountain Energy Company filed an environmental report in support of their application to develop uranium ore deposits in north-central Converse County, Wyoming. The report, which discusses environmental considerations related to the construction and operation of the proposed mill, is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Converse County Library, Douglas, Wyoming 82633. Copies of the report are also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne 82001.

After the environmental report has been analyzed, a draft environmental statement will be prepared. Preparation of the statement will be a joint effort between the Nuclear Regulatory Commission, the U.S. Forest Service, and the U.S Geological Survey, with NRC acting as the coordinating agency. After completion of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 18th day of March, 1976.

For the Nuclear Regulatory Commission.

RICHARD B. CHITWOOD,
Chief, Facility Environmental Assessment Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-8299 Filed 3-24-76;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO., SAN ONOFRE NUCLEAR GENERATING STATION, UNIT 1

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located near Camp Pendleton, San Diego County, California. The amendment is effective as of its date of issuance.

The amendment clarifies certain provisions in the Technical Specifications relating to chemical effluents and adds a reporting requirement.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application dated February 4, 1976, and (2) Amendment No. 19 to License No. DPR-13. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and in the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of Amendment No. 19 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of March 1976.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-8300 Filed 3-24-76;8:45 am]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND 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 Amendments Nos. 15 and 20 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revises certain license provisions and the Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment consists of a license amendment and Technical Specifications change relating to the receipt, possession, and use of byproduct, source, and special nuclear material and incorporates surveillance requirements for leakage testing of sealed sources in the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 8, 1975 and Supplement dated January 30, 1976, (2) Amendment No. 15 to License No. DPR-24, (3) Amendment No. 20 to License No. DPR-27 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Stevens Point Library, University of Wisconsin, Stevens Point, Wisconsin 54481.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of March 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-8301 Filed 3-24-76;8:45 am]

ABNORMAL OCCURRENCE REPORT

Second Report Submitted to Congress

Notice is hereby given that pursuant to the Section 208 of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission has published and issued the second periodic report to the Congress on Abnormal Occurrences (NUREG 0090-1). Effective release date is Friday, March 19, 1976.

Under the Energy Reorganization Act of 1974, which created the NRC and requires the report, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health and safety". In accordance with the Act, the NRC has interpreted the definition on an interim basis to mean those events involving an actual loss or a significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials.

The second report to the Congress covers,

(a) the third quarter of 1975 for nuclear power plants and indicates there were no abnormal occurrences at these facilities,

(b) the first three quarters of 1975 for over-exposures to radiation for all licensees and indicates there were no abnormal occurrences, and

(c) updated information on abnormal occurrences reported in the initial report.

Interested persons may inspect the report at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. and each of the 122 Local Public Document Rooms throughout the country. The report, designated NUREG 0090-1, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $3.50 a copy on or about April 2, 1976.

Dated at Washington, D.C. this 19th day of March, 1976.

NUCLEAR REGULATORY COMMISSION,
SAMUEL J. CHILK,
Secretary.

[FR Doc.76-8570 Filed 3-24-76;8:45 am]

[Docket No. 50-471]

BOSTON EDISON COMPANY, ET AL. (PILGRIM NUCLEAR GENERATING STATION, UNIT NO. 2)

Order for Evidentiary Hearing

It is ordered that hearing herein will be resumed on March 30, 1976, at 9:30 a.m. in Courtroom 9A, Middlesex Superior Courthouse, 40 Thorndike Street, East Cambridge, Massachusetts 02141.

Dated at Bethesda, Maryland, this 22nd day of March, 1976.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.76-8562 Filed 3-24-76;8:45 am]

[Docket No. 50-334]

DUQUESNE LIGHT COMPANY, ET AL. (BEAVER VALLEY POWER STATION, UNIT 1)

Order Convening Hearing and Designating Location

The Atomic Safety and Licensing Board on March 15, 1976 issued an Order convening an evidentiary hearing in this proceeding on March 29, 1976 in a location to be later designated for hearing in Pittsburgh, Pennsylvania. The location can now be designated to be a Courtroom to be assigned by the Director of Courtroom Assignments, Civil Division, Common Pleas Court, Seventh Floor, in the City-County Building, Grant Street, Pittsburgh, Pennsylvania.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that an evidentiary hearing in this proceeding shall convene at 1:30 p.m. on Monday, March 29, 1976 in a Courtroom to be designated by the Director of Courtroom Assignments, Civil Division, Common Pleas Court, Seventh Floor, City-County Building, Grant Street, Pittsburgh, Pennsylvania.

Issued: March 19, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-8563 Filed 3-24-76;8:45 am]

[Docket No. PRM-51-1]

NEW ENGLAND COALITION ON NUCLEAR POLLUTION

Extension of Comment Period

On January 16, 1976 the Nuclear Regulary Commission published in the FEDERAL REGISTER (41 FR 2448) a notice that a petition for rule making had been filed with the Commission by the New England Coalition on Nuclear Pollution.

The petitioner requested that the Commission amend its regulation, "Licensing and Regulatory Policy and Procedures for Environmental Protection," 10 CFR Part 51, to correct alleged deficiencies in Table S-3, "Summary of Environ-

mental Considerations for Uranium Fuel Cycle".

Interested persons were invited to submit comments on the petition by March 16, 1976. In view of the interest which has been shown on the subject matter of the petition, the Commission is hereby extending the time for filing comments.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send them to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 on or before April 26, 1976.

A copy of the petition for rule making with its appendix and enclosures is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the above address.

Dated at Washington, D.C. this 22nd day of March 1976.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-8564 Filed 3-24-76;8:45 am]

[Docket Nos. 50-275 OL, 50-323 OL]

PACIFIC GAS AND ELECTRIC CO. (DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 & 2)

Oral Argument

Notice is hereby given that oral argument on the pending exceptions of San Luis Obispo Mothers for Peace and John J. Forster to the Licensing Board's order of December 23, 1975 in this proceeding is calendared for 9:30 a.m., Thursday, April 1, 1976, in the Gold Room, Royal Inn, 214 Madonna Rd., San Luis Obispo, Cal. 93401.

Dated: March 19, 1976.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-8566 Filed 3-24-76;8:45 am]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK (GREENE COUNTY NUCLEAR POWER PLANT)

Reconstitution of Board

Dr. Cadet H. Hand, Jr., was a member of the Atomic Safety and Licensing Board established to consider the above § 225.4(a) of Regulation Y as permissible application. Because of schedule conflicts, Dr. Hand is unable to continue in his duties as a member of this Board.

Accordingly, Dr. Richard F. Cole, whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with Section 2 721 of the Rules of Practice.

Dated at Bethesda, Maryland this 19th day of March 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-8567 Filed 3-24-76;8:45 am]

PUBLIC SERVICE CO. OF INDIANA, INC.

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 F.R. 28710) and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

PUBLIC SERVICE COMPANY OF INDIANA, INC.

(Marble Hill Nuclear Generating Station, Units 1 and 2) Docket Nos. 50-546-A and 50-547-A.

This action is in reference to a "Motion for Leave to File Untimely Petition to Intervene and Request for Hearing", dated March 12, 1976, which was filed on behalf of the Kentucky-Indiana Municipal Power Association. The members of the Board are:

Sheldon J. Wolfe, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. J. Venn Leeds, Jr., Member, Richardson College of Rice University, P.O. Box 941, Houston, Texas 77001.

Joseph F. Tubridy, Esq., Member, 4100 Cathedral Avenue, N.W., Washington, D.C. 20016.

Dated at Bethesda, Maryland this 17th day of March 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-8568 Filed 3-24-76;8:45 am]

[Docket Nos. 50-259, 50-260]

TENNESSEE VALLEY AUTHORITY (BROWNS FERRY NUCLEAR PLANT, UNITS 1 AND 2)

Prehearing Conference

Take notice that, pursuant to the Commission's notice of "Proposed Issuance of Amendments to Facility Operating Licenses" (40 *Fed. Reg.* 46365, Oct 7, 1975) and the Atomic Safety and Licensing Board's "Notice of Hearing" issued March 11, 1976, and in accordance with the Atomic Energy Act of 1954, as amended, and the Commission's regulations in Title 10, Code of Federal Regulations, Parts 2 and 50, the Atomic Safety and Licensing Board (the Board) will conduct a prehearing conference on April 1, 1976, starting at 9:30 A.M. local time, at the following location:

Board of Commission Meeting Room, 2nd Floor, Limestone County Courthouse Annex, Green & Jefferson Streets, Athens, Alabama 35611.

This prehearing conference is preliminary to a public evidentiary hearing to be held before this Board, on a date to be scheduled later, to consider the radiological health and safety aspects of certain proposed amendments to Facility Operating Licenses DPR-33 and DPR-52, issued to the Tennessee Valley Authority for the operation of the Browns Ferry Nuclear Plant, Units 1 and 2, in Limestone County, Alabama.

Among other things (see Commission's notice, *supra*, 40 *Fed. Reg.* 46365, Oct. 7, 1975), the amendments would modify in a number of details, and would reinstate, the Technical Specifications authorizing operation of the Browns Ferry Nuclear Plant, upon satisfactory completion of the work required to restore the plant following the March 22, 1975 fire. This work includes design modifications to provide additional protection against damage from postulated future fires.

The purpose of this prehearing conference is to:

(1) Permit identification of the key issue(s) in the proceeding;

(2) To take any steps necessary for further identification, simplification, clarification, specification and narrowing of the issue(s);

(3) To establish a schedule for further actions in the proceeding, including a time-table for the completion of discovery;

(4) Determine such other matters as may aid in the orderly disposition of the proceeding.

Counsel for the parties are directed to confer in advance of the prehearing conference to attempt to work out, in a cooperative spirit, mutually agreeable stipulations that would resolve or further the above objectives.

It is so ordered.

Issued at Bethesda, Maryland this 22nd day of March, 1976.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.76-8569 Filed 3-24-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on March 19, 1976 (44 USC 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 extention which appear to raise no significant issues are to be approved after brief notice thru 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

ACTION

Vista applicant legal history and status, A-776V, on occasion applicants, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: cost of production survey (Alaska), single-time, farms with sales of $1000 or more, Hulett, D. T., 395-4730.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs: Questionnaire for producers of stainless steel and tool steel, ILAB-64, single-time, manufacturers, Laverne V. Collins, 395-5867.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census:
1976 data collection unit test (part of 1980 decennial census of population and housing), DE 101, DE 102, single-time, households in Gallia and Meigs Counties, Ohio, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Institutional application for public service programs, OE404, annually, institutions of post-secondary education, Lowry, R. L., 395-3772.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

Interview guide for economic impact study of hazardous waste, regulations on selected industries, single-time, selected firms producing petroleum refinery products, Marsha Traynham, 395-4529.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:
Petition for preference for alien on basis of profession or occupation, I-140, on occasion, 3rd or 6th preference petitioners, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Labor-Management and Service Administration:
U.S. Government contract pension survey, LMSA 55T, single-time, pension plan administrators, Marsha Traynahm, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-8571 Filed 3-24-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19435; (70-5822)]

AMERICAN ELECTRIC POWER CO., INC.

Proposed Transactions Concerning an Employee Stock Purchase Plan

MARCH 19, 1976.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a)(1), 7, 9(a)(1) and 10 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP has, since 1955, maintained a series of Key Employee Stock Purchase Plans ("Plans") to assist and encourage supervisory, administrative, managerial and professional employees of AEP or its subsidiaries to purchase stock of AEP. Plans adopted in 1955, 1959 and 1962 have been completed. Plans adopted in 1965, 1968 and 1973 are in force. AEP is now submitting for stockholder approval its 1976 Plan ("Plan"), the subject of the present application.

AEP relied on Rule 48(b) under the Act to exempt its guarantee of the bank loans for employees, on which the Plan depends, from the requirement of Commission authorization under Sections 6 and 7 of the Act. A proposed amendment of Rule 48(b) (HCAR No. 19362, January 30, 1976) led it to apply for authorization of the guarantees and possible acquisitions of employee notes incident to the proposed 1976 Plan. Its obligations incurred under prior Plans in reliance on Rule 43(b) would be unaffected by any change in the rule.

The 1976 Plan, which is essentially the same as the predecessor Plans, permits qualified employees to purchase AEP stock and to pay for it in monthly installments over a 10-year period. The AEP stock required under the Plan is to be purchased on the market at the time each employee elects to participate. It is not original issue stock. The cost to the participant is the market price, including brokerage commissions. The participant makes an initial payment of 2% of the cost and monthly payments at the rate of 3% per annum. All dividends and other distributions are applied to the purchase price. Participants are immediately entitled to vote the shares, but they are held by a custodian bank until payment is completed. Payment of any unpaid balance is due at the end of the 10 years, and the participant may prepay the balance and receive the stock at any time after the participant has completed 3 years of service or earlier if that requirement is waived by AEP.

The 1976 Plan is limited to employees exempt from the overtime provisions of the Fair Labor Standards Act who are less than 62 years of age and whose annual salary is at least $16,000. It is estimated that approximately 1,800 employees are eligible. Participation is voluntary.

The amount of stock purchased may not exceed 200% of the participants' annual compensation and not be less than 50% thereof. The maximum participation is reduced, within specified limits, by the amount still owed by the employee under previous Plans. If all employees participated in the 1976 Plan to the maximum extent, approximately $66.8 million of AEP stock would be purchased, involving somewhat more than 3 million shares. About $16 million of obligations under the preceding Plans remain outstanding.

The purchase of the stock is financed by two kinds of bank loans. A loan secured by pledge of the stock is effected for the amount permitted by the governing margin requirements, presently 50%. An unsecured secondary loan, guaranteed by AEP, covers the difference between the margin loan and the 2% down payment. Both loans bear interest at 8½%. In addition to guaranteeing the secondary loan, principal and interest, and paying the administrative costs of the Plan, AEP is to pay, without reimbursement, approximately 69% of interest charges on both the margin and the secondary loans.

Participants have an unconditional obligation to pay the principal and the balance of the interest of the loans. AEP states that, since 1955, it has sustained no losses on its guarantees of participants' loans except for 2 minor instances. In 1975 its contribution to the interest cost of previous Plans amounted to $873,620.

AEP may acquire secondary notes from the lender in the course of administering the Plan or meeting its obligation as guarantor and has the right to acquire, at its election, all of the secondary notes. It also has the right, within limits specified in the Plan, to amend or terminate it. AEP requests authorization to make acquisitions of such notes, from time to time, as permitted by the Plan.

AEP intends to submit the proposed Plan to its shareholders for their consideration and approval at the annual meeting to be held on April 28, 1976. In connection therewith, AEP proposes to solicit proxies from the holders of its common stock through the use of solicitation material which sets forth the proposal in detail. The application-declaration states that the approval of the Plan requires an affirmative vote of at least two-thirds of all outstanding shares

present or represented at the meeting. If approved, the 1976 Plan will become effective May 1, 1976. Eligible employees will be afforded the opportunity until December 31, 1976, to decide whether or not they desire to enter into agreements under the 1976 Plan. An order has been issued authorizing the solicitation of proxies concerning the Plan (HCAR No. 19433, March 17, 1976).

Fees and expenses to be incurred in connection with the proposed transactions, including legal fees, will be supplied by amendment. The application-declaration states that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 16, 1976, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8449 Filed 3-24-76;8:45 am]

[Release No. 34-12231; File No. SR-Amex-76-11]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on March 9, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT BY THE AMERICAN STOCK EXCHANGE, INC. OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend its Rules 900(b)(23), 904, 910, 923, 927, 928, 940, 950, 990, 991 and 462 relating to the trading of options in order to accommodate the trading of put options as well as call options on the Amex. In its filing with the Commission in January 1974 of a plan for trading options, the Amex indicated that initially it intended to trade only call options as part of its pilot program and that put options would be traded only after experience was gained with the pilot program. The Amex options program has been in operation for fifteen months and has been expanded from the initial trading of call options on twenty underlying stocks to the trading of call options on fifty-seven underlying stocks. Based on experience gained during such pilot program and its evaluation of the needs of investors, the Amex has determined to expand further its options program to include the trading of put options with respect to a limited number of underlying stocks as described in its Plan For Put Options Trading informally submitted to the Commission on December 26, 1975. In this connection it proposes to amend certain provisions of its Rules relating to the trading of options.

STATEMENT BY AMEX OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed amendments are designed to provide the self-regulatory framework for the trading of put options on the Amex.

Rule 900(b)(23) Definitions—Covered. Rule 900(b)(23) is proposed to be amended principally to define the term "covered" in respect of a short position in a put option contract to mean the situation where the writer holds in the same account on a share-for-share basis a long position in a put option contract of the same class having an exercise price equal to or greater than the exercise price of the short put position. In addition, it is proposed to expand the definition of a covered short position in a call option contract to include the situation where the call writer holds in the same account on a share-for-share basis a long position in a call option contract of the same class having an exercise price equal to or less than the exercise price of the short call position. This change is consistent with the present provisions of Rules 904 and 910 and the margin treatment accorded spread positions in present Rule 940.

Rule 904 Position Limits. No change in this Rule is required in order to subjcet put option contracts to the same position limits presently applicable to call option contracts. The change, however, reflects the clarification of the definition of "covered" in Rule 900(b)(23), and in addition the Amex has determined that, in the interests of clarity, the numerical position limits should be incorporated in Rule 904 itself.

Rule 910 Restriction of Out-of-the-Money Options. The principal purpose of this amendment is to provide limitations on the trading of out-of-the-money put option contracts identical to the present limitations applicable to the trading of out-of-the-money call option contracts. In addition, the present numerical limits are proposed to be incorporated in the Rule itself for ease of reference. Finally, the Rule is proposed to be amended to reflect the amendment to the definition of "covered" in Rule 900(b)(23). Commentary .01 is proposed to be deleted as it is no longer necessary, and Commentary .03 (redesignated .02) would be amended to reflect the proposed changes in the Rule itself.

Rule 923 Suitability. The proposed amendment to Rule 923 would apply the same stringent suitability standard presently applicable to uncovered short call positions to all put option writing, whether or not the put writer is also short the underlying stock, and irrespective of the fact that the short position may be "covered".

Rule 927 Transactions with Issuers. Rule 927, which proscribes corporations and their affiliates from writing option contracts in respect of the corporation's stock, is proposed to be amended so as to be applicable only to the writing of calls.

Rule 928 Restricted Stock. The amendment to Rule 928 would apply the existing prohibition on the delivery of restricted stock, presently applicable to satisfying an exercise notice assigned with respect to a call option contract, to delivery pursuant to the exercise of a put option contract.

Rule 940 Determination of Margin. Rule 940 which applies solely to the margining of call option contracts is proposed to be deleted. The provisions of this Rule are proposed to be incorporated in Rule 462(d) together with the margin provisions applicable to puts.

Rule 950 Rules of General Applicability Rule 950(d). The proposed amendment to Rule 950(d) would add a definition of "straddle order". A straddle order would be defined as an order to buy or sell the same number of option contracts of each type (put and call) with respect to the same underlying stock and having the same exercise price and expiration date.

Rule 950(e). The present prohibition in Rule 950(e) on specialists accepting spread orders in option contracts in which they are registered would be extended to straddle orders in option contracts in which they are registered in recognition of the contingent nature of such orders.

Rule 950(f). Rule 950(f) is proposed to be amended to provide that brokers who have been given either a spread order or a straddle order are not responsible for executions based on opening of closing transaction prices.

Rule 950(i). Finally, Rule 950(i) would be amended to extend the same prohibitions presently applicable to specialists' off-Floor transactions in call options relating to stocks underlying call option contracts in which they are registered, to similar transactions in put options relating to stocks underlying put option contracts in which they are registered.

Rule 982 Delivery and Payment. The purpose of this amendment is to reflect the fact that the roles of the holder and writer of a put option contract with respect to delivery and payment following exercise are the reverse of the holder and writer of a call option contract.

Rule 990 Stock Transfer Tax. Also in recognition of the reversed roles of holders and writers of puts as compared to holders and writers of calls, in respect of delivery and payment following exercise, it is proposed to amend Rule 990 to provide that any stock transfer tax payable upon the sale, transfer or delivery of securities pursuant to the exercise of a put option contract shall be the responsibility of the exercising holder unless the incidents of the tax are attributable solely to the writer, his member organization or its clearing agent, in which event the tax shall be the responsibility of the put writer.

Rule 991 Advertisements, Market Letters and Sales Literature Relating to Options. The proposed revisions in Paragraph IIC of Commentary .01 to Rule 991 are intended to reflect the anticipated trading of puts and also to reflect that options have now been traded on exchanges for a substantial period of time.

Rule 426 Minimum Margins. This Rule is proposed to be amended to incorporate all Amex margin provisions relating to exchange traded options.

Rule 462(d)(2)(c). The principal purpose of the proposed amendment to this provision is to provide that the minimum margin on any put or call dealt in on a registered national securties exchange and carried short in a customer's account shall be 30% of the market value of the underlying security increased by any unrealized loss or reduced by any excess of the exercise price oved the current market price of the underling security in the case of a call, or any excess of the current market price of the underlying security over the exercise price in the case of a put, subject, however, to a minimum requirement of $250 per put or call. This is the margin treatment currently accorded uncovered short call positions pursuant to present Rule 940. The exceptions to these requirements are set forth in the following subparagraphs (E) through (I).

Rule 462(d)(2)(E). This provision, which deals with the minimum margin required when both a put and a call relating to the same underlying security are short in a customer's account, strengthens the existing Rule by providing that in addition to maintaining margin on the put or call, whichever is greater, there must also be added thereto the amount of any unrealized loss on the other option. The following example illustrates the effect of the proposed amendment. Assume an account is short a Disney 55 put and a Disney 40 call at a time when the market price of Disney stock is 50. The margin on the call would be $2,500 (30% of $5,000 + $1,000), and the margin on the put would be $2,000 (30% of $5,000 + $500). Since the margin on the call would be greater than that on the put, the base margin would be $2,500. The combined unrealized loss on the put and the call equals $1,500. Since this combined unrealized loss is less than the base margin of $2,500 under the present Rule only $250 of additional margin would be required. However, under the amended Rule, in addition to the base margin of $2,500, additional margin of $500 would be required, representing the unrealized loss on the put.

Rule 462(d)(2)(F). This provision specifies the margin treatment for spread positions in call options dealt in on an exchange (presently in Rule 940(a)(5)) and further provides equivalent margin treatment for puts dealt in on an exchange. Thus, subparagraph (F) would provide that where a customer's account reflects a spread position between a short position in a call option contract and a long position, in a call option contract expiring after the short call and written on the same number of shares of the same underlying security, the minimum margin required in respect of the short position is the lesser of (i) the margin required pursuant to subparagraph (C) (ii) or (ii) the amount, if any, by which the exercise price of the long call exceeds the exercise price of the short call.

Similarly, when a customer's account is short a put and long a put which expires on or after the short put, and is written on the same number of shares of the underlying security, the minimum margin which must be maintained is the lesser of (i) the margin required pursuant to subparagraph (C)(ii) or (ii) the amount, if any, by which the exercise price of the short put exceeds the exercise price of the long put.

Rule 462(d)(2)(G). This provision (formerly (F)) specifies the margin treatment for calls (whether exchange traded or over-the-counter) which are written against a long position in the underlying security or in a security exchangeable or convertible into the underlying security subject to the short call.

In addition this provision, which presently specifies that no margin need be required on a put traded in the over-the-counter market which is carried short against a short position in the underlying security provided the short position in the underlying security is adequately margined, would be amended to provide for puts traded on an exchange equivalent treatment to that provided for puts traded in the over-the-counter market.

Finally, the provision would be amended to specify that when a payment of money is required to exchange or convert a security carried in a long position against a short call, such security is to be given no value for purposes of the Rule. The purpose of this provision is to avoid the possibility of undermargining an account where a convertible security requiring the payment of money or conversion is used to offset a short call.

Rule 462(d)(2)(H). The purpose of this provision is to permit a member to accept, in lieu of the margin otherwise required in respect of a short position in a call, an "escrow receipt" meeting the requirements of Rule 610 of the Options Clearing Corporation or an option guarantee letter in form satisfactory to, and issued by a custodian approved by, the Amex which certifies that the custodian holds for the account of the customer the underlying security represented by such call and that such security will be delivered to the member organization (or, where applicable, to the order of the Options Clearing Corporation) against payment of the aggregate exercise price of such call. The Rule reflects the provisions of Rule 940(a)(1) in respect of the use of escrow receipts to cover short positions in call options traded on an exchange and established practice in the over-the-counter call option market.

The Rule would also permit a member to accept, in lieu of the margin which would otherwise be required with respect to a short put position, an option guarantee letter in an approved form and issued by an approved custodian which certifies that the custodian holds on deposit for the account of the customer cash in the full amount of the aggregate exercise price of such put and that such amount will be paid to the member organization against delivery of the underlying security covered by such put. In this respect also the Rule reflects established practice in the over-the-counter put market.

Rule 462(d)(2)(I). This Rule, which reflects the present provisions of Rule 940(b), permits a firm to carry the account of a specialist or market-maker or registered trader on a margin basis which is satisfactory to the specialist, market-maker or registered trader and the firm carrying such account. SEC Rule 15c3-1 specifies the capital charges which a carrying firm must take in respect of positions it carries for specialists, market-makers and registered traders.

The proposed amendments are based upon Section 9(b) and Section 6(b) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975. The Amex believes that the expansion of its options program to include put options is consistent with the protection of investors and is in the public interest.

Since it began operating in January 1975, the Amex's call options market has grown and matured. The improved liquidity an defficiency of this market has provided investors with a versatile new investment vehicle and has enabled investors to implement their investment objectives with increasing ease.

Similar to a call option, the basic economic function of a put option is to per-

mit the separation of the risks and opportunities of investing in securities, and their redistribution between investors. The admission of put options to trading in the Amex's options market will substantially improve the efficiency and liquidity of markets for buying and writing puts, thereby enabling puts to realize their full risk limiting potential. The establishment of an Amex market in put options will also permit the public to participate in a broader and more versatile range of investment strategies involving puts and combinations of puts and calls. The complementary nature of puts and calls has long standing recognition; straddles have been available in the OTC options market for years. Also, the addition of puts to the Amex's listed options market is expected to result in greater liquidity for all listed options. Thus, a put market is a logical extension of the Amex call market.

Put trading on the Amex will be subjected to the same types of controls now in place with respect to the trading of calls. The Amex intends to extend to puts all of the regulatory safeguards presently applicable to calls. Thus, Amex's position and exercise limits will apply to puts, just as they now apply to calls. Amex's restrictions on out-of-the-money options will be applied to puts in the same manner as they are applied to calls. The same stringent suitability standard presently applicable to uncovered short calls will be applied to *all* put option writing. Amex's prospectus delivery requirement will apply equally with respect to put and call options.

The trading of puts on the Amex will be conducted in the same manner as calls are presently traded and specialists and options traders will have the same responsibilities and obligations with respect to the put market as they presently have with respect to the call market.

The Amex believes that the addition of put trading under this proposed regulatory framework will be in the public interest.

Prior to the adoption of the above-mentioned proposed amendments, the Amex solicited and received comments from a representative sample of its membership engaged in options transactions on the Amex. The proposed amendments were also considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations.

The Amex has determined that the proposed amendments contained herein will not impose a burden on competition.

On or before June 30, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street, N.W., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 26, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 18, 1976.

[FR Doc.76-8450 Filed 3-24-76;8:45 am]

[Release No. 12232; SR-CBOE-75-4]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Program Expansion of CBOE's Pilot Option Trading

MARCH 18, 1976.

On October 3, 1975 the Chicago Board Options Exchange, Incorporated ("CBOE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975) (the "Act"), and Rule 19b-4 thereunder, copies of a proposal ("Proposal") to expand CBOE's pilot option trading program by listing call options on twenty (20) additional underlying stocks. (CBOE is presently authorized to list call options on eighty (80) underlying stocks. The new authorization will allow it to list call options on one hundred (100) underlying stocks.) The Proposal was amended by six separate amendments submitted on November 19, 1975, December 29, 1975, January 19, 1976, February 6, 1976, February 12, 1976 and March 10, 1976, respectively.

Notice of the Proposal together with the terms of substance thereof was given

by publication of a Commission Release (Securities Exchange Act Release No. 11720, October 9, 1975) and publication in the FEDERAL REGISTER (40 Fed. Reg. 48737, October 17, 1975).

The Commission finds that the Proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the expansion of CBOE's pilot option trading program by the addition of twenty (20) option classes, in the manner set forth in the Proposal, as amended, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8383 Filed 3-24-76;8:45 am]

[Release No. 19434; 70-5415]

MIDDLE SOUTH UTILITIES, INC., SYSTEM FUELS, INC. ET AL.

Post-Effective Amendment Regarding Issuance and Sale of Notes by Fuel Supply Subsidiary to a Bank

MARCH 17, 1976.

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly-owned nonutility, fuel-supply subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively referred to as "Operating Companies"), each an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, and the above-named companies have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By supplemental order in this proceeding dated April 15, 1974 (HCAR No. 18378), the Commission authorized SFI to issued and sell bank notes up to an aggregate amount of $40,000,000 outstanding at anyone time pursuant to a loan agreement date as of April 17, 1974, among SFI, the Operating Companies, and First National City Bank (Citibank as of March 1, 1976). The loan agreement terminates on April 17, 1976.

SFI now intends to extend the term of the loan agreement for one year and proposes to issue and sell its notes to Citibank in accordance therewith. All of the other terms and conditions of the loan agreement are to remain unchanged. The notes will bear interest at a rate per annum equal to one hundred fifteen percent (115%) of the base rate charged by Citibank on 90-day loans to responsible and substantial commercial borrowers. Compensating balances are not required. SFI will use the proceeds of the notes for the financing of a significant part of its fuel oil inventory and for other expenditures in connection with its fuel supply program for the Middle South Utilities System.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 12, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8384 Filed 3-24-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO ASTRONOMY SERVICE WORKING GROUP FOR 1979 ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

MARCH 19, 1976.

A meeting of the Radio Astronomy Service Working Group for the 1979 General World Administrative Radio Conference is scheduled to be held on Friday, April 23, 1976, at 9:30 a.m. in Room 6331 of the Commission's offices located at 2025 M Street, NW., Washington, D.C. The agenda for this meeting will consist of the following:

1. Status of CCIR 224 Report.
2. Discussion of material in FCC Public Notice.

The advisory committee meeting is open to the general public and any written comments will be accepted before or after the meeting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-8452 Filed 3-24-76;8:45 am]

FEDERAL TRADE COMMISSION

General Counsel and Assistant DIRECTOR FOR FINANCIAL STATISTICS

Delegation of Authority

Correction

In FR Doc. 76-7701 appearing on page 11365 of the issue for Thursday, March 18, 1976, the following correction is made:

At the end of the document; "By direction of the Commission dated";

Add the date: March 9, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-8393 Filed 3-24-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 109]

SUMMERVILLE S.C.

Approval for Establishment of Temporary Foreign-Trade Zone Site

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the South Carolina State Ports Authority grantee of Foreign-Trade Zone No. 21, has applied to the Board for authority to establish, operate, and maintain a temporary zone site for a period of one year within the Summerville Industrial Park, Summerville, Dorchester County, South Carolina;

Whereas, the application was accepted for filing on February 10, 1976, and notice inviting public comments was given in the FEDERAL REGISTER on February 13, 1976 (41 FR 6805);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the temporary site is needed to provide immediate zone services for the business community until the permanent zone, which is presently under construction, is ready for occupancy;

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's Regulation are satisfied and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the grantee is authorized to establish, operate and maintain a temporary zone site within the Summerville Industrial Park, Summerville, South Carolina, in conformity with the application filed February 10, 1976, for a period of one year from the date of this Board Order. The authority given in this order is subject to local approval of the District Director of Customs and the District Army Engineer regarding compliance with their requirements relating to foreign-trade zones. The grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the new site.

Signed at Washington, D.C. this 16th day of March 1976.

[SEAL] ELLIOT RICHARDSON,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

JOHN J. DA PONTE, JR.,
Executive Secretary, Foreign-Trade Zones Board.

[FR Doc.76-8395 Filed 3-24-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 4, 1976, at 9:00 a.m. PST, the Reno Regional Office Station Committee on Educational Allowances shall at Room 103, 1201 Terminal Way, Reno, Nevada, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Nevada Gaming School, Inc., 3135 Industrial Road, Las Vegas, Nevada, shall be discontinued, as provided in 38 C.F.R. 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: March 18, 1976.

HERBERT R. RAINWATER,
Director, VA Regional Office.

[FR Doc.76-8408 Filed 3-24-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 9]

ASSIGNMENT OF HEARINGS

MARCH 22, 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 108461 (Sub 124), Whitfield Transportation, Inc. now being assigned April 26, 1976 (14 days) at Denver, Colorado at the Hilton Inn Airport, 70 at Peoria.

MC 55896 (Sub 47), R-W Service System, Inc. now being assigned April 27, 1976 (2 days) at Chicago, Illinois and will be held in Room 244-A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 106674 (Sub 157), Schilli Motor Lines, Inc. now being assigned April 27, 1976 (2 days) at Chicago, Illinois in Room 244-A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123502 (Sub 20, 21, 27, 28, 29, 30, 34, 38 and 41), Free State Truck Service, Inc. now being assigned June 7, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 140389 (Sub 2), Osborn Transportation, Inc. now being assigned May 11, 1976 (4 days) at Atlanta, Georgia in a hearing room to be later designated.

MC-C-8877, Consolidated Freightways Corporation of Delaware—Investigation and Revocation of Certificates, now assigned April 7, 1976, at New York, N.Y., is postponed indefinitely.

MC 136786 Sub 79, Robco Transportation, Inc., now assigned April 6, 1976, at Washington, D.C., is postponed indefinitely.

MC 105566 Sub 115, Sam Tanksley Trucking, Inc., now assigned April 6, 1976, at San Francisco, Calif., is canceled and application dismissed.

No. 36276, Investigation Into Abandonment of TOFC Services by Louisville & Nashville Railroad at Points in Tennessee and No. 36086, Tennessee Public Service Commission v. Louisville & Nashville Railroad Co. now being assigned May 17, 1976 (1 week) at Nashville, Tennessee in a hearing room to be later designated.

MC 133916 Sub 3, O'Nan Transportation Company, now assigned April 26, 1976, at Frankfort, Ky., will be held in Room 335, 4th Floor Conference Room, State Office Bldg.

MC 130195 Sub 2, Hoosier Motor Club, dba World Wide Travel Service now assigned April 19, 1976, at Indianapolis, Ind., will be held in Room 288, Federal Bldg. & Courthouse, 46 East Ohio Street.

MC-C-8861, A & H Truck Line, Inc. Et Al vs. Schaller Trucking Corp., Et Al now being assigned May 10, 1976 (1 day) at Indianapolis, Indiana in a hearing room to be later designated.

MC 139495 (Sub 89), National Carriers, Inc. now being assigned May 11, 1976 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 141367, Public Warehouse & Transportation, a division of World Wide Transportation now being assigned May 12, 1976 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 128648 (Sub 6), Trans-United, Inc. Extension-Additional Points, MC 128648 (Sub 7), Trans-United, Inc. Extension-Additional Points, and MC 128648 (Sub 10), Trans-United, Inc. Extension-Monrovia, California now being assigned May 13, 1976 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 123294 (Sub 34), Warsaw Trucking Co., Inc. now being assigned May 17, 1976 (2 days) in Chicago, Illinois in a hearing room to be later designated.

MC-F-12689, Kane Miller Corp.—Continuance in Control—B & B Packing Transport Ltd., now being assigned May 19, 1976 (3 days) at Chicago, Illinois in a hearing room to be later designated.

MC 141052 (Sub 2), B & B Packing Transport Ltd. now being assigned May 19, 1976 (3 days) at Chicago, Illinois in a hearing room to be later designated.

MC 69623 (Sub 3), Central West Motor Stages, Inc. now being assigned June 7, 1976 (1 week) at Chicago, Illinois in a hearing room to be later desginated.

AB 7 (Sub 20), Chicago, Milwaukee, St. Paul and Pacific Railroad Company Abandonment between Waukesha and Whitewater in Waukesha, Jefferson and Walworth Counties, Wisconsin now being assigned June 3, 1976 (2 days) at Whitewater, Wisconsin in a hearing room to be later designated.

AB 3 (Sub 10), Missouri Pacific Railroad Company Abandonment Between Bronson and Iola, in Allen and Bourbon Counties, Kansas now being assigned June 8, 1976 (2 days) at Iola, Kansas in a hearing room to be later designated.

MC 134755 (Sub 60), Charter Express, Inc. now being assigned June 11, 1976 (1 day) at Kansas City, Missouri in a hearing room to be later designated.

MC 108835 (Sub 34), Hyman Freightways, Inc. now being assigned June 14, 1976 (1 week) at Kansas City, Missouri in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-8537 Filed 3-24-76;8:45 am]

[Notice No. 208]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 25, 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 C.F.R. 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 April 14, 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-76252. By order of March 18, 1976 the Motor Carrier Board approved the transfer to P & J Furniture Delivery, Inc., York, Pa., of Certificates Nos. MC 1540 and MC 1540 Sub-No. 16, issued July 27, 1965, and November 9, 1966, to J. D. Leonard, Inc., York, Pa., authorizing the transportation of furniture and other commodities from, to, and between points as specified in Pennsylvania, Michigan, Ohio, Maryland, Massachusetts, Connecticut, New Jersey, Delaware, New York, Virginia, West Virginia, Rhode Island, and the District of Columbia. Norman T. Petow, 43 North Duke Street, York, Pa. 17401, Attorney for Applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-8536 Filed 3-24-76;8:45 am]

[Amendment No. 9]

SECTION 5a APPLICATION NO. 33

Central States Motor Common Carriers—Agreement

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed January 13, 1976 and as amended February 17, 1976, by: Joseph P. Wolonsky, General Counsel, Central States Motor Freight Bureau, Inc., 5440 South Cicero Avenue, Chicago, Ill. 60638; M. A. Godecker, Exec. Vice Pres., Central States Motor Freight Bur., Inc., 5440 South Cicero Ave., Chicago, Ill. 60638.

Amendments involve: Organizational changes in the articles of incorporation and bylaws by providing a board of trustees, in lieu of a board of directors, of 15 members and for a three-year term with one-third elected annually; restructure the executive committee and limit its powers; vest greater authority in the carrier members over the governing bodies; provide a general rate committee, in lieu of the central committee, and redefine eligibility; make changes in designations of officers; authorize the executive vice president to appoint employee standing rate committee members subject to approval of the board, rather than appointment by the board; and other incidental changes made necessary by the foregoing changes.

The complete amended application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in these proceedings shall notify the Commission in writing within 20 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.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-8533 Filed 3-24-76;8:45 am]

[Ex Parte No. 323]

RAILROAD HOLDING AND AFFILIATED COMPANIES

Investigation Into the Management, Business Inter-Relationships and Transactions

MARCH 19, 1976.

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 18th day of March 1976.

The Commission, pursuant to Sec. 903, PL 94-210, effective February 5, 1976, is undertaking a study of conglomerates and of such other corporate structures as are presently found within the rail transportation industry and seeks to determine thereunder what effects, if any, such diverse structures have on effective transportation, on intermodal competition, on revenue levels, and on such other aspects of national transportation as may in the course of the study be found relevant. The Commission is required to submit a report thereon, with appropriate recommendations, within one year of the enactment of PL 94-210.

Issues to which this study is addressed include the effects that formation of conglomerates (diversified holding companies) has had on:

1. Railroad revenue generating assets and/or competitive strength, including the extent, purpose, and results of asset transfers and other transactions and contractual arrangements between railroad operating companies and their controlling holding companies, affiliates and subsidiaries.

2. Railroads' financing practices, financial condition, level of maintenance and capital improvements, adequacy of service, intermodal competition and other costs/benefits to stockholders, creditors, shippers, and receivers.

3. The exercise of economic regulation by the Interstate Commerce Commission.

It is ordered, That pursuant to the provisions of the National Transportation Policy (49 U.S.C. *preceding* § 1), Sections 12, 13, and 20 of the Interstate Commerce Act (49 U.S.C. §§ 12, 13, and 20), Section 2 of the Elkins Act (49 U.S.C. 42), and Sections 101 and 903 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801, 49 U.S.C. ——) an investigation be, and it is hereby, instituted upon the Commission's own motion into the management, business inter-relationships and transactions, financial, accounting and other practices of the below-mentioned carriers, with respect to their controlling holding companies and persons under common control with, and controlled by the carriers. As part of our study plan, it is suggested that respondents and other parties address themselves to the issues set forth in Attachment A.

It is further ordered, That the carriers and holding companies named following be, and they are hereby made, respondents in this proceeding.

Carrier	*Holding companies*
Atchison, Topeka & Santa Fe Railway Co	Santa Fe Industries.
Baltimore & Ohio Railroad Co	Chessie System.
Chesapeake & Ohio Railway Co	Do.
Bangor & Aroostook Railroad Co	Amoskeag Co.
Boston & Maine Corp	Bomaine Corp.
Chicago, Milwaukee, St. Paul & Pacific Railroad Co	Chicago Milwaukee Corp.
Denver and Rio Grande Western Railroad Co	Rio Grande Industries.
Illinois Central Gulf Railroad Co	IC Industries.
Kansas City Southern Railway Co	Kansas City Southern Industries Inc.
Missouri-Kansas-Texas Railroad Co	Katy Industries.
Missouri Pacific Railroad Co	Mississippi River Corp.
Penn Central Transportation Co	Penn Central Co.
Seaboard Coast Line Railroad Co	Seaboard Coast Line Industries, Inc.
Southern Pacific Transportation Co	Southern Pacific Co.
Union Pacific RR	Union Pacific Corp.
Western Pacific Railroad Co	Western Pacific Industries, Inc.

It is further ordered, That respondents and other interested persons desiring to submit information, views, and other representations relevant to the matters hereunder study, as set forth in Sec. 903, PL 94–210, and as outlined in the issues above, may do so by filing an original and 15 copies thereof with the Interstate Commerce Commission, Office of Proceedings, Room 5342, Washington, D.C. 20423, on or before 60 days from the date of publication of this order in the FEDERAL REGISTER. To the extent feasible, all filings shall be submitted in three parts corresponding to the three issues outlined above. A fourth part may be used to include relevant information, views, or other representations which do not come within one of the three foregoing issues, providing a clear statement of the issue to which they are addressed is included.

And, it is further ordered, That a copy of this order be served on each respondent, that a copy be deposited in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this investigation be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

CONGLOMERATE STUDY PLAN

ATTACHMENT A

PRIMARY ISSUES

1. What effect has the formation of diversified holding companies had on railroad revenue-generating assets and/or competitive strength?

a. To what extent have assets been transferred between the railroad operating companies and their controlling holding companies, affiliates and subsidiaries?

b. What was (were) the objective(s) in transferring the assets?

c. What is (was) the nature of any other transactions and contractual relationships between the railroad operating companies and their controlling holding companies, affiliates and subsidiaries?

d. What costs/benefits accrued to the railroads, holding companies, affiliates, shippers, and the general public as a result of the transfer?

2. What effect have holding company and other conglomerate structures had on the railroads in terms of: a. financing practices, including the influence of banks and other financial institutions; b. financial condition; c. level of maintenance and capital improvements; d. level of service; e. intermodal competition; f. other costs/benefits to stockholders, creditors, shippers, and receivers; and g. capabilities of railroad management.

3. What effects have conglomerate formations had on the I.C.C.'s ability to regulate the railroads?

HOLDING COMPANY ADDRESSES

Santa Fe Industries, 224 S. Michigan Avenue, Chicago, IL 60604.
Chessie System, 2 North Charles Street, Baltimore, MD 21201.
Amoskeag Co., Suite 4500, Prudential Center, Boston, MA 02199.
Bomanie Corporation, 2121 South Bundy Drive, Los Angeles, CA 90064.
Chicago Milwaukee Corp., 516 West Jackson Blvd., Chicago, IL 60606.
Rio Grande Industries, 1515 Arapahoe Street, Denver, CO 80202.
IC Industries, One Illinois Center, 111 East Wacker Drive, Chicago, IL 60601.
Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, MO 64105.
Katy Industries, 701 Commerce Street, Dallas, TX 75202.
Mississippi River Corporation, 9900 Clayton Road, St. Louis, MO 63124.
Penn Central Company, 3 Penn Center Plaza, Philadelphia, PA 19102.
Seaboard Coast Line Industries, Inc., 500 Water Street, Jacksonville, FL 32202.
Southern Pacific Company, 65 Market Street, San Francisco, CA 94105.
Union Pacific Corp., 345 Park Avenue, New York, NY 10022.
Western Pacific Industries, Inc., 400 Park Avenue, New York, NY 10022.

[FR Doc.76–8534 Filed 3–24–76;8:45 am]

[I.C.C. Order No. 160 Under Revised Service Order No. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting of Traffic

In the opinion of Lewis R. Teeple, Agent, the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees (PC) is unable to transport traffic over its line between Yates, Michigan, and Lapeer, Michigan, because of flooding and track damage.

It is ordered, That: (a) The PC being unable to transport traffic over portions of its line between Yates, Michigan, and Lapeer, Michigan, because of flooding and track damage is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 2:00 p.m., March 16, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 16, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–8535 Filed 3–24–76;8:45 am]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

MARCH 19, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before April 26, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 114552 (Sub-No. 52), (Notice of filing of petition for modification of certificate), filed February 24, 1976. Petitioner: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Petitioner's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 267, Arlington, Va. 22201. Petitioner holds a motor *common carrier*, certificate in No. MC 114552 (Sub-No. 52), issued February 11, 1972, authorizing transportation, over irregular routes, of (1) *Plywood*, from points in Manatee County, Fla., to points in Florida, restricted to foreign commerce only; and (2) *Plywood, plywood paneling and moulding, and materials, supplies and accessories* (except commodities in bulk), used in the installation of plywood paneling and moulding when moving at the same time and in the same vehicle with such commodities, from points in Manatee County, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina and Florida.

By the instant petition, petitioner seeks to modify part (2) by adding gypsum board to the above commodity description, and by adding Texas and Oklahoma to the destination points:

No. MC 116014 (Sub-No. 1) (Notice of filing of petition for modification of certificate) filed February 23, 1976. Petitioner: OLIVER TRUCKING COMPANY, INC., Lexington, Rd., P.O. Box 53, Winchester, Ky. 40391. Petitioner's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Petitioner holds a motor *common carrier* certificate in No. MC 116014 (Sub-No. 1), issued September 13, 1967, authorizing transportation, as pertinent, over irregular routes, of (1) *Animal and poultry feed* (except in bulk, in tank vehicles), from the plantsite of the Spenwell Feed Company, at Winchester, Ky., to points in Illinois, Indiana, Ohio, Missouri, Tennessee, Virginia and West Virginia; and (2) *Animal and poultry feed ingredients* (except in bulk, in tank vehicles), and *materials, equipment, and supplies*, used in the manufacture and distribution of animal and poultry feed (except commodities requiring the use of special equipment), from points in Illinois, Indiana, Ohio, Missouri, Tennessee, Virginia and West Virginia, to the plantsite of Spenwell Feed Company, at Winchester, Ky.

By the instant petition, petitioner seeks to delete "the plantsite of the Spenwell Feed Company at Winchester, Ky." as an origin point in part (1) and as a destination point in part (2) of the above authority and to substitute Winchester, Ky., in lieu thereof.

No. MC 138213 (Notice of filing of petition for modification of permit) filed February 26, 1976. Petitioner: REDI LEASE CO., a Corporation, 811 W. Hale Street, Osceola, Ark. 72370. Petitioner's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Petitioner holds a motor *contract carrier* permit in No. MC 138213, issued March 21, 1975, authorizing transportation, as pertinent, over irregular routes, of (1) *Plastic articles, paper, paper products and such other articles*, as are dealt in by paper manufacturers or distributors, between the plant sites, warehouses and storage facilities of Graham Paper Company, at or near St. Louis, Mo., Atlanta, Ga., Chattanooga, Knoxville, Nashville, and Memphis, Tenn., Louisville, Ky., Maywood, Ill., Minneapolis, Minn., North Kansas City, Mo., Wichita, Kans., Oklahoma City, Okla., Fort Smith, Ark., Dallas, Houston, and Lubbock, Tex., New Orleans, La., and Jackson, Miss.; (2) *Wrapping paper and paper bags*, from the facilities of Crown Zellerbach at or near Bogalusa, La., to the points indicated in (1) above; and (15) *Printing paper and pulpboard*, from the facilities of International Paper Co., at or near Springhill, and Bastrop, La., and Mobile, Ala., to the points indicated in (1) above, (1) (2) and (15) under continuing contract, or contracts, with Graham Paper Company, St. Louis, Mo.

By the instant petition, (a) petitioner seeks to modify the above territorial description in part (1) by adding the warehouse and storage facilities of Graham Paper Company at or near Birmingham, Ala., El Paso, and San Antonio, Tex., Albuquerque, N. Mex., Phoenix, and Tucson, Ariz., and Denver, Colo.; (b) petitioner seeks to delete *wrapping paper and paper bags*, as a commodity description in part (2), and to substitute *Plastic articles, paper, paper products and such other articles*, as are dealt in by paper manufacturers, or distributors in lieu thereof, and by adding the Benton Paper Products Co., at Osceola, Ark., and the Osceola Envelope Co., at Osceola, Ark., as destinations; and (c) petitioner seeks to delete *printing paper and pulpboard*, as a commodity description in part (15), and to substitute *plastic articles, paper, paper products, and such other articles*, as are dealt in by paper manufacturers or distributors in lieu thereof, and to add the facilities of International Paper Co., at or near Moss Point, Miss., Champion Paper Co., at or near Cortland, Ala., and Southern Metals Products Corp., at or near Memphis, Tenn., as origins, and also by adding the Benton Paper Products Co., at or near Osceola, Ark., and the Osceola Envelope Co., at or near Osceola, Ark., as destinations.

No. MC 138237 (Sub-No. 2), (Notice of filing of petition for reopening, clarification, or modification of certificate) filed February 2, 1976. Petitioner: METRO HAULING, INC., P.O. Box 88824, Seattle, Wash. 98188. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Petitioner holds a motor *common carrier* certificate in No. MC 138237 (Sub-No. 2), issued August 22, 1975, authorizing transportation as pertinent, over irregular routes, of (1) *Machinery, contractors' equipment, and construction material*, (except cement and commodities in bulk), between points in those parts of Washington and Oregon west of the Cascade Mountains and north of a line beginning at Florence, Oreg., and extending along Oregon Highway 36 to junction U.S. Highway 99, thence south along U.S. Highway 99 to junction U.S. Highway 126, thence along U.S. Highway 126 to the Cascade Mountains, including points on the indicated portions of the highway specified; and (2) *wood poles, reinforcing and construction steel, and steel poling*, between Milwaukee, Oreg., and points in Multnomah County, Oreg., on the one hand, and, on the other, points in that part of Washington west of the Cascade Mountains.

By the instant petition, petitioner seeks to reopen for clarification the above commodity description in part (1), or to modify so as to read, Commodities which because of their size or weight require the use of special equipment.

Petitioner states that the term "machinery" includes heavy machinery, since machinery would include "machinery" of any kind, size, description, or weight, and would naturally include "heavy machinery," as well as simply machinery. In addition, the authority authorizing contractor's equipment would also authorize large, bulky and heavy commodities which have to be dismantled and where rigging and special handling has to be utilized, and particularly the use of special equipment to perform the necessary services.

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 on or before April 26, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of portestant's interest in the proceeding and copies of its conflicting authorities. Vertified 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 136232 (Sub-No. 5), (Republication), filed November 20, 1974, and published in the FEDERAL REGISTER issue of December 12, 1974, and republished this issue. Applicant: FRALEY'S INCORPORATED, Route 1, Big Stone Gap, Va. 24219. Applicant's representative: Harry J. Jordan, 1000 16th St. N.W., Washington, D.C., 20036. An Order of the Commission, Review Board Number 1, dated March 4, 1976 and served March 10, 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, of (a) *mine roof support bolts*, from Duffield, Va., to points in Kentucky (except Harlan and Clay Counties), and West Virginia (except Fayette, Logan, McDowell, Nicholas, Raleigh, Summers, and Wyoming Counties), under a continuing contract or contracts with Virginia Birmingham Bolt, Inc.; and (b) *mining equipment and supplies*, from Appalachia, Va., to points in West Virginia and Kentucky, under a continuing contract or contracts with Central Supply Company of Virginia, Inc.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate West Virginia as a destination state in part (b) above, in lieu of Virginia.

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 applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2229 (Sub-No. 194), filed February 23, 1976. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Douglas Anderson (same address as applicant). 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 and commodities requiring special equipment), Between New Orleans, La., and Meridian, Miss., in connection with carrier's authorized regular route operation, serving no intermediate points; and serving Meridian for the purpose of joinder only: From New Orleans, La., over Interstate Highway 59 to Meridian, Miss., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Washington, D.C.

No. MC 6078 (Sub-No. 83), filed February 17, 1976. Applicant: D. F. BAST, INC., P.O. Box 2288, Allentown, Pa. 18001. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibre glass reinforced plastic products*, which because of size or weight requires the use of special equipment; (2) *fibre glass reinforced plastic products, and related materials and supplies*, which because of size or weight do not require the use of special equipment, from Orwigsburg, Pa., to points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma and Texas; and (3) *materials, supplies and equipment*, used or useful in the manufacture, distribution or sale of the aforedescribed commodities (except in bulk), from the destination points named above to Orwigsburg, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 18738 (Sub-No. 45), filed Feb. 27, 1976. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Riverdale, Ill. 60627 Applicant's representative: Eugene D. Anderson, 910 17th St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, when moving in Save-A-Lift, Inc. equipment, between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 28573 (Sub-No. 35), filed February 23, 1976. Applicant: BURLINGTON NORTHERN INC., 176 East Fifth Street, St. Paul, Minn. 55101. Applicant's representative: William R. Power (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), Between junction U.S. Highways 89 and 91 and Missoula, Mont., serving all intermediate points: From junction U.S. Highways 89 and 91 over U.S. Highway 91 to junction with Montana Highway 200 and thence over Montana Highway 200 to Missoula, and return over the same routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Great Falls or Missoula, Mont.

No. MC 31389 (Sub-No. 213), filed February 24, 1976. Applicant: MCLEAN TRUCKING COMPANY, 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 the Otis Elevator Company, located at or near Bloomington, Ind., as an off-route point in conjunction 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 Washington, D.C., or New York, N.Y.

No. MC 35153 (Sub-No. 2), filed February 9, 1976. Applicant: RUPP-SOUTHERN TIER FREIGHT LINES, INC., P.O. Box 489, Route 211, Middletown, N.Y. 10940. Applicant's representative: George A. Olsen, 69 Tonnelle Ave., Jersey City, N.J. 07306. 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 commodities requiring special equipment), between the facilities of Rupp-Southern Tier Freight Lines, Inc., located at or near Middletown, N.Y., and points in Orange County, N.Y., on the one hand, and, on the other, points in Orange, Rockland, Sullivan, Ulster, Dutchess, Putnam, and Westchester Counties, N.Y., and Sussex County, N.J., restricted to shipments having a prior or subsequent movement by air, rail, water or motor carrier.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Middletown, N.Y.

No. MC 47583 (Sub-No. 27), filed February 4, 1976. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons, Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the plant site and storage facilities of Packaging Corporation of America, at or near Hutchinson, Kans., to points in Colorado on and west of U.S. Highway 85 and points in New Mexico, and Texas; and (2) *paper and paper products* for recycling, from points in Colorado on and west of U.S. Highway 85 and points in New Mexico, and Texas, to the plant site and storage facilities of Packaging Corporation of America, at or near Hutchinson, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 56244 (Sub-No. 46), filed February 10, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, Pa. 17324. 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 vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses* (except commodities in bulk and frozen foods), between the facilities of Pet, Inc., located at Biglerville and Gardners, Pa., Inwood, W. Va., Bryan and Coldwater, Ohio, and Greenville, Ill. (except from Biglerville and Gardners, Pa., and Inwood, W. Va., to Greenville, Ill., Bryan and Coldwater, Ohio, Biglerville and Gardners, Pa., and Inwood, W. Va. as presently authorized), restricted to the transportation of shipments originated at and destined to said facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 59306 (Sub-No. 7), filed February 24, 1976. Applicant: GROSS & HECHT TRUCKING, INC., Box 514, 35 Brunswick Ave., Edison, N.J. 08817. Applicant's representative: A. David Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and (2) *equipment, materials and supplies*, used in the conduct of the business described in (1) above, (a) between points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J.; Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, Putnam and Dutchess Counties, N.Y.; and Fairfield County, Conn.; (b) between points in the territory described in (a) above, on the one hand, and, on the other, Florence, N.J., and Philadelphia, Dunmore and Scranton, Pa.; and (c) between points in (a) above, and Florence, N.J., on the one hand, and, on the other, Albany, N.Y., under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, Inc., located at Montvale, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, or Washington, D.C.

No. MC 61403 (Sub-No. 237), filed February 25, 1976. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Ave., New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from the plantsite of Kaiser Agricultural Chemicals, located at or near Finney, Ohio, to points in Illinois, Iowa, Michigan, Minnesota, Missouri, New Jersey, Pennsylvania, Tennessee, West Virginia and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Jacksonville, Fla.

No. MC 69901 (Sub-No. 33), filed January 29, 1976. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, Ind. 47201. Applicant's representative: Donald B. Levine, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap plastic*, other than liquid, in bulk, between the plantsite and warehouse facilities of Rohm and Haas Company located in Knoxville, Tenn. and Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 73165 (Sub-No. 379), filed February 23, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, wood preservatives, and pipe line coatings*, from Woodward, Ala., to points in Arkansas,, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 82841 (Sub-No. 165), filed Feb. 12, 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: *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 *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, from Columbia, Mo., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Neveda, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the plantsite and storage facilities of the Clow Corporation at or near Columbia, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96444 (Sub-No. 2), filed February 23, 1976. Applicant: KENNETH HUSTEAD, doing business as HUSTEAD TRUCK LINE, Box 3, Baring, Mo. 63531. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., 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), from Kirksville, Mo., to Chicago, Ill., and points in its Commerce Zone; Milwaukee, Green Bay and Eau Claire, Wis.; Cincinnati, Columbus, St. Marys and Bellefontaine, Ohio; Des Moines and Cedar Rapids, Iowa;

Omaha, Nebr.; Kansas City, Kans. and Minneapolis and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Omaha, Nebr.

No. MC 96770 (Sub-No. 11), filed February 20, 1976. Applicant: FLORIDA TERMINALS AND TRUCKING COMPANY, P.O. Box 13607, Orlando, Fla. 32809. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 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, commodities in bulk and household goods as defined by the Commission), from points in Orange County, Fla., to points in Citrus, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Okeechobee and Sumter Counties, Fla., restricted to shipments having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 96844 (Sub-No. 3), filed February 18, 1976. Applicant: URBANA CARTAGE CO., 1246 North Main Street, Urbana, Ohio 43078. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. 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 the plantsite of Crown Hill Industries, in Salem Township, Champaign County, Ohio, and points in Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 98327 (Sub-No. 20), filed January 16, 1976. Applicant: SYSTEM 99, a Corporation, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. 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, motor vehicles, and commodities requiring special equipment), between Reno, Nev. and Alturas, Calif.: From Reno, Nev. over U.S. Highway 395 to Alturas, Calif., serving all intermediate points north of Susanville, Calif. (excluding Susanville, Calif.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno, Nev. or San Francisco, Calif.

No. MC 99952 (Sub-No. 2), filed January 23, 1976. Applicant: EAGLE TRUCK LINES, INC., 1819 So. Soto Street, Los Angeles, Calif. 90023. Applicant's representative: Theodore F. Rocke (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), between points in the Los Angeles Basin Territory, beginning at the point the Venture County-Los Angeles county boundary line intersects the Pacific Ocean; thence northeasterly along said county lines to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118, to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to the country road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa.

Westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highway Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway No. 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.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or Fresno, Calif.

No. MC 107002 (Sub-No. 482), filed February 19, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal or poultry feed ingredients*, in bulk, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and North Carolina; and (2) *materials*, used in the processing and manufacture of feed ingredients, in bulk, from points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and North Carolina to Memphis, Tenn., (3) *animal and poultry feed ingredients*, in bulk, from DuQuoin, Ill. to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 107403 (Sub-No. 966), filed February 23, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent carbon*, in bulk, from points in the United States (except Alaska and Hawaii), to Catlettsburg, Ky., Neville Island, Pa. and Bayport, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107743 (Sub-No. 40), filed February 23, 1976. Applicant: SYSTEM TRANSPORT, INC., 11707 E. Montgomery, P.O. Box 3456 TA, Spokane, Wash. 99220. Applicant's representative: Edward G. Rawle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, millwork, lumber and wood products* (except commodities in bulk), between points in Idaho, Montana, Oregon and Washington, on the one hand, and, on the other, points in Arkansas, Oklahoma and Texas.

NORE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash.; Dallas, Tex.; or Portland, Oreg.

No. MC 110525 (Sub-No. 1149), filed February 20, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*

dioxide, in bulk, tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located at Port Huron, Mich. to Marysville, Mich., on traffic having a prior movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 110581 (Sub-No. 7), filed January 22, 1976. Applicant: G & H MOTOR FREIGHT LINES, INC., P.O. Box 239, Greenfield, Iowa 50849. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those commodities requiring special equipment), (1) between Des Moines, and Corning, Iowa: From Des Moines, Iowa over Interstate Highway 35 to junction U.S. Highway 34, thence over U.S. Highway 34 to Corning, Iowa and return over the same route, serving Creston, Iowa as an intermediate point; and (2) between Greenfield, Creston, and Corning, Iowa: (a) From Greenfield, Iowa over Iowa Highway 25 to junction U.S. Highway 34, thence over U.S. Highway 34 to Corning, Iowa and return over the same route, serving no intermediate points; and (b) From Greenfield, Iowa over Iowa Highway 92 to junction Iowa Highway 148, thence over Iowa Highway 148 to junction U.S. Highway 34, thence over U.S. Highway 34 to Creston, Iowa and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 111310 (Sub-No. 18), filed February 6, 1976. Applicant: BEER TRANSIT, INC., P.O. Box 112, Black River Falls, Wis. 54615. Applicant's representative: Wayne W. Wilson, P.O. Box 232, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising equipment, premiums, materials and supplies* when shipped therewith, from Minneapolis and St. Paul, Minn., to the warehouse facilities of Bottle Beverage, Inc., located at or near Sparta, Wis., LaCrosse Distributing Co., Inc., located at or near LaCrosse, Wis., Gusto Distributing, Inc., located at or near Eau Claire, Wis., C&H of Reedsburg, located at or near Reedsburg, Wis., and Erdman Distributing Co., Inc., located at or near Wausau, Wis.; and (2) *rejected shipments*, and the *return of empty malt beverage containers*, from the warehouse facilities named in (1) above, to Minneapolis and St. Paul, Minn.; (3) *carbonated beverages and related advertising equipment, premiums, materials and supplies*, when shipped therewith, from Shakopee, Minn., to the warehouse facilities of Gusto Distributing, Inc., located at or near Eau Claire, Wis.; and (4) *rejected shipments* and the return of *empty carbonated beverage containers*, from the warehouse facilities of Gusto Distributing, Inc., located at or near Eau Claire, Wis., to Shakopee, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Black River Falls, or Madison, Wis.

No. MC 111729 (Sub-No. 601), filed January 7, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed color and black and white film and prints, complimentary replacement film, and incidental dealer handling supplies*, (a) Between Chicago, Ill., on the one hand, and, on the other, Fort Wayne, Lafayette, and Michigan City, Ind.; Battle Creek, Jackson, Kalamazoo, Lansing, and Muskegon, Mich. (b) between Minneapolis, Minn., on the one hand, and, on the other, Blaine, Bloomington, Brooklyn Park, Cottage Grove, Duluth, Edina, Golden Valley, Mankato, New Hope, Richfield, St. Cloud, St. Louis Park, and St. Paul, Minn.; (c) between Moline, Ill., on the one hand, and, on the other, Bettendorf, Clinton, Davenport, Dubuque, and Muscatine, Iowa; (d) between Des Moines, Iowa, on the one hand, and, on the other, Cedar Falls, Fort Dodge, Iowa City, Marshalltown, and Sioux City, Iowa; (e) between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Fort Wright, Louisville, and Newport, Ky.; (f) between Louisville, Ky., on the one hand, and, on the other, Clarksville and New Albany, Ind.; Lexington, Paducah, Pleasure Ridge Park, and St. Matthews, Ky; (g) between St. Louis, Mo., on the one hand, and, on the other, Florissant, Hazelwood, Jennings, Joplin, Richmond Heights, and St. Ann, Mo., the authority requested in parts (b) through (g) of the territorial description above is restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 112750 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. or Chicago, Ill.

No. MC 111729 (Sub-No. 605), filed January 19, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media*, (a) between Rocky Mount, N.C., and Greenville, S.C.; (b) between Greensboro, N.C., on the one hand, and, on the other, Anderson, Charleston, Greenville and Myrtle Beach, S.C.; and (c) between Raleigh, N.C., and Columbia, S.C.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113024 (Sub-No. 145), filed February 20, 1976. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, cabinets and accessories and attachments therefor, and materials and supplies* (except in bulk) used in the manufacture thereof, between Crawfordsville, Michigan City and Rensselaer, Ind.; Leominster, Mass.; Monroe and Union Point, Ga.; Camden, N.J.; Ottumwa, Iowa; Salem, Ohio and New Castle, Pa., under a continuing contract or contracts with Universal-Rundle Corporation.

NOTE.—Applicant holds common carrier authority in MC 135046 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 113267 (Sub-No. 331), filed February 23, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from the facilities of Kold Storage Inc., located at or near Ft. Dodge, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or St. Louis, Mo.

No. MC 114211 (Sub-No. 257), filed February 6, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel C. Sullivan 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Self-propelled vehicles* (except those motor vehicles as defined in section 203 (a) (13) of the Interstate Commerce Act and commodities moving in driveaway service); (b) *boring and drilling equipment;* (c) *equipment designed for use in conjunction with the commodities*, in (a) and (b) above; and (d) *parts and attachments*, for the commodities in (a), (b), and (c) above, from Woodbine, Iowa and Cherokee, Iowa and Omaha, Nebr., to points in the United States (except

Alaska and Hawaii); and (e) *those commodities* mentioned in (a), (b), and (c) above, between points in the United States (except Alaska and Hawaii) for the purpose of display or experiment and is moving between the sites of plants, sales branches, warehouses, experimental stations, farms, show exhibits or field demonstrations; and (2) *materials, equipment and supplies,* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Omaha, Nebr.

No. MC 114211 (Sub-No. 259), filed February 23, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: John M. Warren, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, industrial and construction machinery and equipment, tree spades, stump cutters, irrigation equipment, drainage systems, log splitters, and log chippers;* (2) *attachments, parts and supplies,* used in operation of commodities in (1) above, from Pella, Iowa, to points in the United States, including Alaska, but excluding Hawaii; and (3) *materials, equipment and supplies,* used in the manufacture or distribution of the commodities in (1) and (2) above (except commodities in bulk), from points in the United States including Alaska but excluding Hawaii to Pella, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Chicago, Ill.

No. MC 114457 (Sub-No. 251), (Correction), filed December 8, 1975, published in the FEDERAL REGISTER issues of January 15, 1976, and February 26, 1976, republished as corrected this issue. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages), in containers, and *non-alcoholic beverages* in containers when moving in mixed loads with alcoholic beverages, from Pekin, Plainfield and Peoria, Ill.; Lawrenceburg, Ind.; Bardstown, Clermont, Frankfort, Lawrenceburg, Louisville and Owensboro, Ky.; Lynchburg and Tullahoma, Tenn.; Cincinnati, Ohio; Allen Park, Detroit and Melvindale, Mich.; St. Louis and Weston, Mo., to Minneapolis, Minn.

NOTE.—The purpose of this republication is to indicate the previously published origin point as being Pekin, Ill. in lieu of "Perkin". If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 114737 (Sub-No. 7), filed January 22, 1976. Applicant: O & A TEXPACK EXPRESS, INC., 1313 Avenue E, Lubbock, Tex. 79401. Applicant's representative: Warren A. Goff, 2008 Clark Hower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Farwell, Tex., and Sweetwater, Tex., serving all intermediate points: From Farwell over U.S. Highway 84 to Sweetwater, and return over the same route; (2) Between Sweetwater, Tex. and Dallas, Tex., serving all intermediate points: From Sweetwater over U.S. Highway 80 to Dallas, and return over the same route; (3) Between Sweetwater, Tex., and Roswell, N. Mex., serving all intermediate points: From Sweetwater over Texas Highway 70 to junction U.S. Highway 277, thence over U.S. Highway 277 to San Angelo, Tex., thence over U.S. Highway 67 to Barnhart, Tex., thence over Texas Highway 163 to Ozona, Tex., thence over U.S. Highway 290 to junction U.S. Highway 80 (also from Ozona, Tex., over U.S. Highway 290 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction U.S. Highway 80 at Pecos, Tex.), thence over U.S. Highway 80 to El Paso, Tex., thence over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highways 70 and 82 to Alamogordo, N. Mex., thence over U.S. Highway 70 to Roswell, and return over the same routes; (4) Between Roswell, N. Mex., and Pecos, Tex., serving all intermediate points: From Roswell over U.S. Highway 285 to Pecos, and return over the same route; (5) Between Roswell, N. Mex., and Farwell, Tex., serving all intermediate points: From Roswell over U.S. Highway 70 to Farwell, and return over the same route.

(6) Between Pecos, Tex., and Sweetwater, Tex., serving all intermediate points: From Pecos over U.S. Highway 80 to Sweetwater, and return over the same route; (7) Between Lubbock, Tex., and junction U.S. Highways 67 and 290 at Fort Stockton, Tex., serving all intermediate points: From Lubbock over U.S. Highway 87 to Lamesa, Tex., thence over Texas Highway 349 to Rankin, Tex., thence over U.S. Highway 67 to junction U.S. Highway 290, and return over the same route; (8) Between El Paso, Tex., and Carlsbad, N. Mex., serving all intermediate points: From El Paso over U.S. Highways 62 and 180 to Carlsbad, and return over the same route; (9) Between Roswell, N. Mex., and Lubbock, Tex., serving all intermediate points: (a) From Roswell over U.S. Highway 380 to junction New Mexico Highway 125, thence over New Mexico Highway 125 to the New Mexico-Texas State line, thence over Texas Highway 125 to junction Texas Highway 116, thence over Texas Highway 116 to Lubbock, and return over the same route; and (b) From Roswell over U.S. Highway 380 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction New Mexico Highway 83, thence over New Mexico Highway 83 to the New Mexico-Texas State Line, thence over Texas Highway 83 to junction U.S. Highway 62, thence over U.S. Highway 62 to Lubbock, and return over the same route; (10) Between Las Cruces, N. Mex., and Phoenix, Ariz., serving no intermediate points: From Las Cruces to Phoenix over Interstate Highway 10, and return over the same route; (11) Between Las Cruces, N. Mex., and Trinidad, Colo., serving no intermediate points: From Las Cruces over Interstate Highway 25 to Trinidad, and return over the same route. Service authorized as off-route points: (a) points in that part of Texas bounded by a line beginning at Farwell, Tex., and extending over U.S. Highway 84 to Sweetwater, Tex., thence over U.S. Highway 70 to junction U.S. Highway 277, thence over U.S. Highway 277 to Sonora, Tex., thence over U.S. Highway 290 to junction U.S. Highway 80, thence over U.S. Highway 80 to the Texas-New Mexico state line.

(b) Points in Curry, DeBaca, Roosevelt, Lincoln, Chaves, Dona Ana, Otero, Eddy, and Lea Counties, N. Mex. Restriction: The operations authorized herein above are subject to the following conditions: (1) Said operations are restricted to the transportation of packages or articles each weighing not more than 100 pounds; (2) Said operations are restricted against the transportation of packages or articles weighing more than 350 pounds in the aggregate from one consignor, at any one location, to one consignee, at any one location, on any one day; and (3) Said operations are restricted against the transportation of shipments between Dallas, Tex., and Fort Worth, Tex., and the respective commercial zones thereof, as defined by the Commission, and between Dallas-Fort Worth, Tex., on the one hand, and, on the other, San Angelo, Lubbock, and Abilene, Tex., and the intermediate points on U.S. Highway 80 between Dallas-Fort Worth, Tex., and Abilene, Tex.

NOTE.—Applicant presently holds the authority herein sought, restricted to the transportation of shipments which do not aggregate more than 100 pounds, from one consignor to one consignee, at any one location, on any one day, except for the two routes sought between Las Cruces, N. Mex., and Phoenix, Ariz., and Las Cruces, N. Mex. and Trinidad, Colo. The purpose of this filing is to obtain these two new routes, and to raise the applicant's aggregate weight limits to 350 pounds. If a hearing is deemed necessary, the applicant requests it be held at El Paso, Tex.

No. MC 115491 (Sub-No. 131), filed February 23, 1976. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Ave., P.O. Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand,* in bulk, in tank or dump type vehicles, from Plant City, Fla., to Tampa, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 115904 (Sub-No. 43), (Correction), filed February 5, 1976, published in the FEDERAL REGISTER issue of March 11, 1976 as MC 117904 (Sub-No. 43), republished as corrected this issue. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry articles and supplies* that require the use of special equipment when loading and unloading, from Denver, Boulder and Pueblo, Colo., to points in Idaho, California, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

NOTE.—The purpose of this republication is to correct the docket number in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 116260 (Sub-No. 8), (Correcrection), filed November 10, 1975, published in the FEDERAL REGISTER issue of February 12, 1976, republished as corrected this issue. Applicant: PASHA TRUCKAWAY, a Corporation, 1308 Canal Boulevard, Richmond, Calif. 94804. Applicant's representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passenger motor vehicles; motor vehicles*, used for transporting freight, including driving tractors for freight carrying vehicles; *motorcycles and motorcycle side cars; hearses; buses; passenger, house or sleeper trailers; vehicles*, other than motor vehicles, designed for the transportation of freight for use with a motor vehicle; *cabs and bodies* of the above described vehicles; *motor vehicle chassis; mobile searchlights; mobile generators; parts, spare parts or extra parts* for the above described vehicles when accompanying the shipment of the vehicle to which it belongs or for which it is intended; *and auto show paraphernalia, equipment and accompanying advertising matter*, (1) between the California-Oregon State Boundary line and the International Boundary line between California and the Republic of Mexico.

From the California-Oregon State Boundary line over U.S. Highway 101 to junction Interstate Highway 5, thence over Interstate Highway 5 to the International Boundary line between California and the Republic of Mexico, also over U.S. Highway 101 to junction California Highway 1 near Oxnard, Calif., thence over California Highway 1 (formerly U.S. Highway 101 Alternate) to junction California Highway 2, thence over California Highway 2 (formerly U.S. Highway 101 Alternate) to junction U.S. Highway 101, thence as described above to the International Boundary line between the United States and the Republic of Mexico located in California, also from the California-Oregon State Boundary line as described above to junction U.S. Highway 101 and U.S. Highway 101 by-pass near Woodland Hills, Calif., thence over U.S. Highway 101 by-pass to junction U.S. Highway 101, thence as described above to the International Boundary line between the United States and the Republic of Mexico located in California, serving all intermediate points: (2) between the California-Oregon State Boundary line and the International Boundary line between the United States and the Republic of Mexico located in California: From the California-Oregon State Boundary line over Interstate Highway 5 to Sacramento, Calif., also from the California-Oregon State Boundary line over Interstate Highway 5 to Red Bluff, Calif., thence over California Highway 99 to Yuba City, Calif., thence over California Highway 20 (formerly U.S. Highway 99E) to Marysville, Calif., thence over California Highway 65 (formerly U.S. Highway 99E) to junction Interstate Highway 80, thence over Interstate Highway 80 to Sacramento, Calif., thence over U.S. Highway 50 to Stockton, Calif., thence over California Highway 99 to junction Interstate Highway 5 near Wheeler Ridge, Calif., thence over Interstate Highway 5 to junction Interstate Highway 10 (formerly U.S. Highway 99), thence over Interstate Highway 10 near Coachella, Calif., thence over California Highway 86 (formerly U.S. Highway 99), thence over California Highway 86 to junction California Highway 111, thence over California Highway 111 to the International Boundary line between the United States and the Republic of Mexico located in California and return over the same route, serving all intermediate points.

(3) Between the California-Oregon State Boundary line and Weed, Calif.: From the California-Oregon State Boundary line over U.S. Highway 97 to Weed, Calif. and return over the same route, serving all intermediate points; (4) between the California-Oregon State Boundary line and California-Nevada State Boundary line south of Hallelujah Junction, Calif.: From the California-Oregon State Boundary line over U.S. Highway 395 to the California-Nevada State Boundary line and return over the same route, serving all intermediate points; (5) between the California-Nevada State Boundary line north of Coleville, Calif. and San Diego, Calif.: From the California-Nevada State Boundary line over U.S. Highway 395 to San Diego, Calif., and return over the same route, serving all intermediate points; (6) between junction Interstate Highway 5 and California Highway 89 two miles south of Mt. Shasta City, Calif. and junction California Highway 89 and California Highway 88 near Woodfords, Calif.: From junction Interstate Highway 5 and California Highway 89 over California Highway 89 to junction California Highways 88 and 89 and return over the same route, serving all intermediate points; (7) between Sattley and Mariposa, Calif.: From Sattley, Calif. over California Highway 49 to Mariposa, Calif. and return over the same route, serving all intermediate points; (8) between the California-Nevada State Boundary line north of Death Valley Junction, Calif. and junction Interstate Highway 15 and California Highway 127 near Baker, Calif.: From the California-Nevada State Boundary line over California Highway 127 to junction Interstate Highway 15 and return over the same route, serving all intermediate points; (9) between junction U.S. Highway 101 and California Highway 299 and Alturas, Calif.: From junction U.S. Highway 101 and California Highway 299 over California Highway 299 to Alturas, Calif. and return over the same route, serving all intermediate points.

(10) Between the California-Nevada State Boundary line and San Francisco, Calif.: From the California-Nevada State Boundary line over Interstate Highway 80 and return over the same route, serving all intermediate points; (11) between junction U.S. Highway 395 and California Highway 190 two miles south of Lone Pine, Calif. and Death Valley Junction (Amargosa), Calif.: From junction U.S. Highway 395 and California Highway 190 over California Highway 190, thence over California Highway 190 to Death Valley Junction and return over the same route, serving all intermediate points; (12) between junction California Highway 1 and California Highway 41 near Morro Bay, Calif. and the California-Navada State Boundary line.: From junction California Highway 1 and California Highway 41 over California Highway 41 to junction California Highway 46, thence over California Highway 46 to junction California Highway 99, thence over California Highway 99 to junction California Highway 58 to junction Interstate Highway 15, thence over Interstate Highway 15 to the California-Nevada border and return over the same route, serving all intermediate points; (13) between Santa Monica, Calif. and the California-Arizona State Boundary line.: From Santa Monica over U.S. Highway 66 to the California-Arizona State Boundary line and return over the same route, serving all intermediate points; (14) Between Los Angeles, Calif. and the California-Arizona state line, serving all intermediate points: From Los Angeles over California Highway 60 to junction Interstate Highway 10 near Beaumont, thence over Interstate Highway 10 to the California-Arizona state line and return over the same route; and (15) Between San Diego, Calif. and the California-Arizona state line, serving all intermediate points: From San Diego over U.S. Highway 80 to the California-Arizona state line and return over the same route, Service is authorized at intermediate points and at all other points and places in California located within 50 miles of the above-described routes.

Note.—The purpose of this republication is to correct the territorial description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 118142 (Sub-No. 116), filed February 9, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Eugene W. Hiatt, 308 Casson Building, 603 Topeka Boulevard, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen potato products, frozen juices, frozen pizzas, frozen pies, and frozen bakery goods*, between Laramie, Wyo., on the one hand, and, on the other, Kansas City and Springfield, Mo., and Wichita, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Topeka, Kans., Kansas City, Mo., or Laramie, Wyo.

No. MC 118535 (Sub-No. 76), filed February 25, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead oxide*, (1) from Terrell, Tex., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Oklahoma, South Carolina and Tennessee; and (2) *Lead*, from Leeds, Ala.; Glover and Herculaneum, Mo.; and Baton Rouge, La., to Terrell, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 119441 (Sub-No. 41), filed Feb. 6, 1976. Applicant: BAKER HIWAY EXPRESS, Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 220 West Bridge St., P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products* (except commodities in bulk), from Marion Brick Corp. plantsite in Prince William County, Va., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, 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; and (2) *materials and supplies* (except commodities in bulk), used in the manufacture, packaging, sale and distribution of brick, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, 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 Marion Brick Corp. plantsite in Prince William County, Va., and Clearfield, Clearfield County, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 119789 (Sub-No. 281), filed Feb. 25, 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: (1) *Candy and confectionery products* (except in bulk); and (2) *advertising matter, premium and display materials*, when shipped in the same vehicle with commodities described in (1), in vehicles equipped with mechanical refrigeration, from Waco, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or New York, N.Y.

No. MC 119792 (Sub-No. 53), filed February 13, 1976. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a Corporation, 3600 South Western Street, Chicago, Ill. 60609. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery items* (except commodities in bulk), *advertising material, premiums, toys, display material and dessert preparations*, (1) from the plantsite and storage facilities of Queen Anne Candy Company at Hammond, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, restricted to the transportation of traffic originating at the named origins and destined to points in the named destination states; and (2) from the plantsite and storage facilities of Leaf Confectionery, Division of W. R. Grace & Company at Chicago, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, restricted to the transportation of traffic originating at the named origins and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 121082 (Sub-No. 11), filed February 2, 1976. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, Mich. 48238. Applicant's representative: Robert E. McFarland, Suite 1002, 999 W. Big Beaver Road, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in that part of the Lower Peninsula of Michigan, on and south of a line extending from Lake Michigan along the northern boundaries of Muskegon, Kent, Montcalm, Isabella, Midland, and Bay Counties, Mich., and thence along the shorelines of Saginaw Bay and Lake Huron to Port Huron, Mich., on traffic having an immediately prior or subsequent out of state movement, restricted against the transportation of articles or packages weighing in the aggregate more than 100 pounds and moving in shipments exceeding 500 pounds from one consignor to one consignee in a single day.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit or Lansing, Mich., or Chicago, Ill.

No. MC 121597 (Sub-No. 5), filed January 2, 1976. Applicant: CHICKASAW MOTOR LINE, INC., 531 Woodycrest Avenue, Nashville, Tenn. 37211. Applicant's representative: Ernest Ferrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Nashville, Tenn. and Whiteville, Tenn.: From Nashville, Tenn. over Tennessee Highway 100 to Whiteville, Tenn. and return over the same route, serving no intermediate points.

NOTE.—The purpose of this application is to remove a restriction in Sub No. 23 Certificate "The operations authorized herein are restricted against tacking or joinder with any other authority held by carrier so as to provide any service between Memphis, Tenn. and Nashville, Tenn.", no additional authority sought. If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 124887 (Sub-No. 23), filed February 23, 1976. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and particleboard*, from points in Barbour County, Ala., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla., or Atlanta, Ga.

No. MC 125045 (Sub-No. 14), filed January 23, 1976. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 2014 - 14th Street, N.W., Rochester, Minn. 55901. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Ice cream, ice cream novelties, sherbets, and dairy products,* from Rochester and Pipestone, Minn., to points in South Dakota, and Norfolk, Nebr., and Sioux City, Iowa; and (2) *ice cream novelties,* from St. Paul, Minn., to South Dakota, and Norfolk, Nebr., under a continuing contract or contracts in (1) and (2) above with Marigold Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 125433 (Sub-No. 71), filed February 25, 1976. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: William G. Kos (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrought pipe, iron or steel,* from Long Beach, Calif., to points in Texas, Louisiana, Illinois, Tennessee, Arkansas, Missouri, Iowa, Minnesota, Nebraska, New Mexico, Kansas, Colorado, Utah, Montana, Wyoming, Washington, Nevada, Arizona, Oklahoma and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Lake City, Utah.

No. MC 125648 (Sub-No. 3), (Correction), filed December 22, 1975, published in the FEDERAL REGISTER issues of January 29, 1976, and March 18, 1976, republished as corrected this issue. Applicant: C. WHITE & SON, INC., Evans Road, Rocky Hill, Conn. 06067. Applicant's representative: Clifford C. White (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 (except liquified petroleum gases, in containers and in bulk), in tank vehicles, and *automobiles accessories,* from Rocky Hill, Conn., to points in that part of Massachusetts on and west of Massachusetts Highway 12.

NOTE.—The purpose of this republication is to indicate that applicant seeks to convert its requested authority from a Permit to a Certificate. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., Boston, Mass. or New York, N.Y.

No. MC 126305 (Sub-No. 77), filed February 17, 1976. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. No. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsn, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, and particleboard,* from the manufacturing facilities of Louisiana-Pacific Corporation located at or near Clayton, Ala., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, (Lower Peninsula), Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columba, restricted to shipments originating at the above origin and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 126899 (Sub-No. 94), filed February 25, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, 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: (1) *Malt beverages,* in containers, and *related advertising material,* when shipped with malt beverages, from Fort Wayne, Ind., to Owensboro, Paducah and Hopkinsville, Ky.; and (2) *empty malt beverage containers,* on return, from Owensboro, Paducah and Hopkinsville, Ky., to Fort Wayne, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 128190 (Sub-No. 11), filed February 23, 1976. Applicant: FREMONT CONTRACT CARRIERS, INC., P.O. Box 489, Fremont, Nebr. 68025. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Winterizing closure panels,* from Fremont, Nebr., to points in Alabama, Arkansas, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas and Tennessee; and (2) *materials, supplies and equipment* (except commodities in bulk), utilized in the manufacture, sale, and distribution of winterizing closure panels, from points in the United States (except Alaska and Hawaii), to Fremont, Nebr., restricted to shipments to originate or terminate at the plantsite or warehouse facilities utilized by Kelley Klosure, Inc., located at Fremont, Nebr., and further restricted to a transportation service to be performed under a continuing contract with Kelly Klosure, Inc., of Fremont, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133095 (Sub-No. 92), filed February 24, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Limestone and gypsum pellets* (except commodities in bulk), from the facilities of American Pelletizing Corporation, located at or near Knoxville, Iowa and Irvington, Ky., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the packaging and distribution of commodities named in (1) above, from Minneapolis, Minn., and St. Louis, Mo., to the facilities of American Pelletizing Corporation, located at or near Knoxville, Iowa and Irvington, Ky.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dayton, Ohio or Dallas, Tex.

No. MC 133119 (Sub-No. 87), filed Feb. 2, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 S. 14th St., P.O. Box 81849, Akron, Iowa 51001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* (except commodities in bulk), from Dodge City, Kans., to (1) points in Nebraska, Iowa, Wisconsin, Minnesota, South Dakota, North Dakota, Wyoming, Colorado, Utah, Nevada, California, Montana, Idaho, Oregon, and Washington; and (2) to ports of entry on the International Boundary line between the United States and Canada, located at or near Portal, N. Dak., and Sweetgrass, Mont., restricted in (1) to traffic originating at Dodge City, Kans., and in (2) to traffic moving in foreign commerce and destined to points in Saskatchewan and Alberta, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Omaha, Nebr.

No. MC 133194 (Sub-No. 3) (Amendment), filed October 28, 1974, published in the FEDERAL REGISTER issue of December 4, 1975, republished as amended this issue. Applicant: WOODLINE, INC., P.O. Box 1047, Russellville, Ark. 72801. Applicant's representative: R. Connor Wiggins, Jr., Suite 909–100 N. Main Bldg., Memphis, Tenn. 38103. 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 Hector and Petit Jean Mountain, Ark., as off-route points in connection with carriers authorized regular routes.

NOTE.—The purpose of this republication is to amend the above requested authority. If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark. and Ft. Smith, Ark.

No. MC 133490 (Sub-No. 10), filed February 25, 1976. Applicant: LEE'S TRUCKING, INC., Route 1, Box 223A, Wyoming, Minn. 55092. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Boxes,* corrugated; (2) *bags,* plastic; and (3)

plastic film, in rolls, from Minneapolis, Minn., to Lisbon, N. Dak., under contract with Dahlgren & Company, Div. of Beatrice Foods Co., restricted to the plantsite of Dahlgren & Company Div. of Beatrice Foods Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.; or Grand Forks or Fargo, N. Dak.

No. MC 133689 (Sub-No. 72), filed February 23, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6910, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from New Ulm, Minn., to points in Nebraska on and east of U.S. Highway 281.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133841 (Sub-No. 2), filed February 17, 1976. Applicant: DAN BARCLAY, INC., 362 Main St., Lincoln Park, N.J. 07025. 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: *Environmental, solar, cooling, heating units and equipment, materials, and supplies* used in the manufacture and installation thereof, between the facilities of Edwards Engineering Corp., located at or near Pompton Plains, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Newark, N.J.

No. MC 134035 (Sub-No. 4), filed March 1, 1976. Applicant: DOUGLAS TRUCKING COMPANY, 5611 East Imperial Highway, South Gate, Calif. 90280. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display racks, plastic and fiberglass mannequins, hangers and clothing display carriers and bags*, from New York City, N.Y., to Los Angeles, Calif., restricted to the transportation of traffic destined to the warehouse and facilities of Acme Display Fixture Company, Inc., located at Los Angeles, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134035 (Sub-No. 6), filed February 27, 1976. Applicant: DOUGLAS TRUCKING COMPANY, INC., 5611 East Imperial Highway, South Gate, Calif. 90280. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Carson, Calif., to points in New York and New Jersey, restricted to the transportation of traffic originating at the warehouse and facilities of El Mar Plastics, Inc., at Carson, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134599 (Sub-No. 141), filed February 23, 1976. Applicant: INTERSTATE 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber, rubber products and equipment, materials and supplies*, used in the manufacture and production of the foregoing commodities (except commodities in bulk and those which because of size or weight require special handling or equipment), between Opelika, Ala., on the one hand, and, on the other, points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma and Texas; and (2) *equipment, materials and supplies*, used in the manufacture and production of rubber and rubber products (except commodities in bulk and those which because of size or weight require special handling or equipment), from points in Arizona, California, Colorado, Idaho, Louisiana, Montana, Nevade, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, to Opelika, Ala., (1) and (2) are under a continuing contract with Uniroyal, Inc.

NOTE.—Applicant holds common carrier authority in MC 139906 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134755 (Sub-No. 66), filed January 28, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Lubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) (1) *Toilet articles; toilet preparations; drugs; medicines, cosmetic artciles and medical materials and articles*, from Clinton, Conn., to Jefferson City, Mo., and Monticello, Ind.; and (2) *materials and supplies*, used in the manufacture and distribution of the commodities in (1) above, from Jefferson City, Mo., to East Brunswick, N.J., restricted in (1) and (2) above against commodities in bulk.

NOTE.—Applicant states that the requested authority can be tacked at Jefferson City, Mo., to provide service from Clinton, Conn., to Houston, Tex. Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Hartford, Conn.

No. MC 134755 (Sub-No. 67), filed February 17, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner (P.O. Box 3772), Springfield, Mo. 65804. 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: *Toilet articles; toilet preparations; drugs; medicines; cosmetic articles; and medical materials and articles*, from Jefferson City, Mo., to Union City, and Los Angeles, Calif., restricted against commodities in bulk.

NOTE.—Applicant holds contract carrier authority in MC 138398 Sub 2 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo. or St. Louis, Mo.

No. MC 134922 (Sub-No. 160), filed February 23, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber articles and compounds* (except commodities in bulk and those which because of size or weight require the use of special equipment), from Marion, Medina, Marietta and Mansfield, Ohio and Mayfield, Ky., to Carson City and Reno, Nev., Portland, Oreg., and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Little Rock, Ark.

No. MC 135075 (Sub-No. 4), filed February 18, 1976. Applicant: M. M. SMITH STORAGE WAREHOUSE, INC., 811 Old Wilmington Road, P.O. Box 3535, Fayetteville, N.C. 28305. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Bldg., Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives and motor vehicles), between points in Dillon, Marlboro and Chesterfield Counties, S.C.; Hoke, Cumberland, Sampson, Bladen, Robeson, Scotland, Moore, Lee, Harnett, Richmond, Montgomery, Anson, Stanly, Union, Mecklenburg, Carbarrus, Rowan, Davie, Forsyth, Davidson, Randolph, Guilford, Alamance, Orange, Chatham, Durham, Wake, Franklin, Johnston, Nash, Edgecombe, Wilson, Wayne, Greene, Pitt, Lenoir, Duplin, Beaufort, Craven, Jones, Pamlico, Carteret, Onslow, Pender, Columbus, Brunswick and New Hanover Counties, N.C., restricted to traffic having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C.

No. MC 135352 (Sub-No. 8), filed February 23, 1976. Applicant: LITTLE DUTCH LINES, INC., 1111 North Prairie, Pella, Iowa 50219. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. 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, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Pella, Iowa, to points in Iowa, Illinois, Kansas, Missouri, Michigan, Nebraska and Wisconsin, under contract with Pella Packing Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.; Kansas City, Mo.; or Omaha, Nebr.

No. MC 136432 (Sub-No. 2), filed February 23, 1976. Applicant: DONNA HALLSTROM, doing business as D & M EXPRESS, Route 19, R.D. No. 1, Evans City, Pa. 16033. Applicant's representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railway car or locomotive brake shoes and brake shoe parts*, (1) from the storage facilities of D & M Express, located in Cranberry Township (Butler County), Pa., to points in Delaware, Kentucky, Michigan, New Jersey and Virginia; and (2) from Laurinburg, N.C., to points in Delaware, Kentucky, Maryland, Michigan, New York, New Jersey, Ohio, Pennsylvania, Virginia and West Virginia, under a continuing contract with Railroad Friction Products Corp., of Wilmerding, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Pittsburgh, Pa.

No. MC 136531 (Sub-No. 6), filed February 23, 1976. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Hwy. No. 11, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip G. Skofstad, 3076 Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit and vegetables*, between Milton-Freewater, Oreg. and Walla Walla, Wash., under a continuing contract or contracts with Western Farmers Association.

NOTE.—Applicant holds common carrier authority in No. MC 136228 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 136828 (Sub-No. 6), filed January 29, 1976. Applicant: COX & SHAY, INC., P.O. Drawer O, Pinson, Ala. 35126. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrants, valves, fittings, couplings, materials and supplies*, used in the installation thereof, between Albertville, Ala., Chattanooga, Tenn., and points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Chicago, Ill.

No. MC 138154 (Sub-No. 2), filed February 4, 1976. Applicant: TIDEWATER DISTRIBUTION SERVICES, INC., 47 Sixth St., East Brunswick, N.J. 08816. 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: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the facilities of Tidewater Distribution Services, Inc., located at or near East Brunswick, N.J., on the one hand, and, on the other, points in New Jersey, restricted to shipments having a prior or subsequent movement by common carrier.

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 138627 (Sub-No. 9), filed February 23, 1976. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsites and warehouse facilities of Douglas & Lomason Co., located at Marianna, Ark., Red Oak, Iowa and Columbus, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138665 (Sub-No. 1), filed February 25, 1976. Applicant: J.H.L. CONSTRUCTION CO., INC., P.O. Box 8, Somerdale, N.J. 08083. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast and prestressed concrete products and miscellaneous steel items and structural steel items*, used in the erection of precast and prestressed concrete products, (a) from the plantsites of Formigli Corporation, at Berlin and Williamstown Junction, N.J.; and (b) from the plantsite of Welsbach Concrete, at Farmingdale, N.J., to points in Delaware, Maryland, Virginia, Pennsylvania, New York, Connecticut and the District of Columbia; and (2) *materials, supplies and equipment*, used in the manufacture of precast and prestressed concrete products and damaged and defective shipments of precast and prestressed concrete products, from points in Delaware, Maryland, Virginia, Pennsylvania, New York, Connecticut and the District of Columbia, to (a) the plantsite of Formigli Corporation, in Vineland, N.J.; and (b) the plantsite of Welsbach Concrete, at Farmingdale, N.J., under contract with Formigli Corporation, and Welsbach Concrete.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 139600 (Sub-No. 8), filed January 22, 1976. Applicant: LA CRESTA, INC., doing business as CALIFORNIA BULK EXPRESS, 414 North Hale, Escondido, Calif. 92025. Applicant's representative: Fred E. Caldwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic ash, clay, calcium carbonate, bentonite, saponite, and hectorite*, from Imvite, Nev., to points in Arizona, California, Colorado, Idaho, Kansas, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Diego, Los Angeles, or San Francisco, Calif.

No. MC 139658 (Sub-No. 8), filed February 23, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Rd., Macon, Ga. 31201. Applicant's representative: William Addams, Ste. 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Blount, Etowah, Saint Clair and Jefferson Counties, Ala., on the one hand, and, on the other, points in Houston County, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140615 (Sub-No. 10), filed February 23, 1976. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials* (other than expanded), *solid, lump, granules, pellets, powder, flake, or liquid* (except in bulk), (1) from Leominster, Mass., to points in Minnesota, South Dakota and Wisconsin; and (2) from Peru, Ill., to points in Minnesota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Madison, Wis.

No. MC 140852 (Sub-No. 1), filed February 25, 1976. Applicant: C. W. MITCHELL, INC., 4401 North Westshore Blvd., Tampa, Fla. 33614. Applicant's representative: Rudy Yessin, 314 Wilkinson St., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Chicago, Ill.; Logansport, Ind.; and Owensboro, Ky., to points in Tampa and Miami, Fla., restricted to shipments originating at Chicago, Ill. and combined with shipments originating at Logansport, Ind. and/or Owens-

boro, Ky. destined to Tampa and Miami, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa or Jacksonville, Fla.

No. MC 141441 (Sub-No. 2) (Correction), filed January 19, 1976, published in the FEDERAL REGISTER issue of March 4, 1976, republished in as corrected this issue. Applicant: CROCKER TRUCK LINES, INC., N. 1410 Howe, Spokane, Wash. 99206. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trusses, beams, and girders* (metal, concrete or combinations thereof), and *concrete slabs*, (1) from points in Spokane County, Wash., on the one hand, and, on the other, points in Idaho north of the southern boundary of Idaho County, points in Morrow, Umatilla, Union, Wallowa and Baker Counties, Oreg., points in Montana on and west of a line coincident with Montana Highway 233 from the International Boundary line between the United States and Canada to Havre, Mont., thence over U.S. Highway 87 to Armington, Mont., thence over U.S. Highway 89 to the Montana-Wyoming Boundary line; and (2) from points in Missoula and Great Falls, Mont., to points in Idaho north of Idaho County, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spokane, Wash., Boise, Idaho or Missoula, Mont.[1]

No. MC 141464 (Sub-No. 2), filed February 23, 1976. Applicant: TOM SMITH TRUCKING COMPANY, a Corporation, 2277 N. Locust Street, Canby, Oreg. 97013. Applicant's representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, Oreg. 97258. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ink; paper and paper products*, from the plantsite of Western Kraft Corporation, at Beaverton, Oreg., to the plantsite of Western Kraft Corporation, at Buena Park and San Leandro, Calif., under contract with Western Kraft Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 141548 (Sub-No. 1), filed February 4, 1976. Applicant: INTERIOR TRANSPORT, INC., 2124 Waterworks Way, P.O. Box 3347, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar fencing and cedar fencing materials*, from points in Idaho, to points in Arizona, California, Colorado, and New Mexico.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Spokane or Seattle, Wash.

[1] The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 141690 (Sub-No. 1), filed February 17, 1976. Applicant: PRODUCTS, INC., 1127 North 18th Street, Omaha, Nebr. 68102. Applicant's representative: Bruce A. Bullock, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pillows, cushions, pads, urethane foam, and urethane foam products*, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies*, used in the manufacture, sale and distribution of the products named in part (1) above, from points in the United States (except Alaska and Hawaii), to Omaha, Nebr., under a continuing contract or contracts with Products Unlimited Inc. of Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 141701, filed January 12, 1976. Applicant: D & P TRUCKING, INC., 15 Scout Ave., South Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, scouring, washing compounds, display materials and supplies* (except commodities in bulk, in tank vehicles); and (2) *materials, equipment and supplies*, used in the manufacture and sale of materials, equipment and supplies (except commodities in bulk, in tank vehicles), between Clifton, N.J., and Berkeley, R.I., on the one hand, and, on the other, Los Angeles, Calif., Denver, Colo., Savannah, Ga., Peoria, Ill., Detroit, Mich., New York, N.Y., and Fort Worth, and Dallas, Tex., and their Commercial Zones as defined by the Commission, under a continuing contract or contracts with Glamorene Products Corp., Clifton, 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 141759 (Correction), filed February 2, 1976, published in the FEDERAL REGISTER issue of March 11, 1976, republished as corrected this issue. Applicant: OHIO PACIFIC EXPRESS, INC., 817 West Fifth Ave., Columbus, Ohio 43212. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers; and chinaware, earthenware and pottery*, from Lancaster, Ohio and Chester, W. Va., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, under a continuing contract or contracts with Anchor Hocking Corporation, located in Lancaster, Ohio.

NOTE.—The purpose of this republication is to correct the applicant's address, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141797 (Sub-No. 2), filed February 17, 1976. Applicant: THE GREAT SOUTHERN TRUCKING CO., INC., 500 Richardson Road, Lancaster, Pa. 17603. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated board and products*, (1) between Lancaster, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New Hampshire, North Carolina, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, under a continuing contract, or contracts, with Penn State Container Corp., a subsidiary of Southern Container Corp.; (2) between Deer Park, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New Hampshire, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia, under a continuing contract, or contracts, with Southern Container Corp.; and (3) between Spartanburg, S.C., on the one hand, and, on the other, points in Albama, Delaware, Georgia, Florida, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, under a continuing contract, or contracts with South Carolina Container Corp., a subsidiary of Southern Container Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141799, filed February 2, 1976. Applicant: BILL'S REFRIGERATED DELIVERY SERVICE, INC., 1100 East Parkway South, P.O. Box 14464, Memphis, Tenn. 38114. Applicant's representative: J. R. Philyaw (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 and articles distributed by meat packinghouses, and dairy products* as described in Sections A, B, and C of Appendix 1 to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk and tank vehicles), and *foods, foodstuffs, and food ingredients*, in vehicles equipped with mechanical refrigeration, between points in Fayette, Shelby, and Tipton Counties, Tenn., points in DeSoto, Marshall, Tate, and Tunica Counties, Miss., and points in Crittenden County, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Little Rock, Ark.

No. MC 141818 (Sub-No. 1), filed February 23, 1976. Applicant: TABLER TRUCKING, INC., 1815 College Avenue, Vincennes, Ind. 47591. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Comerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Wood chips and sawdust,* from Knox County, Ind., to Hawesville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or St. Louis, Mo.

No. MC 141821, filed February 23, 1976. Applicant: JESSEN TRUCKING, INC., Box 255, Brainerd, Minn. 56401. Applicant's representative: William E. Fox, 4200 IDS Center, 80 South 8th Street, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Beer and malt beverages,* from Milwaukee and La Crosse, Wis., to Brainerd, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 141829, filed Feb. 27, 1976. Applicant: RALPH E. HANSER, doing business as HANSER'S WRECKER SERVICE, 430 South Billings Blvd., Billings, Mont. 59101. Applicant's representative: James J. Sinclair, 2512 3rd Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles,* between points in Montana, North Dakota, South Dakota, Wyoming and Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 141836, filed Feb. 4, 1976. Applicant: LEO FOURNIER'S TRANSPORT, INC., 33 Canada Street, Swanton, Vt. 05488. Applicant's representative: W. Norman Charles, 80 Bay Street, Glen Falls, N.Y. 12801. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed supplements and feed ingredients,* (1) from ports of entry on the International Boundary line between the United States and Canada, located at or near Fort Covington, N.Y., and Highgate Springs, Vt., to Albany, Canton, Salem, Selkirk and Guilderland, N.Y., and Middlebury and St. Albans, Vt.; and (2) between Albany, Canton and Selkirk, N.Y., on the one hand, and, on the other, Middlebury and St. Albans, Vt.

NOTE.—Applicant holds contract carrier authority in MC 133069 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y., or Burlington, Vt.

PASSENGER APPLICATION

No. MC 1515 (Sub-No. 208), filed February 23, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers in the same vehicle with passengers,* Between Sault Ste. Marie, Mich., and the Junction of Michigan Highway 94 and U.S. Highway 41 serving all intermediate points: From Sault Ste. Marie over Interstate Highway 75 to junction Michigan Highway 28, thence over Michigan Highway 28 to Munising, Mich., thence over Michigan Highway 94 to junction U.S. Highway 41 and return over the same route; Between Junction Michigan Highways 28 and 123 and Newberry, Mich., serving all intermediate points: From Junction Michigan Highways 28 and 123 over Michigan Highway 123 to Newberry 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 Detroit, Mich.

No. MC 10302 (Sub-No. 8), filed February 5, 1976. Applicant: THE CHIEPPO BUS COMPANY, a Corporation, 192 Forbes Avenue, New Haven, Conn. 06512. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in special operations, beginning and ending at New Haven, Conn., and extending to the site of the New Jersey Sports and Exposition Authority, at or near East Rutherford, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Haven, Conn.

No. MC 141743, filed January 30, 1976. Applicant: MARK IV CHARTER LINES, INC., 24500 South Vermont Avenue, P.O. Box 697, Harbor City, Calif. 90710. Applicant's representative: James H. Lyons, 523 West Sixth Street, Suite 1216, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage,* in charter and special operations, between that portion of Los Angeles and Orange Counties, Calif. bounded by a line beginning at a point where the Ventura-Los Angeles County line meets the Pacific Ocean; thence following said county line northward and eastward to a point where said line meets the western city line of the City of Los Angeles in Chatsworth; thence north and east following the Los Angeles city line to a point where said city line meets the southern boundary of the Angeles National Forest being a point approximately ¾ mile east of Osborne Street-Little Tujunga Road; thence eastward following the southern boundary of Angeles National Forest to a point where it meets the Los Angeles-San Bernardino County line; thence south to a point where said county line meets the northern county line of Orange County; thence along said northern line of Orange County south and eastward to a point where said county line meets the Pacific Ocean; thence north and west along said coastline to the point and place of beginning, on the one hand, and, on the other, points in Nevada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141772, filed February 9, 1976. Applicant: A–1 LIVERY SERVICE, INC., 256 Stillwater Avenue, Stamford, Conn. 06905. Applicant's representative: Louis P. Pittocco, 100 Greenwich Avenue, Greenwich, Conn. 06830. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in same vehicle as passengers, between points in Fairfield County, Conn. and points in Queens, Jamaica and Manhattan, N.Y., and the Newark Airport,, under a continuing contract or contracts with John Blair & Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., Providence, R.I., or New York, N.Y.

No. MC 141798, filed February 5, 1976. Applicant: MASSILLON AND ALLIANCE MOTOR TRANSIT, INC., 25 North Arch Street, Alliance, Ohio 44601. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Employees* of the Penn Central Transportation Company, between points in Ohio, on the one hand, and, on the other, points in Indiana, New York, Ohio, and Pennsylvania, restricted against the transportation of passengers between Elkhart, Evansville, Fort Wayne, Gary, Hammond, Indianapolis, Richmond, and Terre Haute, Ind.; Cincinnati, Cleveland, Columbus, Dayton, Mansfield, Toledo, and Youngstown, Ohio; Erie, Harrisburg, Philadelphia, Pittsburgh, Scranton, State College, Washington, Wilkes-Barre, and York, Pa.; and Albany, Binghamton, Buffalo, Corning, Ithaca, New York City, Plattsburgh, Rochester, Schenectady, Syracuse, and Watertown, N.Y., under a continuing contract or contracts with The Penn Central Transportation Company, Youngstown, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Youngstown, or Columbus, Ohio.

FREIGHT FORWARDER APPLICATION

No. FF–320 (Sub-No. 1), filed February 24, 1976. Applicant: JET FORWARDING, INC., 2908 Oregon Court, Bldg. G, Torrance, Calif. 90510. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder,* through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage;* and (b) *used automobiles,* between points in the United States, including Hawaii and Alaska, restricted in (b) to the transportation of import-export traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's requested authority. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

FINANCE APPLICATIONS

MARCH 5, 1976.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12780, (Correction) (GROSS COMMON CARRIER, INC.—PURCHASE — WILLARD GRAESE TRANSPORT SERVICE, INC.), published in the March 3, 1976, issue of the FEDERAL REGISTER on page 9287. Prior notice should have read as follows: *Applicants' attorney:* Rolfe E. Hanson, 121 W. Doty St., Madison, WI 53703. Prior notice should have also included the following authority: *General commodities over regular routes as a common carrier between Mondovi, Wisconsin and Winona, Minnesota and all intermediate points:*

No. MC-F-12780, (Correction) purchase by BROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309, of a portion of the operating rights of THE KLUG-DIRECT TRANSPORTATION CO., 1505 Singer Avenue, Hamilton, OH 45011, and for acquisition by GALEN J. ROUSH, 1077 Gorge Blvd., Akron, OH 44309, of control of such rights through the purchase. Applicants' attorneys: William O. Turney, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C., 20014 and Noel F. George, 100 E. Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 99031 (Sub-No. 5) covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 2202 (Sub-No. 507) directly related matter.

No. MC-F-12792. Authority sought for control by S & L HOLDING COMPANY, INC., (non-carrier), 2515 N.W. 20th St., Miami, FL., 33152, of (B) LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., Miami, FL., 33152, (BB) LEONARD BROS. TRUCKING AND RIGGING CO., INC., 1411 South Orange Blossom Trail, Orlando, FL., 32805, and (BBB) LEONARD BROS., TRUCKING CO. OF TEXAS, INC., 1701 East Main St., Grand Prairie, TX., 75050, and for acquisition by ARMLON LEONARD, 6945 Sunrise Terrace, Coral Gables, FL., 33133, and REVA S. SAWYER, 431 W. Trotter Drive, Maitland, FL., 32751, of control of (B) LEONARD BROS. TRUCKING CO., INC., (BB) LEONARD BROS. TRUCKING AND RIGGING CO., INC, and (BBB) LEONARD BROS., TRUCKING CO. OF TEXAS, INC., through the acquisition by S & L HOLDING COMPANY, INC., Applicants' attorney: William O. Turney, 7101 Wisconsin Ave., Washington, D.C., 20014. Operating rights sought to be controlled: (B) *Aircraft Parts, Supplies, Equipment, Farm Equipment* and *Machinery, Road Machinery* and *Equipment, Structural Steel, Pipe* and *Culverts Piling* and *Poles, Boats, Missile* and *Aircraft Components* and *supplies, machinery* and *equipment* used in their operation, servicing and manufacture and numerous other specified commodities, with certain specified exceptions, as a *common carrier* over irregular routes, from, to, and between specified points in all the States in the United States including the District of Columbia (except Alaska and Hawaii), with certain restrictions, as more specifically described in Docket No. MC 19227 and Sub numbers thereunder. ARMLON LEONARD, REVA S. SAWYER and other members of the LEONARD family own all the stock of LEONARD BROS. TRUCKING CO., INC. The above notice does not purport to be a complete description of all of the operating rights of the carrier involved. The aforegoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof.

(BB) *Airplanes* and *airplane parts*, and *air plane supplies* and *equipment* as a *common carrier* over irregular routes between points in Florida, *commodities* which because of size or weight require the use of special equipment, other than oilfield commodities as defined in the two findings in Ex Parte No. 45, 61 M.C.C. 209, between Florida, *self propelled articles* each weighing 15,000 pounds or more, and *related machinery tools, parts, and supplies* moving in connection thereof, between Florida. (BBB) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, as a common carrier over irregular routes between points in Texas, with restrictions; *commodities* (other than 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 construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which because of size or weight require the use of special equipment, and *related parts* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, between points in Texas. Both LEONARD BROS. TRUCKING & RIGGING CO., INC., and LEONARD BROS. TRUCKING CO. OF TEXAS, INC. are wholly owned subisdiaries of LEONARD BROS. TRUCK CO., INC.

Under the instant proposal, the Leonard Family proposes to exchange its shares of the stock of LEONARD BROS., TRUCKING CO., INC. for stock in the newly formed non carrier holding company, S & L HOLDING COMPANY, INC.

Simultaneously filed with the section 5(2) application is a motion to dismiss for lack of jurisdiction. Petitioners cite the *"WOODS INDUSTRIES, INC.—CONTROL—UNITED TRANSPORTS, INC!," et al.*, 85 M.C.C. 672 (1960) case in support of its position.

No. MC-F-12793. Authority sought for control and merger by B. J. MCADAMS, INC., Route 6-Box 15, North Little Rock, Ark., 72118, of the operating rights of JOHN SEPHTON PRODUCE CO., INC., 116 Paris Avenue, Mobile, AL., 36609, and for acquisition by B. J. MCADAMS, 2909 Justin Matthews Drive, North Little Rock, Ark., 72118, of control of such rights through the transaction. Applicants' attorney: Eugene D. Anderson, 910 17th Street, N.W., Washington, D.C., 20004. Operating rights sought to be controlled and merged: *Bananas*, as a *common carrier* over irregular routes from Mobile, Ala., to Clarksville, Nashville, Knoxville and Chattanooga, Tenn.; Indianapolis and Terre Haute, Ind.; Cincinnati, Ohio; Louisville, Ky.; Decatur, Ill., and from New Orleans, La., to Indianapolis, Ind., *bananas* and *coconuts* and *Pineapples* when transported in mixed loads with bananas, from Gulfport, Miss., to Chicago, Ill., and Indianapolis, Ind., B. J. MCADAMS, INC., is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12795. Authority sought for control by BEST REFRIGERATED EXPRESS, INC., P.O. Box 938-3000 South 11th Street, Council Bluffs, IA., 51501, of SCOTT TRUCK LINE, INC., 5280 Newport Street, Commerce City, CO., 80022, and for acquisition by GERALD L. SCHUEMAN, 3000 S. 11th St., Council

Bluffs, IA., 51501, of control of SCOTT TRUCK LINE, INC., through the acquisition by BEST REFRIGERATED EXPRESS, INC. Applicants' attorney: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL., 60521. Operating rights sought to be controlled: *Advertising matter* and such *general merchandise* as is dealt in by wholesale and retail gorcery and food business houses, restricted to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of grocery and food business houses, as a *common carrier* over regular routes between Denver, Colo., and Chicago, Ill., and Imperial, Nebr., serving the intermediate and offroute points of Haxtun, Colo., and Lamar, Elsie, Madrid, Grant, Venango, and Champion, Nebr.; *general commodities* with exceptions, from Chicago, Ill., to Winterset, Iowa, serving points in Illinois within the Chicago, Ill., Commercial Zone as defined by the Commission, restricted to pickup only; *Meats*, fresh and frozen, as a *common carrier* over irregular routes from the site of the packing plant or National Food Stores, Inc., at Denver, Colo., to Milwaukee, Wis., Indianapolis, Ind., and Lansing and Detroit, Mich., with no transportation for compensation on return except as otherwise authorized, *frozen foods*, from the facilities of the Kitchens of Sara Lee Corporation at New Hampton, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, with restrictions; general commodities, with exceptions between Greenfield, Iowa, and points within 26 miles thereof, not including Creston, Iowa, on the one hand, and, on the other, Omaha, Nebr. BEST REFRIGERATED EXPRESS, INC., is authorized to operate as a *common carrier* in Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12796. Authority sought for purchase by HERMAN R. EWELL, INC., East Earl, PA., 17519, of the operating rights and property of ROBERT N. GEORGE, an individual, 2006 New Butler Road, New Castle, PA., 16101, and for acquisition by HERMAN R. EWELL, East Earl, PA., 17519, of control of such rights and property through the purchase. Applicant's attorney: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA., 17108. Operating rights sought to be transferred: *Corn Syrup*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from Pittsburgh, PA., to points in Ohio and West Virginia, with no transportation for compensation on return except as otherwise authorized, with restrictions, from Pittsburgh, Pa., to Wheeling, Charleston, and Huntington, W. Va., with no transportation for compensation on return except as otherwise authorized, *condensed milk*, in bulk, in tank vehicles, from Titusville, Pa., to Buffalo, N.Y., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12799. Authority sought for purchase by GAINES MOTOR LINES, INC., P.O. Box 1549, Hickory, N.C., 28601, of the operating rights of C & H TRUCK LINES, INC., d.b.a. C & H TRUCK LINE, 510 West Main Street, Spartanburg, S.C., 29301, and for acquisition by FOREST GAINES, P.O. Box 1549, Hickory, N.C., 28601, of control of such rights through the purchase. Applicants' attorney: Edward G. Villalon, 1032 Penn. Bldg., Washington, D.C. 20004. Operation sought to be transferred: Under a certificate of registration in Docket No. MC 56956 (Sub-No. 1), covering the transportation of general commodities, as a *common carrier*, in intrastate commerce, within the State of South Carolina. Vendee is authorized to operate as a *common carrier* in South Carolina, Virginia, North Carolina, the District of Columbia, Maryland, Delaware and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 93649 (Sub-No. 18) is a directly related matter.

MISSOURI PACIFIC RAILROAD COMPANY, 210 North 13th Street, St. Louis, Missouri 63103, and THE TEXAS AND PACIFIC RAILWAY COMPANY, 505 North Industrial Boulevard, Dallas, Texas 75207, represented by Mr. R. H. Stahlheber, Attorney, 210 North 13th Street, St. Louis, Missouri 63103, hereby give notice that on the 9th day of February, 1976, they filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing them to acquire certain interests are now held by the St. Louis Southwestern Railway Company, and Kansas City Southern Railway Company, which carriers, along with the Missouri Pacific Railroad Company and The Texas and Pacific Railway Company presently own all of the subject property and trackage as tenants in common, which application is assigned Finance Docket No. 28116.

Following approval of the proposal, Missouri Pacific will own the portion of the subject properties and trackage in Arkansas, and Texas and Pacific will own the portion of the properties and trackage located in Texas. The purpose of the acquisition of these interests is to clarify the title to the subject property and trackage and to permit applicants to expand their yard facilities at Texarkana. The St. Louis Southwestern Railway Company will be permitted to continue its present utilization of trackage in order to serve its industries in the vicinity of Front Street near the state line. No operations will be discontinued, and it is contemplated that the overall rail service to the shipping public will be improved as a result of this transaction.

The subject property lies adjacent to, but does not include, the Union Depot, there being a total of 17,245 feet of trackage of which 9,207 feet lie in Arkansas and 8,038 feet in Texas. Upon completion of this transaction the Missouri Pacific Railroad Company will own all of the subject property and trackage in Arkansas, and The Texas and Pacific Railway Company will own all of the subject property and trackage in Texas. No operations will be discontinued, no service to any shipper will be adversely affected, and the intended yard expansion will accrue to the overall benefit of shippers generally.

Applicants states that the authority sought and the requested Commission action will have no significant effect on the quality of the human environment.

In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 555 (Sub-No. 4), *Implementation National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice

of the application in the FEDERAL REGISTER.

NORFOLK AND WESTERN RAILWAY COMPANY, 8 North Jefferson Street, Roanoke, Virginia 24042, represented by Mr. John S. Shannon, Vice President–Law, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, Virginia 24042, hereby give notice that on the 27th day of February, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, extending between West 22nd Street near its Mile Post 466+455', Chicago, and its Mile Post 466+860', Alton Junction, Chicago, and the joint tracks of Penn Central Transportation Company and Illinois Central Gulf Railroad Company extending between Penn Central Transportation Company's Mile Post 466+860' Alton Junction, Chicago, and its Mile Post 467+44', Chicago, a total distance of approximately 0.93 mile in the City of Chicago, Cook County, Illinois, which application is assigned Finance Docket No. 28131.

In the opinion of the applicant, granting the authority sought in this application would not constitute a major Federal action having a significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

SOUTHERN PACIFIC TRANSPORTATION COMPANY, One Market Street, San Francisco, California 94105, represented by Mr. Charles W. Burkett, General Solicitor, Southern Pacific Transportation Company, One Market Street, San Francisco, California 94105, hereby give notice that on the 13th day of February, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of a line of railroad owned by the Atchison, Topeka and Santa Fe Railway Company in Los Angeles County, California, which application is assigned Finance Docket No. 28124.

Applicant proposes to construct two new short line segments of track to connect SP's Baldwin Park Branch line with the parallel Santa Fe Branch line trackage between SP Mile Post 514.30 and AT&SF Mile Post 105.46, in Los Angeles County, California. The second segment proposed to be constructed is to begin at AT&SF Mile Post 104.54 and terminate at SP Mile Post 515.57. The two connections so constructed will serve to effectuate the trackage agreement entered into between applicant SP and AT&SF for operation by SP over 1.04 miles of the adjacent AF&SF Branch line track, which application is assigned Finance Docket No. 28123. The connecting lines proposed to be constructed are located entirely within the County of Los Angeles, State of California.

The connecting track proposed to be constructed at SP Mile Post 514.30 is approximately .13 miles in length. The connecting track proposed to be constructed at AT&SF Mile Post 104.54 is approximately .21 miles in length. The present and future public convenience and necessity require the proposed construction of track in order to provide a physical connection between SP and AT&SF. Such connection will allow SP to abandon a portion of its Baldwin Park branch line, which application is docketed AB–12 (Sub-No. 22), and to secure bridge trackage rights over 1.04 miles of AT&SF branch track.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

SOUTHERN PACIFIC TRANSPORTATION COMPANY, One Market Street, San Francisco, California 94105, represented by Mr. Charles W. Burkett, General Solicitor, Southern Pacific Transportation Company, One Market Street, San Francisco, California 94105, hereby give notice that on the 13th day of February 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over 1.04 miles of the branch line track of The Atchison, Topeka and Santa Fe Railway Company, all points within the City of Claremont, Los Angeles County, California, which application is assigned Finance Docket No. 28123.

Applicant seeks authority to operate over 1.04 miles of adjacent AT&SF branch track pursuant to an agreement executed on September 22, 1975, between SP and AT&SF. Authority for the proposed joint trackage is sought between AT&SF Mile Post 105.52 (SP Mile Post 514.37), and AT&SF Mile Post 104.48 (SP Mile Post 515.42). Commission authorization will enable applicant to abandon adjacent branch trackage under an abandonment application filed concurrently herewith and docketed AB–12 (Sub-No. 22) and to construct two new short line segments of track to connect SP's Baldwin Park Branch line with the parallel Santa Fe Branch line trackage between SP Mile Post 514.30 and AT&SF Mile Post 105.46, in Los Angeles County, California, and the second segment proposed to be constructed is to begin at AT&SF Mile Post 104.54 and terminate at SP Mile Post 515.57, which application

is filed concurrently herewith also and docketed Finance Docket No. 28124.

The property involved in the proposed transaction does not include all the property of the applicant proposing the trackage application. The property involved includes only the segment of AT&SF's Baldwin Park branch track and appurtenances located between AT&SF Mile Post 105.52 and AT&SF Mile Post 104.48.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b) (1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 105902 (Sub-No. 19), filed March 3, 1976. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, N.Y. 14527. Applicant's representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, N.Y. 13202. 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 commodities requiring special equipment) (A) Between points in Chemung County, N.Y.: From points in Chemung County, N.Y., to points in Allegany, Cayuga, Cortland, Livingston, Onondaga and Seneca Counties, N.Y.; Between points in Chemung County, N.Y., on the one hand, and, on the other, points in Broome and Ontario, Counties, N.Y.; From points in Steuben County, N.Y. to points in Chemung County, N.Y.; From points in Tompkins County, N.Y., to points in Cayuga, Chemung, Cortland, Livingston, Seneca, Steuben, Tioga, Tompkins and Yates Counties, N.Y., Between points in Tompkins County, N.Y., on the one hand, and, on the other, points in Broome County, N.Y.; From points in Onondaga County, N.Y., to points in Broome, Cayuga, Chemung, Livingston, Schuyler, Seneca, Steuben, Tioga, Tompkins and Yates Counties, N.Y.; Between points in Onondaga County, N.Y., on the one hand, and, on the other, points in Cortland County, N.Y.: (B) From points in Chemung County, N.Y., to points in Schuyler, Steuben, Tioga, Tompkins and Yates Counties, N.Y.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12790 published in the FEDERAL REGISTER issue of March 17, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Syracuse or Binghamton, N.Y., or Washington, D.C.

No. MC 109538 (Sub-No. 24), filed February 17, 1976. Applicant: CHIPPEWA MOTOR FREIGHT, INC., P.O. Box 269, Eau Claire, Wis. 54701. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those because of size or weight require the use of special equipment), Between Milton and Indianapolis, Ind., serving all intermediate points and the off-route points of Gulf Pipe Line, located near Stroughn, Ind., and Soldiers and Sailors Orphans Home near Knightstown, Ind.: From Milton to Cambridge City over Indiana Highway 1 to the intersection of U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same route.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12779 published in the FEDERAL REGISTER issue of March 3, 1976. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 139292 (Sub-No. 6), filed February 3, 1976. Applicant: SATRUN EXPRESS, INC., 7860 "F" Street, Omaha, Nebr. 68127. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible corn products, potato chips, pretzels and dried beef jerky* (except commodities in bulk), between Omaha, Nebr., on the one hand, and, on the other, Terre Haute, Ind.; (2) *edible corn products* (except commodities in bulk), from Jeffersonville, Ind., to points in Kansas and Nebraska, restricted in (1) to traffic originating at or destined to the facilities of Kitty Clover Division of Fairmont Foods Company and in (2) to traffic originating at the facilities of Kitty Clover Division of Fairmont Foods Company and destined to points in the named destination states; (3) *frozen macaroni products, and dry macaroni products*, from Omaha, Nebr., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin and West Virginia; and (4) *flour*, in containers, and *corrugated cartons, cellophane, polyethylene paper and dry macaroni products*, from points in the above-named destinations to Omaha, Nebr., restricted to shipments in (3) originating at the facilities of Skinner Macaroni Company and in (4) destined to the facilities of Skinner Macaroni Company.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12570 published in the FEDERAL REGISTER issue of December 17, 1975. Applicant holds contract carrier authority in MC 125785 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 Omaha, Nebr.

No. MC 141843, filed February 5, 1976. Applicant: BOND TRANSPORTATION,

INC., P.O. Box 115, Mutton Hollow Road, Woodbridge, N.J. 07095. Applicant's representative: William P. Sullivan, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Insulation materials*, from Perth Amboy, N.J., to points in Litchfield, New Haven and Fairfield Counties, Conn., New Castle County, Del., Columbia, Cumberland, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Luzerne, Montgomery, Montour, Northumberland, Schuylkill, Snyder and York Counties, Pa., and Albany, Broome, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Nassau, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schnectady, Schoharie, Suffolk, Tioga, Tompkins, Warren, and Washington Counties, N.Y. (b) *roofing materials, asphalt and asbestos building materials, and asphalt paving materials*, from Perth Amboy, N.J., to points in Litchfield, New Haven, and Fairfield Counties, Conn., New Castle County, Del., Berks, Bucks, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, Snyder, and York Counties, Pa., and Albany, Bronx, Broome, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Madison, Montgomery, Nassau, New York, Oneida, Onondago, Orange, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, and Westchester Counties, N.Y.

(c) *Commodities* used or useful in the manufacture of roofing materials, asphalt and asbestos building materials, asphalt paving materials, and insulating materials, from points in Connecticut, Delaware, Pennsylvania, and New York Counties specified above, to Perth Amboy, N.J.; and (d) *plaster, plaster board, chip board, gypsum blocks, lime, metal lath, metal lath products, fiber board, insulation board, paints, paper bags, rockwool insulation, and other insulation materials;* between Long Island City and Harlem River, N.Y., and Perth Amboy and Newark, N.J., on the one hand, and, on the other, points in New Jersey and points in Bronx, Westchester, New York, Kings, Queens, Rockland, Richmond, Sullivan, Ulster, Putnam, Dutchess, and Orange Counties, N.Y., and Bucks, Philadelphia, Berks, Chester, Delaware, Montgomery, Lehigh, and Northampton Counties, Pa.; and (2) (a) *such commodities* as are dealt in by persons engaged in the manufacture of insulation materials, roofing materials, asphalt and asbestos building materials and asphalt paving materials, (1) from Perth Amboy, N.J., to the District of Columbia, points in Maryland, those in Kent and Sussex Counties, Del., those in Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates Counties, N.Y., those in Adams, Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clearfield, Clinton, Elk, Fulton, Huntingdon, Juniata, Lycoming, McKean, Mifflin, Monroe, Perry, Pike, Potter, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties, Pa., those in Clark, Fairfax, Fauquier, Frederick, King George, Loudoun, Spotsylvania, Prince William, Stafford, Warren, Accomack, and Northampton Counties, Va., and those in Berkeley, Hampshire, Jefferson, Mineral, and Morgan Counties, W. Va.

(2) From Lyndhurst, N.J., to points in Fairfield, Litchfield, and New Haven Counties, Conn., and those in Albany, Bronx, Columbia, Delaware, Greene, Dutchess, Kings, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, Rensselaer, and Nassau Counties, N.Y.; (b) *such commodities* as are used in the manufacture of insulation materials, roofing materials, asphalt and asbestos building materials, and asphalt paving materials, from points in the District of Columbia and Maryland, those in Kent and Sussex Counties, Del., those in Allegany, Cattaraugus, Chautaugua, Chemung, Erie, Genessee, Livingston, Monroe, Niagara, Orleans, Ontario, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates Counties, N.Y., Adams, Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clearfield, Clinton, Elk, Fulton, Huntington, Juniata, Lycoming, McKean, Mifflin, Monroe, Perry, Pike, Potter, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties, Pa., those in Clarke, Fairfax, Fauquier, Frederick, King George, Loudoun, Spotsylvania, Prince William, Stafford, Warren, Accomac, and Northampton Counties, Va., and those in Berkeley, Hampshire, Jefferson, Mineral and Morgan Counties, W. Va., to Perth Amboy; (c) *asphalt*, in packages, from Bayonne, N.J., to points in Fairfield, Litchfield, and New Haven Counties, Conn., those in New Castle, Del., those in Albany, Bronx, Columbia, Delaware, Greene, Dutchess, Kings, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, Rensselaer and Nassau Counties, N.Y., and those in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Columbia, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Snyder, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Wayne, and York Counties, Pa.; and (d) *damaged and rejected shipments;* from points in their respective destination territories to Lyndhurst and Bayonne, N.J.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12049 published in the FEDERAL REGISTER issue of November 28, 1973. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Newark, N.J.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 26, 1976.

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 17592 (Deviation No. 1), TROGOLO TRANSFER, P.O. Box 178, 1012 Harrison Ave., Jeannette, Pa. 15644, filed March 3, 1976. Carrier's representative: A. Charles Tell, Columbus Center, 100 E. Broad St., Columbus, Ohio 43215. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Greensburg, Pa., over Pennsylvania Highway 66 to junction U.S. Highway 22, thence over U.S. Highway 22 to Wilkinsburg, Pa., 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 Greensburg, Pa., over U.S. Highway 30 to Pittsburgh, Pa., and return over the same route.

No. MC 42405 (Deviation No. 10), MISTLETOE EXPRESS SERVICE, DBA MISTLETOE EXPRESS, 111 N. Harrison, Oklahoma City, Okla. 73112, filed March 3, 1976. Carrier's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 75 to Bartlesville, Okla., 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 Bartlesville, Okla., over U.S. Highway 60 to junction U.S. Highway 66 near Whiteoak, Okla., thence over U.S. Highway 66 to Tulsa, Okla., and return over the same route.

No. MC 42487 (Deviation No. 108), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, P.O. Box 5138, Chicago, Ill. 60680, filed March 8, 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 Aurora, Ill., over Illinois Highway 25 to junction Illinois Highway 71, thence over Illinois Highway 71 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 180, thence over Interstate Highway 180 to junction Illinois Highway 29, thence over Illinois Highway 29 to Peoria, Ill., 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 Aurora, Ill., over U.S. Highway 30 to Joliet, Ill., thence over Illinois Highway 53 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to Bloomington, Ill., thence over U.S. Highway 150 to Peoria, Ill., and return over the same route.

No. MC 48958 (Deviation No. 71), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, Colo. 80216, filed March 3, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Council Bluffs, Iowa, over Interstate Highway 80 to junction Illinois Highway 5 (using portions of Illinois Highway 2 where Illinois Highway 5 is incomplete), thence over Illinois Highway 5 to junction Interstate Highway 294, near Elmhurst, Ill., (2) From Council Bluffs, Iowa, over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction Illinois Highway 5 (using portions of Illinois Highway 2 where Illinois Highway 5 is incomplete), thence over Illinois Highway 5 to junction Interstate Highway 294, near Elmhurst, Ill., (3) From Council Bluffs, Iowa, over Interstate Highway 80 to junction Illinois Highway 5 (using portions of Illinois Highway 2 where Illinois Highway 5 is incomplete), thence over Illinois Highway 5 to junction Illinois Highway 23 near DeKalb, Ill., thence over Illinois Highway 23 to DeKalb, Ill., and (4) From Council Bluffs, Iowa, over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction Illinois Highway 5 (using portions of Illinois Highway 2 where Illinois Highway 5 is incomplete), thence over Illinois Highway 5 to junction Illinois Highway 23 near DeKalb, Ill., thence over Illinois Highway 23 to DeKalb, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Council Bluffs, Iowa, over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30 near Sterling, Ill., thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same routes.

No. MC 48958 (Deviation No. 72), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver Colo. 80216, filed March 3, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Denver, Colo., over U.S. Highway 285 to junction Colorado Highway 112 (near Center, Colo.), thence over Colorado Highway 112 to Del Norte, Colo., thence over U.S. Highway 160 to to junction U.S. Highway 550 (near Durango, Colo.), thence over U.S. Highway 550 to Shiprock, N. Mex., thence over U.S. Highway 666 to Gallup, N. Mex., and (2) From Walsenburg, Colo., over U.S. Highway 160 to junction U.S. Highway 550 (near Durango, Colo.), thence over U.S. Highway 550 to Shiprock, N. Mex., thence over U.S. Highway 666 to Gallup, N. Mex., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 85 to Albuquerque, N. Mex., thence over U.S. Highway 66 to Gallup, N. Mex., and return over the same route.

No. MC 48958 (Deviation No. 73), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, Colo. 80216, filed March 3, 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 Denver, Colo., over U.S. Highway 85 (Interstate Highway 25) to Raton, N. Mex., thence over U.S. Highway 87 to Hartley, Tex., thence over U.S. Highway 385 to junction Texas F-M 194, thence over Texas F-M 194 to Amarillo, Tex., thence over U.S. Highway 66 (Interstate Highway 40) to Oklahoma City, Okla., 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 Denver, Colo., over U.S. Highway 85 to Springer, N. Mex., thence over New Mexico Highway 58 to junction New Mexico Highway 39, thence over New Mexico Highway 39 to San Jon, N. Mex., thence over U.S. Highway 66 to Amarillo, Tex., thence over U.S. Highway 287 to Wichita Falls, Tex., thence over Texas Highway 79 to the Texas-Oklahoma State line, thence over Oklahoma Highway 79 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Oklahoma Highway 76, thence over Oklahoma Highway 76 to junction U.S. Highway 277, thence over U.S. Highway 277 to Oklahoma City, Okla., and return over the same route.

No. MC 60580 (Deviation No. 10), MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., La Salle, Quebec, Canada H8N1X4, filed March 9, 1976. Carrier's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Easton, Pa., over U.S. Highway 22 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction Interstate Highway 81, thence over Interstate Highway 81 to Syracuse, N.Y., 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 Easton, Pa., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., thence via the Holland Tunnel to Jersey City, N.J., thence over U.S. Highway 1 to junction N.J. Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., and return over the same route.

No. MC 76032 (Deviation No. 30), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223, filed March 8, 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 Baltimore, Md., over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to Syracuse, N.Y., 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 Baltimore, Md., over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 9 to Albany, N.Y., thence over New York Highway 5 to Syracuse, N.Y., and return over the same route.

No. MC 111231 (Deviation No. 48), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed March 3, 1976. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 45, to junction Interstate Highway 610 near Houston, Tex., thence over Interstate Highway 610 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, La., 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 Dallas, Tex., over U.S. Highway 67 to junction U.S. Highway 82, thence over U.S. Highway 82 to Greenville, Miss., thence over U.S. Highway 61 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction U.S. Highway 49, thence over U.S. Highway 49 to Hattiesburg, Miss., thence over U.S. Highway 11 to junction U.S. Highway 90, thence over U.S. Highway 90 to

New Orleans, La., and return over the same route.

No. MC 112713 (Deviation No. 34), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Ave., Shawnee Mission, Kans. 66207, filed March 8, 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 Huntsville, Ala., over U.S. Highway 231 to Murfreesboro, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Huntsville, Ala., over U.S. Highway 72 to junction U.S. Highway 41, thence over U.S. Highway 41 to Murfreesboro, Tenn., and return over the same route.

No. MC 115093 (Deviation No. 51), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 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 Rich Creek, Va., over U.S. Highway 219 to Keysers Ridge, 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 pertinent service routes as follows: (1) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, N.C., and (2) From Pittsburgh Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Hagerstown, Md., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 52), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 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 Hancock, Md., over U.S. Highway 522 to McConnellsburg, Pa., 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 pertinent service routes as follows: (1) From Binghamton, N.Y., over U.S. Highway 11 to Roanoke, Va., (2) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and (3) From Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Hagerstown, Md., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 53), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 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 Greencastle, Pa., over Pennsylvania Highway 16 to McConnellsburg, Pa., 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 pertinent service routes as follows: (1) From Binghamton, N.Y., over U.S. Highway 11 to Roanoke, Va., and (2) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 54), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 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 Cumberland, Md., over U.S. Highway 220 to Bedford, Pa., 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 pertinent service routes as follows: (1) From Binghamton, N.Y., over U.S. Highway 11 to Roanoke, Va., (2) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and (3) From Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Hagerstown, Md., and turn over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 55), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 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. Highways 40 and 219 near Salisbury, Pa., over U.S. Highway 219 to junction U.S. Highway 30 near Boswell, Pa., 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 pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and (2) From Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Hagerstown, Md., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 56), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 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 McConnellsburg, Pa., over U.S. Highway 522 to Mt. Union, Pa., thence over U.S. Highway 22 to Water Station, Pa., thence over Pennsylvania Highway 350 to Philipsburg, Pa., 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 pertinent service routes as follows: (1) From Erie, Pa., over U.S. Highway 19 to Meadville, Pa., thence over U.S. Highway 322 to Harrisburg, Pa., (2) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and (3) From Williamsport, Pa., over U.S. Highway 220 to Bedford, Pa., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 57), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 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. Highways 30 and 219, near Boswell, Pa., over U.S. Highway 219 to junction Pennsylvania

Highway 56 near Johnstown, Pa., 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 pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., (2) From Williamsport, Pa., over U.S. Highway 220 to Bedford, Pa., and (3) From Pittsburgh, Pa., over U.S. Highway 22 to junction Pennsylvania Highway 56, thence over Pennsylvania Highway 56 to junction U.S. Highway 220, and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC F-12794. Authority sought for purchase by STARR TRANSIT CO., INC., 2531 East State Street Extension, Trenton, N.J., 08604, of the operating rights and properties of BLUE BUS LINES, 2531 East State Street Extension, Trenton, N.J., 08604, and for acquisition by SHIRLEY S. SUSSMAN, JAMES F. FITZPATRICK and ALAN K. GLICKMAN all of 2531 E. State Street, Ext., Trenton, N.J. 08604, of control of such rights and properties through the purchase. Applicants' attorney: David Dembe, 744 Broad Street, Newark, N.J., 07102. Operating rights sought to be transferred: *Passengers and their baggage, and mail in the same vehicle with passengers*, as a *common carrier* over regular routes between Doylestown, Pa., and Trenton, N.J., serving all intermediate points except Yardley, Pa., and points between Yardley and Trenton; *passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers*, between Trenton, N.J., and New Hope, Pa., serving all intermediate points except that service to those in Pennsylvania is restricted to traffic originating at, or destined to, points outside of Pennsylvania; Passengers and their baggage, in the same vehicle with passengers, between Trenton, N.J., and Yardley, Pa., serving all intermediate points, between junction South Pennsylvania Avenue and Tyburn Road, in Falls Township, Pa., and the site of the United States Steel Company plant in Falls Township, Pa., serving all intermediate points, between junction Pennsylvania Avenue and Philadelphia Avenue, in Morrisville, Pa., and junction Ford Mill Road and Tyburn Road, in Falls Township, Pa., serving all intermediate points, restricted against the transportation of passengers between points on U.S. Highway 13 in Falls Township, Pa., on the one hand, and, on the other, Trenton, N.J.; between junction Ford Mill Road and Lower Penn Valley Road, in Falls Township, Pa., and the site of the United States Steel Company plant in Falls Township, Pa., serving all intermediate points; between junction Pennsylvania Highway 732 and Arborlea Avenue, in Lower Makefield Township, Pa., and junction Pennsylvania Highway 732 and Makefield Road, serving all intermediate points; between junction Pennsylvania Highway 732 and Afton Avenue, in Yardley, Pa., and junction Upper River Road and Pennsylvania Highway 732, serving all intermediate points; between Morrisville, Pa., and Lower Makefield, Pa., serving all intermediate points; between Morrisville, Pa., and Falls Township, Pa., serving all intermediate points.

Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Stockton, N.J., and Philadelphia, Pa., serving all intermediate points, with restrictions. *Passengers and their baggage*, restricted to traffic originating at the point indicated, in charter operations, as a *common carrier* over irregular routes from New York, N.Y., to Savin Rock and Roton Point, Conn., points in New Jersey, points in Pennsylvania east of the Susquehanna River, and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and return. Vendee is authorized to operate as a *contract carrier* in New Jersey, New York, Pennsylvania and Connecticut. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 53610 filed March 4, 1976. Applicant: FRESNO BASS LAKE FREIGHT LINES, INC., 53 "L" Street, Fresno, Calif. 93721. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* as follows: (I) Between all points and places on or within 10 miles of the following routes: (1) California Highway 41 between Fresno and Yosemite Village; (2) California Highway 168 between Fresno and Lakeshore; (3) Trimmer Springs Road between Centerville and Trimmer; (4) Friant Road, Roads 205, 211, 210 and 200 between Pinedale and Northfork; and (5) California Highway 49 between Oakhurst and Mariposa. (II) Between all points and places on or within 10 miles north of California Highway 180 between Fresno and Cedar Grove. (III) Between all points and places on or within 10 miles east of California Highway 145, Road 600 and 613 and Ben Hur Road between junction of California Highways 145 and 41 and Mariposa. (IV) In performing the service herein authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. (V) Service is authorized at the off-route points of Dunlap, Miramonte, Pine Hurst, Cedar Brook, all points and places in the Sierra National Forest, all points and places within 10 miles of Squaw Valley and the Buchanan Dam Site, which is located on the Chowchilla River. (VI) Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (2) livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (3) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. (4) commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers. (5) commodities when transported in motor vehicles equipped for mechanical mixing coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commis-

sion, 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.

Texas Docket No. 2627, filed February 20, 1976. Applicant: CENTRAL FREIGHT LINES, INC., 5601 West Waco Drive, P.O. Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Sulphur Springs, Tex., and the plantsites and facilities of Texas Utilities Services (1) Thermo Fuel Facilities; and (2) Thermo Dragline Erection Site located near Sulphur Springs, as follows: From Sulphur Springs, Tex., over Texas Highway 11, 2½ miles to junction with unmarked County Road, thence over unmarked County Road to the plantsite of Texas Utilities Services, (1) Thermo Fuel Facilities and (2) Thermo Dragline Erection Site and return over the same route, serving the termini and all intermediate points. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station P.O. Drawer 12967, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 2627, filed February 20, 1976. Applicant: CENTRAL FREIGHT LINES, INC., 5601 West Waco Drive, P.O. Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities*, Between Burnet, Tex., and the plantsite and facilities of Southwestern Graphite Company near Burnet, as follows: From Burnet, Tex., over Texas Highway 29 to junction with Farm Road 2341, thence over Farm Road 2341, 4.4 miles to junction with unmarked County Road, thence over unmarked County Road to the plantsite and facilities of Southwestern Graphite Company and return over the same route, serving the termini and all intermediate points. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station P.O. Drawer 12967, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–8335 Filed 3–24–76;8:45 am]

federal register

THURSDAY, MARCH 25, 1976



PART II:

FEDERAL COMMUNICATIONS COMMISSION

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Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants, Permittees, and Licensees

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-234; Docket No. 19816, RM 1851, RM 1874]

PART 1—PRACTICE AND PROCEDURE

Renewal of Noncommercial Educational Broadcast Licenses

In the Matter of Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants; Amendment of Section IV (Statement of Program Service) of FCC Broadcast Application Forms 340 and 342 (Noncommercial Educational Broadcast Applications); and Formulation of Rules and Policies Relating to the Renewal of Noncommercial Educational Broadcast Licenses.

1. On August 14, 1975, the Commission released a *Further Notice of Inquiry and Further Notice of Proposed Rulemaking* in Docket No. 19816.[1] The *Further Notice* proposed rules formalizing the methods by which noncommercial educational broadcast applicants were to ascertain the needs and interests of their communities.[2] Thirty-six comments were filed by noncommercial broadcast licensees, agencies affiliated with them, individuals, and public interest groups.[3] The background of this proceeding is sketched out below, followed by a summary of the comments received and a discussion of the rules adopted.

BACKGROUND

2. It is firmly established Commission policy that broadcast licensees, both commercial and noncommercial, must ascertain the needs and interests of their communities and must program to meet those needs. *Report and Statement of Policy Re: Commission En Banc Programming Inquiry*, 44 FCC 2303 (1960); *Alabama Educational Television Commission*, 50 FCC 2d 461 (1975). Prior to 1971, the methods of ascertainment were left largely to the licensee. However, in 1971, the Commission acted in response to numerous requests that ascertainment procedures no longer be permitted to evolve on an *ad hoc* basis and adopted a *Primer* introducing a more specific methodology to ascertainment policy for commercial broadcast licensees. The Commission indicated that the *1971 Primer* was intended for new licensees or for licensees proposing to serve significant new areas but that it would apply to renewal applicants on an interim basis only. Noncommercial broadcast applicants were to be excluded from the formal ascertainment requirements because ". . . given the reservation of channels for specialized kinds of programming, educational stations manifestly must be treated differently than commercial stations." 27 FCC 2d at 651.

3. On September 11, 1973, the Commission released a *Notice of Inquiry and Notice of Proposed Rulemaking*, 42 FCC 2d 690, in this docket in response to petitions for rulemaking filed by a number of parties requesting that we extend formal ascertainment procedures to noncommercial broadcast licensees. They argued, *inter alia*, that these licensees are no longer purely educational licensees offering in-school instructional programming, but that they have come to provide "public" programming to the community at large which often competes with the programming of commercial licensees. Therefore, it was said, they should be required to ascertain the needs of their communities in the same fashion as commercial licensees.

THE COMMISSION PROPOSAL

4. On August 14, 1975, the Commission released a *Further Notice of Inquiry and Further Notice of Proposed Rulemaking, supra*. These proposals were similar to those made for commercial renewal applicants in the *Further Notice of Inquiry and Further Notice of Proposed Rulemaking* in Docket 19715, 53 FCC 2d 3, 40 Fed. Reg. 22092 (1975), although allowances were made, e.g., for such educational broadcasting phenomena as extremely low-power (10 watt) stations and heavy reliance on volunteers. They were intended to apply to *all* noncommercial educational applications, renewal and otherwise.

5. The Commission proposed that noncommercial applicants for existing, new or modified broadcast facilities conduct interviews with leaders of significant groups found in their service areas and with members of the general public, as had been required of all commercial licensees to that point. All such applicants would interview leaders from categories set out in a Community Leader Checklist. Members of the general public would be interviewed through a roughly random sampling of the community. The documentation requirements of ascertainment were to include: placement in the public file of a narrative statement describing the methods used to ascertain members of the general public and the results obtained; summaries of interviews with community leaders; and a problems-programs list—yearly and retrospective for existing licensees, full-term and prospective for new applicants.

6. Relative flexibility was proposed in the format and level of these interviews for noncommercial educational applicants. The Commission proposed to allow volunteers as well as employees or outside statistical research firms to carry out the general public survey. The Commission proposed that up to 50% of the leadership interviews be permitted to be conducted by non-management level personnel or volunteers, and that the format of these interviews be liberalized to allow methods other than formal face-to-face contacts.

7. "Instructional" programs were found to be specifically within the expertise of educational or governmental agencies established to develop them, and therefore an inappropriate subject for ascertainment. The *Further Notice* pointed out, however, that this did not preclude ascertainment of community needs and interests which could be served in an educational program format, but that it referred to ascertainment directed toward in-school forms of instructional programming.

8. With the exception of 10-watt FM stations, the Commission proposed to promulgate similar rules for radio and television licensees. These 10-watt stations generally provide a city-grade signal with a radius of only a mile or so, and are generally licensed to educational institutions. Thus, the Commission believed that it would be impractical to require these stations to ascertain the needs and interests of their communities because most such signals do not even cover their entire communities. Also, the Commission proposed to extend a suggested commercial "small market" exemption to noncommercial licensees.[4] That exemption would relieve stations licensed to communities with populations of 10,000 or fewer persons, and outside any Standard Metropolitan Statistical Area (SMSA), from most formal aspects of the ascertainment rules, with the notable exception of the annual problems-programs lists. (Para. 48, *infra*)

9. The Commission proposed that statewide networks be required to conduct a local ascertainment of community needs and interests in each community for which they hold a license to operate a station. A number of other proposals were made, some of which were decided to be inadvisable in adoption of the commercial renewal ascertainment policy. These will be discussed below.

10. On December 15, 1975, the Commission adopted a unique ascertainment procedure for commercial renewal applicants. (Note 2, *supra;* hereinafter

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[1] *Ascertainment of Community Problems by Noncommercial Broadcast Applicants*, 54 FCC 2d 766 (1975). The rule as contained in a proposed Section 1.527 took such language from the present Section 1.526 as is currently in force for all applicants, permittees and licensees—commercial and noncommercial educational—and repeated it, as appropriate, for noncommercial educational broadcasters. Thus, in this proceeding, we are not only creating a new Section 1.527 to apply to the noncommercial educational situation, but also amending Section 1.526 to restrict it to broadcasters governed by the rules for commercial stations.

[2] Hereinafter, "noncommercial educational" is shortened to "noncommercial" for purposes of this document. Ascertainment for commercial applicants is governed by the *First Report and Order* in Docket 19715, FCC 75-1361, released January 7, 1976, 41 Fed. Reg. 1372 (renewal only), and by the 1971 *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (other than renewal of license).

[3] See Appendix B. The period for filing comments was extended from September 15, 1975 to October 7, 1975. No reply comments were requested. We accept the late-filed comments of Spring Harbor College Communications, Inc. and E. Harold Munn, Jr.; the President's Committee on Employment of the Handicapped; and Alaska Public Television, Inc.

[4] The commercial small-market exemption was adopted in the *First Report and Order, supra*.

Renewal Primer) Existing licensees were to continue to ascertain community needs and interests through contact with community leaders and members of the general public, as is required of applicants under the *1971 Primer*. However, the Commission chose to require existing licensees to ascertain community needs and interests on a continuous basis throughout the license term, rather than in the six months prior to filing the pertinent application. Also, they were no longer to be required to conduct compositional studies of their communities. Instead, the field of choice of leaders to be interviewed was set out in a list of common community elements, the Community Leader Checklist. In consideration of these licensees' past experience within their communities, greater flexibility in the format and level of leader interviews was established. Finally, the Commission extended to radio the requirement—previously applicable to TV stations—that licensees place in their public files a list of up to ten significant problems ascertained in the preceding twelve months and illustrative examples of programs broadcast during that period to meet those needs. This latter obligation would devolve upon small-market licensees as well as others.

SUMMARY OF COMMENTS

11. In the *Further Notice*, we stated that the role of noncommercial educational broadcasting has never been precisely defined, but declined to do so in this proceeding because we believed that "the flexibility and freedom of the service, is, in large part, fundamental to its existence." We recognized that it was not the legislative intent of Congress to limit these broadcasters solely to educational and cultural programming, but that the Communications Act of 1934, as amended in 1967, expressed a Congressional finding "that expansion and development of noncommercial educational radio and television broadcasting and of diversity of its programming depend on freedom, imagination, and initiative on both the local and national levels." 47 U.S.C. 396(a)(2). We concluded that:

> In establishing an ascertainment process for noncommercial broadcasters, we shall not attempt to relate the purpose of the ascertainment to the special "role" of the service as we might view it. Whatever the distinct role of public broadcasting may be, it should evolve as the service matures, and not be defined and imposed by the government. *Further Notice*, at 755.

12. A number of commenters nevertheless have asked that we consider the special role of the noncommercial broadcaster in promulgation of these rules. The Corporation for Public Broadcasting (CPB) states that its:

> Primary concern deals with the "focus" of the ascertainment procedure. Any ascertainment procedure that is required of noncommercial broadcasters should not be restricted merely to ascertainment of the "problems" of a community, or "needs" in a synonymous sense. The term "problems" should be interpreted broadly to include "interests and needs" in the sense of those life-enriching interests that are not served, or are not adequately served in the commercial broadcasting sector.

While CPB thus argues for widening the scope of ascertainment, Clark County School District (Clark County),[5] the University of Northern Colorado, and John H. Schmidt focus on an aspect of public broadcasting that they believe argues against imposing on noncommercial educational licensees ascertainment requirements as broad as those required for commercial licensees. They observe, as we did in our *Notice of Inquiry*, that the public broadcaster programs to meet the cultural and informational interests often given minimal attention by commercial broadcasters who normally program to reach a large mass audience. The noncommercial service can tolerate audiences that would spell immediate disaster in the commercial service. Thus, the University of Northern Colorado states that "ascertainment surveys tend to project majority preference" and the "Commission should make it clear that public noncommercial stations can make valuable contributions while programming to needs which reflect only slightly in ascertainment surveys."

13. An aspect of the special role of public television that received comment from well over a majority of the commenters, particularly those commenters who hold licenses for educational radio stations, was the observation that educational broadcasters forgo profit in the interest of special service to the public. This feature of the service, they argue, places effective use of staff and money at a premium and diversion of these limited resources to completion of the proposed formalized ascertainment will result in a diminution of direct service to the community without appreciable benefit. While most commenters agree that some form of ascertainment should be required, many maintain that more flexible methods should be permitted. CPB suggests that the Commission "fine tune" the requirements of ascertainment to the unique nature of the service, and that the Commission consider methods not currently permitted in ascertainment of community needs by commercial broadcasters, such as viewer advisory panels, community "feedback" systems, and regular public forums. Arkansas State University Public Radio Service (Arkansas State) suggests that we require noncommercial broadcast licensees to submit a listing of five or six community problems which the station feels it can best serve, a statement as to how those problems were determined and a list of illustrative programs that the licensee proposes to air to meet those problems. The Association of Public Radio Stations (APRS) suggests that the Commission permit each non-commercial educational broadcaster to determine its own ascertainment methodology as best suits its local conditions.

14. The National Citizens Committee for Broadcasting (NCCB) and National Black Media Coalition (NBMC) in a jointly filed comment, state that the funding sources and special Commission-granted status for public broadcasters confer a particular duty on these licensees to ascertain community needs and that this view is supported by the Commission decision in *Alabama Educational Television Commission, supra*. They argue, as does the United Church of Christ (UCC), that public broadcasters should be held to the rigorous standards of the *1971 Primer*. NCCB–NBMC add, however, that more innovative approaches to ascertainment should be expected of public broadcasters, and would require regular meetings with a community advisory board or "comparable mechanism," in addition to *1971 Primer* requirements. The New Jersey Coalition for Fair Broadcasting (Coalition) suggests that the Commission replace the general public survey with use of public access programming, public meetings with station policy makers, permanent community advisory boards, and other methods which encourage dialogue between the licensee and the community it serves.

INTERVIEWS WITH COMMUNITY LEADERS

15. As indicated in the preceding section, a number of commenters believe that formalized ascertainment would be too burdensome and costly for noncommercial education broadcasters. They generally argue for a more flexible form of ascertainment. On the other hand, some believe that rigorous *1971 Primer* style ascertainment should be required for these licensees. Little comment was received that otherwise questions the appropriateness of imposing the requirement that these licensees interview leaders of significant groups found in their communities of license and service areas, although procedural aspects were discussed. In the *Further Notice* we stated that a licensee who conducted at least one leadership interview per Checklist category during each year of the license term would be presumed to have conducted an adequate leadership survey. CPB argues against this presumption, stating that it would lull broadcasters into a false sense of achievement. As regards the Checklist, which records the numbers and categories of leadership interviews, Clark County suggests that we require that this be completed on a triennial rather than annual basis.[6] NCCB–NBMC and the Coalition request that licensees be required to indicate how many women and minorities were interviewed in each category. The National Federation of Community Broadcasters advises that we require such a breakout for all

[5] This is a joint filing by Clark County, Educational Broadcasting Corporation and the University of Alaska. In addition, Alaska Public Television, Inc. asked that it be associated with these comments.

[6] The Committee for Community Access and the President's Committee on Employment of the handicapped request that we add "Media" and "Handicapped," respectively, to the Checklist categories.

leadership interviews conducted by management level personnel.

16. In the *Further Notice* we proposed to allow up to 50 percent of the leadership interviews to be conducted by non-management-level employees or by volunteers. Clark County states that we should shift from requiring 50 percent of these interviews to be conducted by management-level personel to a requirement that management-level personnel interview at least one leader in each category during the license term. NCCB argues that management-level personnel should be present during all interviews. APRS, which states that it is a dues-supported organization representing the majority of CPB-qualified stations, describes noncommercial stations as largely drawing "their lifeblood from the contributions of volunteer workers." It maintains that "without volunteers, the clear majority of public radio stations would fall silent." APRS states that these volunteers are spread throughout these stations' operations filling a wide variety of technical and on-the-air positions. WPKN adds that:

> A majority of noncommercial radio stations depend heavily upon student volunteers to staff their operations. Salaried full-time professionals are the exception, rather than the rule . . . Most student staffed stations, regardless of power, do not count even one full-time professional employee on their staff. In these cases, "managerial level" and "volunteer" mean the same thing.

John H. Schmidt, Temple University, and the National Federation of Community Broadcasters, recommend, therefore, that the Commission treat management-level volunteers as management-level employees for the purposes of completing these stations' ascertainment requirements. On the other hand, the University of New Haven posits that imposition of formal ascertainment requirements on stations that rely heavily on volunteers for their operation may affect the size of the volunteer pool available to these stations: "Out in the real world, when volunteers are forced to do anything, they cease volunteering."

17. We proposed a liberalization of *1971 Primer* policy for noncommercial educational broadcast licensees to permit considerable flexibility in planning leader surveys. Acceptable methods would include group meetings, on-the-air interviews, town hall setting, chance encounters, telephone interviews, etc. The Association of Public Radio Stations and Charles E. Buzzard recommend that the Commission permit any combination or blending of community leader surveys, monthly call-in programs or semi-annual meetings to satisfy a licensee's ascertainment obligations. Temple University suggests that liberal use of telephone interviews be permitted and that licensees be permitted to conduct all interviews outside of its community over the telephone. Arguing for greater formality in these interviews, the Advisory Council of National Organizations maintains that chance encounters should be entitled to less weight than other methods. NCCB–NBMC and the Coalition ask that we require licensees to inform the interviewee of the purpose of the interview.

The General Public Survey

18. We proposed to extend to noncommercial applicants the requirement that they conduct a random survey of their community of license and those other communities within their service area that they are serving or propose to serve. Comments were requested on whether the purposes of the public survey might be met adequately by: the traditional random sampling; a monthly call-in program inviting members of the public to discuss the problems and needs of their community; or semi-annual public meetings where these matters are discussed. We stated that we were not convinced that the latter two methods would be appropriate substitutes for the traditional random sampling method.

19. Responses recommend that the suggested alternative methods be, to some extent, incorporated into the ascertainment process. As indicated above (para. 14), NCCB–NBMC argues that such methods be required in addition *1971 Primer* requirements while the Coalition views these and other suggestions as optional methods. The Office of Civil Rights of the Department of Health, Education, and Welfare (HEW) recommends that Citizens Advisory Committees be required as an adjunct of the general public survey. APRS, the National Association of Educational Broadcasters (NAEB), CPB and the Maryland Center for Public Broadcasters are also among those favoring substitution of the optional methods for the proposed general public survey requirements. WPKN states that call-in options to the general public survey are the most reasonable method for ascertainment of community needs and interests by student-staffed stations. The National Federation of Community Broadcasters supports flexible procedures but advises that we require ascertainment of more than merely a station's listenership in order to reflect the needs of a broader community.

20. In another vein, HEW states that conduct of public surveys only once during the license term is insufficient to keep pace with the considerable change of problems and needs within a community, "particularly so in the case of minority groups and women who may endeavor to improve their economic and legal positions through governmental equal opportunity regulations and changing societal attitudes." APRS and West Virginia Wesleyan College ask that we permit responses to the general public survey to be collected through the mails.

Ascertainment of Instructional Needs

21. The *Further Notice* distinguished "instructional" programming from "public" programming, indicating that we did not propose to require that noncommercial educational licensees ascertain the instructional needs of their communities. We specified that we considered instructional programming to be those forms of programming designed for use by any level of educational institution in the regular instructional program of the institution. We attempted to make clear that this does not mean that programs of general educational interest are considered instructional. We concluded that stations devoting 100 percent of their on-air time to instructional programming would not be required to ascertain the needs and interests of their communities.

22. The Maryland Center for Public Broadcasting and the Georgia State Board of Education support this view. The former states that it ascertains instructional needs by using an advisory board composed of representatives of every school district in the state. The latter argues that in many states, including Georgia, instructional programming is developed by the agency charged by the state or local government with the responsibility for education in the station's service area. CPB submits examples of methods currently employed by noncommercial educational licensees to assess instructional needs. It supports the procedures currently in use, but contends that exempting instructional broadcasters from ascertainment requirements:

> Is, ironically, to make of educational broadcasting a stepchild in its own homeland. While ascertaining these needs is only one part of the productive process—contact with the agencies and institutions now dealing with those needs, the universities, community and private colleges, and a variety of agencies offering adult informal education is also required—the basic step, understanding those needs, should not be left to chance. CPB urges the Commission to clarify its position by stating that a broadcaster has a responsibility to ascertain the general instructional needs of its community, which include inquiry as to general instructional and educational program needs, such as college courses, "how to do it," adult informal, classroom programming, etc.

10-Watt Stations

23. The limited range of most 10-watt stations—rarely placing a 1 mV/m signal beyond 5 miles—and their general use as training grounds for broadcast personnel, *inter alia*, led us to propose in the *Further Notice* that these stations be exempt from all ascertainment requirements. We noted that our policy in treating 10-watt stations differently than those with greater power is reflected in our Rules which permit 10-watt licensees to operate without meeting some of the technical requirements imposed upon all other licensees. See 47 C.F.R. § 73.501 *et seq*. The proposed exemption was supported by Southern Keswick, Inc., the National Association of Educational Broadcasters, and Clark County.

24. A number of comments opposed this exemption. CPB suggests that the Commission substitute flexible procedures for all broadcast licensees and allow no exemptions. It contends that the limited coverage of the 10-watt signal should make ascertainment easier to carry out. CPB, the University of Northern Colorado, and in a joint comment, 14 licensees, (see Connecticut Educational Television Corporation, Appendix B),

contend that failure to require ascertainment by 10-watt licensees results in inefficient use of the spectrum, since these stations may block the implementation of a higher-power station that will serve a larger portion of the community, and in that way serve a greater number of needs. Finally APRS maintains that if training is one of the main purposes of these stations, ascertainment methodology should not be excluded from that training.

STATE BROADCAST NETWORKS

25. The *Further Notice* observed that the existence of noncommercial state broadcast networks is one of the unique features of public broadcasting which makes the traditional ascertainment policy difficult to apply. It is common for a state network to originate its programming at one station and employ the others as "satellite-like"operations. Responding to the argument that statewide ascertainment should be permitted for these licenses we concluded that:

> We do not believe that the implications of statewide ascertainment can be reconciled with the local service policy which underlies our allocation of frequencies. We feel that state networks must conduct their ascertainment efforts so as to make contact with both leaders and the general public at the local level. The fact the staff per station ratio may be lower than average for certain state networks will, however, be a factor when judging the representativeness of their ascertainment effort.

26. UCC supports this view, while the Coalition maintains that state networks should be required to ascertain on both the state and local level. The Alabama Educational Television Commission supports local ascertainment by state networks, but believes that it is not feasible to have management-level participation in the process where the state network does not maintain management-level employees at each station. CPB strongly endorsed our proposal for local ascertainment, stating:

> *Community* service is the very essence of public broadcasting and the mere form of organization of the licensee should not become an excuse for overlooking the cultural, economic, and ethnic diversity of geographically separated units within the same jurisdiction, or the consequent diversity of the needs and interests manifest from unit to unit.

CPB goes on to say that its criteria for community service grants encourage the localization of State network program service by providing that each "station" within the State network may qualify for a separate grant, if it meets the basic local service requirements.

27. Strong dissent to this proposed rule was voiced by the Georgia State Board of Education (Georgia State), the Maryland Center for Public Broadcasting, NAEB, and in the joint comment of 14 broadcasters. They maintain that the allocation policy for state networks is not based on a general assumption of local service. The parties to the joint comments argue that in 1965 the Commission recognized that educational service in many states depended on deemphasizing local service and that economic factors prevented the ideal of building a local outlet for each major population center. They quote the *Fourth Report and Order* in Docket No. 14229:

> With respect to educational reservations, where individual States have submitted statewide plans, we have generally provided the channels required for statewide coverage of at least one educational service. In States where no formal statewide plan was submitted we chose appropriate cities from among those recommended by the NAEB so that if stations are constructed on these channels they will provide reception to all parts of the State. 41 FCC 1082, 1088, 5 RR 2d 1587, 1593 (1965).

Numerous other citations and quotes were provided to bolster the argument that we assigned these channels on the basis of state coverage rather than local coverage.

28. Georgia State holds licenses for eight television stations. Five of these, we are told, are licensed to communities which range in size from 2,214 to 5,300 persons. Thus, it concludes "to rely on ascertainment efforts concentrated in these few communities to determine the needs of the State would be to blink reality". Georgia State contends that this ascertainment proposal raises the prospect of jeopardizing investments made by States in "good faith reliance" on Commission grants for statewide service. A number of the objectors contended that the mode of operation—originating programming from one station and employing the others in a "satellite-like" fashion—is the only one that these networks can afford. The joint comment stated, for example, that "Nebraska's choice has been between quality statewide service originated from one location or no statewide service." It suggests that the level of local ascertainment should perhaps, be keyed to the level of local origination.

SMALL MARKET EXEMPTION

29. The proposed small-market exemption would remove all educational broadcast stations licensed to communities with a population of 10,000 or fewer persons situated outside any Standard Metropolitan Statistical Area (SMSA) from any Commission inquiry into the manner in which they became aware of community problems and needs. This exemption was proposed as a test of the hypothesis that a broadcaster in a small community knows thoroughly the problems and needs of his town. It was accompanied, however, by a proposal that exempt licensees along with those not exempt deposit each year in their public files, cumulatively, for eventual submission with their renewal applications at the end of each three-year term, a list of up to 10 significant problems found in the community during the preceding 12 months, and illustrative programs addressed to those problems. For new applicants, the problems listed were to be current and the programs prospective.

30. A number of commenters suggested that licensees of stations in communities larger than 10,000 can also be presumed to know their communities thoroughly and higher ceilings were suggested. Southern Keswick supports this exemption, but suggests that we also exempt stations with fewer than five employees, as we do for the filing of Annual Employment Reports (FCC Form 395). The University of New Haven suggests the same exemption. The National Federation of Community Broadcasters supports such an exemption, but suggests that implementation of more flexible methods of ascertainment would be a better approach.

31. A number of commenters oppose the proposed exemption. The Coalition states that there are no facts to support the hypothesis that these licensees know their communities thoroughly, and even if there were there would certainly be exceptions to this rule. UCC maintains that ascertainment documentation is especially needed in small communities, where "town-gown" relationships are often strained. NCCB argues with the premise of the proposed exemptions and suggests that open channels for community feedback, or town hall forums may be suitable ascertainment methods for small community licensees. HEW believes that adoption of this exemption could have a potential adverse effect through exclusion of racial and ethnic minorities from ascertainment surveys. Finally, CPB contends that it finds it difficult to accept the assumption that these licensees know their communities so well that their service patterns to their communities cannot be improved. Further, they contend that this proposal appears to acknowledge that the proposed ascertainment procedures are too rigid. It, therefore, suggests that the Commission consider more flexible procedures and abandon the proposed small market exemption.

32. We note at this point that while many of the proposals made in the *Further Notice* received little comment in this proceeding, they were covered extensively in response to the *Further Notice of Inquiry and Notice of Proposed Rulemaking* in Docket 19715, 53 FCC 2d 3 (1975), which dealt with commercial renewal applications. Thus, our discussion of these proposals below may rely upon, and even incorporate, the discussion in the Docket 19715 *First Report, supra.*

DISCUSSION

33. Congress, in amending the Communications Act through the Public Broadcasting Act of 1967, declared:

> that it furthers the general welfare to encourage noncommercial educational radio and television broadcast programming which will be responsive to the interests of people both in particular localities and throughout the United States and which will constitute an expression of diversity and excellence. 47 U.S.C. 396.

It is evident that the role of the noncommercial educational service has grown from purely "instructional programming" to include a broader variety of "public programming." It appears that many public broadcasters can and do program to meet cultural and informa-

tional interests often given minimal attention by commercial broadcasters, thus appealing to smaller audiences than commercial broadcasters could serve on a profitable basis. Lastly, noncommercial broadcasters generally operate under closer financial constraints than commercial licensees.

34. To the extent that noncommercial educational broadcasters fill special roles, these need not be the same for radio and television. In the view of one chief sponsor, educational radio service is not nearly as developed as its television counterpart.[7] It appears that CPB's extensive involvement in public television is not matched in the radio service, where more than half of all licensees do not possess the minimum qualifications for CPB assistance.[8] Not only is the governmental or institutional financial support for educational radio typically less firm than for educational TV, but it remains to be seen whether this form of radio will develop substantial dollar contributions from listeners in the way ETV has from its viewers. At the same time, educational radio's need or ability to survive without government assistance or listener contributions may represent its greatest opportunity for diverse, small-audience programming that is truly distinctive. For these reasons, we adopt here an ascertainment for radio which is less formal than that for ETV, but which nevertheless brings both services into the process of documented community surveying for the first time.

35. *Scope.* Under the *1971 Primer, supra,* the principal obligation of an applicant or existing licensee to ascertain within its community of license—with a secondary obligation to survey areas outside the community falling under its signal—has become well established and we need not discuss it here. A number of commenters contended that since their funding, as public broadcasters, is provided by local and state governments, such financing would not be available for ascertainment surveys going beyond these jurisdictions. We are not persuaded that the costs or other burdens of interviewing leaders who can be expected to possess a "broad overview" of problems outside the license community would be so great as to raise objections from providers of funds. Accordingly, as proposed in the *Further Notice* in this proceeding, and as decided in the *First Report* on commercial renewal ascertainment, we shall adhere to the *1971 Primer's* discussion of primary and secondary ascertainment responsibility in evaluating educational applications.

36. *Timing of Ascertainment.* Common to renewal applicants in both the radio and TV aspects of educational service, we believe, is the desirability of continuous ascertainment. *Further Notice,* Docket 19816, *supra,* and *First Report and Order,* Docket 19715, *supra.* We have received no comments here to alter that view. On the other hand, there are situations in which proximity of the ascertainment to the filing of the pertinent application is important. Thus, as is the case in the commercial field, noncommercial applicants for construction permits for new stations, for major changes in facilities,[9] or for assignment or transfer of license[10] shall be required to survey their respective communities within six months prior to the filing of those applications.

37. *Radio Methods.* For the reasons set out at Para. 34, *supra,* we shall permit noncommercial educational radio applicants and existing licensees to ascertain by any reasonable methods designed to provide them with an understanding of the problems, needs and interests of their service areas. This process is to be documented by a narrative statement regarding the sources consulted, the survey methods followed and the principal needs and interests discovered. Additionally, educational radio renewal applicants are to complete an annual list of up to 10 problems found in the community during the preceding 12 months, together with examples of programs broadcast to meet these problems. For new applicants, including assignees, the list of programs would be prospective. [Appendix A, Section 1.527(a)(7)] The narrative statement and the problems-programs list are to be maintained in the station's public file, and submitted to the Commission with the pertinent license application.

38. *Television.* Because of the result reached for radio here, we shall discuss in this section the bulk of the formal proposals in the *Further Notice.* The first step in the ascertainment process for both new and renewal television applicants is to compile and place in their public files demographic data on the community of license.[11] Such data shall consist of information relating to the total population of the station's community, including the numbers and proportions of males and females, of minorities, of youth (17 and under), and of older persons (65 and above). This data will assist the licensee in its use of the Community Leader Checklist and in its survey of the public. The data may be obtained from the U.S. Census Bureau or other similarly reliable source.

39. As to the selection of community leaders in a fashion that will represent the community, we believe that the Checklist proposed in the *Further Notice* in this docket—and, again, actually adopted for triennial filing in Docket 19715 for commercial renewals—is sufficiently comprehensive to embrace not only those cultural and "life-enriching" interests which CPB sees as the special province of educational broadcasting (Para. 12, *supra*) but also those traditional sources of opinion about problems and needs that no broadcaster wishing to serve its community should ignore. Whether a Checklist would tend to reflect majority preferences is not relevant. We are not suggesting that licensees program only to those needs that receive the greatest Checklist response. Ascertainment is merely a vehicle for determining the problems, needs, and interests of the licensee's service area. The licensee, of course, has broad discretion in determining which needs it proposes to serve. We specifically have considered requests that we add the elements "media" and "handicapped" to the Checklist. We shall decline to do so. These groups may qualify as significant in some cities, and even be subsumable under elements presently found on the Checklist. In any event, a licensee has the option of adding them if warranted. In a related matter, Temple University suggested that we permit programming material presented on subsidiary Communications Authorizations (SCA), (See 47 C.F.R. § 73.593 *et seq.*) to qualify as meeting local needs. We recognize that such offerings often greatly assist the visually handicapped.[12] They are presently authorized, however, only as ancillary to the main broadcast service, and thus ought not be mingled in our evaluation of the main service.

Numbers

40. We believe it advisable here, as it was in Docket 19715 on commercial renewal ascertainment, to retreat from the proposal of minimum numbers of community leaders per Checklist element. We stated in the *First Report and Order,* 41 Fed. Reg. 1372, at Para. 25:

> The comments received here have caused us to reconsider as well-intentioned but unwise our efforts to place a floor under the numbers of community leaders to be consulted. We sought to introduce a measure of predict-

[7] See Statement of Henry Loomis, President of Corporation for Public Broadcasting, Before the HEW Subcommittee of the Committee on Appropriations, U.S. House of Representatives on February 6, 1976, 94th Cong., 2d Sess. (Appropriations under PL 94-192); and *Hearings on H.R. 4563 Before the Subcomm. on Communications of the House Comm. on Interstate and Foreign Commerce,* 94th Congress, 1st Session, ser. 94-34, at 203 (1975).

[8] *Policy for Public Radio Station Assistance-Qualifying Stations, CPB* (1975).

[9] Applicants for construction permits for changes in authorized facilities will be required to ascertain their communities of license and service areas when the station's proposed field intensity contours (Grade B for television, 1 mV/m for FM, or 0.5 mV/m for AM) encompass a new area that is equal to or greater than 50 percent of the area within the authorized field intensity contours. Only the additional areas to be served need be ascertained when the applicant has previously ascertained or is continuously ascertaining its service area.

[10] Except in *pro forma* cases where Form 316 is applicable.

[11] This requirement recognizes the availability of population data by community which usually is not measurable by "service area." We intend no change in the *1971 Primer,* as interpreted, under which ascertainment beyond the community of license may be accomplished solely through the leader survey. 27 FCC 2d 650, Q. and A. 7 (1971); see also discussion of modification of Q. and A. 17 on petition for reconsideration, 33 FCC 2d 394 (1972); and *Ken Stephens,* 53 FCC 2d 389 (1975).

[12] These services ordinarily provide local news; readings from local newspapers, current best sellers, and current periodicals; and infomation related to new developments of interest to the visually handicapped. These services, and the required specialized reception equipment, are ordinarily made available to the visually handicapped at no charge.

ability concerning ascertainment's quantitative aspects—a certain stability of expectation which would benefit both broadcasters and their citizen-evaluators. The magnitude and diversity of critical comment this inspired leads us to doubt the benefit in any change from the *Primer's* focus on a community leader ascertainment representative of all "significant elements" in the community—without reference to any set number or formula.

41. The "representativeness" we seek goes to the significance in the licensee's service area of the groups covered by the Checklist. Therefore, we do not seek a precise apportionment of interviews with women and minorities in relation to their numerical strength in the service area. If women as women—or women's groups as such—are significant, they should be represented in the survey; and the same is true of minority individuals and groups. How these persons are distributed among community elements obviously will vary widely from city to city.

LEVEL OF INTERVIEWS

42. The *Further Notice* proposed that all community leader consultations be conducted by principals and management-level employees when the application in question was other than renewal. For renewal applications, where licensees already are serving an area—and where principals and management presumably have been in contact with community leaders—we proposed allowing up to 50 percent of the interviews to be conducted by nonmanagement employees or volunteers. As indicated by Para. 37, *supra*, the question is mooted for radio stations, whose methodology is required only to be "reasonable." For educational television stations, we are inclined to believe that the 100%-management and 50%-management apportionment of community leader interviewing for new and renewal applicants respectively is workable, as suggested by the *Further Notice*. Although sympathetic to the importance of volunteers, we do not wish to be drawn into debates over whether a particular volunteer is operating at management level or below. Accordingly, no volunteer should be considered "principal" or "manager" for purposes of ascertainment interviewing. Volunteers may be utilized, however, wherever nonmanagement interviewing is permitted.

INTERVIEW FORMATS

43. Our *Further Notice* proposed that noncommercial licensees be afforded considerable flexibility in planning their leader surveys, and that we would accept a broad range of methods for leader interviews, to include group meetings, on-the-air interviews, town hall settings, chance encounters, telephone interviews, etc. We encouraged noncommercial applicants to experiment with a variety of methods. We shall adopt the proposals of the *Further Notice*, with caveats that interviews generally should be open-ended in order to assure that the response is not dictated by the form of the inquiry, if joint licensee or leader interviews are used, each community leader should be given an opportunity to freely express his views on community problems, and each broadcaster present must have an opportunity to question each leader. *Southern California Broadcasting Association, Inc.*, 30 FCC 2d 705 (1971). Telephone interviews should be documented, if possible, with contemporaneous notes or follow-up letters. If, after pursuing its chosen methods, the licensee fails to develop adequate information on the problems and needs of his community, he should pursue other methods until his goal has been achieved.

44. Within a reasonable time after completion of an interview with a community leader—which we perceive ordinarily to be no more than 45 days—these licensees must place in their files a leader contact form. (See sample, Appendix E). These forms shall include the name of the leader interviewed, the organization represented, the interviewee's position of leadership; the date, time and place of the interview; the problems and needs disclosed; the name of the interviewer, and the interviewer's supervisor, if any; and finally, the date of review of the record of consultation by a principal or manager of the licensee.

GENERAL PUBLIC SURVEY

45. The overwhelming support from diverse sources for use of optional forms of contact with the general public persuades us that we should permit considerable variation and experimentation by existing licensees. On the other hand, we believe that new applicants, purchasers and others acquiring or adding to an audience in a given community for the first time, not having established the listener rapport contemplated by the alternatives set out below, should utilize the roughly random survey of the general public which has developed under the *1971 Primer*. For renewal applicants who choose this traditional method, it may be performed at a single time during the license term, or throughout the period if randomness can be approximated thereby. For renewal applicants who choose this traditional method it may be performed at a single time during the license term, or throughout the period if randomness can be approximated thereby.* As has been noted earlier, applicants other than renewal—for whom the random sampling is required—will conduct their surveys within six months prior to filing the pertinent application.

46. Renewal applicants also may seek the views of the general public through periodic call-in programs or public meetings—the frequency to be a reasonable function of continuity—or some combination of these two basic methods. We stress that these may be treated as genuine "record" alternatives, and not merely as supplements to the traditional random sampling. We acknowledge that these optional methods are likely to produce a "response bias," and may tend to elicit a great volume of program preferences along with opinions about community problems and needs. We believe, however, that through its familiarity with the problems and needs mentioned by community leaders, the licensee will be able to place the responses from the public in an overall ascertainment context, and to take any response bias into consideration in programming to meet the needs of the whole public. Moreover, we believe that licensees will be able to sort out program preferences from problems, needs and interests, and make appropriate use of the several type of information in attempting to serve the public interest.

47. The *Further Notice* proposed to allow the random-sample general public survey to be conducted by principals, employees, volunteers, or a professional research group. We shall adopt that proposal with the caveat that volunteers—standing in the shoes of non-management employees for this purpose—should be closely supervised by principals or managers. As for the call-in programs and public meeting options discussed above, we see no reason why volunteers, again properly supervised, could not take part. We are inclined to limit the use of professional research firms, however, to their traditional role in random sampling of the general public. The optional methods, we believe, posit a directness of involvement between station staff and public which would be diminished by the intervention of an outside contractor. Within a reasonable time after completion of the public survey, or any discrete portion of a survey, by any of the methods discussed above, the licensee shall place in its pub'ic file a brief narrative statement covering the techniques and results of that survey. These narrative statements shall be submitted to the Commission with the licensee's renewal application.

PROBLEMS-PROGRAMS LIST

48. All non-exempt[18] licensees, radio and television alike, are required to deposit yearly in their public files a list of up to 10 significant problems and needs existing in their service area during the preceding 12 months, and a related list of illustrative programming presented during that period to treat those problems and needs. This list should demonstrate the link between each specific problem and the illustrative program meeting it. Placement in the station file should occur on the anniversary date of the filing of the renewal application, and, upon sending of that application to the Commission, all such annual problems-programs lists from the term about to expire should be transmitted with it. The requirement also applies to ascertainments in support of applications other than renewal, in which cases the lists of problems would be derived from the six-month pre-filing surveys and the

*This may be accomplished, for example, by initially selecting a random group and contacting all members of this group, a few at a time, throughout the license term.

[18] Exempt licensees include those offering wholly instructional programming and those operating under Class D, 10-watt authorizations. See paras. 49 and 50, *infra*.

programs should be prospective offerings over the initial term of the license.

49 *Instructional Programming.* Our review of the comments received on the proposal to exempt instructional programming from ascertainment requirements indicates some misunderstanding. We proposed to exempt all programming characterized as "in-school," "in-service" or "for credit."[14] This exemption relates back to the inception of the educational broadcast service as an adjunct to university and school teaching facilities. Thus, while it may be true that an in-school credit course in advanced chemistry incidentally provides a service to the general public in understanding some aspect of environmental pollution, we do not propose to place on the broadcaster the burden of curriculum-building. This is for the academic institution sponsoring the in-school programs to decide, on behalf of its students. Naturally, ascertainments may turn up such problems as high illiteracy rates, racial tension, malnutrition, failure of the poor and elderly to make full use of governmental benefits, etc. Licensees who elect to treat such problems may do so, for example, by documentary, general educational or formal instructional programming. Thus, we do not mean to remove from ascertainment the discovery of certain needs merely because programming to them could be instructional, at the licensee's option. If, however, a licensee has chosen to program wholly "in-school" matter, then the selection of that material is beyond the pale of ascertainment, and such surveying will not be required.

50. *10-watt Stations.* The comments filed in this proceeding, on balance, lead us at this time to exempt 10-watt stations from any obligation to ascertain the needs and interests of their service areas or the institutions to which they are licensed. As we indicated in the *Further Notice*, the average 10-watt station places a city grade signal (3.16 mV/m) only about one mile. Only in rare instances will such a station's effective radiated power place a 1 mV/m signal out beyond five miles. Further consideration will be given in Docket No. 14185 to the contention that these facilities result in inefficient use of the spectrum by blocking the possible implementation of higher power stations to serve larger portions of their communities. See *Revision of Broadcast Rules*, 5 FCC 2d 587 (1966). Also, we have received a petition for rulemaking from CPB (RM–1974) requesting amendments to our noncommercial FM broadcast rules that would affect 10-watt licensing.

51. *State Networks.* In proposing to hold state network licensees to local ascertainment in each community where a station is licensed, we relied on "the local service policy which underlies our allocation of frequencies. We feel that state networks must conduct their ascertainment efforts so as to make contact with both leaders and the general public at the local level." *Further Notice, supra* at 780. We believe the argument for statewide-only ascertainment made by these network licensees—i.e., that educational channel assignments were expressly designed to provide statewide coverage of at least one educational broadcast "umbrella"—was not intended to, nor did it, defeat the concept of local service. The provision of a statewide *reception* service is not inconsistent with the existence of—or a potential for—local *transmission* services. We therefore shall require state networks to conduct a local ascertainment for each of their licensed stations having the capability to originate programming.[15] We note that the general public survey options (Para. 46, *supra*) may provide a measure of relief to these licensees. Also, in view of the unique staffing arrangements that exist at these stations, we believe that extraordinary use of the telephone in leadership surveys could be justified.

52. *Small Market Exemption.* Our review of the comments leads us to conclude that greater flexibility in the methods of ascertainment required for noncommercial educational licensees—which we believe is provided here, especially for radio—is more appropriate than an exemption based upon size of the community of license. Initially, we note that the selection of location for these facilities is usually made on the basis of considerations different from those of commercial licensees, who support their operations by the sale of commercial time. (See paragraphs 25–28, *supra*). The location of an educational station typically is dictated by the location of its affiliated educational institution. We suggest that stations licensed to educational institutions, and operated in large measure by transient students, may lack the continuity of community relationships and other-than-campus involvement which the small-town commercial licensee generally gains by virtue of its extended presence at the station and the personal involvement of its principals in functions that often would be delegated to employees of commercial stations in larger communities. Thus, we believe there is sufficient distinction between the usual situations of the commercial and noncommercial licensee in a smaller market to warrant an ascertainment exemption for the commercial station—as accomplished by the *First Report and Order* in Docket 19715, *supra*—while withdrawing from such an exemption for the noncommercial educational station.

CONCLUSION

53. The above represents the Commission's view regarding ascertainment of community needs by noncommercial broadcast applicants. Effectuating provisions have been added as new § 1.527 of our rules. Such new forms as are required are adopted, subject to approval of the General Accounting Office. (Appendix C and D). Section 1.527 of the rules will become effective May 3, 1976, for all licensees whose authorizations expire August 1, 1977, and thereafter. Licensees may begin ascertaining the needs and interests of their communities on the effective date noted above. The first date on which any noncommercial educational licensee need include in its public file—or, where required, file with the Commission—a problems-programs list, a Community Leader Checklist, or an ascertainment narrative statement (radio only), is April 1, 1977, which is the date for submission of renewal applications by licensees whose terms expire August 1, 1977—the first renewal group to actually file under the new procedures. Applicants other than for renewal of license must comply with Section 1.527 if their applications are filed on April 1, 1977 or thereafter.

54. Accordingly, it is ordered, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, That subject to General Accounting Office approval, FCC Forms 340 and 342 are amended as set forth below, and the Commission's rules, are amended, by amendment of Section 1.526 and addition of Section 1.527, as set forth below, effective May 3, 1976 for all applicants for existing, new or modified noncommercial educational facilities.

55. It is further ordered, That this proceeding is terminated.

Adopted: March 11, 1976.

Released: March 22, 1976.

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

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

1. Section 1.526 is amended by addition of the word "commercial" in the heading and its deletion in paragraph (a) as follows:

§ 1.526 Records to be maintained locally for public inspection by commercial applicants, permittees and licensees.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraph (1) of this paragraph, every permittee or licensee of a station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraph (1), (2), (3), (4), (5), (6), (7) and (9) of this paragraph, and every permittee or licensee of a television station shall maintain for public inspection a file for such station containing the ma-

[14] Instructional programming is defined in noncommercial broadcast form 342 as follows:

Instructional (I)ncludes all programs *designed to be utilized* by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers, and college credit courses are examples of instructional programs. (emphasis added)

[15] Ascertainment requirements did not apply to translator facilities.

*Statements of Commissioners Hooks and Robinson filed as part of the original document.

terial in subparagraph (8) of this paragraph: *Provided, however,* That the foregoing requirements shall not apply to applicants for or permittees or licensees of television broadcast translator stations, FM broadcast translator stations, or FM broadcast booster stations. The material to be contained in the file is as follows:

* * * * *

2. Section 1.527 is added new to read as follows:

§ 1.527 Records to be maintained locally for public inspection by noncommercial educational applicants, permittees, and licensees.

(a) *Records to be maintained by all applicants, permittees and licensees.* Every applicant for a construction permit for a new station in the noncommercial educational broadcast services shall maintain for public inspection a file for such stations containing the material in subparagraphs (1) and (7) of this paragraph. Every permittee or licensee of a station in the broadcast services shall maintain for public inspection a file for such station containing the material in all subparagraphs of this paragraph. Provided, however, that the foregoing requirements shall not apply to applicants for, or permittees or licensees of, television broadcast translator stations, or FM broadcast booster stations. The material to be contained in this file is as follows:

(1) A copy of every application tendered for filing by the applicant for such station after May 13, 1965, pursuant to the provisions of this part, with respect to which local public notice is required to be given under the provisions of § 1.580 or § 1.594; and all exhibits, letters and other documents tendered for filing as part thereof, all amendments thereto, copies of all documents incorporated therein by reference, all correspondence between the Commission and the applicant pertaining to the application after it has been tendered for filing, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto, which according to the provisions of §§ 0.451–0.461 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the applicant, after making the reference, so states. If petitions to deny are filed against the application, and have been duly served on the applicant, a statement that such a petition has been filed shall appear in the local file together with the name and address of the party filing the petition.

NOTE: Applications tendered for filing on or before May 13, 1965, which are designated for hearing after May 13, 1965, with local notice being given pursuant to the provisions of § 1.594, and material related to such applications, need not be placed in the file required to be kept by this section. Materials tendered for filing after May 13, 1965, which contain major amendments to applications tendered for filing on or before May 13, 1965, with local notice of the amending application being given pursuant to the provisions of § 1.580, need not be placed in the file required to be kept by this section.

(2) A copy of every application tendered for filing by the licensee or permittee for such station after May 13, 1965, pursuant to the provisions of this part, which is not included in subparagraph (1) of this paragraph and which involves changes in program service, which requests an extension of time in which to complete construction of a new station, or which requests consent to involuntary assignment or transfer, or to voluntary assignment or transfer not resulting in a substantial change in ownership or control and which may be applied for on FCC Form 316; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the Commission and the applicant pertaining to the application after it has been tendered for filing, and copies of all documents incorporated therein by reference, which according to the provisions of §§ 0.451–0.461 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and there has been no change in the document since the date of filing and the licensee, after making the reference so states. If petitions to deny are filed against the application, and have been duly served on the applicant, a statement that such a petition has been filed shall appear in the local file together with the name and address of the party filing the petition.

(3) A copy of contracts listed in ownership reports filed in accordance with the provisions of § 1.615(e)(i) and which according to the provisions of §§ 0.451–0.461 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the licensee or permittee, after making the reference, so states.

(4) Such records as are required to be kept by §§ 73.120(d), 73.590(d), and 73.657(d) of this chapter, concerning broadcasts by candidates for public office.

(5) A copy of every annual employment report filed by the licensee or permittee for such station pursuant to the provisions of this part; and copies of all exhibits, letters and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference and which according to the provisions of §§ 0.451–0.461 of this chapter are open for public inspection at the offices of the Commission.

(6) The Public and Broadcasting; Revised Edition (see FCC 74–942, 39 FR 32288, September 5, 1974).

(7) Problems-programs lists, as follows:

(i) Every year, on the anniversary date on which the station's renewal application would be due for filing with the Commission, each non-exempt renewal applicant shall place in its public inspection file a listing of no more than ten significant problems and needs of the area served by the station during the preceding twelve months. In relation to each problem or need cited, licensees and permittees shall indicate typical and illustrative programs or program series, excluding ordinary news inserts of breaking events, which were broadcast during the preceding twelve months in response to those problems and needs. Such a listing shall include the title of the program or program series, its source, type, brief description, time broadcast and duration. Renewal applicants shall place the third annual listing in the station's public inspection file on the due date of the filing of the station's application for renewal of license. Upon the filing of the station's application for renewal of license, the three annual problems-programs listings shall be forwarded to the Commission as part of the application for renewal of license. The annual listings are not to exceed five pages each, but may be supplemented at any time by additional material placed in the public inspection file and identified as a continuation of the information submitted to the Commission.

(ii) A non-exempt applicant for other than renewal of license shall submit to the Commission as part of its application, and place in its public inspection file, a listing of no more than ten significant problems and needs of the area proposed to be served during the initial license term to be covered by the application. In relation to each problem or need cited, such applicants shall indicate typical and illustrative programs or program series, excluding ordinary news inserts of breaking events, which are proposed for broadcast during the initial license term, in response to those problems and needs. This listing shall include the title of the proposed program or program series (if available), its source, type, a brief description, proposed time of broadcast and duration.

NOTE 1: The engineering section of the applications mentioned in subparagraphs (1) and (2) of this paragraph, and material related to the engineering section, need not be kept in the file required to be maintained by this paragraph. If such engineering section contains service contour maps submitted with that section, copies of such maps, and information (state, county, city, street address, or other identifying information) showing main studio and transmitter location shall be kept in the file.

NOTE 2: For purposes of paragraphs (a)(7) and (b) and (c) of this section exempt applicants, permittees or licensees include those whose existing or prospective facilities are Class D FM stations ("10-watt") under

Section 73.504(b)(1) or whose programming is wholly "Instructional" within the meaning of the instruction in Section IV of Forms 340 and 342 and the Report and Order in *Ascertainment of Community Problems by Noncommercial Broadcast Applicants*, 40 FR 12424, March 25, 1976, at para. 49.

(b) *Records to be maintained by non-exempt applicants, permittees, and licensees in the noncommercial educational radio service.* In addition to the requirements set out in paragraph (a) of this section, each radio applicant, permittee and licensee in the noncommercial educational radio service shall place in its public inspection file at such time as its renewal application would ordinarily be filed with the Commission—or in the case of applicants other than for renewal of license, at the time the application is filed—a narrative statement detailing the sources consulted and the methods followed in conducting its ascertainment of community needs and interests and summarizing principal needs and interests discovered through that survey. These items shall also be filed with the Commission as a part of the licensee's application.

(c) *Records to be maintained by applicants, permittees, and licensees in the noncommercial educational television service.* In addition to the requirements set out in paragraph (a) of this section, each applicant, permittee, and licensee in the noncommercial educational television service that is required to maintain a public file under paragraph (a) of this section shall maintain the following in its public inspection file:

(1) Appropriate documentation relating to its efforts to interview a representative cross-section of community leaders in its service area to ascertain its problems and needs. Such documentation shall be placed in the station's public inspection file within a reasonable time after the date of completion of each interview, but in no event later than the due date for filing the station's application for renewal of license, and shall include: (a) the name, address, organization, and position or title of the community leader interviewed; (b) the date, time and place of the interview; (c) the name of the principal, management-level or other employee or volunteer conducting the interview; (d) the problems and needs discussed during the interview or when the interviewee requests that his/her statements be held in confidence, that request shall be noted; and (e) for interviews conducted by non-principals or non-managers the date of review of the interview record by a principal or management-level employee. Additionally, upon the filing of the application for renewal of license each licensee shall forward to the Commission as part of the application for renewal of license and each licensee and permittee shall place in the station's public inspection file, a checklist indicating the number of community leaders interviewed during the current license term representing elements found on the sample Community Leader Checklist (see *Ascertainment of Community Problems by Broadcast Renewal Applicants*, 41 FR 1372, 1384 (1976)); *provided that*, if a community lacks one of the enumerated institutions or elements, the licensee and permittee should so indicate by providing a brief explanation on its checklist. The same rules apply to applicants for other than renewal of license except that the checklist for an ascertainment of community leaders shall reflect information obtained within six months prior to filing and shall be placed in the public file no later than the time the application is filed.

(2) Documentation relating to its efforts to consult with members of the public to ascertain community problems and needs. Such documentation shall consist of:

(i) Information relating to the total population of the station's community of license, including the numbers and proportions of males and females; of minorities; of youth (17 and under); and the numbers and proportions of the elderly (65 and over); and

(ii) Information regarding the public survey. An applicant for other than renewal of license shall conduct a random survey of the general public in its community of license within six months prior to filing its application, and shall file the information requested in subparagraph (A) below. Applicants for renewal of license may, at their option, conduct a random general public survey, periodic call-in programs, periodic public meetings or a combination of the latter two methods. Licensees should file information describing the methods used as set out in subparagraphs (A), (B), and (C), as a part of their renewal applications:

(A) If a random general public survey is conducted, a narrative statement, not to exceed five pages in length, of the sources consulted and the methods followed in conducting the general public survey, including the number of people surveyed and the results thereof;

(B) If a periodic call-in program is used, a narrative statement for each such program describing the numbers of persons reached, the duration of the program(s), the manner in which notice of the airing of the program was given to the public, the issues discussed and other relevant descriptive material; and

(C) If periodic public meetings are used, a narrative statement for each such meeting describing the time and place of the meeting, the approximate number of persons present and speaking, the duration of the meeting, the manner in which notice of the meeting was given to the public, the issues discussed, the names and titles of station representatives present and other relative descriptive material.

The information requested in subparagraphs (A), (B) and (C) above shall be placed in the public inspection file within a reasonable time after completion of the public ascertainment—or severable portion thereof, such as each call-in program or public meeting—but in no event later than the due date for filing the application, and shall be filed with the Commission as a part of the renewal application. The demographic information requested in (1) above shall be deposited in the public file no later than the time at which the information called for by (ii), or some portion thereof, is deposited.

(3) Although not part of the regular file for public inspection, program logs for television stations will be available for public inspection under the circumstances set forth in § 73.674 and discussed in the Public and Broadcasting; Revised Edition.

(d) *Responsibility in case of assignment or transfer.* (1) In cases involving applications for consent to assignment of broadcast station construction permits or licenses, with respect to which public notice is required to be given under the provisions of § 1.580 or § 1.594, the file mentioned in paragraph (a) of this section shall be maintained by the assignor. If the assignment is consented to by the Commission, and consummated, the assignee shall maintain the file commencing with the date on which notice of the consummation of the assignment is filed with the Commission. The file maintained by the assignee shall cover the period both before and after the time when the notice of consummation of assignment was filed. The assignee is responsible for obtaining copies of the necessary documents from the assignor or from the Commission files.

(2) In cases involving applications for consent to transfer of control of a permittee or licensee of a broadcast station, the file mentioned in paragraph (a) of this section shall be maintained by the permittee or licensee.

(e) *Station to which records pertain.* The file need contain only applications, ownership reports, and related material that concern the station for which the file is kept. Applicants, permittees, and licensees need not keep in the file copies of such applications, reports, and material which pertain to other stations with regard to which they may be applicants, permittees, or licensees, except to the extent that such information is reflected in the materials required to be kept under the provisions of this section.

(f) *Location of records.* The file shall be maintained at the main studio of the station, or at any accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours.

(g) *Period of retention.* The records specified in paragraph (a)(4) of this section shall be retained for the periods specified in §§ 73.120(d), 73.590(d) and 73.657(d) of this chapter. The manual specified in paragraph (a)(6) of this section shall be retained indefinitely. The records specified in paragraphs (a) (1), (2), (3), (5), (7); (b); and (c) of this section shall be retained as follows:

(1) The applicant for a construction permit for a new station shall maintain such a file so long as the proceeding in which that application was filed is pending before the Commission or any proceeding involving that application is

pending before the courts. (If the application is granted, subparagraph (2) of this paragraph shall apply.)

(2) The permittee or licensee shall maintain such a file so long as an authorization to operate the station is outstanding, and shall permit public inspection of the material as long as it is retained by the licensee even though the request for inspection is made after the conclusion of the required retention period specified in this subparagraph. However, material which is voluntarily retained after the required retention time may be kept in a form and place convenient to the licensee, and shall be made available to the inquiring party, in good faith after written request, at a time and place convenient to both the party and the licensee. Applications and other material placed in the file shall be retained for a period of 7 years from the date the material is tendered for filing with the Commission, with two exceptions: First, engineering material pertaining to a former mode of operation need not be retained longer than 3 years after a station commences operation under a mode; and second, all of the material shall be retained for whatever longer period is necessary to comply with the following requirements: (i) Material shall be retained until final Commission action on the second renewal application following the application or other material in question; and (ii) material having a substantial bearing on a matter which is the subject of a claim against the licensee, or relating to a Commission investigation or a complaint to the Commission of which the licensee has been advised, shall be retained until the licensee is notified in writing that the material may be discarded, or, if the matter is a private one, the claim has been satisfied or is barred by statutes of limitations. Where an application or related material incorporates by reference material in earlier application and material concerning programming and related matters (section IV and related material), the material so referred to shall be retained as long as the application referring to it.

(h) Copies of any material in the public file of any television station shall be available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the licensee, within a reasonable period of time, which in no event shall be longer than seven days. The licensee is not required to honor requests made by mail but may do so if it chooses.

APPENDIX B—PARTIES FILING COMMENTS

Advisory Council of National Organizations, Washington, D.C.
Alabama Educational Television Commission.
Alaska Public Television, Inc. (KAKM–TV), Anchorage, Alaska.
Arkansas State University Public Radio Service (KASU–FM), Jonesboro, Arkansas.
Association of Public Radio Stations (APRS).
Board of Education, Memphis City Schools (WQOX–FM), Memphis, Tennessee.
Board of Trustees of Vincennes University [WVUT(TV) and WVUB–FM], Vincennes, Indiana.
Charles E. Buzzard (General Manager, KMCR–FM), Phoenix, Arizona.
Clark County School District (KLVX–TV, Las Vegas, Nevada); Educational Broadcasting Corporation (WNET, Newark, New Jersey); and the University of Alaska (KUAC and KUAC–TV, Fairbanks, Alaska) (Joint Comments).
Committee for Community Access, Boston, Massachusetts.
Connecticut Educational Television Corporation, University of Illinois Board of Trustees, Central Michigan University, Lehigh Valley Educational Television Corporation, University of Maine, Regents of the University of Michigan, University of Nebraska, Nebraska Educational Television Commission, Northeastern Pennsylvania Educational Television Association, South Carolina Educational Television Network, South Central Educational Broadcasting Council, Virginia Public Telecommunications Council, Board of Regents of the University of Wisconsin System, and the State of Wisconsin—Educational Communications Board (Joint Comments).
Corporation for Public Broadcasting (CPB).
Department of Health, Education, and Welfare, Office for Civil Rights (HEW).
Georgia State Board of Education.
KLCS 58, Los Angeles City Schools, Los Angeles, California.
Maryland Center for Public Broadcasting.
Michigan State University.
Lorenzo W. Milam, Dallas, Texas.
National Association of Educational Broadcasters (NAEB).
National Citizens Committee for Broadcasting and National Black Media Coalition (Joint Comments) (NCCB–NBMC).
National Federation of Community Broadcasters, Inc.
New Jersey Coalition for Fair Broadcasting (Coalition).
Office of Communication of the United Church of Christ (UCC).
The President's Committee on Employment of the Handicapped.
John H. Schmidt, WBAU, Garden City, New York.
School System of Gary (WGVE–FM), Gary, Indiana.
South Dakota Public Television Network.
Southeastern Bible College, Birmingham, Alabama.
Southern Keswick, Inc., St. Petersburg, Florida (WKES, St. Petersburg, Florida; WGNB, Indian Rocks Beach, Florida).
Spring Arbor College Communications, Inc., and E. Harold Munn, Jr. (WSAE–FM), Spring Arbor, Michigan.
Temple University of the Commonwealth System of Higher Education (WRTI), Philadelphia, Pennsylvania.
University of Houston (KUHT, Houston; KLRN, Austin-San Antonio; KERA, Dallas-Fort Worth, Texas).
University of New Haven (WNHU), West Haven, Connecticut.
University of Northern Colorado (KUNC–FM), Greeley, Colorado.
West Virginia Wesleyan College (WVWC–FM), Buckhannon, West Virginia.
WPKN, Bridgeport, Connecticut.

APPENDIX C

1. FCC Form 340, Section IV is amended by the addition of the following questions:

6. State what percentage of the station's ordinary broadcast week will be devoted to instructional programming (see definition of instructional programming above).

7. Has the applicant placed in its public inspection file the required documentation relating to its efforts to ascertain community problems and needs? If "No", explain.

☐ Yes ☐ No

Radio applicants attach as Exhibit No. ____ the narrative description of this survey (as required by Section 1.527(b) of the Commission's Rules).

8. Has the applicant placed in its public inspection file the list of no more than 10 significant problems and needs which, in the applicant's judgment, warrant treatment during the coming term, and proposed typical and illustrative programming to be broadcast in response thereto?

☐ Yes ☐ No

Attach this listing as Exhibit No. _____.

9. Television applicants attach as Exhibit No. ____ the Community Leader Checklist for your ascertainment effort conducted six months prior to filing.

2. FCC Form 342, Section IV is amended by addition of the following questions:

4. State what percentage of the station's programming was devoted to instructional programming during an ordinary week of the past license term.

5. Has the applicant placed in its public inspection file at the appropriate times the required documentation relating to its efforts to ascertain the community problems and needs?

☐ Yes ☐ No

Radio applicants attach as Exhibit No. ____ the narrative description of this survey (as required by Section 1.527(b) of the Commission's Rules).

Television applicants attach as Exhibit No. ____ the narrative description of the public survey (as required by Section 1.527 (c) (2) of the Commission's Rules).

6. Television applicants attach as Exhibit No. ____ your Community Leader Checklist.

7. Has the applicant placed in its public inspection file at the appropriate times its annual lists of no more than 10 significant problems and needs which, in the applicant's judgment, warranted treatment by its station, together with the typical and illustrative programming broadcast in response thereto?

☐ Yes ☐ No

Attach those listings as Exhibit No. _____.

APPENDIX D.—*Sample—community leaders checklist*

Institution/element	Number	Not applicable (explain briefly)
1. Agriculture		
2. Business		
3. Charities		
4. Civic, neighborhood, and fraternal organizations		
5. Consumer services		
6. Culture		
7. Education		
8. Environment		
9. Government (local, county, State and Federal)		
10. Labor		
11. Military		
12. Minority and ethnic groups		
13. Organizations of and for the elderly		
14. Organizations of and for women		
15. Organizations of and for youth (including children) and students		
16. Professions		
17. Public Safety, health, and welfare		
18. Recreation		
19. Religion		
20. Other		
While the following are not regarded as separate community elements for purposes of this survey, indicate the number of leaders interviewed in all elements above who are:		
(a) Blacks		
(b) Hispanic, Spanish speaking, or Spanish-surnamed Americans		
(c) American Indians		
(d) Orientals		
(e) Women		

APPENDIX E—SUGGESTED LEADER CONTACT FORM

Date:

Name and address of person contacted: ____

Organization(s) or group(s) represented by person contacted: ____

Date, time and place of contact: ____

Method of contact: ____

Problems, needs and interests identified by person contacted: ____

Name of interviewer: ____

Reviewed by ____ Position ____

Date ____

[FR Doc.76-8310 Filed 3-24-76;8:45 am]

federal register

THURSDAY, MARCH 25, 1976



PART III:

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

MILK IN THE MINNEAPOLIS-ST. PAUL AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1060, 1061, 1068, 1069, 1076]

[Docket Nos. AO–178–A33, etc.]

MILK IN THE MINNEAPOLIS-ST. PAUL AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR pt.	Marketing area	Docket No.
1060	Minnesota-North Dakota	AO–360–A10
1061	Southeastern Minnesota-northern Iowa.	AO–367–A9
1068	Minneapolis-St. Paul, Minn	AO–178–A33
1069	Duluth-Superior	AO–153–A22
1076	Eastern South Dakota	AO–260–A21

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Minneapolis, Minnesota, pursuant to notice thereof issued on October 11, 1974 (39 FR 37164).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, on October 29, 1975 (40 FR 50392), as modified by subsequent corrections on November 3, 1975 (40 FR 51052), November 14, 1975 (40 FR 53038), and November 19, 1975 (40 FR 53603) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following substantive modifications:

1. Under the heading "C. Market Structure and Accessibility" (40 F.R. 50395), paragraph 2 is changed.

2. On page 50397, the second complete paragraph is modified by the addition of a footnote.

3. Under the heading "Opposition to inclusion of the Duluth-Superior Market" (40 F.R. 50397), a new paragraph is added following the first paragraph; two new paragraphs are added following paragraph 3; and two new paragraphs are added following paragraph 4.

4. Under the heading "Separate Regulation for the Eastern South Dakota Market" (40 F.R. 50398), a new paragraph is added following paragraph 2; eight new paragraphs are added following paragraph 10; and the fourteenth paragraph is modified.

5. Under the heading, "Additional Wisconsin Territory" (40 F.R. 50399), four new paragraphs are added following the third complete paragraph in the middle column of page 50400; the second complete paragraph in column 3 of page 50400 is deleted; two new paragraphs are added following the second paragraph on page 50401; and the fourth paragraph on page 50401 is replaced by two new paragraphs.

6. Under the heading "Northeastern Minnesota" (40 F.R. 50491), the third paragraph is revised.

7. Under the heading "Southwestern Minnesota-Eastern South Dakota" (40 F.R. 50402), the first paragraph is revised.

8. Under the heading "Pool plant" (40 F.R. 50404), two new paragraphs are added following the fourth paragraph; the fifth, tenth, and 15th paragraphs are revised; and the sixth and ninth paragraphs are deleted. Continuing on page 50405, two new paragraphs are added following the fourth complete paragraph; paragraphs 9 through 13 are replaced by 17 new paragraphs; paragraph 14 modified; and paragraph 17 is replaced by a new paragraph.

9. Under the heading "Nonpool plant" (40 F.R. 50406), the first paragraph is modified and three new paragraphs are added following paragraph one.

10. On page 50407, the paragraph preceding the heading "Producer-handler" is replaced by a new paragraph.

11. Under the heading "Producer-handler" (40 F.R. 50407), three new paragraphs are added following paragraph 5; three new paragraphs are added following paragraph 7; paragraph 8 is revised; and a new paragraph is added following paragraph 8.

12. On page 50409, the third complete paragraph is modified; the 9th paragraph is changed; three new paragraphs are added after the 11th paragraph; the 12th paragraph is revised; and the 13th paragraph is deleted.

13. On page 50413, two new paragraphs are added preceding the heading "Location Adjustments."

14. Under the heading "Location Adjustments" (40 F.R. 50413), 16 new paragraphs are added following paragraph 7; three new paragraphs are added following paragraph 9. Continuing on page 50414, three new paragraphs are added following the first paragraph.

15. Under the heading "Eastern South Dakota Marketing Area" (40 F.R. 50414), 14 new paragraphs are added following paragraph 5.

16. Under the heading "Payments to producers" (40 F.R. 50415), the sixth and seventh paragraphs are replaced by five new paragraphs and the 11th paragraph is revised.

17. Under the heading "Administrative Provisions" (40 F.R. 50416), the first two paragraphs are revised.

18. Under the heading "Administrative Assessment" (40 F.R. 50416), paragraph one is modified and combined with paragraph 2, and paragraph 5 is revised.

19. Under the heading "Marketing Service deduction" (40 F.R. 50417), paragraph 3 is revised.

The material issues on the record of the hearing relate to:

1. Whether the handling of milk produced for sale in the proposed merged and/or expanded marketing areas is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether any combination of the aforesaid marketing areas or parts thereof should be included under one or more orders;

3. Whether any proposed marketing area should be expanded to include additional territory in the States of Minnesota, South Dakota and Wisconsin; and

4. With respect to any of the aforementioned existing orders, or proposed combination thereof, what its provisions should be with respect to:

(a) Milk to be priced and pooled;

(b) Classification of milk;

(c) Class prices, butterfat differentials, and location adjustments;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of Commerce.* The handling of milk in the proposed Upper Midwest marketing area and in the modified marketing area of the Eastern South Dakota Order No. 76 is in the current of interstate commerce and directly burdens or obstructs interstate commerce in milk and milk products.

The proposed marketing area, designated as "Upper Midwest marketing area," will include the present marketing areas of Orders 60 (Minnesota-North Dakota), 61 (Southeastern Minnesota-Northern Iowa), 68 (Minneapolis-St. Paul), 69 (Duluth-Superior), the northern part of the present Order 76 (Eastern South Dakota) marketing area, and presently unregulated territory in Minnesota and Wisconsin. This covers territory in Minnesota, Wisconsin, Iowa, North Dakota, and South Dakota. Because territory in five states is included in the Upper Midwest marketing area and territory in three states is included in the Eastern South Dakota marketing area, interstate commerce necessarily is involved.

Milk procurement in this area crosses state boundaries. Handlers regulated by the Minneapolis-St. Paul order procure milk in Minnesota and Wisconsin; handlers regulated under the Minnesota-North Dakota order procure milk in Minnesota, North Dakota, and South Dakota; handlers regulated by the Eastern South Dakota order procure milk in Minnesota, North Dakota, and Iowa; handlers regulated by the Southeastern Minnesota-Northern Iowa order procure milk in Minnesota, Wisconsin, and Iowa; and handlers regulated by the Duluth-Superior order procure milk in both Minnesota and Wisconsin.

Similarly, retail sales of fluid milk products are intermingled among the various states in this region. Milk regulated under the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa orders is disposed of in Minnesota, Wis-

consin, and Iowa; milk regulated under the Minnesota-North Dakota order is disposed of for sale in both Minnesota and North Dakota; milk regulated under the Eastern South Dakota order is disposed of in South Dakota, Minnesota, and Nebraska; and milk regulated under the Duluth-Superior order is disposed of in both Minnesota and Wisconsin.

In addition to the interstate movements of bulk milk or packaged fluid milk products described above, there are numerous manufacturing plants within the proposed marketing areas (in each of the States of Minnesota, North Dakota, South Dakota, Wisconsin, and Iowa) that produce manufactured dairy products offered for sale in these and other states.

2. *Need for merger of orders.* Marketing conditions in the five separately regulated marketing areas under consideration justify merger of the orders regulating the handling of milk in these areas, except for the southern portion of the Eastern South Dakota marketing area.

The merger of all five markets under consideration (i.e.—Southeastern Minnesota-Northern Iowa, Minneapolis - St. Paul, Duluth-Superior, Minnesota-North Dakota, and Eastern South Dakota) was proposed by the National Farmers' Organization (NFO). This producer cooperative association represents producers supplying milk to the Minneapolis-St. Paul order market. In previous periods, it also has supplied milk to the Duluth-Superior order market.

The merging of the Southeastern Minnesota-Northern Iowa, Minneapolis-St. Paul, and Minnesota-North Dakota orders was proposed by Land O'Lakes, Inc. Land O'Lakes, Inc., represents producers supplying the Minnesota-North Dakota, Minneapolis-St. Paul and Eastern South Dakota order markets. Land O'Lakes also operates a distributing plant in the Duluth-Superior order market as well as distributing plants in the Minneapolis-St. Paul and Eastern South Dakota order markets.

Mid-America Dairymen, Inc., proposed the merging of the Southeastern Minnesota-Northern Iowa, Minneapolis-St. Paul, and Minnesota-North Dakota orders. Mid-America represents producers supplying the Minnesota-North Dakota and Minneapolis-St. Paul order markets.

There was opposition expressed to merging several of the named markets. Associated Milk Producers, Inc., supplying the Southeastern Minnesota-Northern Iowa order market, opposed the inclusion of this market. The Twin Ports-Arrowhead Cooperative Dairy, representing producers supplying the Duluth-Superior order market, opposed the inclusion of that market. Representatives of Land O'Lakes, Inc., and Mid-America Dairymen, Inc., opposed inclusion of the Duluth-Superior and Eastern South Dakota orders.

Various proposals to add additional territory either to the merged marketing areas or to individual markets were made. These matters are dealt with under Issue No. 3.

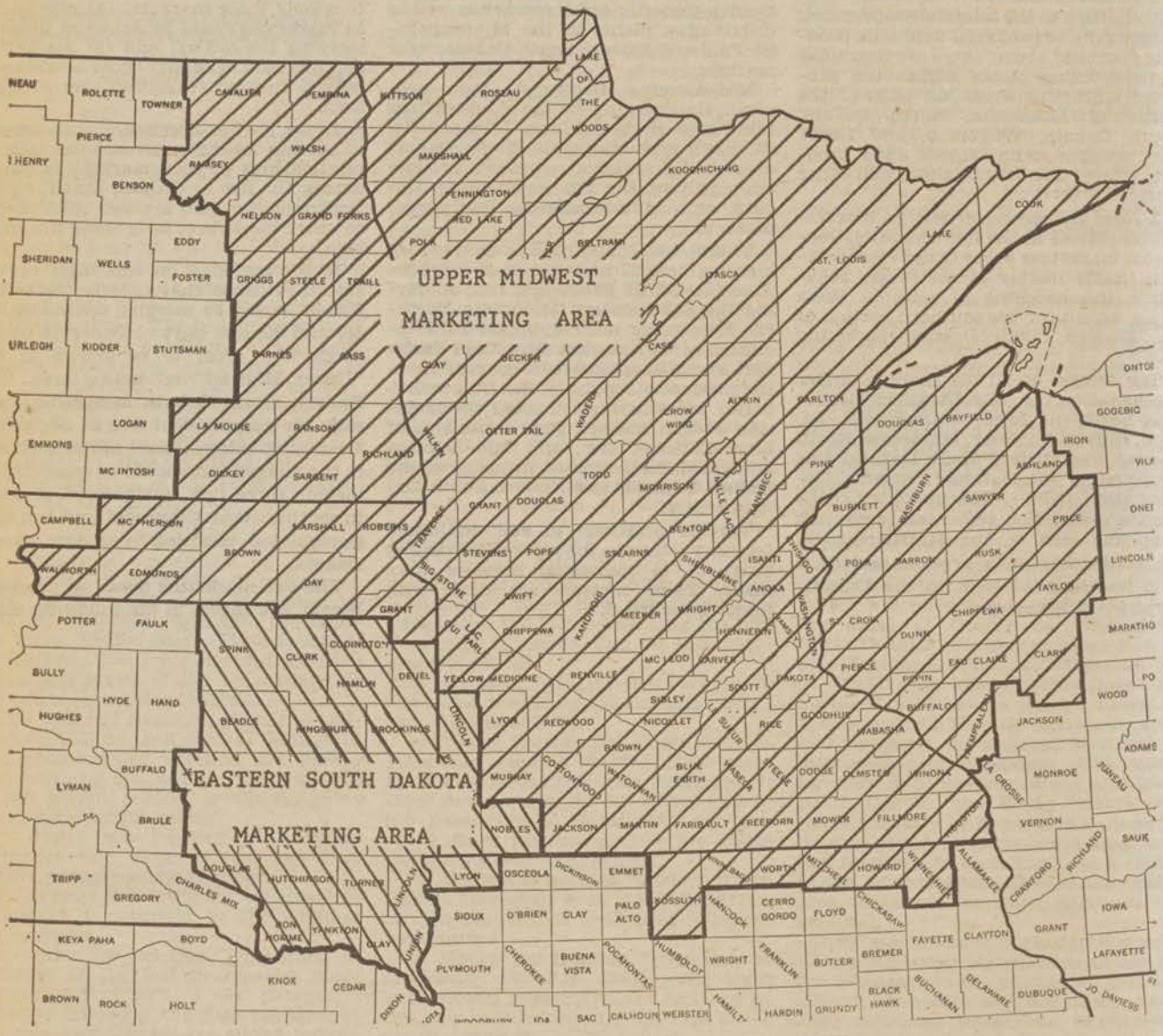
The reasons given by proponents for merging the several orders included the following: (1) Differences in uniform prices among the several orders cause discontent among producers; (2) the overlap of procurement and Class I distribution indicate a unity of the marketing system; (3) some of the markets are inaccesible to producer groups seeking to supply those markets; (4) efficiencies in marketing could be achieved through merging the orders; and (5) marketing stability and flexibility could be achieved with a uniform regulation over a larger area.

Those parties opposed to the merger of certain markets stressed the lack of relationships of such markets to others among the five or claimed that the particular market had a closer relationship to other markets outside these five markets.

It is concluded on the basis of the record evidence that orderly marketing will be served by merging Orders 60, 61, 68, and 69, and part of Order 76 into a single new order to be known as the "Upper Midwest" marketing area. The Eastern South Dakota marketing area, with the exception of five of its northernmost counties, should not be included in the merger, but should be expanded to include three now unregulated counties in southwestern Minnesota and two now unregulated counties in eastern South Dakota.

The two marketing areas, as proposed herein, are shown in the following map:

PROPOSED UPPER MIDWEST AND EASTERN SOUTH DAKOTA MARKETING AREAS



HISTORY OF REGULATION AND DESCRIPTION OF PRESENT MARKETING AREAS

Federal regulation in this area was first initiated in 1941 and was subsequently extended to include all of the heavily populated areas of Minnesota and eastern North and South Dakota. The Minneapolis-St. Paul order (Order 68), promulgated November 3, 1945, applied to a marketing area including the cities of Minneapolis and St. Paul, and surrounding territory in Anoka, Dakota, Hennepin, Ramsey, and Washington Counties of Minnesota. That marketing area was expanded in May 1969 to include all of 21 Minnesota counties and portions of St. Croix and Pierce Counties, Wisconsin.

The Southeastern Minnesota-Northern Iowa order (Order 61, also referred to as Dairyland) was effectuated May 1, 1969. The Dairyland marketing area and the Minneapolis-St. Paul order marketing area form a geographic block of territory covering the southern half of Minnesota, excepting a tier of counties in western Minnesota, which has remained unregulated. The northern boundary of the Dairyland marketing area abuts the Minneapolis-St. Paul marketing area for a distance of about 140 miles. Both marketing areas have remained unchanged since 1969.

The Minnesota-North Dakota order (Order 60) was promulgated November 1, 1967. The marketing area, unchanged since its inception, includes a portion of western Minnesota, eastern North Dakota, and a three-county area in South Dakota. It joins with the Eastern South Dakota order marketing area (Order 76) on its southwestern border for a distance of over 110 miles and joins the Minneapolis-St. Paul marketing area at the boundary of Douglas and Stearn Counties, Minnesota.

The present Eastern South Dakota order (Order 76) resulted from a May 1965 merger of the Sioux Falls-Mitchell, South Dakota order (promulgated September 1, 1952) and the Eastern South Dakota order (promulgated May 1, 1955). The marketing area borders the Minnesota-North Dakota order to the north and the Nebraska-Western Iowa order to the south. Unregulated territory borders the marketing area on its eastern and western borders.

The Duluth-Superior order (Order 69) was promulgated May 5, 1941. The marketing area originally included the cities of Duluth, Minnesota; Superior, Wisconsin; and Cloquet, Minnesota. The market was expanded March 1, 1960 and now includes all of Carlton County, Minnesota, and Ashland, Douglas, and Bayfield Counties, Wisconsin.

THE CASE FOR MERGER

There are many different factors that are relevant in determining whether these five markets should be merged. These factors can be broken down into the following categories: (a) Overlap of Class I distribution; (b) Overlap of procurement areas; and (c) Market structure and accessibility.

A. *Overlap of Class I distribution.* The range of distribution by regulated handlers has expanded greatly since these five orders were promulgated. The reasons for this expansion are varied, but generally can be attributed to the spread of urbanized areas, better roads, improved technology, economies of large scale operation, and reciprocity of health standards.

As handlers have extended their range of distribution, they have increasingly disposed of fluid milk products in the marketing areas of neighboring orders. Not all such instances are described in detail below because of the restrictions protecting confidentiality of information relating to operations of individual handlers.

In the Order 61 (Dairyland) marketing area, during May and September 1974, nine Order 68 (Minneapolis-St. Paul) handlers accounted for 25 percent of the total route disposition in that marketing area. Another Order 68 handler testified that he began distribution in the Order 61 marketing area in October 1974. An Order 76 (Eastern South Dakota) handler also has Class I disposition in the Order 61 marketing area, but the volume of such disposition was not disclosed.

The disposition of fluid milk products by Order 68 handlers into the Order 61 marketing area is spread over almost the entire Minnesota portion of that marketing area. The representative of an Order 61 regulated handler, Marigold Foods, at Rochester, Minnesota, which has distribution throughout the marketing area, testified that Marigold competes with Order 68 handlers in all but two of the Minnesota counties in the Order 61 marketing area.

In the Order 60 (Minnesota-North Dakota) marketing area, more than 12 percent of the packaged disposition in May–September 1974 was by plants not regulated under the order. Most of this distribution was from seven Order 68 plants and one Order 76 plant.

In the Order 76 marketing area, 82 percent of the Class I distribution was made by Order 76 handlers during May and September 1974. About seven percent of the Class I distribution was accounted for by handlers regulated under Orders 60 and 61, while handlers regulated under the Nebraska-Western Iowa order accounted for 10 percent of the Class I sales.

In the Order 69 (Duluth-Superior) marketing area, approximately 12 percent of the route sales are from plants not regulated under the order, about half of these originating from Order 68 regulated plants. One Order 68 handler has route sales approximating 30,000 pounds of packaged fluid milk products daily. An Order 61 handler is also making sales in the Order 69 marketing area.

In the Order 68 marketing area, there were route sales by two Order 60 handlers, two Order 61 handlers, and two Order 69 handlers. The proportion of these sales to the total Class I market is relatively small, however.

Overlapping of distribution routes of the handlers regulated under the several orders also occurs in adjacent unregulated areas. A description of handlers' marketing activities in unregulated areas is set forth in detail under Issue No. 3 dealing with extension of the regulated area.

The extent of competition between handlers regulated under the different orders, as indicated above, suggests a significant linkage exists between all of these orders. It is apparent that integration of market structure has occurred to a very large degree between the Minneapolis-St. Paul and the Dairyland markets. In the instance of other markets among the five, a lesser, but significant, sales overlap is noted.

B. *Overlap of Procurement Areas.* The heaviest milk production area in the upper midwest region stretches from southern Wisconsin northerly and northwesterly through Minnesota, including Otter Tail County, Minnesota, and the northeastern corner of Iowa.

Substantial portions of this production area are geographically contained within the regulated marketing areas of the five orders here under consideration. Most of the Grade A milk produced in the region is priced under Federal milk orders, much of it under these five orders.

The degree of procurement overlap is an important factor in market identification, since similarly located producers supplying different markets can be expected to shift to that market with the more favorable price. This could cause disruption to orderly marketing by upsetting supply patterns or cooperative affiliation, particularly when only one coperative association has access to a particular market.

Data on the record show that, with respect to Orders 61 and 68, there is a common procurement area in 15 of the 20 Minnesota counties in the Dairyland marketing area. In addition, both markets draw supplies from four other Minnesota counties and one Wisconsin county. In 1973, 87 percent of the milk supplied to Order 61 came from Minnesota, 11 percent came from Wisconsin, and the remainder came from Iowa.

The Duluth-Superior market draws supplies from seven Wisconsin counties, all of which are part of the Order 68 milkshed (supply area). Similarly, Order 68 shares four out of the six Minnesota counties from which Order 69 draws supplies. Fifty-four percent of the milk supplies for Order 69 come from Minnesota; the remaining 46 percent come from Wisconsin.

The Minnesota-North Dakota procurement area overlaps that of Orders 68 and 76. Order 68 shares 21 Minnesota counties as a common procurement area with Order 60. In 1973, Order 60 drew 76 percent of its supplies from Minnesota, 22 percent from North Dakota, and two percent from South Dakota.

The procurement area for Order 76 extends into the milksheds of Orders 60, 68, and 61. In all of these instances, however, the overlaps are modest compared to the procurement overlap between the Eastern South Dakota and Nebraska-Western Iowa markets. The procurement area for the latter market extends throughout most of the Eastern South Dakota marketing area and into southwestern Minnesota. Seventy-four percent of the milk supplies to Order 76 in 1973 came from South Dakota, 20 percent came from Minnesota, and the remainder came from Iowa and North Dakota.

The above data show a high degree of procurement overlap between Orders 68 and 61, Orders 68 and 69, Orders 68 and 60, and Orders 76 and 65. It demonstrates the potential for producer unrest if Federal order uniform prices in the common procurement areas are significantly difference or if producers are denied access to their neighbors' markets. This issue will be discussed more below.

C. *Market Structure and Accessibility.* Substantial changes in the operations of milk handlers and of cooperative associations constitute major modifications of the institutional structure of the markets. These changes, which have been fairly rapid over a period of six years (1969–1974), affect dairy farmers' participation in the returns for milk priced under these orders. Fluid processing plants in these markets have become fewer in number, but generally larger in capacity. The decline in number of plants from 1969 through 1974 is shown in the following table:

TABLE 1.—*Pool distributing plants, 5 orders, December 1969 and September 1974*

Order No.	Number of pool distributing plants		
	December 1969	September 1974	Change
60	17	5	−12
61	12	7	−5
68	22	16	−6
69	5	4	−1
76	6	4	−2
Total	62	36	−26

The size of cooperative associations in terms of volume of milk marketed also has changed. A few cooperatives now furnish the major portion of the total milk supply in the five markets. Only in the Minneapolis-St. Paul and Minnesota-North Dakota markets are there numerous smaller cooperatives handling lesser volumes.

In the Southeastern Minnesota-Northern Iowa market, a single cooperative association, Associated Milk Producers, Inc., supplies the largest handler, who processes about 90 percent of the Class I milk pooled under the order. This handler, Marigold Foods, Inc., at Rochester, Minnesota, formerly (in 1968) purchased milk at this plant from ten cooperative associations. At that time, the handler also operated other plants at Austin and Mankato, Minnesota, where milk was received from four other cooperatives.[1] In total, the number of cooperative associations serving the Order 61 area in 1968 was 17, compared to three in September 1974.

In South Dakota, two cooperative associations and a federation of cooperatives supplied the Eastern South Dakota and the Sioux Falls-Mitchell markets prior to their merger in 1965. Presently, one cooperative association, Land O'Lakes, Inc., furnishes the entire supply for the four distributing plants regulated under the Eastern South Dakota market. Land O'Lakes, through a subsidiary, operates the largest of these four plants, accounting for approximately 60 percent of the Class I sales in the marketing area.

The Duluth-Superior market has a supply furnished only by the Twin Ports-Arrowhead Cooperative Dairy. National Farmers Organization was associated with the market in 1972, but subsequently left the market. There are four distributing plants regulated under Order 69; one of them is operated by Land O'Lakes, Inc.

The situation in the Order 60 and 68 markets is substantially different. There were 28 and 34 cooperatives, respectively, in these markets in September 1974. This number includes several relatively small (in terms of members) cooperative associations that market their member milk through the marketing systems of some of the larger cooperatives. In September 1974, there were 16 fully regulated distributing plants under Order 68 and five such plants under Order 60. In addition, there were many pool supply plants associated with each of these markets.

Institutional factors are important in evaluating the effect of separate order regulations compared to a single order. This is illustrated in the comparison of the proportions of milk supplies used in Class I in the several order markets. Specifically, in the Eastern South Dakota, Duluth-Superior, and Southeastern Minnesota-Northern Iowa order markets, there is a substantially higher proportion of supplies used in Class I than in the other two markets, as shown in Table 2.

[1] Official notice is taken of the decision issued February 27, 1969 (34 FR 3808).

TABLE 2.—*Class I utilization percentage, 5 orders, 1970 to 1974*

	Order 60	Order 61	Order 68	Order 69	Order 76
	Minnesota-North Dakota	Dairyland	Minneapolis-St. Paul	Duluth-Superior	Eastern South Dakota
1970	30	44	43	50	59
1971	27	40	42	52	52
1972	24	44	43	54	48
1973	25	50	40	57	45
1974	22	50	32	60	46
Total change, 1970 to 1974	−8	+6	−11	+10	−13

The trends in utilization in the separate markets over a period of five years are significant. Orders 61 and 69 have experienced an increase in the percentage of producer milk used in Class I. Because of the buyer-seller arrangements in the three smaller markets, the level of Class I utilization in each of these markets generally can be established by the cooperative association on the basis of a decision as to the quantity of milk that will be pooled under the order. In the Order 61 market, nearly all of the supply is from a single cooperative, Associated Milk Producers, Inc.; likewise, in the Order 69 market, the Twin Ports-Arrowhead cooperative is the only one supplying the market.

The situation in the Eastern South Dakota market is somewhat different, although this market also is supplied by only one cooperative. This market has had a declining percentage use in Class I in recent years.

The effect of different Class I utilizations on returns to producers under the five orders is manifested through the uniform price. The average uniform price for the years of 1970 through 1974 for the five orders is shown in Table 3.

TABLE 3.—*Average uniform price, 5 orders, 1970 to 1974*

	Order 60	Order 61	Order 68	Order 69	Order 76
1970	5.08	5.14	5.19	5.01	5.54
1971	5.19	5.24	5.33	5.26	5.60
1972	5.30	5.51	5.54	5.47	5.76
1973	6.45	6.55	6.58	6.49	6.77
1974	7.46	7.72	7.59	7.74	7.86

It is readily apparent that a substantial change in price relationship has occurred during this five year period. With respect to Orders 61 and 68, for instance, it is noted that at the beginning of this period, the blend price under Order 68 exceeded the Order 61 price by 5 cents per hundredweight. By 1974, the Order 61 blend price exceeded the Order 68 blend price by 13 cents.

A comparison of blend prices under Orders 68 and 69 shows that in 1970 the Order 68 price exceeded the Order 69 price by 18 cents. By 1974, the situation was reversed, with the Order 69 price exceeding the Order 68 price by 15 cents.

Although substantial differences exist between the blend prices of Orders 60, 68, and 76, testimony at the hearing suggests that the actual prices to producers do not reflect the magnitude of these differences due to reblending of proceeds by cooperative associations with producers in two or more of these markets.

CONCLUSIONS

The facts discussed above lead to several relevant questions in determining the case for merger:

(1) Why has the relationship among these 5 markets changed?

(2) What effect do the changes have on producers marketing milk in this region? and

(3) What form of regulation will best insure orderly marketing for the future?

Part of the reason for the change in Class I utilization and prices to producers is to be found in the influx of newly converted Grade A supplies pooled under the orders. The total supplies pooled under the five orders increased from 3.5 billion pounds in 1970 to 4.5 billion pounds in 1974. Table 4 shows how this milk was divided among the five markets.

TABLE 4.—*Producer milk pooled under 5 orders, 1970 to 1974 (1,000,000 lb)*

	Order 60	Order 61	Order 68	Order 69	Order 76	Total
1970	654	464	1,962	186	187	3,453
1971	745	508	2,115	186	228	3,782
1972	793	460	2,314	181	263	4,011
1973	768	470	2,548	156	281	4,223
1974	814	435	2,835	143	279	3,506

From Table 4, it is obvious where the additional 1 billion pounds of milk has been pooled; Orders 68 and 60 have absorbed almost all of it. The milk pooled under Orders 61 and 69 has actually decreased during this period.

In view of the preceding considerations, it is apparent that the level of Class I utilization in the Minneapolis-St. Paul market and the Minnesota-North Dakota market more typically represents the impact of the large supplies of Grade A milk available in the region. In contrast, the Class I utilizations in the Order 61 and Order 69 markets reflect a sheltered situation which results from the play of

institutional factors and the existence of separate orders.

The change in handlers' and cooperatives' operations has clearly reduced the ability of the four Federal milk orders in their present form to provide dairy farmers with equitable opportunity for participation in market returns. With respect to the Duluth-Superior and Southeastern Minnesota-Northern Iowa markets, each supplied by one principal cooperative, the existence of separate orders results in segregation of returns for producers on an organizational basis. For instance, in March, 1975,[2] Order 69 Class I utilization was 57 percent, compared to the Minneapolis-St. Paul utilization of 31 percent. The Order 69 blend price exceeded the Order 68 blend by 24 cents per hundredweight at central market locations. Only about 2 cents of this difference can be explained by the 4-cents higher Class I differential. It is clear that the main price difference is because of the higher utilization in Order 69.[3]

A similar comparison of uniform prices can be made between the Order 61 and Order 68 markets, where Class I and Class II prices in the two markets are identical. The Order 61 uniform price has been consistently higher since the year 1972. In March and April 1975, the months of flush production, the differences were 17 cents and 22 cents per hundredweight, respectively. In these two months, the Class I utilization under Order 68 was 31 and 30 percent, respectively, while under Order 61 the corresponding percentages were 51 and 54 percent. These differences are significant in an appraisal of the degree to which orderly marketing conditions exist.

The Eastern South Dakota order market, also completely supplied by a single cooperative, has a different milk supply situation than the Dairyland and Duluth-Superior markets. In the case of the latter two markets, there is a significant overlap of milk supply with the Order 68 market. The Eastern South Dakota market, on the other hand, does not obtain substantial amounts of Grade A milk in Minnesota. Its principal supply of Grade A milk comes from within the marketing area and in relatively close proximity to the principal cities therein, i.e., Aberdeen and Watertown in the northern sector of the market, and Sioux Falls, Brookings, Huron, Mitchell, and Yankton, in the southern sector of the market.

Thus, where milk in the heavy production area of Wisconsin and Minnesota (described earlier) is in close proximity to handlers in the territory herein proposed for merger, the Grade A milk supply for much of the Eastern South Dakota market, as well as the handlers' plants in this market, are somewhat removed from such heavy milk production area.

For the four Orders 60, 61, 68, and 69, it must be concluded that present regulation is not resulting in an equitable distribution of market returns, considering that the milk of Grade A dairy farmers throughout most parts of the heavy milk production area is available either to several or all of the four markets. Within the new marketing structures that have developed among suppliers and handlers, competition for fluid outlets has resulted in disorderly marketing conditions for dairy farmers associated with these markets.

It is not uncommon that supply plants associated with one or another of the markets here under consideration have lost their Class I outlets to competition and have been forced, because of the limited pooling base under the order involved, to seek pooling status under other orders. In many situations, alternative outlets can be secured only in distant markets. The milk involved may displace traditional supplies in such markets which then may necessarily have to be disposed of for manufacturing uses. In other instances, the milk has gained pooling status in distant markets without significant performance through loopholes in the structure of the pooling provisions of the orders covering such markets. In usual circumstances, pooling in the distant market results in a lesser return for this upper midwestern milk than would result if the milk could have been pooled locally.

Several plants in Minnesota, formerly regulated by one of the four orders, now are pooled under the Federal milk orders regulating the handling of milk in the Greater Kansas City, Southern Illinois, and Des Moines, Iowa, marketing areas. In other cases, the milk of groups of Minnesota producers has been moved by direct pickup at the farm to the St. Louis Federal order market and to other markets as a means of sharing in the Class I market.

Examples of the changes in plants associated with the Southeastern Minnesota-Northern Iowa (Dairyland) market illustrate the situations just described. In 1970, five supply plants were pooled on the Dairyland market. Two plants were operated by Land O'Lakes, Inc., (at Mountain Lake and Pine Island, Minnesota), one by the Pigeon Falls Cooperative Creamery (at Pigeon Falls, Wisconsin), and one by the A–G Cooperative Creamery (at Arcadia, Wisconsin). Also, at this time, there were as many as seven cooperative associations, including Associated Milk Producers, Inc., supplying milk to proprietary handlers regulated under the Dairyland order. AMPI marketings were by shipment from member producer farms directly to processing plants.

In September 1971, the Land O'Lakes Pine Island plant ceased association with the Dairyland market and was pooled on the Southern Illinois Order No. 32. A further change in the supply arrangements occurred in July 1973, when AMPI qualified a pool supply plant at Owatonna, Minnesota.

In 1974, there was a break in the arrangement by which AMPI had marketed the milk of the Mid-America Twin Lakes plant, Elba Cooperative Creamery at Elba, Minnesota, and the milk of Elgin Cooperative of Elgin, Minnesota. The milk of these cooperatives had been included in the total supply furnished to Marigold Foods at Rochester, Minnesota. In the latter half of 1974, this marketing arrangement was discontinued. As stated by the AMPI witness, the cooperative "* * * replaced that displaced volume with producer volume of our own" when the Alma, Wisconsin, plant of AMPI was qualified for pooling under Order 61 in October 1974.

It is to be expected that this type of evolution of market structure may occur in any case where a single cooperative association has sufficient member milk to supply a relatively small, or medium, volume market. As indicated elsewhere, the Dairyland market is in this respect similar to the Duluth-Superior and Eastern South Dakota Federal order markets.

Contrasting to this situation is the Minneapolis-St. Paul market, where there is a number of cooperative and handler sources of supply. Presently, 34 cooperative associations have milk pooled under that order. This market pool has absorbed some of the supplies that once were associated with the Order 61 or Order 69 markets. Two of the supply plants that previously qualified on the Order 61 market now are regulated on the Order 68 market. A group of producer members of the National Farmers Organization that were previously identified with the Duluth-Superior market changed their market so that their milk now is pooled under the Minneapolis-St. Paul order.[4] In other instances, plants not previously associated with any Federal order market have become pool plants under Order 68.

These aforedescribed marketing conditions, including changes in the market structure, indicate a need for modification of the form of order regulation. The increase in the size of cooperative and proprietary handlers' operations, not only within individual markets but also on a intermarket basis, has made obsolete a continuation of the four separate orders, and calls for some restructuring of the Eastern South Dakota marketing area. The separate regulations for Orders 60,

[2] Official notice is taken of data for these markets in Federal Milk Order Statistics, January–May 1975, USDA, Agricultural Marketing Service.

[3] In some prior periods, such price comparisons would involve the different Class II price formulas under the two orders. Prior to August 1, 1974, when the Duluth-Superior and Minneapolis-St. Paul orders were amended to establish a three class system, the Duluth-Superior Class II price was different from the Minneapolis-St. Paul market. Such Class II price, based on a butter-powder formula, was $1.43 per hundredweight lower than the Order 68 Class II price in February 1974. As a result, the Order 69 uniform price was lower than the Order 68 uniform price in spite of a 55 percent Class I utilization in Order 69 compared to a 30 percent Class I utilization under Order 68.

[4] The Twin Ports-Arrowhead cooperative points out in their exception that, as of June 1975, a group of NFO's producers has again been associated with the Duluth-Superior market.

61, 68, and 69 are not achieving a proper distribution of returns of the fluid markets among the milk supplies immediately available to these markets. As a result, there are disparities in conditions affecting producers marketing their milk under the several orders which have tended to promote dissension among producer groups and uneconomical marketing patterns by cooperative associations.

The situation unquestionably will become increasingly severe as the transition from manufacturing grade milk to Grade A milk progresses.

In Wisconsin, Grade A marketings increased from 7.5 billion pounds in 1966 to 10.7 billion pounds in 1974. In Minnesota, Grade A marketings nearly doubled, from 1.7 billion in 1966 to 3.4 billion in 1974. Grade A milk and cream marketings in these and other specified states, for the years 1966, 1969 (the year that Dairyland became effective), 1970, and 1974 are shown in Table 5.

TABLE 5.—*Grade-A milk and cream marketed by farmers*[1]

(1,000,000 lb)

State	1966	1969	1970	1974
Wisconsin	7,461	8,889	9,628	10,677
Minnesota	1,690	2,306	2,677	3,356
Iowa	1,105	1,405	1,404	1,647
North Dakota	220	201	227	319
South Dakota	204	202	218	305
Total	10,680	13,003	14,154	16,304

[1] Official notice is taken of the annual publications of "Milk Production, Disposition, Income" by Crop Reporting Board, SRS, USDA, covering the periods 1966 through 1974. Estimates of quantities of Grade A milk are derived by applying percentage figures to total marketings.

In total, the increase in Grade A marketings for these States, 1966–74, was 5.6 billion pounds, an average increase of 703 million pounds per year.

The potential for development of an even larger Grade A milk supply is indicated in Table 6 showing the proportion of the milk production in these states that does not now qualify as Grade A. In Minnesota, for example, about 63 percent of the 9 billion pounds of milk marketed in 1974 was manufacturing grade.

TABLE 6.—*Percent of non-grade-A milk and cream marketed in 1974*

State	Milk and cream marketed in 1974 (1,000,000 lb)	Percent non-grade A
Wisconsin	17,795	40
Minnesota	9,070	63
North Dakota	910	65
South Dakota	1,385	78
Iowa	3,660	55

Potential milk supplies for these markets from the State of Minnesota alone are indicated by a 1974 annual milk production of over 9 billion pounds compared to total order receipts of 4.5 billion pounds under the five orders. In the general area of Wisconsin from which these orders draw milk supplies (Crop Reporting Districts 1 and 4), total milk production in 1974 was close to 4.5 billion pounds, of which more than half was not pooled under any Federal order. While the volume of production in North and South Dakota is much smaller, the proportion of manufacturing grade milk is even larger. Thus, there is a very large quantity of potentially Grade A milk supplies no more distant than milk presently pooled under these orders. It can be expected there will be a continuing tendency for many of the dairy farmers producing manufacturing grade milk to improve their operations to attain Grade A qualification.

It is expected that cooperative associations and handlers will seek to pool under the upper Midwest Federal order markets most of the increase in the production of Grade A milk in the area. This cannot be accomplished under the framework of the existing orders, however, because the growth of Grade A milk supplies will be much greater than the growth of fluid requirements of these markets. Grade A milk pooled on the five markets increased 38 percent from December 1969 to December 1974, but the quantity used in Class I increased only 3 percent.

Because of this situation, the coordination of order pricing and pooling is vitally important in this area. Each of the markets here under consideration is affected by this supply situation, although in certain markets this is obscured by institutional factors that inhibit free adjustment of supplies among the markets.

The incentive for dairy farmers is to pool their milk where the highest return is available. With equal access to the respective markets, this would result in an equalization of returns under the several orders. If such balancing of milk supplies among the markets occurred, orderly marketing conditions would be manifested by the unfettered association of milk supplies according to price incentives. This, however, is not the case since two of the markets have seemingly absorbed a disproportionate share of the area milk supplies.

In addition to removing the basic problem of sharing the returns among all of the Grade A producers in this area, the proposed merged order will promote greater efficiency in the moving and handling of milk. Present efforts of cooperative associations and handlers to pool on these markets the milk produced in associated production areas involve movements unrelated to economical supply systems for a particular market. This is true also when supplies produced in this area are pooled on other more distant markets. The proposed merged order will provide a broad basis for pooling Grade A milk supplies produced within and close to the proposed marketing area, and will obviate shipments of milk for the sole purpose of attaining pooling status.

The merger action will also reduce uneconomic milk handling resulting from cooperatives attempting to maintain or adjust levels of Class I utilization in individual markets. Circumstances where a cooperative association attempts to balance milk supplies and Class I utilization levels between two markets, or a cooperative handling the major supply in a single market arranges to limit supply, foster uneconomical supply arrangements. Because the merged order would equalize Class I utilization over the entire area, the incidence of uneconomic handling of milk would be minimized.

OPPOSITION TO INCLUSION OF THE DULUTH-SUPERIOR MARKET

In opposition to merging the Duluth-Superior market with the other markets, a representative of the Twin Ports-Arrowhead Cooperative Dairy stated that this market is isolated geographically and has its own special supply of milk. He contended that the market's production area has a uniqueness due to such factors as a short growing season and lack of alternative agricultural enterprises, all of which result in production costs higher than other areas to the south supplying the Twin Cities and other Minnesota markets.

These points were repeatedly mentioned in the many exceptions filed opposing the inclusion of Duluth-Superior in the merged order. Such exceptions were received from individual dairy farmers, the Twin Ports-Arrowhead Cooperative, Land O'Lakes, Inc., and other interested parties.

Except for institutional arrangements, which can affect the sources of a market's milk supply, alternative milk supplies in the heavy milk production region are amply available to the Duluth-Superior market.

The Duluth-Superior supply area in Minnesota and Wisconsin abuts and, in some measure, overlaps the heavy milk production region described elsewhere in these findings. About 32 percent of the milk pooled on the Order 69 market in December 1973 was produced in an east-west corridor of counties contiguous to the Order 69 marketing area on the south (Pine County, Minnesota, and Burnett, Washburn, and Sawyer Counties, Wisconsin.) This area is adjacent to the heavy production area in Polk and Barron Counties, Wisconsin, where a substantial volume of the milk produced is pooled under Order 68. As pointed out earlier, there are a number of counties in which both markets have supplies. Barring institutional factors, there is no apparent reason why the ample supplies described should not be as equally and economically available to the Duluth-Superior market as to the Minneapolis-St. Paul market. In the latter market, the volume of milk pooled is generally in excess of the market's fluid needs; therefore, not all such supplies are bound to that market by a need to meet fluid demands.

The Twin Ports-Arrowhead Cooperative, in their exception, fears that "this is, of course, the trouble." They believe further our milk will displace their producers as a source of supply for the Twin Ports area and that certain provisions of the proposed order will force the closing of their manufacturing plant.

These fears are unfounded. There is no reason why locally produced milk should

be displaced by more distant milk. Local producers have a location advantage, longstanding institutional arrangements, and the facilities to efficiently handle the market's reserve supplies. As further explained in later discussion of the "reserve supply plant" provision, the cooperative would not be forced to "close down" this facility because milk was "pulled out" of the plant presumably to supply some other area.

Opponents argue that separate regulation is needed for the Duluth-Superior area to maintain a higher price there than in areas to the south. However, opponents ignore the fact that substantial supplies of milk in this same area are now being pooled under the Minneapolis-St. Paul order at a substantially lower price. For instance, data introduced at the hearing show that in December 1973, more milk from Pine County, Minnesota—the biggest supply county for the Duluth-Superior market—was being pooled under Order 68 than under Order 69. In that month, 2.44 million pounds of milk were pooled on the Minneapolis-St. Paul market compared to 2.38 million pounds that were pooled on the Duluth-Superior market. Similarly, with respect to Bayfield and Ashland Counties in Wisconsin, which are part of the Duluth-Superior marketing area, more milk from those counties went to Order 68 than to Order 69.

Twin Ports-Arrowhead excepts to this finding of overlapping supplies, stating that the overlap was created for "artificial, uneconomic" reasons. This may or may not be so, but it was well established on the record that a common reason for uneconomically associating milk supplies with a more distant market is because an outlet for pooling such milk could not be found on the local market.

Twin Ports-Arrowhead states that the National Farmers Organization has had producers pooled on the Duluth-Superior market since June 1975. While this may have reduced the overlap in supplies between Orders 68 and 69, it does not alleviate the basic need for an equitable sharing of returns to preclude uneconomic and disorderly marketing conditions in the future.

Equity can only be achieved if all producers in this common supply area share equally in the proceeds of the several fluid markets. Accordingly, the declared policy of the Act, to assure an adequate supply and to provide orderly marketing, can most appropriately be carried out by inclusion of the Duluth-Superior order in the Upper Midwest marketing area.

SEPARATE REGULATION FOR THE EASTERN SOUTH DAKOTA MARKET

The southern portion of the Eastern South Dakota order market should not be included in the merged order. However, the northern tier of five counties (McPherson, Walworth, Edmunds, Brown, and Day, referred to throughout this discussion as the "five-county area"), should be incorporated into the new Upper Midwest order marketing area. The remaining portion of the Order 76 marketing area should be extended to include the presently unregulated South Dakota counties of Brookings and Deuel, and the presently unregulated Minnesota counties of Lincoln, Pipestone, and Nobles. This extension is discussed elsewhere under the subject "additional territory to be regulated".

Testimony of milk dealers and producer groups generally opposed the merger of the Order 76 market with the other four order markets. The only expression of support for merger of Order 76 came from the National Farmers Organization.

In exceptions filed regarding this issue, NFO maintained that all of Eastern South Dakota should have been included in the Upper Midwest marketing area, while Cass-Clay Creamery and Mid-America Dairymen, Inc., supported the annexation of the five-county area as proposed in the recommended decision. Land O'Lakes, Inc., and Lakeside Dairy opposed the inclusion of the five-county area.

It was the general consensus of most witnesses testifying on this matter that Order 76 was more integrated with the Nebraska-Western Iowa order (Order 65) from a standpoint of procurement and Class I sales than with other markets here considered for merging and should not, therefore, be included in this merger. A factor relied upon by Land O'Lakes in opposing the inclusion of the Eastern South Dakota market was the intermingling of producers with those for the Nebraska-Western Iowa market.

The Eastern South Dakota marketing area presently encompasses most of the eastern one-third of South Dakota. It is an elongated marketing area extending from the North Dakota border to the Nebraska state line, a distance, north-south, of about 270 miles.

The portion of the Eastern South Dakota marketing area herein proposed to be merged with the Minnesota markets is comprised of a tier of counties joined on the north with the Order 60 marketing area. An extension of this corridor of counties east to the Minnesota border also covers an area of three South Dakota counties, Marshall, Roberts, and Grant, which now are part of the Order 60 marketing area.

The principal city in the five-county area proposed to be annexed to the Upper Midwest marketing area is Aberdeen with a 1970 population of 26,476. Aberdeen, in Brown County, is about 40 miles south of the North Dakota state line and the Order 60 marketing area. It is the only large population center throughout the five-county area.

Aberdeen is located 180 miles from the Fargo-Moorhead complex in the Order 60 marketing area, and 210 miles from Sioux Falls, the largest city in the Order 76 marketing area.

The marketing of Grade A milk in the five-county area in the northern sector of the Order 76 market is closely integrated with the Order 60 marketing area. The three South Dakota counties regulated under Order 60, with the five herewith proposed for annexation with the Upper Midwest market, are a part of the supply area for Grade A milk pooled on the Order 60 market. Also, some milk supplies in the adjoining North Dakota counties in the Order 60 marketing area are pooled on the Order 76 market. Local handlers supplying fluid milk products in the northern area of the Order 76 market are the DeVries Dairy, Inc., located in Aberdeen, in Brown County, and Blue Valley Dairy, a producer-handler, located at Hoven, in Walworth County. The fluid milk sales of the two handlers do not extend outside the present Order 76 marketing area.

The Cass Clay Creamery, Inc., operates a partially regulated distributing plant at Mandan, North Dakota, and a distributing plant regulated under Order 60 at Fargo, North Dakota. These bottling plants distribute directly, and through jobbers, into the five-county area. The Mandan plant, by virtue of its sales into both the Order 76 and Order 60 marketing areas, now is partially regulated under both such orders. Cass Clay also operates a butter-powder manufacturing operation at Fargo, North Dakota, and a cheese manufacturing plant at Aberdeen, South Dakota.

The Fairmont Foods Company operates a distributing plant at Moorhead, Minnesota, pooled under Order 60, and a distributing plant in Minneapolis, Minnesota, pooled under Order 68. From these plants, fluid milk products are distributed into the Order 76 marketing area as well as in Orders 60 and 68.

Lakeside Dairy, at Sioux Falls, South Dakota, opposed the annexation of the five-county area because "the Eastern South Dakota handlers who operate competing routes in northern South Dakota will be placed at an even greater disadvantage to the north."

With regard to this latter point, which is discussed in greater detail under item 4(c) of this decision, it is noted that the Class I differential at Aberdeen would be about $1.12 even if the five-county area were part of the Order 76 marketing area. This is because the revised location adjustments adopted for the Eastern South Dakota market provide for a gradual decrease in price in a northerly and easterly direction from Sioux Falls. Therefore, Lakeside's exception deals not with the issue of where the five-county area belongs, but rather what price should apply there.

Land O'Lakes, Inc., excepted to the removal of the five-county area from the Eastern South Dakota market. LOL included data in their exception that show that their Terrace Park Dairy at Sioux Falls has 45 to 60 percent of the Class I sales in each of these 5 counties. LOL also states that Order 60 has very little procurement overlap with Order 76 in the five-county area.

It is recognized that the five-county area bears a close relationship to Order 76 insofar as Class I distribution and procurement are concerned. However, it is also recognized that Order 76 in its entirety is related to the Upper Midwest marketing area in these respects.

The crucial factor that supports the exclusion of Eastern South Dakota from the Upper Midwest merger is the extent of procurement overlap between Order 76 and the Nebraska-Western Iowa market (Order 65). With respect to this important consideration, a distinction can be made between the five-county area and the rest of the Eastern South Dakota marketing area.

Exhibit 5 of the hearing record shows that the procurement area for Order 65 extends as far north as Spink and Clark Counties in Eastern South Dakota. It does not extend into any of the five-county area.

The five-county area, along with Marshall, Roberts, and Grant Counties, is a very heavy production area with a very sparse population. Production in this area is roughly 24 percent of the production for the entire state. Production in Brown County alone, where the Aberdeen distributing plant is located, is more than twice as great as the fluid needs of the county.

The five-county area is unquestionably a surplus production area and needs neither the higher Class I differential nor the higher Class I utilization of Orders 76 and 65. An appropriate price level for this area can be readily adapted to the structure for the merged order. Therefore, the five-county area should be included in the Upper Midwest marketing area as proposed.

In the remaining territory of the Order 76 marketing area proposed to be left out of this merger are located the other distributing plants pooled under Order 76. These are: Culhanes Dairy, Mitchell, South Dakota; and Terrace Park Dairy and Lakeside Dairy, both located in Sioux Falls.

The representative of Lakeside Dairy testified to having about 30 percent of the total Order 76 Class I market and Terrace Park Dairy about 60 percent. Both handlers distribute fluid milk products into the Nebraska-Western Iowa market. The Lakeside handler's distribution in the Order 65 market is confined to the Sioux City area.

Sioux Falls, (Minnehaha and Lincoln Counties), the largest city in South Dakota (urbanized area population of 75,000), is located in the southeast corner of the State. Sioux Falls is about 60 miles from the Nebraska border and 85 miles from Sioux City, Iowa (urbanized area population of 95,937), one of the principal cities in the Nebraska-Western Iowa marketing area.

In view of the significant sales and procurement relationship with the Nebraska-Western Iowa market, it is concluded that this area should be left out of the Upper Midwest marketing area and reserved for later consideration for merger with the Nebraska-Western Iowa market.

3. *Additional territory to be regulated.* The merged Upper Midwest marketing area should include additional territory, presently unregulated, comprised of: 15 Wisconsin counties, and the portions of St. Croix and Pierce Counties, Wisconsin, that are not now a part of the Order 68 marketing area; and 18 counties in Minnesota and the portion of St. Louis County that is not now a part of the Order 69 marketing area. Three Minnesota counties (Lincoln, Pipestone, and Nobles) and two South Dakota counties (Brookings and Deuel) should be included in the Eastern South Dakota marketing area.

Reasons advanced by proponents for regulation of such territory were:

a. A significant share of the Class I sales in the unregulated territory is made by regulated handlers in competition with unregulated handlers;

b. Although the unregulated handlers have a high Class I utilization, they do not buy milk on a classified use basis. Thus, they have a competitive cost advantage compared to regulated handlers;

c. The Federal order pools carry the burden of reserve supplies that unregulated handlers depend on and purchase to supplement their regular sources during the short production season; and

d. The unregulated territory is contiguous to the present marketing area.

ADDITIONAL WISCONSIN TERRITORY

The Wisconsin territory to be included in the Upper Midwest marketing area (referred throughout these findings as the 17 Wisconsin counties) includes all but one (Jackson County) of the 18 counties proposed for regulation as set forth in the hearing notice. The 17 Wisconsin counties included in the merged and expanded marketing area are:

Barron	Polk
Buffalo	Price
Burnett	Rusk
Chippewa	Sawyer
Clark	St. Croix
Dunn	(remainder)
Eau Claire	Taylor
Pepin	Trempealeau
Pierce (remainder)	Washburn

The total 1970 population of the 17 Wisconsin counties, including all of Pierce and St. Croix, is 415,747. Eau Claire County with 67,219 persons, Chippewa with 47,717, and St. Croix with 34,354, (1970 U.S. Census of Population), are the three counties with largest population. A portion of St. Croix County is now regulated under Order 68. The three largest cities in these 17 counties are Eau Claire (about 45,000), Chippewa Falls (12,351), and Menomonie (11,275).

Three producer organizations supplying one or more of the five fluid markets proposed the regulation of additional territory in Wisconsin. Mid-America Dairymen, Inc., proposed that all the foregoing 17 Wisconsin counties, together with Jackson County, be included in the marketing area of a single order, combining Orders 60, 61, and 68. The National Farmers Organization, in connection with its proposal to combine all five markets into a single regulation, proposed inclusion of 13 of the 18 Wisconsin counties noticed in the hearing proposal (excluding Clark, Jackson, Price, Rusk, and Taylor).

Land O'Lakes, Inc., initially proposed the inclusion of all but Chippewa County of the 18 Wisconsin counties proposed for regulation; such proposal was included in the notice of hearing. In its post-hearing brief, however, this cooperative withdrew its support for the regulation of seven of the 18 Wisconsin counties, i.e., Clark, Jackson, Price, Rusk, Sawyer, Taylor, and Trempealeau. The cooperative, in its brief, argued that Order 30 handlers market a greater volume of Class I milk in these counties than Order 68 handlers. The cooperative contends, therefore, that consideration should be given to their regulation under Order 30.

Opposition to regulation of all 18 Wisconsin counties was stated in testimony and in exceptions filed on behalf of the unregulated milk handlers now marketing Class I milk there.

This additional territory (17 counties) should be brought under regulation to implement continuing orderly marketing for dairy farmers supplying regulated handlers, as well as unregulated handlers, marketing milk therein. Milk is disposed of in this territory by regulated handlers on routes as well as in the form of bulk supplemental supplies to unregulated handlers.

In the 17-county Wisconsin area, there is milk distribution by handlers regulated under three of the five orders (Orders 61, 68, and 69), several milk handlers regulated under the Chicago Regional order, and a number of unregulated milk plants. It is established that such unregulated handlers receive approximately 8.1 million pounds of milk monthly.

Ten of the 17 counties (Price, Sawyer, Washburn, Burnett, Polk, St. Croix, Pierce, Pepin, Buffalo, and Trempealeau) join the present marketing areas of either Order 61, 68, or 69. Geographically, the ten counties form the northern, western, and part of the southern extremities of the Wisconsin territory proposed to be regulated.

Adjacent thereto, in Barron and Eau Claire counties, respectively, are located the two principal unregulated handlers in the proposed Wisconsin territory. These are the Dolly Madison Dairies, Inc., at Eau Claire (Eau Claire County), and Gustafson Ice Cream and Dairy Company at Rice Lake (Barron County). The two unregulated handlers have substantial fluid milk sales in the territory made up of the 10 Wisconsin counties that are contiguous to the present regulated markets.

The Dolly Madison Dairies now is a partially regulated handler under Orders 68, 69, and 30 by virtue of sales into the respective marketing areas; the Gustafson Ice Cream and Dairy Company is partially regulated under Order 69. The primary business of these two handlers is fluid milk products disposition. Together, they have wide distribution of fluid milk products throughout the 17-county Wisconsin area.

Handlers now regulated under Orders 61, 68, and 69, respectively, dispose of 50 percent or more of the total fluid milk disposition in St. Croix (the unregulated portion), Polk, Burnett, and Buffalo Counties. The Gustafson Ice Cream and Dairy Company markets about 20 percent of the plant's Class I milk disposi-

tion in these four counties. The inclusion of the four counties in the regulated area, therefore, would result, under proposed pooling standards, in the full regulation of the Gustafson plant.

The Gustafson plant receives milk from about 52 Grade A dairy farmers located in the surrounding production area. About 27 million pounds of milk is received annually from such dairy farmers, roughly 90 percent of which is disposed of in the form of fluid milk products. This handler also purchases annually about 276,000 pounds of milk from a plant located in Rice Lake and purchases certain fluid milk products from an Order 68 regulated plant. Gustafson distributes fluid milk products in all but one (Pepin) of the 17 Wisconsin counties herein proposed for regulation.

The Dolly Madison plant also has a large proportion of its fluid milk products disposition in the 17-county area. About 7.5 percent of Dolly Madison's sales are disposed of in marketing areas of Federal Orders 68, 69, and 30, and roughly 83 percent of its sales are disposed of in 16 of the 17 unregulated counties adopted herein for regulation. It has no fluid milk sales in Burnett County, Wisconsin.

Dolly Madison Dairies is a division of Marigold Foods, Inc., of Rochester, Minnesota. The bottling operation receives approximately 50 million pounds of milk annually from about 100 Grade A bulk producers located in the surrounding production area. Close to 90 percent of the milk handled is disposed of in the form of fluid milk products. In addition to milk purchased from dairy farmers, Dolly Madison purchases regulated milk, both bulk and packaged, equal to about 10 percent of its total annual fluid milk sales. It purchases annually about 4 million pounds of bulk skim milk pooled under Order 68 from Mid-America Dairymen, Inc. It also purchases packaged fluid milk products from Marigold Foods, Rochester, Minnesota, an Order 61 pool plant.

The inclusion of the 17 Wisconsin county territory in the merged and extended marketing area will bring under full regulation several additional unregulated distributors whose sales areas are more localized in scope than the Dolly Madison and Gustafson operations.

The Knapp Creamery Company, located at Knapp (Dunn County), Wisconsin, is a bottling plant that receives about 6 million pounds annually from 12 Grade A producers. About 70 percent of this Grade A milk is disposed of as Class I fluid milk products. The Knapp Creamery Company markets Class I products in Dunn County, in St. Croix County (abutting Dunn County on the west), and in Pepin County, which abuts the Order 61 marketing area.

The Hayward Dairy, a bottling plant located in Hayward (Sawyer County), Wisconsin, purchases about 2 million pounds of milk annually from two Grade A producers. It also purchases packaged milk from the Gustafson Ice Cream and Dairy Company. While the fluid milk distribution of this handler is largely confined to Sawyer County, some sales are made in the Duluth-Superior market. As a consequence, the plant is a partially regulated distributing plant under Order 69.

Hillside Dairy, located in Cadott (Chippewa County), Wisconsin, receives about 2 million pounds of milk annually from three Grade A dairy farmers. The milk is utilized principally in packaged fluid milk products distributed in Chippewa County through dairy stores owned by Hillside Dairy.

The Hoffman Dairy, located in the town of Thorp in Clark County, Wisconsin, receives about 1 million pounds annually from one producer, of which approximately 400 thousand pounds is packaged in fluid form for route disposition. Additional packaged milk in quantities not specified on the record are purchased from Dolly Madison Dairies. Hoffman Dairy distributes Class I products in Clark, Chippewa, and Taylor Counties, Wisconsin.

A primary consideration in the need for extending regulation to the 17-county territory included herein is the lack of uniform pricing for milk marketed there. Handlers now regulated under the present orders operate in competition with unregulated handlers not subject to a classified price plan in the proposed area of extension. The unregulated handlers distributing milk therein pay their farmers prices unrelated to the class use value of their milk, even though a high proportion of their milk receipts is utilized for Class I disposition. Because of this, the unregulated handlers achieve a raw product cost well below the cost to regulated handlers for the same type of utilization.

This cost advantage is greatest when an unregulated handler limits his Grade A receipts to accommodate only his immediate Class I needs and relies on supplementary milk supplies from plants and/or cooperatives during the seasonally short production months of the year. The handler likely must pay a price to his dairy farmers that matches, or betters, the uniform price that regulated handlers are paying. Such pay price of the unregulated handler, however, usually is substantially lower than the classified use value that regulated handlers would be required to pay for the same utilization.

Prices paid by Dolly Madison during January through September 1974, compared with prices based on Order 68 class values, as adjusted for the Eau Claire location, show that in only one month of the 9 months was the Dolly Madison pay price above the estimated class use value. In the remaining eight months, January through August 1974, the actual producer pay price of this handler ranged from 5 cents to $1.29 below the estimated class use value. These price differences over the 9-month period averaged approximately 50 cents below the class use value of the milk.

Similarly, the Gustafson pay price was 2 cents higher than the classified use value in September 1974, but for the months of January through August 1974, was 5 cents to $1.28 below the class use value at the Rice Lake location. The pay prices on the average were 49 cents per hundredweight lower than the class use value during this 9-month period.

A representative of Dolly Madison Dairies, testifying also in behalf of six other unregulated handlers, opposed the inclusion of the proposed 18-county Wisconsin territory. He contended that there is no specific evidence of disorderly marketing conditions or any serious competitive problems in milk procurement between unregulated handlers and regulated handlers. Incorporating the unregulated Wisconsin territory into the marketing area, he said, would subject them to additional raw product procurement costs because of equalization payments to the order pool for the classified use value of their milk.

The pricing policy of the Dolly Madison and Gustafson, according to this spokesman, is to pay a flat price determined from the blend prices paid in the adjoining Federal order markets. The pay prices of the two handlers, thus, are not based upon their Class I utilization, which is 90 percent or more. The witness stated that, nevertheless, Dolly Madison pays its dairy farmers equal to or better than the Order 68, 69, or 30 blend prices and, accordingly, such dairy farmers would have nothing to gain by the regulation.

In the exception filed on behalf of Dolly Madison, Gustafson, and five other unregulated Wisconsin handlers, it was again stressed that, although these handlers do not pay the classified use value for their milk, they have not used this situation to create disorderly marketing conditions. The exception states that "no evidence was produced that either Dolly Madison or Gustafson was guilty of price cutting on their fluid milk sales, nor were they guilty of overpayment to producers with regard to milk procurement."

Such exception misses the basic points on which the decision to include the 17 Wisconsin counties is based, i.e., that the unregulated handlers have shifted the burden of carrying their reserve milk supplies to the Federal order pool and that producers are not receiving the full classified use value for milk delivered to these handlers.

Because fluid milk sales vary from day to day (primarily with the day of the week) and from month to month, and milk production varies seasonally, a reserve of production over the average daily volume of fluid sales is necessary to assure a reliable supply. The quantity of reserve needed is proportionate to the volume of Class I disposition of the handler or the market. Milk not actually utilized in Class I disposition, and which is necessarily classified as Class II or Class III milk, returns to producers only the lower value commensurate with such use.

The unregulated Wisconsin handlers rely on pool milk for their reserve supplies. Therefore, the burden of carrying this reserve milk supply is not being born by the unregulated handlers, but instead is the exclusive burden of those produc-

ers and handlers in the regulated market. Full regulation of the Wisconsin handlers would assure equal sharing of the cost of maintaining this reserve milk supply and would assure uniformity of returns to all producers supplying milk for sale in this area.

It was also contended that marketing conditions are not significantly different than shown in the 1968 hearing that considered expansion of the Order 68 marketing area to include the Wisconsin counties of Polk, St. Croix, Pierce, Dunn, Barron, Chippewa, and Eau Claire. Of these seven Wisconsin counties, only certain townships in Pierce and St. Croix Counties were incorporated in the Order 68 marketing area. It was found that regulated handlers had a substantial portion of the sales in such added areas. Official notice is taken herewith of the decision of the Under Secretary issued February 27, 1969 (34 FR 3833) on the aforesaid hearing record in which percentages of Class I sales by regulated handlers were cited for four Wisconsin counties.

The change since the 1968 hearing in Class I distribution in these four counties by regulated handlers, as per the November 1974 record, are shown in the following table:

TABLE 7.—*Estimated percentage of class I sales by regulated handlers in 4 Wisconsin counties, 1968 and 1974*

County	1968 estimates	1974 estimates
Barron	2-8	4-10
Dunn	3-6	9-25
Eau Claire	3-15	16-28
Chippewa	2-3	29-45

In certain other counties not considered in the 1968 proceeding, but considered on this record, regulated handlers have the majority of total Class I marketings. In this respect, this record concerns a broader area of the Wisconsin area adjoining the present marketing area than in the 1968 proceeding, and the evidence indicates a more substantial relationship between marketing in this area and the merged markets than that described in the 1968 record.

A uniform price plan applicable to all handlers offering milk for sale in the expanded area should be made effective by bringing this area within the boundaries of the marketing area of the merged and expanded order. This will tend to stabilize and improve marketing conditions in the specified areas.

A witness for the Central Milk Sales Agency (an association of seven cooperatives, all of which operate pool supply plants under the Chicago Regional Order No. 30) testified in opposition to regulation of additional Wisconsin territory under the merged order. The principal reason given was that the merged order would not provide a suitable pricing plan in the proposed 18-county Wisconsin area, particularly in relation to the Order 30 Chicago Regional Federal order market.

In its post-hearing brief, however, CMSA stated that seven of the proposed Wisconsin counties, Burnett, Polk, St. Croix, Pierce, Dunn, Pepin, and Buffalo, should be included in the Upper Midwest marketing area. The association brief opposed the expansion of the order to the other 11 Wisconsin counties (Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, Jackson, Clark, Taylor, Price, Washburn, and Barron), stating that regulation of the latter 11 counties (which constitutes an area where a substantial share of fluid milk sales are made by seven unregulated handlers) should be delayed pending a hearing to consider the regulation of the area under the Chicago Regional order.

With respect to this 11-county area, the association argues that distribution by Order 30 handlers exceeds the volume of distribution by Order 68 handlers in Price, Taylor, Clark, Jackson, and Trempealeau Counties. They reason that inclusion of these five counties under the Chicago Regional order would subject the Dolly Madison plant to full regulation, and inclusion of additional counties where Dolly Madison has Class I sales would regulate the Gustafson operation.

On the other hand, the association's request that seven Wisconsin counties be included in the Upper Midwest marketing area would result in regulation of the Gustafson Ice Cream and Dairy Company, and probably the Dolly Madison plant under this order. The seven counties proposed by the association include about 30 percent of Gustafson's Class I milk distribution and about 16 percent of the Class I disposition of the Dolly Madison plant. Under the terms of the merged order, a distributing plant with 15 percent route disposition in the marketing area becomes a fully regulated pool plant.

Splitting the unregulated territory in this manner would not promote orderly marketing, since it would provide continuing uncertainty insofar as which order these plants would be regulated under. In response to slight changes in distribution patterns, they could shift regulation from one market to another.

More important, however, is the point raised by CMSA regarding a suitable price. Under the proposed pricing structure, the Upper Midwest uniform price will be higher than the Order 30 price at Barron and Eau Claire Counties. Therefore, if Gustafson, Dolly Madison, and the other unregulated handlers are to have a competitive price in their procurement area, they must be regulated under the Upper Midwest order.

An official of the Consolidated Badger Cooperative, with membership under the Chicago Regional order, requested that 10 Wisconsin counties, Sawyer, Barron, Rusk, Chippewa, Eau Claire, Trempealeau, Jackson, Clark, Taylor, and Price, not be regulated under the merged order. His expressed reasons were that a substantial portion of the milk consumed in the 10 counties, together with the unregulated portions of Wood and Marathon Counties, is already subject to Order 30 regulation; more than 1300 dairy producers in all 12 counties participate in the Order 30 program; and that regulation under Order 30 of all handlers in the 12 counties would provide for greater equity among both handlers and producers.

In their exceptions, Consolidated Badger reiterated this position, adding that they were especially concerned that Price, Sawyer, Taylor, Clark, Jackson, and the unregulated parts of Wood and Marathon become a part of Order 30. (The latter two counties were not proposed and are not herein included in the Upper Midwest Marketing area.)

For the reasons discussed above, it is concluded that all of the 18 unregulated Wisconsin counties, with the exception of Jackson County, should be included in the Upper Midwest marketing area. Under present circumstances, greater equity among both handlers and producers will be achieved through inclusion of this territory under the new Order 68.

Jackson County should be excluded from the marketing area of the merged order. This is the only county among the 18 wherein a majority of the fluid milk sales are made by Order 30 handlers. Moreover, the extension of regulation under the merged order to Jackson County alone, in contrast with the other Wisconsin counties proposed for regulation, might be such that a single milk distributor, located therein and already regulated under the Chicago Regional order, would instead be regulated under the Upper Midwest order.

The Thomas Brothers Dairy Company at Black River Falls (Jackson County), a distributing plant pooled under the Chicago Regional order, has a majority of the sales of fluid milk products in Jackson County. This handler's sales are generally localized in character, although some fluid milk product distribution is made by this handler in certain communities in Eau Claire, Chippewa, Clark, and Trempealeau Counties.

The class prices under the merged order and the Chicago Regional order would be identical at the Black River Falls location. Extension of the marketing area into Jackson County is not necessary to the full regulation of the presently unregulated handlers in northwestern Wisconsin. Consequently, no purpose would be served by the inclusion of Jackson County in the marketing area. Moreover, the majority of the Grade A milk produced in Jackson County is now priced under the Chicago Regional order. Thus, it would be more appropriate that the Black River Falls handler remain regulated in the Chicago market, where his major milk procurement competition is.

ADDITIONAL MINNESOTA AND SOUTH DAKOTA TERRITORY TO BE REGULATED

Several proposals by cooperative associations would include all of the 22 unregulated Minnesota counties and two South Dakota counties in a regulated area, either a combination of all five markets into a single regulation or in several combinations of markets.

The unregulated territory in northeast Minnesota is a 10-county area be-

tween the marketing areas of the Minnesota-North Dakota order on the west, the Minneapolis-St. Paul and Duluth-Superior orders on the east, and the Canadian boundary on the north. In southwest Minnesota, there are 11 unregulated counties between the marketing areas of the Minnesota-North Dakota and Eastern South Dakota orders on the west and the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa orders on the east. In the extreme southeast of the state, Houston County is unregulated.

NORTHEASTERN MINNESOTA

Ten counties in northeastern Minnesota were proposed by various parties as extensions of either the merged marketing area or the Duluth-Superior marketing area. These counties are: Aitkin, Cass, Cook, Crow Wing, Itasca, Koochiching, Lake, Morrison, St. Louis, and Todd.

This area had a population of 302,165 in 1970. This figure does not include Duluth in St. Louis County, which is part of the Order 69 marketing area and which has a population over 105,000. In April, 1974, regulated handlers under Orders 60 and 68 distributed about 1.1 million pounds of fluid milk products into these unregulated northeastern counties.

Proposals by Land O'Lakes, Inc., and NFO would extend regulation to eight of the northeastern Minnesota unregulated counties (excluding Lake and Cook). In its post hearing brief, Land O'Lakes modified its proposal, urging that the counties of Cass, Todd, Crow Wing, Morrison, and Aitkin be included in any merged order, and the counties of Koochiching, Itasca, St. Louis, Lake, and Cook be added to the Order 69 marketing area or, in the alternative, to the merged marketing area, if the Duluth-Superior market is included. Mid-America Dairymen, Inc., had proposed for the hearing the regulation of Todd, Morrison, Aitkin, Cass, and Crow Wing Counties, but held in its post hearing brief that the merged order should include all of the Minnesota unregulated counties except Koochiching, Itasca, Lake, and Cook. In their exceptions, all of these organizations supported the regulation of all of the 10 unregulated counties in northeastern Minnesota.

The Twin Ports-Arrowhead Cooperative Dairy, representing producers supplying milk in the Duluth-Superior market, proposed the continuance of this market, Order 69, as a separate regulation and expansion of the order to include the unregulated Minnesota counties of Cook, Lake, Itasca, Koochiching, and the remaining unregulated territory in St. Louis County.

Regulated handlers market a substantial portion of the total fluid milk sales in each of the counties in the northeast territory here adopted as part of the merged marketing area. Witnesses for two cooperative organizations indicated that regulated handlers have about 70 to 85 percent of total fluid milk sales in Aitkin County, 65 percent in Cass County, 55 percent in Crow Wing County, 65 to 73 percent in Koochiching County, and 90 to 93 percent in St. Louis County.

The Order 68 handlers include: Clover Leaf Creamery Co. of Minneapolis, distributing in Aitkin, Cass, Crow Wing, and Morrison Counties; Ewald Bros. of Minneapolis, distributing in Aitkin, Cass, Crow Wing, and Morrison Counties; Fairmont Foods, Inc., of Minneapolis, distributing in Morrison County; Land O'Lakes, Inc., at St. Paul, distributing in Aitkin, Cass, Crow Wing, Itasca, Morrison, and Todd Counties; Minnesota Milk Co. at St. Paul, distributing in Aitkin and Todd Counties; Purity Milk Co., St. Cloud, Minnesota, distributing in Aitkin, Morrison, and Todd Counties; and Hastings, Co-op Creamery Company, Hastings, Minnesota, distributing in St. Louis County.

Order 69 handlers include: Land O'Lakes, Inc., Bridgeman Division at Duluth, distributing in Itasca, Koochiching, and St. Louis Counties; Franklin Creamery Company at Duluth, distributing at Aitkin, Koochiching, and St. Louis Counties; Lester River Dairy, Inc., at Duluth, distributing in St. Louis County; and Russell Creamery, Superior, Wisconsin, distributing in St. Louis County.

Order 60 handlers distributing in the ten counties include: Cass Clay Creamery, Inc., at Fargo, North Dakota, distributing in Cass, Koochiching, and Todd Counties; and Fairmont Foods, Inc., at Moorhead, Minnesota, distributing in Cass, Koochiching, Morrison, and Todd Counties.

The Meadow Gold Dairies at Brainerd, Minnesota (Crow Wing County), also has marketed fluid milk products in eight of the 10 counties, Aitkin, Cass, Crow Wing, Itasca, Koochiching, Morrison, St. Louis, and Todd. The Brainerd plant, at the time of the hearing, was partially regulated under these three orders by virtue of route disposition into the marketing areas of Orders 60, 68, and 69. During the months of generally short production, the Meadow Gold plant has received as much as 48,000 pounds daily in supplemental supplies of pool milk from Order 68 sources. It was the opinion of one cooperative furnishing such supplemental supplies that the Brainerd plant receives approximately an equal amount of milk directly from dairy farmers.

It appears from the record of the hearing that the Brainerd operation would be regulated by the inclusion of the 10 named counties proposed herein to be included in the marketing area. However, as a matter of public knowledge, the Grade A operation of this plant has been closed, and the associated fluid milk sales have been absorbed in the operations of other handlers. The Meadow Gold Dairies was not represented at the hearing and no post-hearing brief was filed to indicate the position of this handler with regard to the issues under consideration.

In St. Louis County, 85 percent of the total fluid milk sales are made by regulated handlers. There are four unregulated plants in this county; milk from these plants is distributed in Itasca and St. Louis Counties. Operators of the four plants oppose the regulation of Itasca and St. Louis Counties.

The populated areas in St. Louis County include the city of Duluth with a population of 105,000, Hibbing Village, 16,000, Virginia, 12,450, and Chisholm, 5,913. The unregulated fluid milk distributors in St. Louis County are clustered along U.S. Route 169 about 60 miles north of Duluth. The Island Farm Creamery Company is located at Hibbing; Aysta Dairy at Virginia; the Mesaba Dairy at Chisholm; and Wiinanen Dairy at Iron.

A representative of Island Farm Creamery Company, testifying also for the other unregulated handlers in St. Louis County, acknowledged competing with several regulated handlers in areas he serves in Itasca and St. Louis County. He claimed that the "Iron Range" unregulated milk plants process at least 50 percent of the total milk sold in Grand Rapids, which includes about half the total population of Itasca County (17,570). He also claimed that over half the milk sold in other small communities, including Cooley, Coleraine, Marble, and Bovey, in Itasca County, and Hibbing in St. Louis County, also is sold by the Iron Range milk distributors. The combined 1970 population of these communities is about 18,000. Further, the witness claimed that a jobber for Island Farms, together with the Wiinanen and Aysta operations, has about 50 percent of the total sales in Virginia, a city of 12,450 in St. Louis County.

The Island Farm Creamery and the other unregulated plants distributing fluid milk in the St. Louis-Itasca area receive milk from dairy farmers and, in the short production season, obtain supplemental milk supplies from Order 68 sources, including two cooperative associations that are proponents of regulation of St. Louis and Itasca Counties. Thus, the four unregulated handlers are relying on the regulated markets to carry reserves for their operations. These unregulated handlers do not pay dairy farmers for milk on a classified-use basis. The witness for Island Farm Creamery indicated his price to farmers is essentially geared to uniform prices of regulated markets that reflect a much larger proportion of milk in manufacturing use than in his operation.

In these circumstances, prices paid by handlers doing business in Itasca and St. Louis Counties are not uniform as between regulated and unregulated plants; producers are not being paid the full classified use value for milk supplied to the unregulated plants; and the proceeds from the higher valued fluid milk sales and the burden of carrying the reserve milk supply is not being shared equitably as between producers supplying regulated plants and those supplying unregulated plants. Full regulation of this territory would assure uniformity of prices to all handlers doing business in the area, as well as uniformity of returns to all producers supplying milk for sale in the area.

It is concluded, therefore, that Itasca and St. Louis Counties should be included in the marketing area of the

merged order. It is further concluded that the Minnesota counties of Lake and Cook also should be included in the designated marketing area of the merged orders.

The Twin Ports-Arrowhead Cooperative Dairy proposed that the two counties (Lake and Cook), together with other specified territory in Minnesota and Wisconsin, be included in an expanded marketing area for the Duluth-Superior Order 69. Since the Duluth-Superior marketing area would be in the merged marketing area, it is necessary to consider whether Lake and Cook Counties should be included also.

These two counties, in the northeastern part of the state, are bounded on the north by the Canadian border, on the south by Lake Superior, and on the west by St. Louis County.

The representative for the Twin Ports-Arrowhead Cooperative Dairy testified that regulated handlers distribute all fluid milk products sold in Cook County and about 80 percent of the total fluid milk sales in Lake County. Unregulated handlers, this witness testified, have some fluid milk sales in Lake County.

There are no known milk plants located in Lake and Cook Counties. Both counties are small in terms of population. Cook County in 1970 had a population of 3,423 and Lake 13,351.

The unregulated handlers who have sales in Lake County were not identified, but could be one or more of the unregulated handlers with plants in St. Louis County. The regulation of these two counties likely will assure that such unregulated plants will have their entire sales distribution in the regulated marketing area. There was no opposition to the proposals to regulate Cook or Lake Counties.

SOUTHWESTERN MINNESOTA-EASTERN SOUTH DAKOTA

The 11 counties proposed for regulation in southwestern Minnesota are Chippewa, Jackson, Lac Qui Parle, Lyon, Murray, Nobles, Pope, Swift, Yellow Medicine, Pipestone, and Lincoln. There was no opposition expressed to regulation of milk handled in the unregulated southwestern Minnesota territory, although the National Farmers Organization excepted to the inclusion of Lincoln, Lyon, and Nobles Counties, as well as Brookings and Deuel Counties in South Dakota, being included in the Eastern South Dakota marketing area. As previously mentioned, they support inclusion of all of this territory in the Upper Midwest marketing area.

At the time of the hearing, milk distributed in these unregulated counties was from several regulated handlers and one plant not regulated by a Federal order, Oak Grove Dairy (Plant No. 2) in Norwood, Minnesota.

The Oak Grove Dairy operates two plants at Norwood, one plant being a fully regulated distributing plant under Order 68, and the other, referred to as Plant No. 2, operating at the time of the hearing as a nonpool distributing plant. (In a post-hearing brief filed by one of the merger proponents, it was noted that all sales of Oak Grove Plant No. 2 had become fully regulated after the hearing.) A witness for one of the merger proponents estimated that the Oak Grove Plant No. 2 receives Grade A milk daily from about 30 dairy farmers.

Packaged fluid milk products processed at this plant are distributed in all 11 counties in southwestern Minnesota. In addition, milk is distributed from this plant in several of the unregulated counties in northern Minnesota that are herein proposed for regulation.

Fluid milk products also are distributed in the 11 southwestern county area by handlers regulated under Orders 60, 61, 68, and 76. Order 68 handlers distributing in this unregulated territory include: Clover Leaf Creamery Company of Minneapolis; Ewald Brothers, Inc., of Minneapolis; Land O'Lakes, Inc., of St. Paul; Purity Milk Co., St. Cloud; Fairmont Foods, Inc., of Minneapolis; and Minnesota Milk Co. of St. Paul. Two Order 60 regulated handlers, Cass Clay Creamery, Inc., of Fargo, North Dakota, and Fairmont Foods, Inc., Moorhead, Minnesota, also distribute in this area.

Order 61 regulated handlers with distribution in these southwestern Minnesota counties include: Marigold Foods, Inc., Rochester, Minnesota; Sanitary Dairy, Sleepy Eye, Minnesota; and Golden Dairy, Austin, Minnesota. One Order 76 regulated handler, Land O'Lakes, Inc., Sioux Falls, South Dakota, distributes fluid milk products in 10 of the 11 proposed southwestern counties, Swift County being the exception.

In April 1974, regulated handlers under Orders 60 and 68 together distributed about 1.7 million pounds of fluid milk products in these unregulated southwestern Minnesota counties. Similar data for Orders 61, 69, and 76 is restricted because of the limited number of handlers regulated under those orders selling into this unregulated territory.

Estimates of the percentage of fluid milk sales in each of the counties in the southern sector were made by two producer groups. It is apparent from the data placed in the record that presently regulated handlers have 50 percent or more of the total sales in each of these counties.

A milk distributor at Le Mars, Iowa, regulated under the Nebraska-Western Iowa Order 65, testified to having sales in the counties of Jackson, Pipestone, Nobles, Murray, and Lyon. The Le Mars handler favored the regulation of these specified counties under an order, without suggesting any particular order or merged group.

The unregulated county of Lincoln, Minnesota, is contiguous to Brookings County, South Dakota. South of Lincoln County, the Minnesota counties of Pipestone and Nobles border on the prese..t Order 76 marketing area. Seventy percent of the fluid milk sales in Nobles County are distributed by a Sioux Falls pool distributing plant. In the counties of Pipestone and Lincoln, about 50 percent of the total sales also are from the Sioux Falls pool plant. Some sales in the three Minnesota counties originate from milk distributors regulated under Orders 65 and 68.

The regulation of milk marketed in the South Dakota counties of Brookings and Deuel was proposed by the National Farmers Organization. A representative of Lakeside Dairy Company, Sioux Falls, South Dakota, testified in support of regulation of Brookings and Deuel Counties, but was indifferent as to the order under which the two counties should be regulated.

Brookings and Deuel Counties are bounded by the present Order 76 marketing area on the south and west, and on the north by the Order 60 marketing area. The eastern boundaries of the two counties are contiguous with the 11-county southwestern Minnesota territory proposed for inclusion in a merged order. Brookings and Deuel Counties had a 1970 population of 22,000 and 5,700 respectively.

Milk not regulated by any Federal order is marketed by one dealer in Brookings and Deuel Counties. This is the Bibby-Kallenmeyer Dairy (commonly referred to as the B.K. Dairy) at Brookings that is partially regulated under Order 76 by virtue of route sales in the Order 76 marketing area. About 60 percent of the fluid milk sales in Deuel and Brookings Counties are made by B.K. Dairy. Terrace Park Dairy, Sioux Falls, South Dakota, regulated under Order 76, and Marigold Food, Inc., Rochester, Minnesota, regulated under Order 61, each have 20 percent.

The B.K. Dairy did not provide testimony at the hearing and filed no post hearing brief or exception that would indicate its position as to the regulation of the two counties.

Besides milk purchased from dairy farmers, the B.K. Dairy has obtained supplemental supplies of milk regulated under Order 76 through Land O'Lakes, a regulated handler. Such supplemental purchases have amounted to 30,000 pounds weekly in the short production season. The B.K. Dairy, thus, is relying on the regulated market to carry its reserve supplies, and the producers under Order 76 are receiving the lowest class price for such volume when it is not needed by the B.K. Dairy. At the same time, the B.K. Dairy, having a very high proportion of its dairy farmer receipts used in fluid sales, is able to pay a price to such dairy farmers competitive with the uniform price of the order without paying a price reflective of the classified use value of such milk. In these circumstances, the B. K. Dairy has a cost advantage relative to regulated handlers and the dairy farmers who supply the plant are not receiving the full value of their milk according to the class of use.

The sales area of the B. K. Dairy overlaps with handlers regulated by the Eastern South Dakota order. Procurement areas of such regulated handlers also extend into Deuel and Brookings Counties and adjoining counties. There was no opposition to the regulation of the two South Dakota counties.

It is concluded in light of the considerations set forth herein, that the Minnesota counties of Nobles, Pipestone, and Lincoln, and the South Dakota counties of Brookings and Deuel, are a logical extension of the Order 76 marketing area and appropriately should be incorporated thereunder.

Regulated handlers are estimated to market from 80 to 85 percent of the total fluid milk products sold in Houston County, in the southeastern corner of the state. Two regulated handlers, the Land O'Lakes plant, St. Paul, Minnesota (regulated under Order 68), and the Marigold Foods, Inc., plant at Rochester, Minnesota (regulated under Order 61), are marketing milk in this county. Doing business in this same county is the Schiltz Farms, Inc., at Caledonia, Minnesota, a producer-handler who has sales in the Order 61 and Order 30 marketing areas. Also, the Oak Grove Plant No. 2 of Norwood, Minnesota, has distribution in Houston County.

It is concluded, for the identical reasons advanced by proponents for annexing the 11 southwestern Minnesota counties, that Houston County should be included in the marketing area of the merged order.

4. (a) *Milk to be priced and pooled.* It is necessary to designate clearly what milk and which persons would be subject to the merged order. This is accomplished by providing definitions to describe the persons, plants, and milk to which the applicable provisions of the order relate.

The following provisions included in the proposed order will serve to identify the specific types of milk and milk products to be subject to regulation and the persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are "route disposition," "plant," "pool plant," and "nonpool plant." Definitions relating to milk and milk products include "producer milk," "fluid milk product," "fluid cream product," "filled milk," and "other source milk." A number of these definitions were of particular issue at the hearing and are discussed below.

Plant. A "plant" definition should be provided for the purpose of designating the type of handling facilities to which the order provisions would apply. As defined under the merged order, a plant would be the land, buildings, facilities, and equipment that constitute a single operating unit at which milk or milk products are received, processed, or packaged. Separate facilities used solely as intermediary distribution points in the disposition of packaged fluid milk products would not be plants. Similarly, separate facilities without stationary storage tanks that are used only as a reload point for transferring bulk milk from one tank truck to another would not be a plant as defined herein.

None of the four orders provide for the pricing or pooling of milk at a reload point. The Minneapolis-St. Paul and Minnesota-North Dakota orders specifically exclude reload points for such purpose in the "plant" definition, while the Southeastern Minnesota-Northern Iowa order does so in the "pool plant" definition. The Duluth-Superior order does not specifically exclude a reload point as a "plant" or "pool plant," but neither does it provide for the pooling of such facilities.

It is not intended under this order that facilities that are used only for the reloading of milk from one tank truck to another be the pricing point for milk so handled. These facilities must be distinguishable, however, from facilities at which milk handled is to be priced.

It is not usual for a reload point to have stationary storage tanks for the holding of milk for one or two days. Rather, it is customary for milk that has been picked up at the farm by several tank trucks to be brought to the reload point and transferred directly to a large over-the-road tank truck for movement to processing plants. Accordingly, the absence of any stationary storage tanks is a reasonable means of identifying a reload facility.

Situations could arise where the individual producer identity for milk handled at reload points is lost. Some of the milk on a farm pick-up tanker could be reloaded onto an over-the-road tank truck and delivered to a pool plant while the remaining milk on the farm truck is held overnight in a tank truck and perhaps transported to another plant (either pool or nonpool) the next day. In this situation, it is not possible to know which producer's milk was delivered to which plant on which day. It is necessary, nonetheless, for the order to provide for the pricing of the milk of those dairy farmers at a plant location. Under these circumstances, the milk of individual producers involved appropriately should be prorated between the plants at which their commingled milk was received.

As described later in this decision, it is provided that milk picked up at a producer's farm during the month in a tank truck owned and operated by, or under the control of, a handler (including a cooperative association in its capacity as a bulk tank handler) but which is not received at a plant until the following month shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where the milk is physically received in the following month. These guidelines are discussed later in more detail under the heading "Producer milk."

Pool plant. Essential to the operation of a marketwide pool is the establishment of minimum performance standards to distinguish between those plants engaged in serving the fluid needs of the regulated market and those plants that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market. The pooling standards for distributing plants, supply plants, and reserve supply plants that are contained in the attached order have been structured to accomplish this.

The "pool plant" definition adopted herein sets forth all of the various performance standards that plants must meet to qualify for pooling. For this reason, definitions of a "distributing plant" and a "supply plant," as contained in the individual orders, except the Minneapolis-St. Paul order, are not needed. Reference is made in this decision to such types of plants, nevertheless, since the adopted pooling standards relate to plants performing different types of functions in the market.

A requirement now common to all types of pool plants in the four individual orders is that the plants be approved by a duly constituted regulatory agency for the handling of Grade A milk. It was pointed out at the hearing that this requirement allows certain distributing plants without Grade A certification to escape regulation under the order since the State of Minnesota allows the bottling and distribution of non-Grade A milk. Under these circumstances, regulation under the existing orders can easily be evaded by a plant operator simply not requesting that his plant be approved for the distribution of Grade A milk. In this way, even though a plant handles only Grade A milk, the plant operator can gain a considerable price advantage over competing regulated handlers who are required to pay the Class I price for milk used for fluid use.

To assure equal treatment for all handlers competing in the fluid milk market and full equity among producers, the order should regulate distributing plants without regard to whether they have Grade A certification. It is principally the job of the State and local regulatory agencies to provide minimum quality standards for milk sold within their jurisdiction, while the Federal order assures a sufficient quantity of such milk through orderly marketing conditions and minimum prices to producers.

Two handlers who operate such nongrade A distributing plants excepted to the proposed provision. Both handlers stated that their operations were small and constituted no threat to regulated handlers in the market.

The point at issue here is not size—it is whether or not any handler should be allowed to thwart the intent of the regulation by means of operating without formal Grade A certification of his plant. Exceptions did not discuss the merits of this point.

The order should continue to assure minimum prices only to producers of Grade A milk, since only Grade A milk is allowed to be distributed in most of the marketing area. The cities of Moorhead, Minneapolis, St. Paul, Rochester, and St. Cloud, Minnesota; Fargo and Grand Forks, North Dakota; Aberdeen, South Dakota; Stacyville, Iowa; and Eau Claire and Superior, Wisconsin, all have Grade A ordinances that require fluid milk plants to be approved for distribution of Grade A milk. Thus, only Grade A milk should be pooled and priced under the order. In the event any ungraded milk is assigned to Class I, such milk should be considered "other source milk" to be accounted for by the handler to the pool

at the difference between the Class I price and the Class III price. The order would have no jurisdiction over prices paid to producers of ungraded milk, however.

The agency responsible for approving a plant for the handling of Grade A milk may not always be a designated health authority. In some states, for example, this function is the responsibility of the State Department of Agriculture. Therefore, the term "regulatory agency," rather than "health authority," as used in the present orders, is a more appropriate description of the agency controlling the approval of milk for disposition in the marketing area.

The following discussion sets forth the pooling standards that should apply to the several types of plants. To facilitate discussion, it is noted that the pooling standards for a distributing plant, a supply plant, or a reserve supply plant provide that the plant's required association with the market shall be measured in terms of the proportion of its receipts that is disposed of from the plant. It is intended that such receipts shall include any producer milk that is diverted from the plant by the plant operator to other plants. Although diverted milk is not physically received at the plant from which diverted, it is, nevertheless, an integral part of that plant's supply of milk and acquires pool status by virtue of its association with such plant. Therefore, to protect the integrity of the regulation, diverted milk must be included as a receipt for purposes of establishing the diverting plant's qualification for pooling. Otherwise, the performance standards prescribed would have no real meaning.

Under the adopted pooling standards, any distributing plant would be a pool plant if, during the month, its total route disposition as a percent of its total Grade A fluid milk products received in bulk is at least equal to the marketwide Class I utilization during the same month of the preceding year, and if 15 percent of its receipts is disposed of as route disposition in the marketing area.

All of the major proponents proposed a 15 percent in-area route disposition standard. Two of the three proponents proposed a variable schedule for total route disposition, with a 30 percent requirement during the months of January through June, and a 40 to 50 percent requirement during the remaining months of the year.

It is desirable to have seasonal variation in pooling standards since production varies seasonally while fluid demand is relatively stable throughout the year. The provision recommended herein ties the total Class I disposition standard to the Class I utilization of the market and, accordingly, does provide a variable pooling standard reflecting seasonality of production.

Distributing plants generally receive more milk during the spring flush production months than during the short production months of fall and early winter. While their Class I disposition remains fairly stable throughout the year, the percent of their milk supply used in Class I does not.

The minimum overall Class I distribution requirement should be related to the marketwide Class I utilization, since a distributing plant operator with Class I business both within and outside the marketing area otherwise could adjust his own sales and receipts to insure that his Class I utilization fell below the minimum requirement for pooling, even though higher than the marketwide utilization. Although the utilization value per hundredweight of milk in such a plant would be higher than the marketwide uniform price, the plant operator would not be required to pool his higher-than-average use value with other market participants or to make pool payments on his out-of-market sales; thus, there would not be full marketwide pooling of proceeds among producers. Moreover, the operator of such a partially regulated plant could use his higher-than-average use value as an advantage in solicitation of producers.

A distributing plant which does not meet the minimum pooling standards would be subject to regulation only on its in-area sales (not offset by Class I milk purchased from regulated plants). The order requires the operator of a partially regulated distributing plant to make a pool payment on such in-area sales from the plant equal to the difference between the order's Class I price and blend price. As an alternative, the plant operator could pay his Grade A dairy farmers the classified use value for all receipts. These payment arrangements have been applicable under the individual orders for many years.

Since changes in Class I utilization throughout the year normally follow a predictable pattern, it is reasonable to use the marketwide Class I utilization percentage for the same month of the preceding year as the standard in determining which distributing plants are eligible to pool during the month. The monthly utilization percentage for the market in the previous year would not differ appreciably from the corresponding current month.

The weighted average Class I utilization for the four markets during the months of 1974 ranged from 25 percent in June to 42 percent in October. Although these standards are more stringent than those now contained in the Minnesota-North Dakota order (20 percent March–June and 25 percent July–February), it is not expected that any distributing plants now regulated under that order (or any of the other three orders) will lose their status as fully regulated plants under the merged order.

Mid-America Dairymen, Inc., proposed retention of a provision now in the Minnesota-North Dakota order under which the operation of all distributing plants operated by the same handler may be combined and treated as a single plant for the purpose of determining such plants' pooling status, if so requested by the handler. This provision is not necessary for the merged order since any distributing plant in the marketing area that is unable to meet the pooling standards set forth above likely would qualify for pooling under the additional standards discussed below.

Proponents proposed retaining the basic features of the supply plant pooling standards now contained in the Minneapolis-St. Paul order. They proposed variable supply plant shipping standards, with greater shipment requirements during the short production months than during the flush production months of the year. Also, two of the proponent cooperatives proposed retention of the "unit pooling" of supply plants now contained in the Minneapolis-St. Paul order. Unit pooling allows two or more supply plants to be combined as a "unit" for the purpose of meeting pooling standards. Another feature of these proposals that is now part of the Minneapolis-St. Paul order provisions would allow direct shipments of milk from the farm to a distributing plant to count as a qualifying shipment for a supply plant under certain circumstances.

This type of supply plant provision has evolved with the change from can to bulk tank handling of milk. With the advent of bulk tank handling, the role of supply plants as an assembly point for milk received directly from the farm has largely given way to the role of "balancing plant", processing the market's reserve supplies when not needed for fluid use. This is because, with bulk tank handling, it is usually less costly to move milk directly from the farm to distributing plants than it is to first assemble the milk at a supply plant and then transfer it to a distributing plant. Despite this change, some supply plants still perform valuable milk handling functions in the market, such as standardizing milk or storing milk for a temporary period to accommodate the bottling needs of a distributing plant.

The exception filed on behalf of the Associated Milk Producers, Inc., states that in the Minneapolis-St. Paul market the function of supply plants has actually gained in importance. It was pointed out that, while in April of 1973 only 54 percent of the total receipts at Order 68 distributing plants came from supply plants, by October 1975 this figure increased to 73 percent. However, we cannot agree with the exceptor that, in view of this data, the statement in the recommended decision (40 FR 50414) that "distributing plants can be expected to have ready access to their required milk supplies on a direct-shipped basis" is unrealistic.

What this data illustrates is that the role of supply plants has not diminished as much in importance in the Minneapolis-St. Paul segment of the marketing area as it has in other parts of the marketing area and in other parts of the country. It appears that, in this particular area, the institutional structure of the market and, perhaps, the need to find ways for pooling additional milk have fostered the receipt of supply plant milk. Notwithstanding, it would not only be feasible, but probably more efficient as well, for distributing plants in this area

to receive milk directly from producers' farms.

In recognition of widespread bulk tank handling, pooling standards for plants other than distributing plants in some orders have been modified to provide that such plants may be pooled on the basis of milk shipped directly from farms to pool distributing plants or on the basis of shipments from other plants in a unit of plants. In lieu of these specific types of provisions, two different provisions are provided to accomplish the same end: one for a "supply plant" that regularly ships fluid milk products to pool distributing plants and one for a reserve supply plant."

The supply plant pooling standard adopted herein for the merged order is based on shipments from the plant to pool distributing plants. The shipping standard for each month is the market-wide Class I utilization during the same month of the previous year. Although this shipping standard is more stringent than was proposed by proponents, it is expected that most plants in the marketing area (which is essentially coextensive with the procurement area for handlers serving the market) not qualifying as distributing plants will qualify as reserve supply plants rather than as supply plants.

The merged order area has a great deal more Grade A milk than can be used by distributing plants in the area. Under the current provisions of the four individual orders, certain supply plants in the area have not been able to find distributing plant outlets through which to acquire pool status. Frequently, such plants have been able to acquire pool status in other markets, such as the Southern Illinois and Kansas City markets. However, proponent witnesses stated that blend prices under these markets, adjusted to their plant location, have often times been lower than the blend prices available if the plant were pooled locally.

Pressures to pool likely will increase in the future as Grade B milk continues to convert to Grade A and seeks a share of the fluid market. Thus, it is apparent that pooling standards that will accommodate the pooling of most of the Grade A milk produced within the marketing area are needed for the merged order in the interest of continuing orderly marketing. However, such pooling standards must be so structured that supplies are made available to the fluid market as needed.

Several exceptions were filed in opposition to the reserve supply plant provision contained in the recommended decision. Some were opposed to the general concept of such a provision, arguing that there is no need to accomodate the pooling of most of the Grade A milk in the area. Some stated such a provision would dilute the pool or would jeopardize the ability of distributing plants to attract an adequate supply of milk for fluid use. Sill others commented that the proposed provision would put the burden of supplying the market on only a few plants in the market, while others enjoyed a free ride with no performance requirements whatsoever.

As a result of the comments submitted, certain modifications have been made in the reserve supply plant provision.

As proposed in the recommended decision, reserve supply plant status is restricted to a plant located in the marketing area and approved by a duly constituted regulatory agency for the handling of Grade A milk. No change should be made in this requirement.

Land O'Lakes objected to the requirement that the plant must be located in the marketing area. While conceding that the supply area for the Upper Midwest order is largely encompassed within the marketing area, they fear that this unique circumstance would be overlooked should this provision be adopted under other Federal orders.

LOL is generally correct in stating that the purpose of this requirement "is to permit the operation of a reserve supply plant throughout the area in which reserve milk is held for the market." However, their suggestion that Stutsman and McIntosh Counties in North Dakota be added to this area is inappropriate since these counties are, at best, on the very fringe of the reserve supply area for the merged order. Furthermore, according to the exception filed by Cass-Clay Creamery Inc. of Fargo, North Dakota, production has been declining in North Dakota. While the Fargo-Moorhead area has ready access to reserve supplies in Minnesota, the population centers to the west could become increasingly more dependent on that North Dakota area bordering the marketing area for a reserve supply. Under these circumstances, milk in this area should be encouraged to move to bottling plants where it is most needed. Accordingly, the reserve supply plant area should not be extended beyond the perimeter of the marketing area.

To assure that the milk included in the pool is, in fact, available for the fluid market, it must be established that the plant can serve the fluid market if milk is needed. If the quality of milk needed through a reserve supply plant is not adequate for bottling purposes, or if the quantity of Grade A milk there handled is too small for economic transport to a distributing plant, the milk associated with such plant could not reasonably be considered a part of the reserve supply for the fluid market. As evidence of a plant operator's ability and willingness to supply milk for fluid use, the plant's average daily physical receipts of Grade A milk from dairy farmers during each month must be not less than 25,000 pounds. In addition, at least one tank truck load of Grade A milk (at least 45,000 pounds) must have been shipped from the plant to a pool distributing plant or to a comparable plant under another Federal order within the past twelve months as a condition for pooling initially. Once qualified as a pool plant, the plant operator need not ship milk to a pool distributing plant unless called upon, as explained below. However, if the plant should lose its pool status, it would again have to meet the one tank truck load shipping requirement within the twelve month period preceding the date on which pooling status is requested to be effective.

Land O'Lakes suggested that a reserve supply plant have average daily receipts of 25,000 pounds or more and 45,000 pounds of milk storage capacity. The 25,000 pound per day requirement will insure that the plant could accumulate a tanker load of milk in no more than two days and is adopted herein. The requirement that the plant have 45,000 pounds of milk storage capacity is not necessary to insure its capability of supplying a tanker load of milk every-other-day since it is provided that the plant must in fact have shipped such minimum quantity of milk as a condition of pool plant qualification.

The operator of a reserve supply plant must supply milk from the plant to pool plants under the Upper Midwest order whenever the market administrator announces that such shipments are needed. To this end, it is provided that the market administrator may announce a shipping requirement any time he finds that milk pooled at reserve plants is needed for Class I use in the market. If the market administrator has reason to believe a shipping requirement is needed, he shall issue a notice stating that a shipping requirement is being considered and inviting data, views, and arguments with respect to the proposed announcement of a shipping requirement.

To promote the most efficient marketing of milk, the market administrator may restrict his shipping requirement to only those plants located in that part of the marketing area he deems necessary to secure the needed milk supplies. This will avoid requiring needless shipments from those plants least favorably located with respect to those distributing plants in need of additional milk supplies, thereby eliminating unnecessary transportation costs.

In their exceptions, both Land O'Lakes, Inc., and Mid-America Dairymen, Inc., urged that unit pooling be retained. These cooperatives stated that unit pooling would result in greater efficiency in supplying the market's fluid needs because the most favorably located plants are not always equipped to provide the standardized milk desired by distributing plants. As a result, unnecessary hauling and handling of milk would be necessary to qualify such plants.

For the purpose of meeting a shipping requirement (or "call"), qualifying shipments may be made from any plants or producer milk supplies of the handler, either within or outside the call area. However, qualifying shipments from plants not subject to the call must be in addition to those already being made by the handler to pool distributing plants. Shipments already being made would include shipments from other plants of the handler and in the case of a cooperative, any milk shipped directly from member producers' farms.

This modification of the reserve supply plant provision as contained in the

recommended decision will allow maximum flexibility in meeting any shipping requirement on a reserve supply plant. However, it does not totally embrace the "unit pooling" concept, since it does not recognize shipments already being made from one plant of the handler not subject to the call as satisfying a shipping requirement on another plant that is subject to the call. To recognize such shipments already being made from another plant could relieve a multiple plant handler from having to supply any milk to distributing plants in the call area. As adopted herein, each plant operated by a handler must qualify only on its own performance, but to implement operating efficiency qualifying shipments need not originate from the plant on which a call is made.

The recommended decision states that the operator of a reserve supply plant must agree to supply milk to pool plants or *other order plants*. It was not intended that a reserve supply plant operator could be required to ship milk to a plant regulated under another Federal order. However, it is intended that a reserve supply plant operator will be given credit for shipments to a pool distributing plant regulated under another Federal order. For example, if the market administrator anounces a shipping requirement of 20 percent of a plant's receipts, and during the month 20 percent of the plant's receipts have been shipped to a pool distributing plant under another order, it will be considered to have met the requirement, provided that the plant operator notified the market administrator of his intention to supply such other order plant before any shipping requirement was announced. Any qualifying shipments to an other order plant may not be made on an agreed-upon Class II or Class III basis. This restriction will deter willful evasion of a shipping requirement by discouraging shipments intended only for manufacturing use.

A reserve supply plant should be given credit for its shipments to other order plants because the upper Midwest area also serves as a reserve supply area for other parts of the country. Not to count such shipments in meeting a shipping requirement could discourage such shipments, which, in fact, may be needed in other markets. Moreover, shipments to another market for Class I use would benefit producers in this market since such shipments enhance total pool proceeds.

Land O'Lakes takes exception to the concept of giving credit for shipments to a distributing plant under another order. They state that "it would reduce the ability of the market administrator to make reasonably good estimates of the volume of milk likely to be delivered to Upper Midwest handlers;" "that it would undermine his ability to assure the local handlers of adequate supply;" and "that it would promote the dumping of reserve milk for other markets in the Upper Midwest pool."

It cannot be argued that allowing credits for shipments to other markets would cause hardship for the Upper Midwest market since it has a vast supply of reserve milk available to it. If milk from a reserve supply plant located close to Rochester, for example, is being shipped to a market to the south, the market administrator need only extend his call area to more distant reserve supply plants to attract an adequate supply for Rochester. In soliciting the views of interested parties, the Market Administrator will be in a position to know which plants will be able to supply the market and which plants have made commitments to supply milk to plants in other markets.

To enable the market administrator to determine the appropriate level of shipping performance to announce and to insure that plant operators respond to an announced call for milk as contemplated under these provisions, certain actions otherwise open to a handler must be precluded. Therefore, any change in a handler's marketing operations which has the impact of either evading or forcing a call should result in immediate loss of pool status for the plant as a reserve supply plant. A reserve supply plant which either loses or voluntarily relinquishes pool status should not be allowed to qualify as a reserve supply plant for a period of one year from the date on which pool status was lost.

A plant that was not a pool plant under the Upper Midwest order during each of the months of September through December should not be allowed to pool as a reserve supply plant during the following months of January through June. This requirement is necessary to deter the use of the Upper Midwest market as a "dumping ground" during the flush production months for milk associated with other markets during the months of short supply.

It is not uncommon, during short production months, for significant amounts of milk to be moved from the upper midwest area to various markets to the south. In some instances, this could entail the pooling on another market of a plant located in the Upper Midwest marketing area. After the short season is over, rather than keeping the plant pooled on the receiving market, the plant operator, without appropriate safeguards, could request and acquire pooling status for such plant under the Upper Midwest order. In such event, the producers on the Upper Midwest market would bear the burden of carrying this milk during the flush season, even though they had not shared in the higher proceeds available to this plant during the fall.

Under usual circumstances, shipments to outside markets by any particular plant would not be expected to be sufficient to meet the pooling requirements of another market. However, if a reserve supply plant does serve a particular market during the short season to a degree requiring pooling there, it should remain associated with that market during the remaining months of the year.

Because of the prospective date on which the merged order will become effective, certain plants now qualified as pool plants under the separate orders may not be able to immediately qualify as pool plants under the merged order. Therefore, to permit continuity of the provisions of the separate orders until the next short supply season begins, those plants that were pooled under any of Orders 60, 61, 68, or 69 during the months of September through December 1975 should be allowed to remain pooled under the Upper Midwest order through the month of August 1976 if they would not otherwise qualify as either a pool distributing plant or a pool supply plant under the terms of the merged order. Any new plants seeking to pool under the merged order as reserve supply plants may qualify for such status beginning in July 1976. (New plants would not qualify for pool plant status prior to then, since they were not pool plants during the preceding September-December period, which is a necessary requirement for pooling as a reserve supply plant during the months of January through June.)

The operator of a plant seeking to pool as a reserve supply plant must file a request for pooling with the market administrator at least 15 days prior to the date on which pool status is desired effective. This 15 day notice will allow the market administrator to inspect the plant and facilities and determine the plant's ability to meet the requirements discussed above. Once qualified as a pool reserve supply plant, such status will continue to be effective unless the operator requests nonpool status for the plant prior to the first day of the month for which nonpool status is requested, the plant subsequently fails to meet all of the conditions for pooling as a reserve supply plant, or the plant qualifies as a pool plant under another order.

The pool plant provisions specify that a reserve supply plant may not acquire pool status under this order if such plant is a pool plant under some other order. Under normal circumstances, a plant meeting the pooling standards of two orders is pooled in the market with which it has the more substantial association. Any plant pooled under another order, therefore, should be exempted from regulation under this order.

Land O'Lakes, Inc., proposed the pooling of a plant that failed to meet the pooling standards of a distributing plant or supply plant because of a strike, fire, riot, insurrection, breakdown of trucking equipment, hazardous road conditions, natural calamity, or other misfortunes beyond the control of the plant operator. Such proposed provision would not be limited to one month but would apply for an indefinite period, according to a LOL witness.

This proposal should not be adopted. However, a slightly different Land O'Lakes proposal, which would pool a distributing plant that met the pooling standards during the immediately pre-

ceding three months, should be adopted in modified form. As adopted herein, any distributing plant or supply plant that failed to meet the performance standards in the current month, but that had met such standards during each of the immediately preceding three months, would be pooled.

Producers should have protection against unexpected loss of pool participation of their milk because a distributing plant or supply plant, over which they have no control, failed to qualify as a pool plant. However, the "natural calamity" provision proposed by Land O' Lakes provides too much of an "open door" and could be subject to abuse. As proposed, a plant could conceivably qualify for pooling indefinitely while out of operation.

Allowing a plant that failed to meet the pooling standards for the month to be a pool plant if it met the requirements in each of the three preceding months is a reasonable and equitable basis for protecting producers' interests. It will afford handlers the opportunity to make corrective adjustments in their operations in the event of unanticipated circumstances or a miscalculation; and, in the case of a "natural calamity", it will afford producers reasonable opportunity to find an alternative pool outlet for their milk without losing pooling privileges in the interim.

One handler representative proposed a provision that would pool all Grade A plants in the marketing area with no performance standards to meet. However, in paying producers under this proposal, the uniform price would be adjusted upward in direct relation to a plant's Class I utilization: the higher the plant's Class I utilization, the greater would be the adjustment in price. This was intended to assure that milk would be made available for Class I use. Since this arrangement would clearly be in violation of the Agricultural Marketing Agreement Act, which requires uniform prices to producers "irrespective of the uses made of such milk by the individual handler to whom it is delivered", the proposal must be denied.

Nonpool plant. The "nonpool plant" definition of the merged order should specify those categories of plants other than pool plants. The four constituent orders now have identical "nonpool plant" definitions, with the exception of Southeastern Minnesota-Northern Iowa, which additionally defines an "exempt governmental plant" as a nonpool plant. The Minneapolis-St. Paul and Minnesota-North Dakota orders also exempt from regulation a plant owned and operated by a government agency, the former in the "handler" definition and the latter in the "pool plant" definition. Therefore, it is appropriate to include in the "nonpool plant" definition this exclusion from regulation of a plant owned and operated by a governmental institution which disposes of Class I milk in the marketing area.

The Eastern South Dakota order also should be amended to exclude from regulation a "governmental agency plant". A plant owned and operated by the South Dakota State University at Brookings, South Dakota, could otherwise become subject to full regulation by virtue of inclusion of Brookings County in the Eastern South Dakota marketing area.

The University filed an exception to the recommended decision requesting exclusion from regulation. According to the exception, the University maintains a dairy herd for research and teaching purposes. It processes the milk mainly for use on campus by the University food service establishments. The Dairy Science Department also uses the milk in product development and processing research as part of its departmental program.

As long as the University disposes of its fluid milk products mainly on its premises or to its own facilities, it poses no threat to the integrity of the order. Therefore, it is appropriate to exclude the University's plant from any obligations under the order.

Handler. The impact of regulation under an order is primarily on handlers. The handler definition identifies persons who will have responsibility for filing reports and/or making payments for milk under the merged order.

Accordingly, the order should designate handler status for the following persons:

(1) The operator of a pool plant;

(2) A cooperative association with respect to milk that is diverted for its account;

(3) A cooperative association with respect to bulk tank milk picked up at the farm for delivery to a pool plant under specified circumstances;

(4) The operator of a partially regulated distributing plant;

(5) A producer-handler;

(6) The operator of an other order plant from which milk is disposed of in the market; and

(7) The operator of an unregulated supply plant.

Such persons are now defined as handlers under the four individual orders with the exception of the operator of an unregulated supply plant, who is now defined as a handler only under the Minneapolis-St. Paul order. The latter order also contains an unusual condition for qualification of a cooperative association as a handler on bulk tank milk. Under that order, a cooperative association must be the operator of a pool plant in order to acquire handler status on bulk tank milk delivered for its account from the farms of producers to the pool plants of other handlers. This provision should not be adopted for the merged order. Proponents generally agreed that a cooperative association's function as a bulk tank handler should not be contingent upon its operation of a pool plant.

A cooperative association's status as a handler for farm bulk tank milk should be modified from that now set forth in the individual orders. In the case of bulk tank milk, a cooperative should be a handler with respect to any such milk which it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative. However, if there is a mutual arrangement between the cooperative and the plant operator, noticed to the market administrator, whereby the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the cooperative need not act in a handler capacity with respect to such milk.

When the milk of any producer is commingled in a tank truck with that of other producers, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producer's farm tank into the tank truck of the hauler and commingled with the milk of other producers, there is no opportunity to measure, sample or reject the milk of an individual producer.

Much of the milk received at pool plants in the proposed marketing area is picked up at the farm in trucks owned or operated by, or under the control of, cooperative associations. In this case, it is only the association that has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the association necessarily must be the responsible handler for the milk as it leaves the farm.

When a cooperative is the handler for farm bulk tank milk, certain accounting and payment procedures should apply under the merged order with respect to such milk. As provided in the attached order, the milk would be considered as a receipt of producer milk by the cooperative at the location of the pool plant to which the milk is delivered. The purchase of such milk by the pool plant operator would be treated as an interhandler transfer but would be classified pro rata with producer milk that the pool plant operator may receive. The pool plant operator would be obligated to the producer settlement fund for the milk received directly from producers and by transfer from bulk tank cooperative handlers at its classified use value. The cooperative in turn would be reimbursed by the handler at the blended price. Milk which the cooperative has picked up from the farm bulk tank and which has not been delivered to a plant during the month will be accounted for by the cooperative as ending inventory and the cooperative will be paid the blended price applicable at the location of the plant of physical receipt in the following month. In the following month, the cooperative's pool obligation will be adjusted to reflect the value of such inventory at the Class III price for the previous month. This is in contrast to the procedure under the Minneapolis-St. Paul and

Duluth-Superior orders whereby the cooperative association accounts to the pool at class prices for the milk delivered to pool plants. Under the Southeastern Minnesota-Northern Iowa and Minnesota-North Dakota orders, the milk delivered by a cooperative is now treated as a receipt of producer milk by the plant operator, who then is obligated to the pool for such milk.

The adopted accounting and payment procedure will facilitate administration of the order with respect to matters of financial responsibility and audit adjustments. It is the pool plant operator who processes the milk and distributes it to consumers. It is reasonable, then, that the responsibility for accounting for the utilization of such milk and for its payment be placed directly on the plant operator. Were settlement with the pool to be made by the cooperative association, i.e., should the plant operator settle with the cooperative at class prices and the cooperative pay to the producer-settlement fund, an unnecessary third party is involved in the transaction. Also, the adopted procedure will facilitate the handling of audit adjustments that might result from the verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and thus its obligation to the pool for such milk.

A pool plant operator receiving farm bulk tank milk from a cooperative also should be responsible for paying to the market administrator the administrative assessment on such milk. The audit and verification activities of the market administrator relate essentially to the operations of the pool plant where the milk is processed. As in the case of producer milk which he receives from the farm, the plant operator thus should pay his pro rata share of the administrative costs on milk received from the cooperative in its capacity as a bulk tank handler.

When the cooperative assumes its role as the responsible handler on farm bulk tank milk, the pool plant operator may buy such milk on the basis of weights and butterfat tests determined at the plant rather than on the basis of those determined at the farm. Usually, the quantity of milk picked up at the farm slightly exceeds the quantity ascertained as actually received at the plant. In such cases, the difference should be considered as a receipt of producer milk by the cooperative association at the location of the pool plant where the milk in the tank truck was delivered. The cooperative should be obligated to settle with the producer-settlement fund and to pay the administrative assessment on the milk involved.

The pool plant operator should be permitted under the merged order to be the responsible handler on bulk tank milk moved by the cooperative from the farm to the plant if both the cooperative and the pool plant operator notify the market administrator that they have agreed to such a handler arrangement and that the plant operator agrees to purchase the milk on the basis of weights and tests determined at the farm. Under this arrangement, the pool plant operator would be responsible for the milk in the same manner as for producer milk that he receives at his plant directly from the farm. This would include being responsible for submitting to the market administrator monthly reports showing for each producer the farm weights and tests of milk received at his plant.

A cooperative association also should be a handler with respect to the milk of a producer which is diverted for the account of the association from a pool plant of another handler to a nonpool plant that is not a producer-handler plant. All the orders proposed to be merged provide that a cooperative may act as a handler for diverted milk. Continuation of this handling arrangement will facilitate the movement of milk not needed for fluid use to nonpool plants for manufacturing.

The merged order should afford all cooperatives in the market flexibility in the arrangements under which they sell milk to pool plants or dispose of reserve supplies. If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of its members for delivery to a pool plant or for diversion to nonpool plants. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of the cooperative, has contracted with the cooperative to act as the marketing agent for his milk. Nothing in the order would require a cooperative to pick up the milk of nonmember producers. It would provide, however, that when a cooperative does pick up milk of nonmember producers on trucks under its control it must assume varying degrees of responsibility with respect to such milk, depending on the handling arrangements made.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. With the adopted handler definition, the merged order would be consistent with that provision of the Capper-Volstead Act which recognizes that cooperatives may "deal in the products of nonmembers" and which limits such dealings to amounts not greater in value than as are "handled by it for members."

In the event a cooperative does market the milk of a producer who is not a member of the association, a question arises about the appropriate method of paying such producer. If the nonmember producer has signed a contract with the cooperative whereby he authorizes the cooperative to market his milk and collect payments therefor, the cooperative may pay the nonmember in accordance with the contract. If such marketing functions occur in the absence of a written contract, the cooperative would be required to pay the nonmember producer not less than the prices prescribed by the order.

Producer-handler. The merged order should continue the exemption now contained in each of the four individual orders of a "producer-handler" from the pooling and pricing provisions of the order.

Experience under the separate orders has demonstrated that effective regulation can be insured without the full regulation of individuals who process and distribute milk produced on their own farm and who buy no milk from other dairy farmers. Such operations are basically self-sufficient in that they rely primarily on their own farm production and assume the burden of maintaining the necessary reserve supply of milk associated with their fluid milk operation and of disposing of any daily or seasonal surpluses they may produce.

As adopted herein, a "producer-handler" would be any person who operates a dairy farm and a processing plant, who receives no fluid milk products from sources other than his own farm production, pool plants of other handlers, and other order plants. Any receipts of nonfluid milk products could only be used to fortify fluid milk products received from his own farm, other pool plants, or other order plants. To qualify as a producer-handler, such person would have to provide proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

This producer-handler definition is essentially the same as the one now in the Minneapolis-St. Paul order and which was proposed by the National Farmers Organization and Mid-America Dairymen, Inc. One slight difference is that the producer-handler would be allowed to receive fluid milk products from another order plant as well as from pool plants of other handlers. This point does not in any way threaten the integrity of the order, but it does allow for special circumstances where a producer-handler located on the edge of the marketing area might find it more convenient to purchase fluid milk products from a nearby other order plant than from a pool plant that is located farther away.

The proposed definition continues to forbid the receipt of nonfluid milk products for use in reconstituting fluid milk products, but such receipts are allowed for use in fortifying fluid milk products. Also, it retains the 50,000 pound limit on receipts of fluid milk products during the month from fully regulated plants.

A producer-handler located in the Duluth-Superior marketing area stated in his exception that this provision would force him to purchase supplemental milk supplies from a pool plant located in Superior, Wisconsin, when locally produced milk is available on a direct-ship basis.

Producer-handler definitions under all orders are virtually uniform in limiting purchases of supplemental milk supplies and in requiring that such supplies only come from pool plants of other handlers. Since producer-handlers are expected to

be self-sufficient in their operation, only occasionally should they require a supplementa supply of milk.

From the exception filed by this producer-handler, it is obvious that he would like to operate like a pool plant operator by purchasing milk directly from the farms of nearby producers on a regular basis—yet retain his exempt status under the order. This would be clearly unfair to other pool plant operators in the market who must pay the class prices for all their milk. If the producer-handler concludes that the cost of purchasing "supplemental" supplies from other plants is too great, he too has the option of purchasing milk directly from producers and accounting to the pool for all of his milk.

Land O' Lakes proposed a 7,000 pound average per day limit on route disposition in the marketing area during the month. A LOL spokesman testified that the purpose of this limit would be to preclude the institution of large production, processing, and distribution complexes that could become a significant competitive force in the marketing area. This witness indicated that the producer-handlers now operating in the proposed marketing area are below this size and have not been a significant problem in the market.

No evidence was presented to show that a producer-handler distributing more than 7,000 pounds per day would be a disruptive factor in the merged market. No size limitations on producer-handlers are provided now under the individual orders. Therefore, a restrictive provision of this nature appears unneeded in the merged order at this time.

In its exception, the National Farmers Organization reiterated the support expressed in its brief for this 7,000 pound per day limit. However, no additional information was presented that would justify its adoption. While pointing out that Congress intended to limit the producer-handler exemption to "family-type" operations, NFO does not explain what to do with a genuine family-type operation that might exceed 7,000 pounds per day. If the large production, processing, and distribution complexes envisioned by Land O'Lakes and NFO become a reality, it might be more in line with the Act to further define what kind of a "person" may be a producer-handler rather than limit the size of a producer-handler operation.

A now-unregulated handler in northeastern Minnesota stated in his exception that one of his chief competitors will qualify as a producer-handler under the merged order, "putting many companies at a competitive disadvantage." He urged that the recommended decision be revised to fully regulate producer-handlers.

This handler presented no evidence that would support removal of the traditional exemption accorded producer-handlers under Federal milk orders, including those herein being merged. Under these circumstances, the producer-handler exemption should not be removed on the basis of this record.

Under the merged order, producer-handler status would be contingent upon such person substantiating to the satisfaction of the market administrator that the operation of the dairy farm and processing plant in question are at his sole risk. As indicated, a producer-handler's exemption from the pooling and pricing provisions is predicated on the premise of self-sufficiency of the total operation. Accordingly, no other person should be permitted to share the risk involved with the operation of a producer-handler's farm or his plant. All resources necessary for his own farm production of milk and for the operation of the processing plant must be his personal risk.

The risk concept need not extend to the actual distribution on routes of the milk processed by the producer-handler. Experience with the producer-handler provision indicates it is unrealistic and unnecessary to require a producer-handler to have sole responsibility for his route distribution. It must be understood, however, that the restrictions applicable to a producer-handler regarding milk supplies from sources other than his own farm are equally applicable to any distribution facility (including routes) operated by him, an affiliate, or any person who controls or is controlled by him. Any receipts of milk from other than his own farm that are disposed of through such a facility or on such routes will be included as though a receipt at his plant for the purpose of determining his status as a producer-handler.

Producer. The term "producer" defines those dairy farmers who constitute the regular source of supply for the market. The producer definition provided herein follows closely the one proposed and supported by each of the merger proponents. It is virtually identical to the producer definitions in each of the four separate orders.

Producer status under the merged order should be provided for any dairy farmer who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is received at a pool plant directly from the dairy farmer or received by a cooperative association as a handler on farm bulk tank milk for a delivery to a pool plant. Producer status also should be accorded such a dairy farmer who has an established association with the market and whose milk is diverted to nonpool plants for surplus disposal. To determine a producer's association with the market and to insure the marketability of his milk in Grade A channels, it is reasonable to require that a dairy farmer's milk be received at a pool plant at least once before becoming eligible for diversion to a nonpool plant.

A producer-handler, who would have exempt status under the order, is excepted from the producer definition. In addition, provision must be made to preclude the possibility of a dairy farmer being a producer under two orders with respect to the same milk. In this regard, the producer definition should continue the provisions of the present orders that exclude (1) a person with respect to milk which is received at a pool plant regulated under this order as diverted milk from a pool plant under another order if the dairy farmer whose milk is involved is a producer under the other order with respect to such milk and it is allocated to Class II or Class III use under this order, and (2) a person with respect to milk which is diverted to an other order plant from a pool plant regulated under this order if assigned to Class I milk under the other order.

Producer milk. The "producer milk" definition is intended to define that milk to be priced and pooled under the merged order. The definition adopted herein contains the basic features now in the individual orders and in the proposals by the merger proponents.

As provided herein producer milk would include milk received directly from a producer at a pool plant by the plant operator, milk picked up at a producer's farm during the month in a tank truck under the control of a handler that is received at a plant in the following month, and milk of a producer that is received by a cooperative association as a bulk tank handler for delivery to a pool plant. Producer milk also would include milk of producers that is diverted under specified conditions.

Producer milk should include milk picked up at a producer's farm during the month in a tank truck owned and operated by, or under the control of, a pool handler but which is not received at a plant until the following month. Such milk should be considered as having been received by the handler in the month it is picked up at the producer's farm and should be priced at the location of the plant where the milk is physically received in the following month.

Under the present accounting procedure in the respective orders, milk which is picked up at the farm in the current month, but which is not physically received at a plant until the following month, is treated as a receipt of producer milk in such following month. This procedure has presented substantial accounting problems, particularly when milk passes through a reload facility. In such instance, a portion of the pick-up tanker's load may be transferred to an over-the-road tanker and delivered during the month, while the remainder of the load may be held at the reload facility. While administrative guidelines have been adopted to insure uniform accounting procedures for such milk throughout the Federal order system, the procedures have not fully resolved the accounting problems to the satisfaction of affected parties. Further, individual producers have not understood the deferred settlement which results when milk picked up in the current month is not physically received at a plant during the month.

Dairy farmers need not be required to wait one and a half months before receiving the uniform price for milk that is picked up at their farms on the last day of a month but is not received at a plant until the following month. The accounting procedure will be simplified and

should be more readily accepted if milk is pooled in all cases in the month in which it is picked up at the farm. The changes provided herein will permit the pooling of producer milk in the month it is picked up at the farm if the milk is received at a plant in the current or the following month. Milk not physically received at a plant in the current month will be included in the responsible handler's end-of-the-month inventory and will be priced at the location of the plant where the milk is physically received in the following month. Since this milk reasonably will be received at a plant on the 1st day of the following month, the handler will know the location of the plant of actual receipt in time to include this information in his monthly report, which he is required to file by the 10th day of the following month. If, however, none of the milk loaded into a pick-up tanker is received at a plant, such milk will not be included in the responsible handler's report and he will have no pool obligation on it. This conforms with the present provisions, which tie the producer milk provisions to its receipt at a plant.

If the operator of a pool plant is the responsible handler, he will account for the producer milk which has not arrived at his plant by the end of the month as part of his end-of-the-month inventory and will be charged the Class III price in the month it is picked up at the farm. In the following month, this milk will be treated in the same manner as other fluid milk products he had in inventory.

If a cooperative association bulk tank handler is the responsible handler, such cooperative will account for the milk in transit as inventory at the Class III price and will be credited at the blend price. Additional conforming changes are needed to implement this procedure to insure that in the following month the cooperative is credited for its pool obligation in the preceding month on such milk. In such following month, this milk is included in the obligation of the pool plant handler who physically received it and he will account to the market administrator for this milk at the classified prices. Such monies would be deposited in the producer-settlement fund, but, since the milk was pooled in the preceding month, it would not be included in the pool computation of the current month.

Diversions of producer milk from a pool plant to another pool plant or to a nonpool plant that is not a producer-handler plant, for the account of the handler operating the pool plant, are recognized within specified limitations. Similarly, diversions may be made for the account of a cooperative from the pool plant of another handler.

Diversion provisions are desirable to facilitate the orderly and efficient disposition of the market's reserve supplies. When producer milk is not needed in the plant of normal receipt for Class I use, its movement to other pool plants or to nonpool plants for manufacturing, without loss of producer milk status, should be accommodated.

Since the merged market is expected to have a Class I utilization ranging from 25 percent in the spring to 40 percent in the fall, a substantial portion of the market's supply will likely be diverted to manufacturing outlets. To accommodate the pooling of all the milk that is available to supply the fluid market, the diversion limitation in any month should be equal to the combined Class II and III utilization in the same month of the prior year. (It will be necessary at the outset of this order for the market administrator to compute the weighted average Class II–III utilization of the four markets combined herein for the prior 12 months for use during the first year of the merged order.) This system will provide built-in flexibility, automatically providing for seasonal changes in supply and demand. It is not expected—with such a large market—that the utilization will change appreciably from one year to the next; thus, use of data for the same month of the preceding year should be entirely appropriate as a measure of the market's Class I needs.

The diversion limitations supported by two of the proponent cooperative associations in their briefs would allow diversions equal to 50 percent of producer receipts throughout the year. The other major proponent supported a limit of 50 percent during the months of August through December and 65 percent in all other months.

The individual orders now vary with regard to diversion limitations. The Minnesota-North Dakota order provides for unlimited diversions during the months of March through June, while limiting diversions in other months to 50 percent. During the flush production months of the year, several handlers have diverted to the full extent permitted under this order, resulting in diversions approaching 70 percent for the market as a whole.

The limits adopted herein, while stopping short of the unlimited diversions now provided during March through June under the Minnesota-North Dakota order, do allow somewhat greater diversions than proposed by the major proponents. Since the limit adopted is applied as a percent of a handler's total producer milk, individual producers may continue to be diverted on an unlimited basis. Under these circumstances, it is unlikely that a handler would have any difficulty disposing of his surplus milk on a diversion basis.

The merged order should permit the proprietary operator of a pool plant to divert milk to any other pool plant for his (the diverting handler's) account.

The President of the Dairies Federation of Minnesota proposed allowing a distributing plant operator to divert the milk of his regular producers to other pool plants for his account. He testified that handlers wishing to retain their regular producers on their payroll for the entire month must now bring any excess milk into their plant (so that it will be a "producer receipt" there), then pump it right back into the truck, and deliver it to the other pool plant. Such milk would be treated as a transfer from one plant to another, with the transferor handler accounting to the pool for the milk and paying those producers as well.

This practice is obviously uneconomic. Moreover, as the witness pointed out, every time milk is pumped, its quality deteriorates.

Diversions to another pool plant should also be permitted in the case of a pool supply plant or reserve supply plant operated by a proprietary handler.

The Rice Lake Creamery Company requested in their exception that diversions from supply plants to distributing plants also be provided under the Upper Midwest order. They state that it is more efficient to supply Grade A milk of their producers to distributing plants in the Rice Lake area on a direct ship basis than to have to physically receive the milk and then reload it for shipment to these other plants. Their suggestion should be adopted.

Diversions between pool plants need not be allowed in the case of a plant operated by a cooperative association, since provision is already provided in the order for the cooperative to be a handler on milk shipped directly from producers' farms to pool plants of other handlers. Further latitude in the handling of milk by a cooperative association is not needed.

The merged order should, in so far as possible, promote the most efficient handling of milk. To this end, the proprietary operator of a pool plant should be permitted to divert milk supplies to another pool plant and return the producer milk status and payroll responsibility for such milk. This will permit a proprietary pool plant operator to avoid unnecessary and costly movements of milk merely for the purpose of retaining his status as the accountable handler for the milk. This procedure also will relieve the divertee handler of accounting for this milk as his own producer milk and being responsible in all respects for the milk.

Cooperative association spokesmen testified to the desirability of recognizing the transfer of milk through a pipeline connecting a pool plant to an adjoining or adjacent facility which is not approved for the handling of Grade A milk, in lieu of transfer in a tank truck. The cooperative witness held that recognition of pipeline transfers would promote efficient handling of milk and facilitate the use of storage capacity in the Grade A part of any such plant or complex.

It is essential to the proper operation of the order that movements of milk between plants be fully and accurately reported to the market administrator and that reported movements be readily verifiable. Thus, the flexibility to be accorded handlers with respect to the manner of

movement of milk is necessarily an administrative matter that must be left to the discretion of the market administrator.

As proposed by the merger proponents, all diverted milk for pricing purposes is treated as a receipt by the diverting handler at the location of the plant to which the milk was diverted. This treatment is presently applicable under three of the four separate orders and must be retained. The Act specifically provides for the pricing of milk "at the location at which delivery—is made."

(b) *Classification of milk.* The uniform classification plan that became effective on August 1, 1974, for each of the orders under consideration should be continued under the merged order.

All of the proponent cooperative associations supported the continuation of the current classification plan, which was developed on the basis of very extensive hearings that had been held on this issue relative to 39 orders. For this reason, little testimony was presented at the merger hearing concerning the details of the classification provisions. There was no testimony presented in opposition to the plan.

(c) *Class I price and location adjustments—Upper Midwest Marketing Area.* The Class I price in "Zone 1" of the Upper Midwest marketing area should be the basic formula price for the second preceding month plus a Class I differential of $1.12. It should continue to be announced on the fifth day of the preceding month.

To provide an appropriate pricing structure for this market, four pricing zones should be defined. The location adjustments for each zone (which may include territory that is not part of the "marketing area"), the resulting Class I differential, and the territory that should be included in each zone are as follows: (See Map):

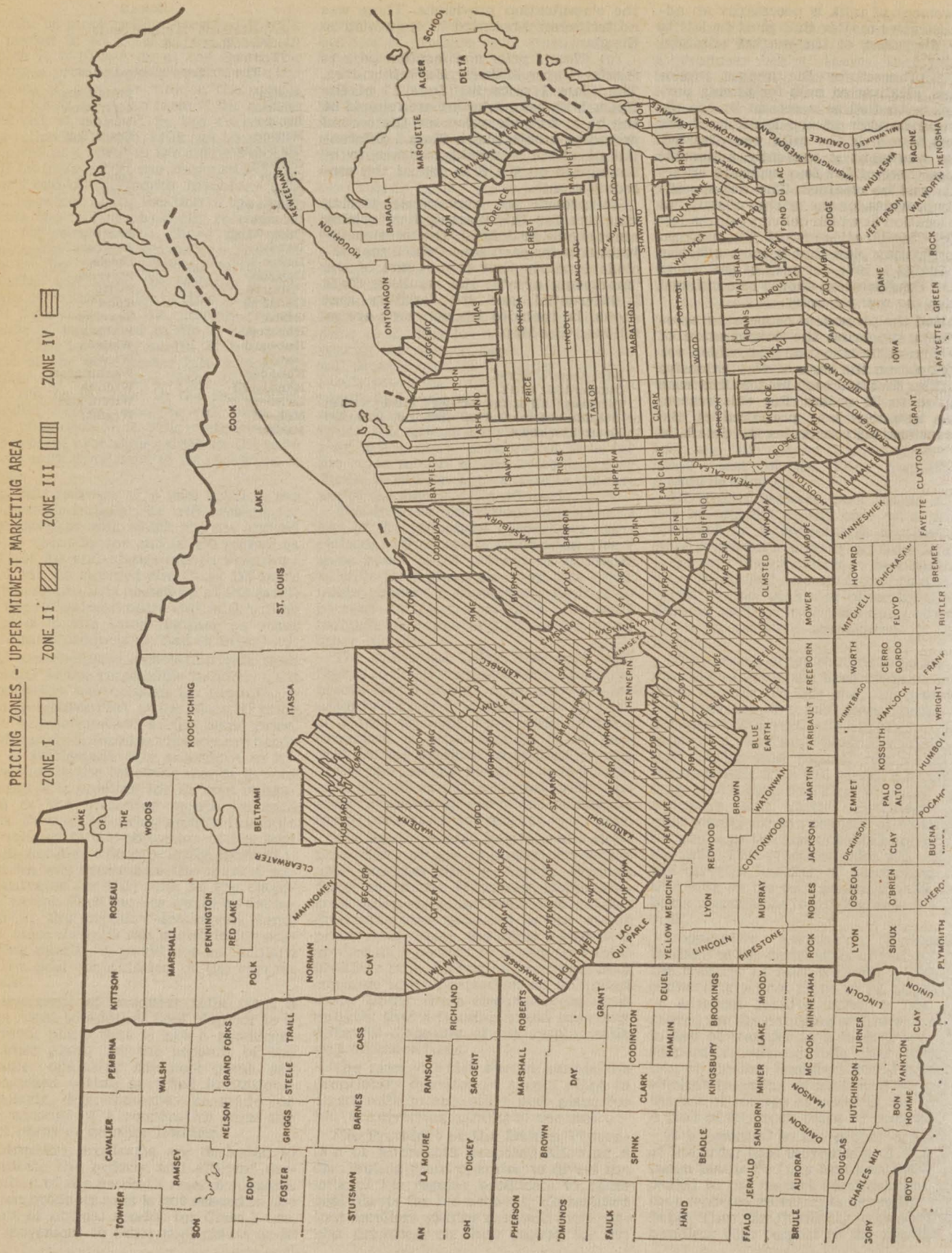
ZONE 1

Adjustment: None.
Differential: $1.12.
Territory: All of the territory, either within or outside the marketing area, not included in Zones 2, 3, and 4.

ZONE 2

Adjustments: Minus 6 cents.
Differential: $1.06.
Territory:
(1) The Minnesota counties of:

Aitkin	Mille Lacs
Anoka	Morrison
Becker	Nicollet
Benton	Otter Tail
Big Stone	Pine
Carlton	Pope
Carver	Renville
Cass	Rice
Chippewa	Scott
Chisago	Sibley
Crow Wing	Sherburne
Dakota	Stearns
Dodge	Steele
Douglas	Stevens
Fillmore	Swift
Goodhue	Todd
Grant	Traverse
Houston	Wabasha
Hubbard	Wadena
Isanti	Waseca
Kanabec	Washington
Kandiyohi	Winona
Le Sueur	Wilkin and
McLeod	Wright;
Meeker	


PRICING ZONES - UPPER MIDWEST MARKETING AREA
ZONE I
ZONE II
ZONE III
ZONE IV

(2) The Wisconsin counties of:

Burnett	Manitowoc
Calumet	Pierce
Columbia	Polk
Crawford	Richland
Douglas (except the city of Superior)	St. Croix
	Sauk
Green Lake	Vernon
	Winnebago;

(3) The Michigan counties of Dickinson, Gogebic, Iron, and Menominee; and
(4) The Iowa county of Allamakee.

ZONE 3

Adjustment: Minus 10 cents.
Differential: $1.02.
Territory:

(1) The Wisconsin counties of:

Adams	Kewaunee
Ashland	La Crosse
Barron	Marinette
Bayfield	Marquette
Brown	Monroe
Buffalo	Outagamie
Chippewa	Pepin
Door	Rusk
Dunn	Sawyer
Eau Claire	Trempealeau
Florence	Vilas
Forest	Washburn
Iron	Waupaca and
Juneau	Waushara.

ZONE 4

Adjustment: Minus 16 cents.
Differential: $.96.
Territory:

(1) The Wisconsin counties of:

Clark	Oneida
Jackson	Portage
Langlade	Price
Lincoln	Shawano
Marathon	Taylor and
Menominee	Wood.
Oconto	

The revised Eastern South Dakota marketing area should have a Class I differential of $1.40. Minus location adjustments should be provided for plants located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90. Such adjutments should be based on the distance from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota, and should be computed at the rate of 1.5 cents per 10 miles based on the shortest hard-surfaced highway distance as measured by the market administrator.

The pricing structure summarized above differs in many respects from what was proposed and from what now exists under the five separate orders.

Presently, the Class I differential under the Southeastern Minnesota-Northern Iowa order is $1.06 throughout the marketing area, and there are no location adjustments. The Class I differential under the Minneapolis-St. Paul order is also $1.06, but the price is reduced by 6 cents beyond 35 miles of St. Paul, Minnesota, and by an additional 1.5 cents per 10 miles beyond 45 miles of St. Paul.

The Duluth-Superior order now has a differential of $1.10 which applies to plants within 55 miles of Duluth, Minnesota, or Ashland, Wisconsin. Between 55 and 65 miles from the nearer of these points, the price is reduced 8 cents; and it is reduced an additional 1.3 cents per 10 miles beyond 65 miles of the basing point.

The Minnesota-North Dakota order currently has a Class I differential of $1.30 which is applicable in the "base zone." Location adjustments are computed at the rate of 1.2 cents per 10 miles from the perimeter of the base zone. The location adjustment so computed is subtracted for a plant located in the State of Minnesota and is added for a plant located in either North Dakota or South Dakota.

The Class I differential under the Eastern South Dakota order is now $1.50 for plants located within 100 miles of Aberdeen, Huron, Mitchell, Sioux Falls, or Watertown, South Dakota. Between 100 and 110 miles, the location adjustment is minus 15 cents; and beyond 110 miles, the price is reduced an additional 1.5 cents for each additional 10 miles distance.

The several pricing structures proposed by proponents differ in many respects from each other and from that now existing under the separate orders.

Land O'Lakes Cooperative, Inc., proposed a Class I differential of $1.25 that would apply in the present Southeastern Minnesota-Northern Iowa marketing area, the present "base zone" of the Minnesota-North Dakota order, and within 35 miles of Rochester, Minnesota, St. Paul, Minnesota, and Fargo, North Dakota. Outside of this territory, the price would be reduced at the rate of 1.5 cents per ten miles beyond 35 miles of Rochester, Fargo, or St. Paul, except that, in the States of North Dakota and South Dakota, the location adjustment would be added rather than subtracted from the Class I differential.

Mid-America Dairymen, Inc., originally proposed a pricing structure somewhat similar to the Land O'Lakes proposal, but with a Class I differential of $1.18. In its brief, the cooperative modified its proposal by requesting a differential of $1.25 that would apply throughout the marketing area.

A third major proponent, National Farmers Organization, proposed a five-zone Class I pricing structure with a Class I differential that ranges from $1.26 in eastern Minnesota-western Wisconsin to $1.50 in the present Eastern South Dakota marketing area. For plants located outside the proposed marketing area, there would be no location adjustment except in that portion of Wisconsin outside the marketing area. In this area, the location adjustment would be computed at the rate of 2 cents per 10 miles from the nearest point in the perimeter of the marketing area. Under the NFO proposal, there would be no location adjustments applicable to the blended price to be paid to producers delivering their milk to any plant in the marketing area.

Other pricing proposals were made by handler representatives. Three proprietary handlers under the Eastern South Dakota order requested that the Class I differential of any merged marketing area be set at a level equal to the Class I differential in Eastern South Dakota. A handler spokesman representing the Dairies Federation of Minnesota testified in support of a single uniform Class I price with no provision for location adjustments. Another Minnesota handler representative proposed a Class I differential of $1.24 with no location adjustments to be applicable in western Wisconsin and in Minnesota.

In establishing a pricing structure for the proposed marketing area, it is necessary to focus on two primary considerations: (1) What Class I price level is necessary to "insure a sufficient quantity of pure and wholesome milk"; and (2) What price structure is needed to insure Class I price alignment with neighboring marketing areas?

With regard to the first point, it is clear from reviewing the record evidence that the proposed marketing area is an extremely heavy milk-producing area. In 1974, more than 4.2 billion pounds of milk were pooled under the four orders proposed to be merged. Of this total, only 1.4 billion pounds, or roughly 33 percent, were used in the form of fluid milk products (Class I). The percentage of Class I utilization for this group of markets has been declining steadily for the past six years. In 1970, the weighted average Class I utilization for the combined markets was 41 percent; in 1971, 39 percent; in 1972, 40 percent; in 1973, 39 percent; and in 1974, 33 percent.[5]

Under these circumstances, there is no basis for increasing the Class I level in the combined and expanded marketing area. The adopted $1.12 Class I differential, in conjunction with the location adjustments prescribed, will provide essentially the identical Class I returns under the merged market as presently exists in the four separate markets. This price level can be expected to assure adequate supplies of Grade A milk for the combined marketing area.

Witnesses for Land O'Lakes, Inc., and Mid-America Dairymen, Inc., testified that a $1.25 Class I differential should be adopted because producers are now experiencing increased hauling costs. While it is true that hauling costs have increased since the present Class I differentials were adopted, this cannot be a basis for increasing the Class I differential in this combined market.

The Class I price is computed by adding the Class I differential to the basic formula price. The latter reflects the average price paid by unregulated manufacturing plants for manufacturing grade milk in Minnesota and Wisconsin. Presumably, any increased hauling costs are reflected in the price paid to producers for manufacturing grade milk in the area and, through the basic formula price, to producers under the Federal orders. In view of this, the higher farm to plant hauling cost does not support changing the returns for Grade A milk relative to manufacturing grade milk.

As previously indicated, the amount of Grade A milk in this area has been increasing relative to demand, as shown by

[5] Official notice is taken of *Federal Milk Order Market Statistics*, Annual Summary for 1974, Agricultural Marketing Service, U.S. Department of Agriculture.

the declining Class I utilization. Hence, there is no necessity for raising the Class I differential above the average level now existing in these markets.

Several exceptions opposed this Class I price level. NFO stated that it would not provide Grade A producers an adequate return for their production. LOL stated that it is incorrect to merely consider the supply and demand for Grade A milk in the Upper Midwest since this area is a reserve supply area for the entire central United States. Therefore, they argued, the Class I price must be high enough to assure an adequate supply for the entire Federal order system located in the central United States.

Present indications are that producers of Grade A milk are receiving an adequate price for their milk. Higher prices for manufactured dairy products and a moderation in feed costs have greatly improved the dairy income picture over a year ago. Supplies appear to be more than adequate in the central United States. Therefore, the Class I differential for the Upper Midwest market need not be raised above the $1.12 level proposed in the recommended decision.

LOCATION ADJUSTMENTS

The National Farmers Organization proposed a Class I pricing structure which they testified would improve the Class I price relationships that now exist within the proposed merged marketing area and that would improve Class I price alignment with surrounding Federal order markets. Their proposed pricing structure would essentially retain the present Class I price level in the Minnesota-North Dakota and Eastern South Dakota marketing areas; provide new pricing zones for the unregulated territory in north central Minnesota and southwestern Minnesota; and create a new pricing zone comprising the present Southeastern Minnesota-Northern Iowa, Minneapolis-St. Paul, and Duluth-Superior marketing areas (including some unregulated territory in western Wisconsin).

One NFO witness testified that an ideal Class I price structure for the merged marketing area would be a uniform Class I price throughout the marketing area, provided the Secretary can work it out with due regard to Class I pricing in surrounding Federal order markets. The testimony of the other cooperative proponents also suggests the desirability of a Class I price level throughout the marketing area with a minimum of variation. NFO was concerned about alignment with surrounding orders; LOL (in its brief) was concerned that a uniform Class I price would prove to be a hardship on proprietary handlers operating supply plants; and Mid-Am., while originally proposing location adjustments, in its brief modified its proposal to provide a uniform Class I price throughout the marketing area. As previously mentioned, various handler representatives also proposed uniform Class I prices and the elimination of location adjustments.

The pricing scheme recommended herein is directed toward meeting all of these conditions insofar as is possible; it provides a minimum of price differences in the market so that competing distributing plants to be regulated will have essentially the same raw product cost under the terms of the orders; it provides "location adjustments" to encourage transportation of milk, but only to the extent needed to cover transportation of milk from the closest sources of production; it complements the practice of most cooperative associations in the market of returning to their producer members a flat price regardless of their location; and it provides an appropriate price alignment with surrounding Federal order markets.

Unlike other markets where milk may be transported a substantial distance to the principal population centers, the proposed marketing area encompasses much of the heaviest milk production area of the country. Accordingly, there is abundant milk available within a short distance from the principal areas of consumption. In the Minneapolis-St. Paul area, for example, there is enough Grade A milk available in the counties bordering Hennepin (Minneapolis) and Ramsey (St. Paul) Counties to provide all the fluid milk consumed there, plus an ample reserve. Similarly, there are ample supplies of milk in the counties surrounding Rochester (Olmsted County), the Duluth-Superior area (St. Louis and Douglas Counties), and the Fargo-Moorhead-Grand Forks area.

With ample milk available within close proximity to the major population centers in the marketing area, there is no necessity to encourage the transporting of milk from more distant areas of the milkshed. The present provisions of the Minneapolis-St. Paul order, for example, provide a transportation allowance on Class I milk at the rate of 1.5 cents per ten miles from the basing points, regardless of distance from such plant. Thus, reimbursement for transportation is equally available to a supply plant 50 miles from the Twin Cities or 150 miles away. With this arrangement, a Minneapolis handler purchasing Class I milk from a supply plant is indifferent whether the milk comes from a nearby plant or a distant plant, since the additional transportation cost attributable to the difference in plant locations is reflected in the minimum order prices.

The pricing structure here adopted establishes zones which provide a limited transportation allowance for milk movement. Zone 1[6] ($1.12 differential) contains the major population centers in Minnesota and North Dakota and almost all of the distributing plants supplying such area. The $1.06 zone (Zone 2), by contrast, is rural in character and contains most of the heavy milk producing area and most of the manufacturing plants.

Since there is not enough milk produced within Zone 1 to satisfy all of the fluid demand on a day-to-day basis throughout the year, it is necessary to provide a price differential to implement the movement of a supplemental supplies from Zone 2. To this end, Zone 2 is priced 6 cents below Zone 1. At a hauling rate of 1.5 cents per 10 miles, 6 cents will accommodate the transportation of milk from within 40 miles of a plant in the $1.12 zone. Under existing circumstances, there is no need to accommodate the movement of milk from beyond this distance to insure all of the Grade A milk necessary to meet fluid demand of plants in Zone 1.

The National Farmers Organization excepted to the pricing zones described above. NFO contends that Zone 1 should include the counties of Anoka, Wright, Carver, Scott, Dakota and Washington, which border the Minneapolis-St. Paul metropolitan area. They state that inclusion of these counties in Zone 1 "would more accurately reflect the historical 35-mile radius zone for location pricing that has been applicable with respect to the Minneapolis-St. Paul metropolitan market, will more completely comprehend the actual Minneapolis-St. Paul marketing area, and will preserve the equities for the operators of the plants that have been located in reliance on said 35-mile radius zone."

Land O'Lakes also excepted to the recommended pricing structure. LOL advocates a higher, but unspecified, pricing zone for the Duluth-Superior area and the transfer of Carver County, Minnesota, and Allamakee County, Iowa, from Zone 2 to Zone 1. With respect to the Duluth-Superior area, LOL states—as do the many Duluth-Superior producers who filed exceptions—that a higher price is needed in this area to offset the higher costs of production. LOL recommends that Carver County be transferred to Zone 1 so that Oak Grove Dairy would not have a 6-cent advantage over other distributing plants located in Hennepin and Ramsey Counties with which it competes over a large area. Allamakee County should also be transferred to Zone 1, they state, because several plants exist in this county that could conceivably be pooled under a merged Iowa order. If a different price applies in this county under the merged Iowa order, it would increase the potential for disorderly marketing, according to LOL.

Mississippi Valley Milk Producers, a cooperative under several of the neighboring Iowa orders, also recommends the transfer of Allamakee County to Zone 1. They reason that this suggestion would improve alignment in Allamakee County with the Des Moines, Iowa order and that it would facilitate orderly zone application for the proposed merged order in Iowa.

Lakeside Dairy, Sioux Falls, South Dakota, also suggested revision of the recommended pricing zones. Specifically, they would expand Zone 1 to include

[6] All of the zones proposed herein extend into neighboring marketing areas, overlapping comparable pricing zones under other Federal orders. Unless otherwise specified, however, the discussion of pricing zones refers only to the territory within the proposed "Upper Midwest" marketing area.

Carver County, Minnesota. They also advocate a new zone to the north and west of Zone 2 with a Class I differential of $1.24. This change would improve alignment with North Dakota handlers, they believe.

Cass-Clay Creamery of Fargo, North Dakota, suggests in their exception that there should be one or two more pricing zones in central Minnesota so as to provide more than a 6-cent difference between producers supplying the metropolitan areas on a regular basis and those that do not. Cass-Clay states that the 6-cent difference in the uniform price to producers delivering their milk to plants in Zone 1 is not enough to cover transportation and the increased costs of operating reserve plants at reduced levels, should milk for Class I use be required of such plants.

Fairmont Foods Company, on the other hand, states that there are too many zones in the recommended decision. Fairmont would include all of Minnesota in Zone 1, as well as the five western-most counties in Wisconsin. Zone 2, they say, should be expanded to include the four border counties of the Michigan Upper Peninsula and should be priced 10 cents below Zone 1. Zone 3 should remain as proposed in the recommended decision. Fairmont argues that Zone 2, as proposed in the recommended decision, would give certain handlers an economic advantage over other handlers.

It is fairly obvious from the exceptions filed that there are sharp differences of opinion with regard to the structure of location adjustments under the merged order. As in most controversial issues, there are good arguments on both sides.

In designing a pricing structure, the first and foremost consideration must be to provide the economic incentive to transport milk from the production areas to the Class I distribution area. Without such encouragement built into the order, a handler would have to pay for the hauling of milk to his plant out of his own pocket.

Hennepin and Ramsey Counties are quite distinct from Wright, Carver, Scott, Dakota, Washington, and Anoka. There are no distributing plants in Wright, Anoka, Washington, and Scott Counties. Therefore, there is obviously no need to provide a higher price for those counties.

In Dakota County, there is the Hastings Cooperative Creamery Co., a pool distributing plant under Order 68. Mid-America Dairymen, Inc., also has a pool supply plant in Dakota County at Farmington, Minnesota. Neither the Hastings plant nor the Mid-America plant presently has a location adjustment by virtue of its being within 35 miles of the basing point in St. Paul, Minnesota. Both of these plants are approximately 22 miles from this point.

In December 1973, more than eight million pounds of Grade A milk was produced in Dakota County. This is more milk than was produced in Hennepin and Ramsey Counties, combined, and yet Dakota County has only a fraction of their population.

Obviously, it does not take the same price to get milk to Hastings as it does to get milk to a plant in Minneapolis or St. Paul. It is not enough to simply argue that, since the Hastings plant competes with the Minneapolis-St. Paul plants, it should have the same Class I price. A minus 6-cent location adjustment at Hastings should continue to provide an adequate supply of milk there, while causing no material disruption in the competitive balance among plants distributing in the Minneapolis-St. Paul metropolitan area.

The Oak Grove plant at Oak Grove, Minnesota, (Carver County) is between 35 and 45 miles of St. Paul. It has had a location adjustment of minus 6 cents. For reasons similar to those discussed with respect to Dakota County, Carver County should not be in the base zone.

Allamakee County, in the northeast corner of Iowa, should remain in Zone 2. Its inclusion in Zone 2 will provide better alignment with the Chicago Regional order and will have no effect on the location adjustment structure for any merged Iowa order.

No further pricing zones should be created in Minnesota. Two zones should adequately meet the needs of the area, providing some incentive for movement of milk from Zone 2 to Zone 1, but minimizing differences in uniform prices to producers.

It is expected that supplies for the Duluth-Superior and Fargo-Moorhead areas will continue to be more than adequate. However, should experience indicate that the porposed prices are not generating an adequate supply of milk for these areas, further adjustments can be made in the future.

Bordering the proposed marketing area on its eastern border is the Chicago Regional marketing area. The Chicago Class I price zoned to this area results in a price 90–96 cents over the basic formula price at various points bordering the proposed marketing area. To provide alignment, therefore, it is necessary to have a comparable price in this segment of the market under the proposed order. Accordingly, Zone 4, which comprises four now unregulated Wisconsin counties (three of which are to be included in the Upper Midwest marketing area) and eight Wisconsin counties that are part of the Chicago Regional marketing area, requires a Class I differential of 96 cents.

Between Zone 2 ($1.06) and Zone 4 ($.96), an intermediate zone is required to provide a graduated price adjustment and thus to avoid abrupt and substantial price changes which could encourage unstable marketing conditions. For this purpose, a location adjustment of minus 10 cents (which would yield a Class I differential of $1.02) is appropriate. The presently unregulated portion of this part of the extended marketing area contains several partially regulated and unregulated distributing plants with sales throughout a broad segment of the area. Two of the largest of these plants are located in Barron and Eau Claire Counties. The distribution areas of these two plants virtually overlap, making it desirable to include both of these plants in the same zone.

The exception filed on behalf of the unregulated Wisconsin handlers stated "it appears that the Secretary of Agriculture has chosen to ignore the evidence in the hearing on both points and eschew any alignment between Federal Order 30 and the new Upper Midwest order."

This is not true. It should be apparent from the preceding paragraphs that careful attention was given to structuring Zones 3 and 4 so as to provide proper alignment with the Chicago Regional order. Indeed, if it were not for the presence of the Chicago Regional order, there would be no need for Zones 3 and 4; Zone 2 could extend throughout this area.

We do not believe the pricing structure proposed for western Wisconsin will "sacrifice the previously unregulated handlers", as charged by the exceptors. The expected uniform price for the merged order provides these Wisconsin handlers with a competitive procurement price vis-a-vis Chicago regulated handlers. Moreover, the Class I price to these handlers will not put them at a competitive disadvantage with respect to handlers under the Chicago Regional order. Contrary to the exceptor's contention, there are no Chicago Regional distributing plants operating in this area with an effective Class I differential of 90 cents. As mentioned earlier, the closest Chicago Regional distributing plant is located at Black River Falls, Wisconsin (Jackson County), which is 52 miles southeast of Eau Claire. This handler has an effective Class I differential of 96 cents.

The Minnesota-Wisconsin area represents an alternative supply area for virtually all markets east of the Rockies. For this reason, it is imperative that Federal order Class I prices be appropriately aligned so that the milk will move only when necessary. A Class I differential for the proposed marketing area that is too low would cause local milk to seek more remunerative distant outlets.

The $1.12 differential here adopted will align prices with those Federal orders also drawing milk supplies from central and southern Minnesota. The Des Moines order has a Class I differential of $1.09 at Rochester, Minnesota, and at Mankato, Minnesota. The Nebraska-Western Iowa Class I differential, based on mileage from Omaha, is also $1.09 at Rochester and $1.16 at Mankato. The Kansas City order Class I differential is $1.12 at Rochester and $1.13 at Mankato. A $1.12 differential for the extended market will improve price alignment with the North Central Iowa marketing area which now has a Class I differential of $1.25 in the counties adjacent to the southern boundary of the proposed marketing area.

Under current provisions of the Minnesota-North Dakota order, plus location adjustments apply in that part of North Dakota that is outside the base zone (as now defined in that order). Present circumstances do not warrant maintaining the existing plus location adjustments in the North Dakota segment of the mar-

keting area. From December 1967 to November 1973 the amount of Order 60 milk pooled in North Dakota in the base zone declined by 19 percent, while that milk in the plus location adjustment area increased by 71 percent. Moreover, from December 1967 to November 1973, the number of supply plants in the plus location adjustment zone went from zero to six. As a result, milk received at plants in the plus location adjustment area increased by 674 percent in this period.

The effect of these plus location adjustments is to raise the uniform price to producers outside the base zone relative to those delivering their milk to plants inside the base zone. Consequently, there is a disincentive to deliver milk to the base zone directly from the farm when a higher price is available by delivering it to one of the supply plants outside the base zone. This practice is contrary to orderly and efficient marketing of milk.

Case-Clay Creamery excepted to the removal of the plus location adjustment west of Fargo. They contend that if this price level were to prevail throughout North Dakota, it would result in in sufficient production.

There is no reason why the State of North Dakota could not adopt a price level for that part of North Dakota outside the Upper Midwest marketing area higher than that proposed herein. If state prices were to increase 1.5 cents per 10 miles west of Fargo, state handlers would not be at a competitive disadvantage with respect to milk coming from Fargo.

At least in the Fargo-Moorhead area, a Class I differential of $1.12 should provide an adequate supply of milk, regardless of whether it comes from Minnesota or North Dakota.

To protect the integrity of regulation under Federal orders, it is generally necessary, either through the allocation procedure in the assignment of milk receipts to classes of use or in the application of location adjustment credits, to protect the pool from bearing the costs of moving milk to the central market for other than Class I use. This is usually accomplished by providing that Class I use in each plant is assigned first to direct receipts and then in sequence to receipts from other plants, starting with those plants nearest the market.

With the continuing conversion of manufacturing grade milk to Grade A in this upper midwest area, distributing plants can be expected to have ready access to their required milk supplies on a direct-shipped basis. Furthermore, in view of the liberal pooling standards adopted (which will remove any necessity for the movement of milk between plants solely to attain pooling status) and the limited location adjustments provided (6 cents for most plants, with the maximum being 16 cents), it may be presumed that, when milk is transferred to pool distributing plants, such transfers reflect a need for milk that cannot otherwise be met. In view of this, the interests of both handlers and producers will best be served by allowing the transferee handler flexibility in designating the milk to be assigned to Class I. This will insure that the difference in location value between transferor and transferee plant will be available to the transferor handler as an offset to the cost of moving any milk supplies.

EASTERN SOUTH DAKOTA MARKETING AREA

The Eastern South Dakota order now has a Class I differential of $1.50 applicable at each of its four fully regulated distributing plants. This price is clearly out of alignment with prices which have been effective in other parts of the area here being merged and also with prices in markets to the south. In substantial measure, it has been perpetuated by the particular institutional structure of the market. The record strongly suggests that producers in the Eastern South Dakota market have not, in fact, received returns reflecting the use value of their milk at the prescribed order prices, and that the higher returns from this market have been used to enhance returns of dairy farmers in Minnesota and North Dakota.

A South Dakota distributing plant operator representing himself and two other South Dakota handlers testified that the present 44-cent difference between Minneapolis-St. Paul ($1.06 differential), Southeastern Minnesota-Northern Iowa ($1.06 differential) and Eastern South Dakota ($1.50) has caused havoc in Eastern South Dakota, resulting in the demise of many small distributing plants over the years and the passage of a Minimum Retail Milk Price law to stem the inflow of cheaper Minnesota milk. These handlers proposed providing the same Class I differential for any merged order as would apply under the Eastern South Dakota order, but preferably increasing the Minnesota differentials to the $1.50 level.

The average annual Class I utilization in the Eastern South Dakota market has declined from 67 percent in 1969 to 46 percent in 1974. With the percentage of total milk production approved for Grade A averaging around 35 percent in this market, there is a growing potential for substantially increased Grade A supplies here. Because of its location with respect to markets to the south, i.e., Nebraska-Western Iowa and Kansas City, for example, the price must be established higher than that in the Upper Midwest market. But in the interest of producer and handler equities and overall price alignment, the price must be reduced from the existing level.

To provide continuing orderly marketing among the neighboring Federal order markets in the general area, Class I differentials must be structured to reflect costs in transporting milk between surplus markets and deficit markets. The Eastern South Dakota market is sandwiched between the Upper Midwest market on the north and east, and the Nebraska-Western Iowa market to the south. With a Class I differential of $1.12 on its northern border and a Class I differential of $1.60 on its southern border, the Eastern South Dakota market clearly must have a transitional pricing structure to provide for the orderly movement of milk.

For this reason, the Eastern South Dakota market, as modified herein, should have a Class I differential of $1.40 applicable at Mitchell, Sioux Falls, and all other points south of U.S. Highway 90. For plants located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, the Class I price should be adjusted downward at the rate of 1.5 cents per 10 miles from the nearer of Sioux Falls or Mitchell. This will provide for a smooth transition of pricing between the Upper Midwest and Eastern South Dakota markets. It will considerably improve current inter-order price alignment, while continuing to assure an adequate supply of milk for South Dakota handlers.

Land O'Lakes opposed the reduction of the Class I differential in the Eastern South Dakota market. They state no one proposed such a reduction and that none of the symptoms of misalignment were demonstrated.

The proposal by the three Eastern South Dakota handlers was to "establish the Class I differential for Order 1076 to be identical with the Class I differential ultimately established for Orders 1068 and 1061 or the combination resulting from any merger of those orders." Moreover, there was a considerable amount of discussion on the record concerning the misalignment of prices between Orders 1076 and Orders 1068 and 1061.

Land O'Lakes cites an exhibit presented at the hearing which shows decreasing sales in the Eastern South Dakota marketing area between 1973 and 1974 by handlers regulated under other Federal orders.

These numbers by themselves are misleading. Testimony indicated there are strong institutional barriers minimizing the sales of outside milk in the Eastern South Dakota marketing area.

As mentioned in other parts of this decision, resale price alignment is only a peripheral consideration in establishing proper price level at any particular location. Of paramount importance is the question, "what price level is necessary to insure an adequate supply of milk for the location?"

There are supply plants throughout the southwestern portion of Minnesota that are capable of supplying milk to the Sioux Falls area. For instance, an Order 68 supply plant located in Swift County, Minnesota, is about 160 miles from Sioux Falls. Under the Upper Midwest order, this plant has an effective Class I differential of $1.06. Even at 1.7 cents per 10 miles, which is well above the 1.5 cents on which Federal milk order prices are structured, it would cost about 26 cents per hundredweight to transport milk from that location to Sioux Falls. Accordingly, a Class I differential of $1.32 would theoretically be high enough to attract milk from that supply plant to the Sioux Falls area.

There are also presently unregulated supply plants in Yellow Medicine and Brown Counties. Both of these counties have a Class I differential of $1.12 under the Upper Midwest order. The plant in Yellow Medicine County at Marshall is

134 miles from Sioux Falls. At 1.7 cents per 10 miles, this plant would theoretically supply milk to Sioux Falls at a Class I differential of $1.36. The supply plant at New Ulm in Brown County is 155 miles from Sioux Falls and would theoretically transfer milk to Sioux Falls at a Class I differential of at least $1.39.

As previously mentioned, there have been strong institutional barriers which have kept this Minnesota milk out of the Eastern South Dakota marketing area. What the above figures demonstrate, however, is that if milk, for whatever reason, was needed at Sioux Falls, it could be attracted there with a Class I differential of around $1.40.

Lakeside Dairy of Sioux Falls excepted to the proposed $1.40 Class I differential, urging instead a Class I differential of $1.30. This handler states "the Eastern South Dakota area is not a deficit area and does not require supplemental milk at any period of the week or the year."

One of this handler's main competitors, Wells Dairy Company, Le Mars, Iowa, a regulated handler under the Nebraska-Western Iowa order, also excepts to the proposed $1.40 differential, urging that it be kept at $1.50. This handler's route distribution extends into parts of the Eastern South Dakota and Southeastern Minnesota-Northern Iowa marketing areas, as well as into the presently unregulated territory between the two marketing areas. Wells states that a 10 cent lower Class I differential for the Eastern South Dakota handlers "will reflect itself on the wholesale pricing in the marketplace, with resulting harmful effects to Wells Dairy."

The recommended $1.40 Class I differential should neither be lowered to $1.30 nor increased to $1.50. If distribution overlap was considered in setting a Class I price, there would only be one Class I price throughout the country, for virtually every handler competes with another handler in a higher priced area.

A Class I differential of $1.40 for the Eastern South Dakota market will result in a uniform price high enough to hold a supply of milk in competition with handlers under the Nebraska-Western Iowa order. It will also be high enough to attract milk from the neighboring Upper Midwest order if necessary. The arguments regarding resale price competition are irrelevant to this issue.

Land O'Lakes and Lakeside Dairy both excepted to the reduction in price at Aberdeen, South Dakota, which was incorporated in the Upper Midwest marketing area.

Aberdeen is quite distinct from the southern half of Eastern South Dakota. There is one distributing plant in the area, the De Vries Dairy at Aberdeen (Brown County). This area is sparsely populated. Milk production in the area is relatively heavy, and there is procurement overlap only with the Minnesota-North Dakota order to the north. There is no reason why this area should have a Class I differential higher than $1.12.

In conjunction with the above change in pricing structure for the Eastern South Dakota market, a change should be made in the pricing point of producer milk diverted from a pool plant to a nonpool plant. Presently, such milk is priced at the plant from which diverted. With virtually a flat price througout the marketing area (presently there are no location adjustments within 100 miles of Aberdeen, Huron, Mitchell, Sioux Falls, and Watertown) it has mattered little if diverted milk were priced at the plant from which diverted or at the plant to which diverted. However, with the pricing structure adopted herein, the pricing point on diverted milk will be an important factor in the movement of milk supplies.

When diverted milk is priced at the plant from which diverted, there is always the incentive for association of distant milk with plants in the higher priced zones even though such milk is not needed at such plants for fluid use. This unecessary movement of milk results in inefficient marketing practices. It also reduces the return to producers whose milk is used on a regular basis at pool distributing plants in favor of more distant producers whose milk is used principally for manufacturing uses. The latter milk, although only occasionally transported to the central market, is priced as though it were received there every day.

The Act specifically provides for the pricing of milk "at the location at which delivery * * * is made." Thus, the change in pricing point will also insure compliance with the current interpretation of the Act.

Pricing milk not needed for Class I use. The Class II price under the merged order should be the basic formula price for the month plus 10 cents. The Class III price should be the basic formula price for the month. These prices should be announced by the 5th day after the month to which they apply.

These prices were proposed by all of the proponent organizations and are now applicable under each of the orders to be merged. They were adopted for all of these orders in conjunction with the 39-market classification proceedings referred to earlier in this decision and are appropriate for the identical reason for which they were adopted in the separate orders.

Butterfat differential. A single butterfat differential should apply under the merged order. It should be computed by multiplying the average Chicago 92-score butter price for the month by 0.115 and rounding such amount to the nearest 0.1 cent. The differential should be announced by the market administrator by the 5th day after the end of the month in which it applies. This differential is now applicable under the separate orders and was adopted in conjunction with the uniform classification plan now in use.

Land O'Lakes proposed that the butterfat differential be reduced to 10.5 percent of the Chicago 92-score buttter price.

Mid-America Dairymen, Inc., which originally supported a butterfat differential of .115 (the one now in the individual orders), changed its position taken at the hearing and, in its post hearing brief, supported the position of Land O'Lakes. Several proprietary handlers also expressed support of the idea. A proprietary handler and one producer cooperative association filed briefs in opposition to the proposal.

A Land O'Lakes spokesman testified that the current butterfat differential prices surplus (Class III) cream $2.17 per hundredweight above its market value when manufactured into butter. Thus, he said, a fluid milk handler buying whole milk is at a disadvantage compared to one who buys skim milk since the former must absorb a loss on the cream portion of his milk.

It is unlikely that a fluid milk handler buying skim milk actually realizes this advantage. If there is a loss to be absorbed on surplus cream, it is likely that such loss is reflected in the price the handler must pay a cooperative association to obtain skim milk.

Any modification in the level of the butterfat differential would have wide-ranging repercussions since the market for butter, nonfat dry milk, and cheese is national in scope. Handlers in surrounding markets would be adversely affected by such a change in the pricing in this market. Moreover, as was pointed out in one brief, handlers manufacturing products that require milk testing below 3.5 percent would be faced with a cost increase that would put them at a competitive disadvantage compared to handlers in other markets.

The matter of appropriate butterfat differential was an issue dealt with fully in the 39-market proceedings. This record does not furnish a basis for modification of the provision so recently adopted for the several orders involved. Accordingly, the proposal is denied.

(d) *Distribution of proceeds to producers.* A marketwide pool should be provided under the merged order as a means of equitably distributing among all producers in the market the total proceeds derived from the sale of producer milk by all regulated handlers. Under marketwide pooling, one uniform price, adjusted for location of the plant to which the milk was delivered, is paid to all producers regardless of how a particular producer's milk is used by the handler to whom it is delivered. By receiving payment at the market uniform price, each producer shares equally in the higher-valued Class I milk of the market as well as in the lower-valued Class II and Class III uses of milk. This type of pooling is now being used in all four of the individual markets to be merged and was supported by all parties of interest for use under the merged order.

COMPUTATION AND ANNOUNCEMENT OF UNIFORM PRICE

A uniform price to producers based on estimated pool values should be computed each month by the market administrator and announced by the 11th day after the end of the month.

Presently, three of the individual orders provide for announcement of the previous month's uniform price by the 12th day of the month. The Minneapolis-

St. Paul order provides for such announcement of the uniform price by the 15th day of the month.

Land O'Lakes, Inc., proposed a procedure whereby the market administrator would estimate a uniform price, which he would then announce by the 5th day after the month. A Land O'Lakes spokesman testified that announcement of the uniform price by the 5th day of the month would be a convenience to his organization in establishing producer pay prices. He stated that presently Land O'Lakes sets producer pay prices before the 15th day of the month, but this requires estimating gross returns in the various markets involved. The market administrator, he said, is in a much better position to estimate these returns since he has more information available to him.

The market administrator for the Minneapolis-St. Paul and Minnesota-North Dakota orders testified that his office has estimated the uniform price on an informal basis since June 1973. During the period from June 1973–October 1974 (no estimate was made for February 1974) these estimates were precisely correct during four months, one cent above or below the actual price during seven months, 2–3 cents off during four months, and off by 6 cents during one month when key personnel were out of the office. On the average, the estimates differed from the actual price during this period by one half cent. They have been available to any interested person between the 5th and 12th day of the month.

The proposal to compute an estimated uniform price should be adopted. However, instead of being announced on the 5th day of the month, it should be announced on the 11th day of the month, one day after handler reports are due.

Several advantages will result in providing for computation of a uniform price on an estimated basis. Presently, the market administrator cannot compute a uniform price until the handlers' reports of receipts and utilization have been submitted. Often, depending on the fall of weekends and holidays, this does not allow enough regular working days to process the reports and announce a price by the 15th day of the month. As a result, overtime is regularly required in order to meet the deadline.

By allowing the market administrator to estimate the total amount and value of milk in the pool he has from the 5th day of the month, when the basic formula price for the preceding month is announced, until the 11th of the month to make his calculations and compute the uniform price. In addition, removing the uniform price computation from the processing of handlers' reports will allow the latter job to be done much more efficiently since the reports will no longer have to be processed by stages but, instead, may be processed in their entirety as they are received.

A final advantage to announcing the uniform price on the 11th day of the month is that it will permit earlier payments into and out of the producer-settlement fund and earlier payments to producers for their milk.

Payments to producers. The merged order should continue to require handlers to make payments to cooperative associations and producers for milk received. This is now the method of payment under each of the four orders.

Land O'Lakes Cooperative, Inc., proposed a payment plan whereby all handlers receiving milk from a cooperative association would pay their total pool obligation for such milk to the market administrator who, in turn, would pay the cooperative associations. Under their plan, proprietary handlers would pay their non-member producers, however.

Proponent's witness testified that requiring handlers to pay the market administrator for milk received from cooperative associations would assure that all handler obligations and producer payments would be made on time and that such payments would be uniform. He further stated that, because cooperative associations continually fear a loss of their position in the market and, therefore, their ability to pool member milk, there is a tendency for cooperatives to be lenient with their Class I customers in the matter of making timely payments. This, he said, results in the slow-paying milk distributor realizing a cost advantage over competitors who make timely payments for their milk receipts. He related one experience in the spring of 1974 in which a handler fell further and further behind in his payments, ultimately falling into bankruptcy and leaving the cooperative with a large and uncollectable account receivable.

With the liberal pooling standards provided under the merged order, the circumstances leading to such large and uncollectible accounts should be avoided. It is expected that payments to producers will be made promptly, since access to Class I outlets will not be necessary to pool and a cooperative association may dler who fails to pay promptly. If the reasonably withhold supply to any hanproblem leading to this proposal is resolved, there will be no need for channeling payments through the market administrator as proposed.

Under the terms adopted herein for the merged order, milk received from a cooperative acting as a handler for farm bulk tank milk will be treated as an interhandler transfer but will be classified pro rata with producer milk at the transferee plant. The pool plant operator will be obligated to the producer-settlement fund for the milk received directly from producers and by transfer from bulk tank cooperative handlers at its classified use value. This is in contrast to the procedure now followed, whereby the cooperative is responsible to the pool at class prices for milk delivered to a pool plant. In its capacity as the operator of a pool plant, a cooperative association will continue to account to the pool at class prices for milk transferred to other pool plants. The transferee handler will pay the cooperative the class prices for such milk.

The order should require a handler to make a partial payment to a cooperative association or a producer on or before the 25th day of the month for milk received during the first 15 days of the month.

If the cooperative association is the operator of a pool plant, the partial payment for milk from such plant should be at not less than the Class I price for the month. If the cooperative is a handler on bulk tank milk shipped directly from the farm, the partial payment should be at not less than the uniform price for the preceding month. If the cooperative is not a handler but is authorized nevertheless to collect payment on behalf of its member producers and has requested that payment be made in aggregate, the partial payment should be at not less than the uniform price for the preceding month. Finally, in the case of milk received from a producer for whom payment is not being made to a cooperative association, the partial payment should be at not less than the uniform price for the preceding month. All of the partial payments described above should be adjusted by the butterfat differential for the preceding month.

The recommended decision proposed that the partial payment be made on the third day of the following month. The proposed rate of payment was the uniform price for the preceding month. No distinction was made between milk received directly from the farm and milk received by transfer from a plant operated by a cooperative association.

Several exceptions objected to the proposed dates and rates of partial payment. It was argued, for example, that partial payment on the third day of the following month was later than necessary and would result in disruption of established payment schedules. It was also argued that, with respect to milk transferred from a pool plant operated by a cooperative association, partial payment at the uniform price would result in considerable underpayment to producers, since a large percentage of such milk is used in Class I.

As a result of these exceptions, the date and rates of partial payment are modified as previously described. No changes should be made in the schedule for final payments.

Final accounting for milk from producers and cooperative bulk tank handlers will be completed after the end of the month. Handlers will be required to submit to the market administrator a report of all receipts and utilization by the 10th day after the end of the month. The uniform price is announced by the 11th day. On the 11th day, handlers are required to pay cooperative associations for all skim milk and butterfat received from pool plants operated by such cooperative associations at not less than the class prices, as adjusted by the butterfat differential, applicable at the location of the receiving handler's pool plant (except that if such pool plant is in a lower priced zone than the cooperative association's plant, the Class I price will be at the location of the transferor plant), less the amount of the partial payment.

Handlers whose pool obligation exceeds the value of their producer milk

at the uniform price should be required to make payment to the producer-settlement fund on or before the 15th day after the end of the month. On or before the 17th day after the end of the month, the market administrator will make payments to handlers whose total pool obligation is less than the value of their producer receipts at the uniform price.

Final payment by proprietary handlers to cooperative association handlers on farm bulk tank milk will be made on or before the 18th day after the end of the month. Such payment will be at not less than the uniform price for the month, less the amount of partial payment made for milk received during the first 15 days of the month. On or before the 18th day after the end of the month, handlers will also make final payment to each producer for milk which was not caused to be delivered by a cooperative association acting as a handler on farm bulk tank milk. Such payment will also be at the uniform price for the month, less the amount of partial payment for milk received during the first 15 days of the month.

This schedule of reporting and payment dates adopted is intended to insure producers prompt payment for their milk. They recognize that reasonable time is required for handlers to file reports and make payments to the market administrator by mail. This is particularly significant in view of the large and rural geographical area encompassed by the merged order.

The president of the Dairies Federation of Minnesota proposed that the payment date be pushed back from the 20th to the 25th of the month. He stated that the billing date for retail customers was on the 15th of the month and that payments from such customers are not received until the 25th day of the month. Consequently, he said, handlers are faced with additional costs in the form of interest on bank loans if they are required to pay producers before they receive payment from their retail customers.

There is no foundation for this position. As it is, producers must wait until the 18th day after the end of the month before receiving the final payment for their milk. The cost of any short term loans that a handler may need to meet order obligations must be considered a necessary business expense to be borne by the handler. There is no reason why producers should be required to bear any of the handler's business expenses. Accordingly, the proposal should not be adopted.

SERVICE CHARGES

Land O'Lakes Cooperative, Inc., proposed that service charges be incorporated in the order to accommodate recovery of a cooperative association's costs for field service, quality testing, coordination of milk movements, disposition of reserve supplies, producer payrolls, and operation and maintenance of storage and handling facilities. The proposal would provide a charge of 10 cents per hundredweight on milk delivered directly from the farm to a handler's plant and 18 cents per hundredweight on milk delivered from a supply plant to a handler's plant.

A Land O'Lakes witness testified that most cooperative associations supplying proprietary handlers are able to recoup the cost for various services rendered through service charges levied by the cooperative. However, not all cooperatives in the upper Midwest levy such a charge and the charges that are made vary from organization to organization and possibly from customer to customer. Often, this witness stated, the urgency to pool member milk may cause a cooperative to reduce or eliminate the charge in order to retain a Class I customer. Consequently, a milk distributor who pays a small charge or none at all has a procurement cost advantage over a competitor buying milk from a cooperative that does charge for services rendered. The witness concluded that this situation is not in keeping with the legislative requirement of the Agricultural Marketing Agreement Act that "prices shall be uniform to all handlers."

Proponent emphasized that the pressure to retain Class I customers and to keep member producer milk pooled made it difficult to recoup the cost for various services rendered. Under the proposed pooling standards, these pressures will be virtually eliminated. It will not be necessary to absorb bona fide service costs in order to keep milk pooled.

Accordingly, the Land O'Lakes proposal should not be adopted at this time.

(e) *Administrative provisions.—Interest payments on overdue accounts.* The merged order should provide for interest payments on handler obligations to the producer-settlement fund that are overdue. Such interest should be at the rate of three-fourths of one percent per month (9 percent annually). Interest should apply beginning the day following the date on which payment of an obligation is due.

It is essential that all handler payments to the producer-settlement fund be made promptly in order that the market administrator will be able to make the required payments out of the producer-settlement fund. An interest charge on overdue accounts should provide an incentive to handlers to make their payments on time. Moreover, handlers who pay late are, in effect, borrowing money from producers. Without interest payments, handlers delinquent in their payments would have a financial advantage relative to those handlers making timely payments.

It should be noted that interest payments are not a substitute for prompt payments by handlers. Those delinquent in their obligations will be subject to legal enforcement action as authorized under the Act.

The adopted interest rate (three-fourths of one percent per month) was proposed by all three merger proponents. This rate is currently applicable under the Southeastern Minnesota-Northern Iowa and Minneapolis-St. Paul orders. One proprietary handler suggested a penalty equal to the prime rate in effect, plus one percent, on all payments 15 days or more past due. This proposal, while somewhat more flexible than the provision adopted herein, does not differ substantially from it at present interest rates. Since no particular problem was presented regarding the present provision, there is no reason to depart from the present order language proposed by the merger proponents.

Administrative assessment. The maximum rate of payment by handlers for the cost of administering the merged order should be 3 cents per hundredweight. Currently, the maximum rates under the separate orders are 4 cents per hundredweight under the Minnesota-North Dakota, Southeastern Minnesota-Northern Iowa, and Duluth-Superior orders, and 3 cents per hundredweight under the Minneapolis-St. Paul order.

A maximum 3-cent rate under the expanded order should cover all necessary expenses the market administrator may incur in administration of the order. It is necessary, of course, that the administrator have adequate funds to perform all of those functions necessary for effective administration. However, if experience indicates that the merged order can be administered at a lesser rate, the Secretary, under the terms of the order, may adjust the effective rate of assessment without the necessity of a hearing.

The administrative assessment should apply to all receipts within the month of milk from producers, including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order), milk received from a cooperative association in its capacity as a handler on farm bulk tank milk, and milk transferred to a pool plant from a plant owned and operated by a cooperative association. A cooperative association should pay the administrative assessment only on its receipts for which the assessment is applicable, and for which such assessment is not to be paid by other handlers.

Presently, of the four orders, only the Southeastern Minnesota-Northern Iowa order places on proprietary handlers the administrative assessment on milk received from a cooperative association in its capacity as a handler on plant milk transferred. Land O'Lakes, Inc., proposed this procedure for the merged order.

The Act provides that the administrative cost of the order shall be borne by handlers. In this connection, it is apparent that Congress contemplated that, in any circumstance in which a proprietary handler purchased milk from a cooperative association, the assessment would be passed on to the proprietary handler. Otherwise, proprietary handlers would simply avoid the burden of administrative cost by purchasing milk only from cooperative associations, leaving producers to bear such cost. This practice would violate the mandate of the Act requiring minimum uniform prices to all handlers. Therefore, the new order should be clear on who is responsible for the administrative assessment on this milk.

When a cooperative association operates a processing plant or acts in the capacity of a handler diverting milk to nonpool plants or in the limited capacity as responsible handler with respect to farm bulk tank milk which it causes to be picked up at the farm and which is not received at any plant, it, of course, must be held responsible for the assessment payable on such milk.

Marketing service deduction. With respect to payments to producers, the order should provide for a maximum deduction of 5 cents per hundredweight for marketing services furnished by the market administrator. Such deductions are necessary to enable the market administrator to conduct an adequate marketing service program for producers supplying the market.

The maximum rates now for such services are 6 cents under the Southeastern Minnesota-Northern Iowa and Minneapolis-St. Paul orders, 5 cents under the Minnesota-North Dakota order, and 3 cents under the Duluth-Superior order.

The 5-cent rate, which is one cent below the rate proposed at the hearing, should permit the market administrator to conduct an adequate marketing service program for those producers not receiving such services (providing for market information to producers and verification of weights, sampling, and testing of milk purchased from producers) from a cooperative association. The weighted average rate now charged under the four markets is considerably below the maximum rate proposed at the hearing. Therefore, a maximum rate of 5 cents should provide adequate funds for these services.

The order should provide for the transfer of funds from a proprietary handler to a cooperative association when the latter is performing the marketing services for producers. The language suggested by proponents, which is the language now contained in the Minneapolis-St. Paul order, would merely direct that no money be withheld in the case of producers for whom a cooperative is performing the marketing services. This would be adequate when the handler pays the cooperative association for the milk and the cooperative then pays the producers. In this case, the cooperative could obviously withhold the marketing service fee. But in the case where the handler pays the producer directly, a provision is needed to provide for the transfer of funds from the handler to the cooperative to cover the marketing services performed. The language adopted herein, which is similar to language contained in the Minnesota-North Dakota and Southeastern Minnesota-Northern Iowa orders, specifically provides for this transfer of funds, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Merger of the administrative expense, marketing service, and producer-settlement funds. To accomplish the merger of the orders effectively and equitably, the reserves in the administrative expense funds that have resulted under Orders No. 60, 61, 68, and 69 should be combined. Similar procedure should be followed with respect to the marketing service fund reserves of these individual orders. Any liabilities of such funds under the individual orders should be paid from the appropriate new fund established under the merged order. Similarly, obligations that are due the several funds under the individual orders should be paid to the appropriate combined fund under the merged order.

The money paid to the administrative expense fund is each handler's proportionate share of the cost of administering the order. It is anticipated that all handlers currently regulated under the individual orders will continue to be regulated under the merged order. In view of this, it would be an unnecessary administrative and financial burden to allocate back to handlers the reserve funds under the individual orders and then accumulate an adequate reserve for the merged order. It is equally equitable and more efficient to combine the administrative monies accumulated under the individual orders and to pay any liabilities against such funds from the consolidated fund of the merged order. With respect to the Eastern South Dakota administrative service fund, it should be retained under that order even though part of that marketing area is included in the merged area, since the reserve in that fund is for the purpose of performing audits of handlers reports and other administrative tasks with respect to handlers regulated under that order.

The money accumulated in the marketing service funds of Orders No. 60, 61, 68, and 69 is that which has been paid by producers for whom the market administrator is performing services. The Eastern South Dakota order has no marketing services provision. The producers who have contributed to the marketing service fund of each order are expected to continue to supply milk for the Upper Midwest market. The consolidation of the reserves in the individual marketing service funds is therefore appropriate in view of the continuation of the marketing service program for these producers under the merged order.

The producer-settlement fund balances in Orders No. 60, 61, 68, 69, and the proportion of the unobligated producer settlement fund reserve of Order No. 76 associated with and attributable to the milk of producers in the month preceding the first month in which such producer milk becomes regulated under the merged order should be combined so that the producer-settlement funds under the merged order and Order No. 76 may be continued without interruption. The producers currently supplying handlers in the individual markets are expected to continue to supply milk to such handlers. The merged Upper Midwest market, which incorporates part of the present Eastern South Dakota market, is expected to result in the shift of regulation of an Aberdeen, South Dakota, plant from that market to the Upper Midwest market. Thus, monies now in the producer-settlement funds of the individual orders would be reflected in the uniform prices of the producers who will benefit from the merged order. The combined fund would also serve as a contingency fund from which money would be available to meet obligations (resulting from audit adjustments and otherwise) accruing under one or the other of the separate funds.

PROVISIONS REQUIRING NO REVISION

Handlers and producers indicated that provisions of the Minneapolis-St. Paul and Eastern South Dakota orders for which they were proposing no changes were appropriate for the expanded marketing areas.

No testimony was presented indicating that the reasons set forth in the decisions providing for the adoption of such provisions were not equally applicable to regulation of the expanded marketing areas. For the reasons previously stated, the remaining unrevised provisions of the orders are appropriate for the extended orders and are hereby adopted.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusion were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in

the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreements and the orders as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight (5 cents under the Eastern South Dakota order) or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1068.-85 of the aforesaid tentative marketing agreement and the Upper Midwest order. (§ 1076.85 under the Eastern South Dakota order)

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

The Minnesota Farmers Union filed an exception in which it expressed opposition to the proposed merger on the grounds that it is too limited in scope and urged that this proceeding be enlarged to consider development of a National Milk Marketing Order.

The Minnesota Farmers Union proposes there should be one milk order with no location adjustments and all producers sharing equally in the blend price. This proposal, Minnesota Farmers Union states, "would help all producers by raising Grade A prices immediately and assuring that price to dairy farmers who switch to Grade A."

Assuming the present level of Class I prices, a merger of all orders would not raise the uniform price to "all" dairy farmers. Obviously, in averaging out the Class I and uniform prices throughout the country, some producers would experience a reduction, while other producers would stand to gain.

The Agricultural Marketing Agreement Act requires that the Class I price at any location be set at a level that will assure an adequate supply of milk. If locally produced milk is inadequate to supply the fluid milk needs at a given location, then the Class I price may be increased to generate sufficient local production or to cover transportation costs on milk from the closest alternative supply source, whichever is the lesser price. For most markets, milk in the main production area of Wisconsin and Minnesota is an alternative supply source. For this reason, Class I prices in markets outside that production area are established with an effective ceiling of the price of milk in that area plus transportation costs to the particular market. The price structure adopted herein reflects that policy.

Moreover, one of the major problems described by proponent witnesses was that uniform prices realized from pooling Minnesota milk on distant markets were less than the local Minnesota order uniform prices. This was because the cost of transporting milk to the distant markets amounted to more than the difference in the uniform prices. Consequently, proponents urged that these milk supplies be accommodated in the Upper Midwest pool.

The merged order adopted herein is the best means to alleviate many of the pooling and pricing problems in this area. It will not accomplish the broad sharing of proceeds envisioned by Farmer's Union, but the evidence does not indicate that such broader sharing of proceeds is warranted in the present circumstances.

The Fairmont Foods Company, in their exception, suggested that the Upper Midwest order contain a provision for the exclusion of adulterated milk, as defined in the Federal Food, Drug, and Cosmetic Act. The suggested provision would relieve handlers of any financial obligation on adulterated milk and, in certain cases, would exclude payment to producers for such milk.

The problem of adulterated milk was not an issue at this proceeding. There was no testimony on the record indicating that any problem exists in this area with regard to adulterated milk. Therefore, the provision suggested does not appear necessary at this time.

In three of the exceptions filed, requests were made to either change the conclusions on certain specified issues or, in the alternative, reopen the hearing or delay the proceedings pending further order consolidation hearings. These requests must be denied; since further hearing sessions would not change the basic marketing conditions on which the conclusions are based and would only result in unduly delaying adoption of the amendments concluded herein to be necessary to effectuate the policy of the Act.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the aforesaid specified marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

REFERENDUM ORDER TO DETERMINE PRODUCER APPROVAL; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENTS

It is hereby directed that referendums be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referendums (7 CFR 900.300 et seq.), to determine whether the issuance of the attached orders as amended and as hereby proposed to be amended, regulating the handling of milk in each of the aforesaid specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during the representative period were engaged in the production of milk for sale within the respective marketing areas.

The representative period for the conduct of such referendums is hereby determined to be January 1976.

The agents of the Secretary to conduct such referendums are hereby designated to be Paul L. Buchanana for Part 1068 and U. Grant Grayson for Part 1076.

Signed at Washington, D.C., on: March 19, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] amending and merging the orders, regulating the handling of milk in the Minneapolis-St. Paul, Southeastern-Minnesota-Northern Iowa, Duluth-Superior, and Minnesota-North Dakota marketing areas.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The Upper Midwest order as hereby amended, and all of the terms and conditions thereof, will tend to be effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1068.85.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the orders regulating the handling of milk in the Minneapolis-St. Paul, Southeastern Minnesota-Northern Iowa, Duluth-Superior, and Minnesota-North Dakota marketing area (Parts 1068, 1061, 1069, and 1060, respectively) shall be amended and merged into one order. Parts 1060, 1061, and 1069 are thereby suspended, and such vacated part designations shall be reserved for future assignment. The handling of milk in the merged marketing area, to be designated as the "Upper Midwest Marketing Area" (Part 1068) shall be in conformity to and in compliance with the terms and conditions of the following attached order.

The provisions of the proposed marketing agreement and order amending the aforesaid orders, as contained in the recommended decision issued by the Administrator on October 22, 1975, and published in the FEDERAL REGISTER on October 29, 1975 (40 FR 50392), November 3, 1975 (40 FR 51052), November 14, 1975 (40 FR 53038), and November 19, 1975 (40 FR 53603), shall be and are the terms and provisions of this order and are set forth in full herein, subject to the following modifications:

1. § 1068.7 is revised.

2. In § 1068.8, paragraphs (c) and (e) are revised.

3. In § 1068.10, paragraphs (b) and (d) are revised.

4. § 1068.12(b) is modified by the addition of paragraph (b)(4).

5. In § 1068.13, paragraphs (d) and (e) are revised.

6. In § 1068.31(a), the word "last" is changed to "22nd".

7. § 1068.42(e) is revised.

8. § 1068.73 is revised.

9. § 1068.75 is revised.

10. § 1068.85(a)(2) is revised.

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1068.1 General provisions.

DEFINITIONS

1068.2 Upper Midwest marketing area.
1068.3 Route disposition.
1068.4 Plant.
1068.5 [Reserved]
1068.6 [Reserved]
1068.7 Pool plant.
1068.8 Nonpool plant.
1068.9 Handler.
1068.10 Producer-handler.
1068.11 [Reserved]
1068.12 Producer.
1068.13 Producer milk.
1068.14 Other source milk.
1068.15 Fluid milk product.
1068.16 Fluid cream product.
1068.17 Filled milk.
1068.18 Cooperative association.

HANDLER REPORTS

1068.30 Reports of receipts and utilization.
1068.31 Payroll reports.
1068.32 Other reports.

CLASSIFICATION OF MILK

1068.40 Classes of utilization.
1068.41 Shrinkage.
1068.42 Classification of transfers and diversions.
1068.43 General classification rules.
1068.44 Classification of producer milk.
1068.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1068.50 Class prices.
1068.51 Basic formula price.
1068.52 Plant location adjustments for handlers.
1068.53 Announcement of class prices.
1068.54 Equivalent price.

UNIFORM PRICE

1068.60 Handler's value of milk for determining pool obligation.
1068.61 Computation of uniform price.
1068.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1068.70 Producer-settlement fund.
1068.71 Payments to the producer-settlement fund.
1068.72 Payments from the producer-settlement fund.
1068.73 Payments to producers and to cooperative associations.
1068.74 Butterfat differential.
1068.75 Plant location adjustments for producers and on nonpool milk.
1068.76 Payments by handler operating a partially regulated distributing plant.
1068.77 Adjustment of accounts.
1068.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1068.85 Assessment for order administration.
1068.86 Deduction for marketing services.

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

Subpart—Order Regulating Handling

GENERAL PROVISIONS

§ 1068.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1068.2 Upper Midwest marketing area.

"Upper Midwest marketing area" (referred to in this part as the "marketing area") means all territory within the boundaries listed below including all territory that is now, or in the future, occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

(a) The State of Minnesota, except the counties of Lincoln, Nobles, Pipestone, and Rock.

(b) In the State of Wisconsin, the counties of:

Ashland	Pepin
Barron	Pierce
Bayfield	Polk
Buffalo	Price
Burnett	Rusk
Chippewa	Sawyer
Clark	St. Croix
Douglas	Taylor
Dunn	Trempealeau
Eau Claire	Washburn

(c) In the State of North Dakota, the counties of:

Barnes	Pembina
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Grand Forks	Sargent
Griggs	Steele
La Moure	Traill
Nelson	Walsh

(d) In the State of South Dakota, the counties of:

Brown	Marshall
Day	McPherson
Edmunds	Roberts
Grant	Walworth

(e) In the State of Iowa, the counties of:

Howard	Winnebago
Kossuth	Winneshiek
Mitchell (except the city of Osage)	Worth

§ 1068.3 Route disposition.

"Route disposition" means any delivery (including any delivery by a vendor or disposition at a plant store or through a vending machine) of a fluid milk product classified as Class I milk, other than a delivery to a plant.

§ 1068.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities

used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

§ 1068.5 [Reserved]

§ 1068.6 [Reserved]

§ 1068.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means:

(a) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool distributing plant") from which during the month:

(1) The total route disposition (except filled milk) as a percent of the total Grade A fluid milk products received in bulk form at such plant or diverted therefrom by the plant operator is at least equal to the marketwide Class I utilization percentage for the same month of the preceding year. (Upon the effective date of this order, the market administrator shall compute and announce the weighted average Class I utilization percentage of the four markets combined herein for each of the preceding 12 months. Such computation shall be used in determining pooling standards pursuant to paragraphs (a) and (b) of this section during the first year this order is effective.); and

(2) Not less than 15 percent of such receipts are disposed of as route disposition (except filled milk) in the marketing area.

(b) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool supply plant") that is approved by a duly constituted regulatory agency for the handling of Grade A milk, from which during the month the volume of fluid milk products transferred or diverted to pool distributing plants as a percent of the total Grade A milk received at the plant from dairy farmers during the month (including milk delivered to the plant from dairy farms for the account of a cooperative association and milk diverted from the plant by the plant operator but excluding milk diverted to the plant from another pool plant) is not less than the marketwide Class I utilization percentage for the same month of the preceding year.

(c) Any plant that qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraphs (a) or (b) of this section.

(d) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool reserve supply plant") that is located in the marketing area and that is approved by a duly constituted regulatory agency for the handling of Grade A milk, subject to the following conditions:

(1) A daily average of 25,000 pounds or more of Grade A milk from dairy farmers is received at the plant during the month;

(2) At least one tank truck load of Grade A fluid milk products (not less than 45,000 pounds) has been shipped from the plant to a pool distributing plant or to a comparable plant under another Federal order within the last 12 months, unless the plant is already qualified as a pool plant pursuant to this paragraph;

(3) The operator of the plant has filed a request with the market administrator for pool status at least 15 days prior to the first day of the month in which such status is desired effective. Once qualified as a pool plant pursuant to this paragraph, such status shall continue to be effective unless the operator requests nonpool status for the plant prior to the first day of the month for which nonpool status is requested, the plant subsequently fails to meet all of the conditions of this paragraph, or the plant qualifies as a pool plant under another order;

(4) The operator of the plant supplies fluid milk products to pool distributing plants located within an area designated by the market administrator as the "call area" in compliance with any announcement by the market administrator requesting a minimum level of shipments, as further provided below:

(i) The market administrator may require such supplies of fluid milk products from operators of any pool reserve supply plants within the call area whenever he finds that milk supplies for Class I use at pool distributing plants within the call area are needed from plants qualifying under this paragraph. Before making such a finding, the market administrator shall investigate the need for such shipments either on his own initiative or at the request of interested persons. If his investigation shows that such shipments might be appropriate, he shall issue a notice stating that a shipping announcement is being considered and inviting data, views, and arguments with respect to the proposed shipping announcement;

(ii) For the purpose of meeting any shipping requirement announced by the market administrator:

(*a*) Qualifying shipments to pool distributing plants within the call area may originate from any plant or producer milk supplies of the handler provided that shipments from sources other than the plant(s) subject to the call must be in addition to any shipments (including shipments directly from producers' farms) already being made by the handler and may not result from shifting milk supplies from a pool distributing plant outside the call area to one within the call area; and

(*b*) Shipments from a reserve supply plant within the call area to a pool distributing plant outside the call area or to a comparable plant regulated under another Federal order may count as if delivered to a pool distributing plant within the call area if the market administrator is notified of the amount of any such commitments to ship milk prior to announcement of a shipping requirement pursuant to this paragraph. Qualifying shipments to an other order plant may not be classified pursuant to § 1068.42(b)(3); and

(iii) Failure of a handler to comply with any announced shipping requirement, including making any significant change in his marketing operations that the market administrator determines has the impact of evading or forcing such an announcement, shall result in immediate loss of pool status for the plant pursuant to this paragraph. A plant losing pool status in this manner or a plant that requests nonpool status may not again qualify as a pool plant pursuant to this paragraph for a period of one year from the date on which pool status was last held;

(5) A plant must have been a pool plant under this order during each of the preceding months of September through December to be a pool plant under this paragraph during the following months of January through June; and

(6) For the months through August 1976, any plant, other than a plant described in paragraphs (a), (b), or (c) of this section, that was a pool plant under the Duluth-Superior, Minneapolis-St. Paul, Minnesota-North Dakota, or Southeastern Minnesota-Northern Iowa orders (or any combination thereof) during the months of September through December 1975 shall be deemed to have met the required qualification under this paragrpah except for any shipping announcement pursuant to paragraph (d)(4).

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified as a pool plant pursuant to this section if the conditions of paragraph (e)(3)(i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1068.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either as route disposition, excluding filled milk, or to other order plants qualified on the basis of route disposition, than is disposed of from such plant in the Upper Midwest marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part; and

(4) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

§ 1068.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A milk or filled milk is disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

(e) "Governmental agency plant" means a plant owned and operated by a government institution which disposes of Class I milk in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1068.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of a producer that is diverted for the account of the cooperative association from a pool plant of another handler in accordance with § 1068.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person who is a producer-handler;

(f) Any person in his capacity as the operator of an other order plant; and

(g) Any person in his capacity as the operator of an unregulated supply plant.

§ 1068.10 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distribution plant at which Grade A milk of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(b) Receives no milk or fluid milk products at his plant (or at any distribution facility, including routes, operated by him, an affiliate, or any person who controls or is controlled by him) from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of fluid milk products during the month from pool plants of other handlers or from other order plants;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products; and

(d) The maintenance, care, and management of the dairy animals and other resources necessary to produce such milk and the processing of such milk are the personal enterprise, and the personal risk, of such person.

§ 1068.11 [Reserved]

§ 1068.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatry agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1068.9(c); or

(3) Diverted from a pool plant in accordance with § 1068.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1068.44(a)(8)(iii) and the corresponding step of § 1068.44(b);

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) Any government institution which produces milk in conjunction with the operation of a plant exempt from all provisions of this part pursuant to § 1068.8(e).

§ 1068.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1068.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1068.9(c), is the handler for such milk;

(d) Diverted from the pool plant of a proprietary handler for the account of the handler operating such plant to another pool plant or diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in § 1068.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion until milk of such dairy farmer is physically received as producer milk at a pool plant;

(2) The total quantity of milk diverted by a cooperative association during the month as a percent of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month shall not exceed the market's combined Class II and III utilization percentage for the same month of the prior year. (Upon the effective date of this order, the market administrator shall compute and announce the aggregate weighted average Class II and III utilization percentage of the four markets combined herein for each of the preceding 12 months. Such computation shall be used in determining the diversion limitation pursuant to paragraph (d) (2) and (3) of this section during the first year the order is effective.);

(3) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk pursuant to paragraph (d) (2) of this section. The total quantity of milk so diverted during the month as a percent of the producer milk physically received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator shall not exceed the market's combined Class II and III utilization percentage for the same month of the prior year;

(4) Any milk diverted in excess of the limits prescribed in paragraph (d) (2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1068.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1068.40(b)(1) from any source other than producers, handlers described in § 1068.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1068.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1068.40

(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1068.40(b)(1)) for which the handler fails to establish a disposition.

§ 1068.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1068.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1068.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1068.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

Handler Reports

§ 1068.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1068.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1068.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1068.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1068.31 Payroll reports.

(a) On or before the 22nd day of each month, each handler described in § 1068.9 (a), (b), and (c) shall report to the market administrator his producer payroll for the preceding month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1068.76 (b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1068.32 Other reports.

In addition to the reports required pursuant to §§ 1068.30 and 1068.31, the following shall be reported to the market administrator:

(a) Each handler specified in § 1068.9 (g) who operates an unregulated supply plant shall report as required in § 1068.30, except that the receipts of skim milk and butterfat in Grade A milk shall be reported in lieu of those in producer milk.

(b) Each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1068.40 Classes of utilization.

Except as provided in § 1068.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1068.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1068.15; and

(6) In shrinkage assigned pursuant to § 1068.41(a) to the receipts specified in § 1068.41(a)(2) and in shrinkage specified in § 1068.41(b) and (c).

§ 1068.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1068.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1068.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1068.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1068.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1068.44 (a)(12) and the corresponding step of § 1068.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1068.44(a)(7) or the corresponding step of § 1068.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1068.44(a)(11) or (12) or the corresponding steps of § 1068.44(b), the skim milk or butterfat so transferred or diverted up to the total of the skim milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consist-

ing primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1068.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1068.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such noonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handler described in § 1068.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1068.9(c) to another handler's pool plant shall be classified pursuant to § 1068.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1068.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply;

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1068.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1068.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§1068.40, 1068.41, and 1068.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1068.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1068.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) For classification purposes, pursuant to §§ 1068.40 through 1068.45, butterfat in skim milk either disposed of to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.065 percent, unless the handler has adequate records of the actual butterfat content of such skim milk.

§ 1068.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1068.9(a) for each of his separate pool plants the classification of producer milk and milk received from a handler described in § 1068.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1068.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under

any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1068.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1068.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1068.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1068.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1068.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1068.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products

transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraphs (a) (12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1068.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a) (12) (i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computation pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1068.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, and milk received from a handler described in § 1068.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1068.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1068.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1068.44(a) (12) and the corresponding step of § 1068.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1068.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

Class Prices

§ 1068.50 Class prices.

Subject to the provisions of § 1068.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.12.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1068.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1068.52 Plant location adjustments for handler.

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include that territory, both inside and outside the marketing area, not included in Zones 2, 3, and 4.

(2) Zone 2 shall include:

(i) The Minnesota counties of Aitkin, Anoka, Becker, Benton, Big Stone, Carlton, Carver, Cass, Chippewa, Chisago, Crow Wing, Dakota, Dodge, Douglas, Fillmore, Goodhue, Grant, Houston, Hubbard, Isanti, Kanabec, Kandiyohi, Le Sueur, McLeod, Meeker, Mille Lacs, Morrision, Nicollet, Otter Tail, Pine, Pope, Renville, Rice, Scott, Sibley, Sherburne, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Waseca, Washington, Wilkin, Winona, and Wright;

(ii) The Wisconsin counties of Burnett, Calumet, Columbia, Crawford, Douglas (except the city of Superior), Green Lake, Manitowoc, Pierce, Polk, Richland, St. Croix, Sauk, Vernon, and Winnebago;

(iii) The Michigan counties of Dickinson, Gogebic, Iron, and Menominee; and

(iv) The Iowa county of Allamakee.

(3) Zone 3 shall include the Wisconsin counties of Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Chippewa, Door, Dunn, Eau Claire, Florence, Forest, Iron, Juneau, La Crosse, Kewaunee, Marinette, Marquette, Monroe, Outagamie, Pepin, Rusk, Sawyer, Trempealeau, Vilas, Washburn, Waupaca, and Waushara.

(4) Zone 4 shall include the Wisconsin counties of Clark, Jackson, Langlade, Lincoln, Marathon, Menominee, Oconto, Oneida, Portage, Price, Shawano, Taylor, and Wood.

(b) For milk received at a plant from producers or a handler described in

§ 1068.9(c) and which is classified as Class I milk, the price specified in § 1068.50(a) shall be adjusted by the following amounts:

Zone:	*Adjustment per hundredweight*
1	No adjustment.
2	Minus 6¢.
3	Minus 10¢.
4	Minus 16¢.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1068.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1068.60 Handler's value of milk for determining pool obligation.

For the purpose of determining each handler's pool obligation, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1068.9 (b) and (c) with respect to milk that was not received at a pool plant, as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1068.9(c) in each class as determined pursuant to § 1068.43(a) and § 1068.44(c) by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1068.44(a)(14) and the corresponding step of § 1068.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1068.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1068.44(a)(9) and the correspondir step of § 1068.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1068.44(a)(7) (i) through (iv) and the corresponding step of § 1068.44 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1068.44(a)(7) (v) and (vi) and the corresponding step of § 1068.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1068.44(a)(11) and the corresponding step of § 1068.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract, for a handler described in § 1068.9(c), the amount obtained from multiplying the Class III price for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month.

§ 1068.61 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight of milk of 3.5 percent butterfat content as follows:

(a) Estimate the value of milk of all handlers who made the payments pursuant to § 1068.71 for the preceding month;

(b) Add an amount equal to the estimated value of the producer location adjustments;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by:

(1) The estimated hundredweight of producer milk; and

(2) The estimated hundredweight of other source milk for which a value is computed pursant to § 1068.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1068.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1068.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1068.71, 1068.76, and 1068.77 and out of which he shall make all payments due handlers pursuant to §§ 1068.72 and 1068.77: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1068.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1068.60.

(2) The sum of:

(i) The value at the unform price, as adjusted pursant to § 1068.75, of such handler's receipts of producer milk and milk received from a handler described in § 1068.9(c). In the case of a handler described in § 1068.9(c), less the amount due from other handlers pursuant to § 1068.73(c), exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1068.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plan in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1068.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1068.71(a)(2)

exceeds the amount computed pursuant to § 1068.71(a)(1): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary fund become available.

§ 1068.73 Payments to producers and to cooperative associations.

Each handler shall pay for milk received from producers or cooperative associations as follows:

(a) On or before the 25th day of the month, each handler shall pay for skim milk and butterfat received during the first 15 days of the month as follows:

(1) If received from a cooperative association that is a handler pursuant to § 1068.9(a), at not less than the Class I price for the month at the location of the transferee or transferor plant, whichever is higher, adjusted by the butterfat differential for the preceding month;

(2) If received from a cooperative association that is a handler pursuant to § 1068.9(c), at not less than the uniform price at his plant location for the preceding month, adjusted by the butterfat differential for the preceding month;

(3) If received from a cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate, at not less than the uniform price at his plant location for the preceding month, adjusted by the butterfat differential for the preceding month; and

(4) If received from a producer for whom payment is not being made pursuant to paragraph (a) (2) and (3) of this section and who has not discontinued shipping to such handler, at not less than the uniform price at his plant location for the preceding month, adjusted by the butterfat differential for the preceding month.

(b) On or before the 11th day after the end of the month, each handler shall pay for skim milk and butterfat received during the month from a cooperative association which is a handler pursuant to § 1068.9(a) at not less than the value of such milk computed at the applicable class prices for the month at the location of the transferee or transferor plant, whichever is higher, less the partial payment pursuant to paragraph (a) of this section.

(c) On or before the 18th day after the end of the month, each handler shall make payment at not less than the uniform price for the month, as adjusted by the butterfat differential specified in § 1068.74 and location adjustments specified in § 1068.52, for all skim milk and butterfat received during the month (less the partial payment pursuant to paragraph (a) of this section) to:

(1) A cooperative association that is a handler pursuant to § 1068.9(c);

(2) A cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate; and

(3) A producer for whom payment is not being made pursuant to paragraph (c) (1) and (2) of this section.

(d) In making payments pursuant to paragraphs (a) (2), (3), (4), and (c) of this section, deductions may be made for marketing service pursuant to § 1068.86 and for any proper deductions authorized by the producer. In the event a handler has not received full payment from the market administrator pursuant to § 1068.72 by the 18th day of the month, he may reduce pro rata his payments to producers pursuant to paragraph (c) by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the handler shall complete payments to producers not later than the next payment date provided under this section.

(e) In making payment to individual producers as required by this section, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month involved, and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk received from the producer;

(3) The minimum rate at which payment to the producer is required pursuant to this section;

(4) The rate used in making the payment, if such rate is other than the applicable minimum;

(5) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1068.86, together with a description of the respective deductions; and

(6) The net amount of the payment to the producer.

§ 1068.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1068.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant or delivered to a nonpool plant shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1068.52.

(b) The uniform price applicable to other source milk shall be reduced at the rates set forth in § 1068.52, except that the adjusted uniform price shall not be less than the Class III price.

§ 1068.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1068.30(b) and 1068.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1068.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the

partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1068.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transfereeplant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1068.60 for such handler shall include, in lieu of the value of other source milk specified in § 1068.60(f) less the value of such other source milk specified in § 1068.71(a)(2)(ii), a value of milk determined pursuant to § 1068.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1068.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1068.30 (b) and 1068.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains bocks and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1068.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1068.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1068.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1068.77 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 1068.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payments to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1068.73, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1068.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1068.71, 1068.76, and 1068.77(a), for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased three-fourths of 1 percent for each month and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1068.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than:

(1) Receipts of producer milk by a handler described in § 1068.9(c) that were delivered to pool plants of other handlers; and

(2) Receipts of producer milk that were transferred to pool plants of other handlers by a cooperative association in its capacity as a handler pursuant to § 1068.9(a);

(b) Receipts from a handler described in § 1068.9(c);

(c) Receipts from a cooperative association in its capacity as a handler pursuant to § 1068.9(a);

(d) Other source milk allocated to Class I pursuant to § 1068.44(a) (7) and (11) and the corresponding steps of § 1068.44(b), except such other source milk that is excluded from the computations pursuant to § 1068.60 (d) and (f); and

(e) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1068.76(a)(2).

§ 1068.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers (other than himself) pursuant to § 1068.73, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Order[1] *amending the order, regulating the handling of milk in the Eastern South Dakota marketing area.*

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1076.85.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Administrator on October 22, 1975 and published in the FEDERAL REGISTER on October 29, 1975 (40 F.R. 1052) and November 14, 1975 (40 F.R. 53038) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein, subject to the following modifications:

1. § 1076.7(d) is amended by the addition of paragraph (d)(5).

2. § 1076.8 is amended by the addition of paragraph (e).

3. § 1076.12 is amended by the addition of paragraph (b)(4).

4. § 1076.44(a)(7)(iv) is amended.

Part 1076—Milk in the Eastern South Dakota Marketing Area

1. Revise § 1076.2 to read as follows:

§ 1076.2 Eastern South Dakota marketing area.

"Eastern South Dakota marketing area," hereinafter called the "marketing area," means all of the territory within the counties listed below, including all territory within such counties which is occupied by government (municipal, State or Federal) reservations, installations, institutions, or other establishments:

IOWA COUNTY

Lyon

MINNESOTA COUNTIES

Lincoln.
Nobles.
Pipestone.
Rock.

SOUTH DAKOTA COUNTIES

Aurora.
Beadle.
Bon Homme.
Brookings.
Clark.
Clay.
Codington.
Davison.
Deuel.
Douglas.
Hamlin.
Hanson.
Hutchison.
Jerauld.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Sanborn.
Spink.
Turner.
Union (except Jefferson Township and the city of North Sioux City and the unorganized territory adjacent thereto).
Yankton.

2. In § 1076.7(d)(4), change the period to a semicolon followed by the word "and" and add a new paragraph (d)(5) as follows:

§ 1076.7 Pool plant.

* * * * *

(d) * * *

(5) A governmental agency plant.

3. In § 1076.8, add a new paragraph (e) as follows:

§ 1076.8 Nonpool plant.

* * * * *

(e) "Governmental agency plant" means a plant owned and operated by a government institution which disposes of Class I milk in the marketing area. Such plant shall be exempt from all provisions of this part.

4. In § 1076.12, remove the word "and" from the end of paragraph (b)(2), change the period to a semicolon followed by the word "and" at the end of paragraph (b)(3), and add a new paragraph (b)(4) as follows:

§ 1076.12 Producer.

* * * * *

(b) * * *

(4) Any government institution which produces milk in conjunction with the operation of a plant exemp from all provisions of this part pursuant to § 1076.8(e).

5. In § 1076.13(c)(3), change the words "from which diverted" to "to which diverted."

6. Revise § 1076.44(a)(7)(iv) as follows:

§ 1076.44 Classification of producer milk.

* * * * *

(a) * * *

(7) * * *

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

* * * * *

7. Revise § 1076.50(a) to read as follows:

§ 1076.50 Class prices.

Subject to the provisions of § 1076.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.

* * * * *

8. Revised § 1076.52(a) to read as follows:

§ 1076.52 Plant location adjustments for handlers.

(a) For milk received from producers at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, and which is classified as Class I milk, the price specified in § 1076.50(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota.

* * * * *

[FR Doc.76-8279 Filed 3-24-76;8:45 am]

federal register

THURSDAY, MARCH 25, 1976



PART IV:

OFFICE OF MANAGEMENT AND BUDGET

■

STATE AND AREAWIDE CLEARINGHOUSES

Directory

OFFICE OF MANAGEMENT AND BUDGET

STATE AND AREAWIDE A–95 CLEARINGHOUSES

Directory

MARCH 22, 1976.

Attached is a listing of clearinghouses arranged alphabetically by State according to the 10 Standard Federal Regions. The clearinghouses are established pursuant to Part I of the procedures promulgated by the Office of Management and Budget Circular No. A–95 (Revised).

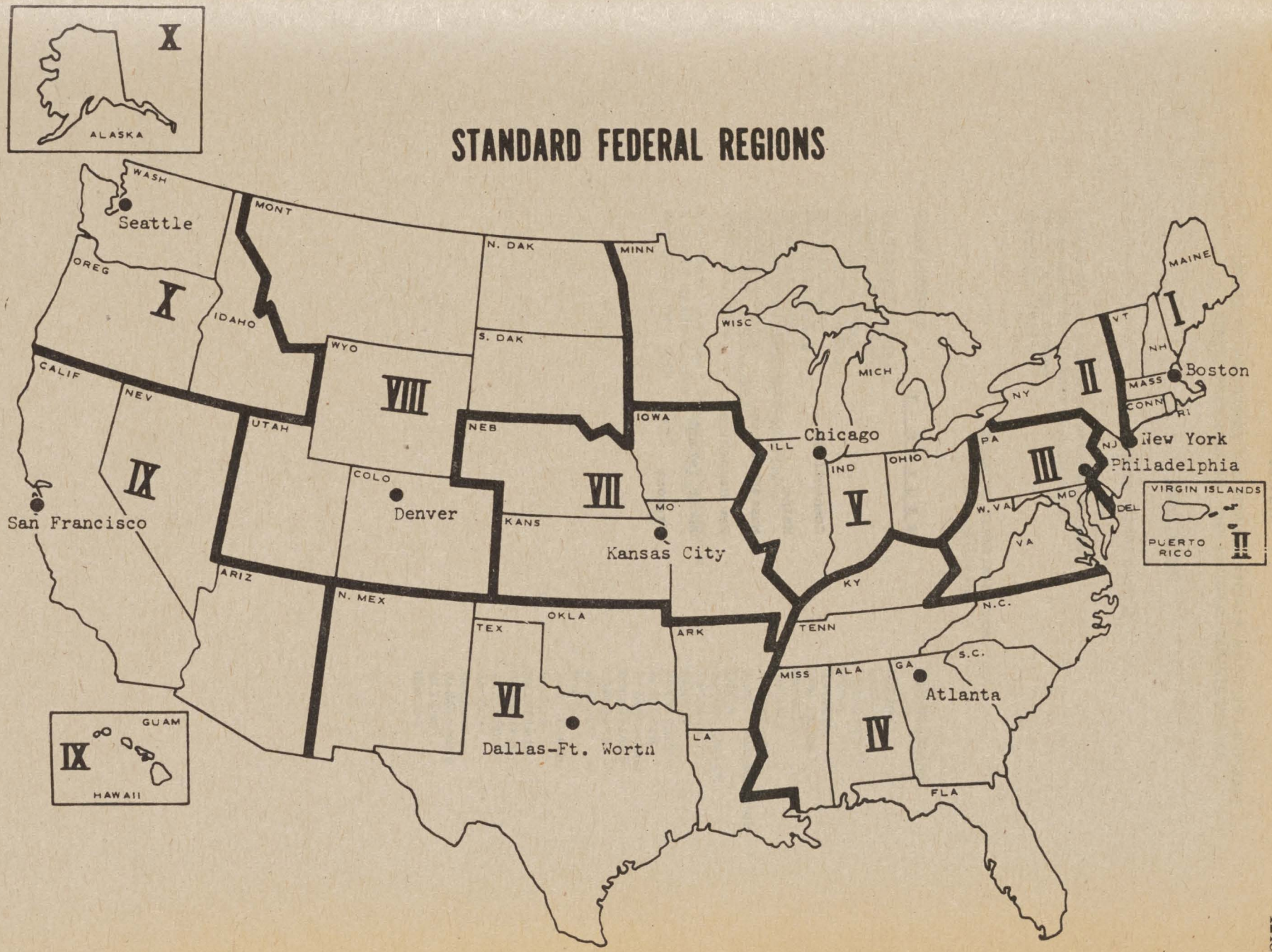
Areawide clearinghouses in metropolitan areas are established pursuant to the requirements of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. State and other areawide clearinghouses are designated by Governors of the States pursuant to rules and regulations developed by the Office of Management and Budget under authority of Title IV of the Intergovernmental Cooperation Act of 1968.

As new designations are made from time to time or changes made to existing designations, this office will send out addenda and amendments to the Directory.

Any inquiries should be directed to the Intergovernmental Relations and Regional Operations Division, Office of Management and Budget (202–395–3031) or to the Federal Regional Council A–95 liaison officer.

The Directory may be reproduced.

PAUL H. O'NEILL,
Deputy Director.


STANDARD FEDERAL REGIONS
X
ALASKA
WASH
Seattle
OREG
MONT
N. DAK
MINN
IDAHO
WYO
S. DAK
WISC
MICH
MAINE
VT
NH
Boston
MASS
CONN
RI
NY
CALIF
NEV
UTAH
NEB
IOWA
Chicago
ILL
IND
OHIO
PA
NJ
New York
Philadelphia
DEL
MD
W. VA
VA
COLO
Denver
KANS
MO
Kansas City
San Francisco
ARIZ
N. MEX
OKLA
TEX
ARK
KY
TENN
N.C.
S.C.
MISS
ALA
GA
Atlanta
LA
FLA
VIRGIN ISLANDS
PUERTO RICO
GUAM
HAWAII
Dallas-Ft. Worth
I
II
III
IV
V
VI
VII
VIII
IX
X

REGION I

Connecticut

Maine

Massachusetts

New Hampshire

Rhode Island

Vermont

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

CONNECTICUT

STATE CLEARINGHOUSE

Office of Intergovernmental Relations
Department of Finance and Control
340 Capitol Avenue
Hartford 06115

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Bridgeport, Conn.,	Cities
Jersey City, N.J.,	Ansonia
Meriden, Conn.,	Bridgeport
New Haven, Conn.,	Derby
Newark, N.J.,	Meriden
New York, N.Y.,	New Haven
Norwalk, Conn.,	Norwalk
Paterson/Clifton/Passaic, N.J.,	Shelton
Stamford, Conn.,	Waterbury
Waterbury, Conn., and	Naugatuck Borough
Danbury, Conn.	Towns
	Beacon Falls
Tri-State Regional Planning Commission	Bethany
1 World Trade Center, 56 South	Bethel
New York, New York 10048	Bethlehem
	Branford
	Bridgewater
	Brookfield
	Cheshire
	Danbury
	Darien
	East Haven
	Easton
	Fairfield
	Greenwich
	Guildford
	Hamden
	Madison
	Middlebury
	Milford
	Monroe

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Connecticut, cont'd

Clearinghouse	Jurisdiction
	Connecticut portion, cont'd
	New Canaan
	New Fairfield
	New Milford
	Newton
	North Branford
	North Haven
	Orange
	Oxford
	Prospect
	Redding
	Ridgefield
	Seymour
	Sherman
	Southbury
	Stratford
	Thomaston
	Trumbull
	Wallingford
	Watertown
	West Haven
	Weston
	Westport
	Wilton
	Wolcott
	Woodbridge
	Woodbury
	New Jersey portion:
	Counties
	Bergen
	Essex
	Hudson
	Middlesex
	Monmouth
	Morris
	Passaic
	Somerset
	Union
	New York portion:
	New York City
	Counties
	Dutchess
	Nassau
	Orange
	Putnam
	Rockland
	Suffolk
	Westchester

3

Connecticut, cont'd

Clearinghouse	Jurisdiction
Hartford	
Capitol Region Council of Governments 97 Elm Street Hartford 06112	Hartford City Towns Andover Avon Bloomfield Bolton Canton East Granby East Hartford East Windsor Ellington Enfield Farmington Glastonbury Granby Hebron Manchester Marlborough Newington Rocky Hill Somers Simsbury South Windsor Suffield Tolland Vernon West Hartford Wethersfield Windsor Windsor Locks
New Britain and Bristol	
Central Connecticut Regional Planning Agency 12 Landry Street Bristol 06010	Cities Bristol New Britain Towns Berlin Burlington Plainville Plymouth Southington
New London/Groton/Norwich	
Southeastern Connecticut Regional Planning Agency 139 Boswell Avenue Norwich 06360	Cities New London Norwich Towns Bozrah East Lyme Franklin Griswold Groton Ledyard Lisbon Montville North Stonington Preston Salem Sprague Stonington Voluntown Waterford Colchester

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Connecticut, cont'd

Clearinghouse	Jurisdiction
AREAWIDE CLEARINGHOUSES (Other)	
Connecticut River Estuary Regional Planning Agency Essex Square Essex 06426	Towns Chester Clinton Deep River Essex Killingworth Lyme Old Lyme Old Saybrook Westbrook
Litchfield Hills Regional Planning Agency 40 Main Street Torrington 06790	Towns Barkhamsted Colebrook Goshen Harwinton Litchfield Morris New Hartford Norfolk Torrington Winchester
Midstate Regional Planning Agency P.O. Box 139 Middletown 06457	Towns Cromwell Durham East Haddam East Hampton Haddam Middlefield Middletown Portland
Northeastern Connecticut Regional Planning Agency P.O. Box 198 Brooklyn 06234	Towns Brooklyn Canterbury Eastford Killingly Plainfield Pomfret Putnam Sterling Thompson Woodstock
Windham Regional Planning Agency 21 Church Street Willimantic 06226	Towns Ashford Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham
Northwestern Connecticut Regional Planning Agency P.O. Box 30 Warren 06754	Towns Canaan Cornwall Kent North Canaan Roxbury Salisbury Sharon Warren Washington

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MASSACHUSETTS

STATE CLEARINGHOUSE

Office of State Planning
John McCormack Building
1 Ashburton Place
Boston 02108

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Boston	
Metropolitan Area Planning Council 44 School Street Boston 02108	Essex County (part): Cities Beverly Gloucester Lynn Peabody Salem Towns Danvers Essex Hamilton Ipswich Lynnfield Manchester Marblehead Middleton Nahant Rockport Saugus Swampscott Topsfield Wenham Middlesex County (part): Cities Cambridge Everett Malden Marlborough Medford Melrose Newton Somerville Waltham Woburn Towns Carlisle Hudson Acton Arlington Ashland Bedford Belmont Burlington Concord Framingham Holliston Lexington Lincoln Littleton Maynard Medway Milford Natick North Reading Reading Sherborn

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Massachusetts, cont'd

Clearinghouse	Jurisdiction
	Southborough
	Stoneham
	Stow
	Sudbury
	Wakefield
	Watertown
	Wayland
	Weston
	Wilmington
	Winchester
	Norfolk County (part):
	Quincy City
	Towns
	Bellingham
	Braintree
	Brooklin
	Canton
	Cohasset
	Dedham
	Dover
	Foxboro
	Franklin
	Holbrook
	Medfield
	Millis
	Milton
	Needham
	Norfolk
	Norwood
	Randolph
	Sharon
	Stoughton
	Walpole
	Wellesley
	Westwood
	Weymouth
	Wrentham
	Plymouth County (part):
	Towns
	Duxbury
	Hanover
	Hingham
	Hull
	Marshfield
	Norwell
	Pembroke*
	Rockland
	Scituate
	Suffolk County
	Worcester County (part):
	Bolton Town
Brockton	
Old Colony Planning Council 232 Main Street Brockton 02401	Plymouth County (part): Brockton City Towns Abington Bridgewater East Bridgewater Hanson West Bridgewater Whitman Norfolk County (part): Avon Town Briston County (part): Easton Town

3

Massachusetts, cont'd

Clearinghouse	Jurisdiction
Fall River and New Bedford	
Southeastern Massachusetts Regional Planning and Economic Development District 68 Winthrop Street Taunton 02780	Bristol County (part): Cities Attleboro Fall River New Bedford Taunton Towns Acushnet Berkley Dartmouth Dighton Fairhaven Freetown Mansfield North Attleborough Norton Raynham Rehoboth Seekonk Somerset Swansea Westport Plymouth County (part): Towns Carver Kingston Lakeville Marion Mattapoisett Middleboro Plymouth Plympton Rochester Wareham Norfolk County Plainville Town
Fitchburg/Leominster	
Montachusetts Regional Planning Commission 150 Main Street Fitchburg 01420	Middlesex County (part): Towns Ashby Ayer Shirley Townsend Worcester County (part): Cities Fitchburg Gardner Leominster Towns Clinton Ashburnham Hubbardston Lancaster Lunenburg Sterling Templeton Westminster Winchendon
Lawrence/Haverhill	
Merrimack Valley Regional Planning Commission 87 Winter Street Haverhill 01830	Essex County (part): Cities Haverhill Lawrence

Massachusetts, cont'd

Clearinghouse	Jurisdiction
	Towns Amesbury Andover Boxford Georgetown Groveland Merrimac Methuen Newburyport Newbury North Andover Rowley Salisbury West Newbury
Lowell	
Northern Middlesex Area Commission 144 Merrimack Street Lowell 01852	Middlesex County (part): Lowell City Towns Billerica Chelmsford Dracut Dunstable Pepperell Tewksbury Tyngsborough Westford
Pittsfield	
Berkshire County Regional Planning Commission 8 Bank Row Pittsfield 01201	Berkshire County
Springfield/Chicoppe/Holyoke	
Lower Pioneer Valley Regional Planning Commission 26 Central Street West Springfield 01089	Counties Hampden Hampshire
Worcester	
Central Massachusetts Regional Planning Commission 70 Elm Street Worcester 01609	Worcester County (part): Worcester City Towns Auburn Barre Berlin Blackstone Boylston Brookfield Charlton Douglas Dudley East Brookfield Grafton Hardwick Holden Hopedale Leicester Mendon Millbury Millville New Braintree Northborough Northbridge North Brookfield Oakham Oxford Paxton Princeton Rutland

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Massachusetts, cont'd

Clearinghouse	Jurisdiction
	Shrewsbury
	Southbridge
	Spencer
	Sturbridge
	Sutton
	Upton
	Uxbridge
	Warren
	Webster
	Westborough
	West Boylston
	West Brookfield

AREAWIDE CLEARINGHOUSES
(Other)

Cape Cod Planning and Economic Development Commission First District Courthouse Barnstable 02630	Barnstable County
Martha's Vineyard Commission P.O. Box 1447 Oak Bluffs 02557	Dukes County
Franklin County Planning Department 425 Main Street Greenfield 01301	Franklin County
Nantucket Planning and Economic Development Commission Town and County Building Nantucket 02554	Nantucket Island

*Applications for Pembroke Town (Plymouth County) are now cleared through the Old Colony Planning Council (Brockton area clearinghouse) as well as through the Metropolitan Area Planning Council (Boston area clearinghouse.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MAINE

STATE CLEARINGHOUSE

Maine State Clearinghouse
Executive Department
State of Maine
184 State Street
Augusta 04333

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Lewiston/Auburn	
Androscoggin Valley Regional Planning Commission 34 Court Street Auburn 04210	Androscoggin County Cumberland County (part): New Gloucester Town Franklin County Kennebec County (part): Fayette Town Oxford County (part): Towns Buckfield Hebron Rangeley Upton Gilead Mason Waterford Norway Oxford Paris West Paris Greenwood Woodstock Sumner Hartford Canton Deerfield Peru Mexico Rumford Bethel Newry Andover Roxbury Byron
Portland	
Greater Portland Council of Government 169A Ocean Street South Portland 04106	Cumberland County (part): Cities Portland South Portland Westbrook Towns Cape Elizabeth Cumberland Falmouth Gorham Gray Scarborough Windham Yarmouth North Yarmouth Pownal Standish Raymond Casco Naples

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Maine, cont'd

Clearinghouse	Jurisdiction
	Sebago Bridgton Harrison Otisfield

AREAWIDE CLEARINGHOUSES
(Other)

Southern Mid-Coast Regional Planning Commission 52 Front Street Bath 04530	*Western part of Mid-Coastal District
Hancock County Regional Planning Commission P.O. Box 608 Elsworth 04605	*Western part of Eastern Maine District
Eastern Mid-Coast Regional Planning Commission 423 Main Street Box 836 Rockland 04841	*Eastern part of Mid-Coastal District
North Kennebec Regional Planning Commission 16-1/2 Benton Avenue Winslow 04902	*Northern part of Kennebec District
Northern Maine Regional Planning Commission P.O. Box 779 2 Main Street Caribou 04736	*Northern Maine District
Penobscot Valley Regional Planning Commission 31 Central Street Bangor 04401	*Penobscot District
Southern Kennebec Valley Regional Planning Commission 154 State Street Augusta 04330	*Southern part of Kennebec District
Washington County Regional Planning Commission P.O. Box 273 Machias 04654	*Northeastern Maine District
Southern Main Regional Planning Commission County Court House Alfred 04002	*Southern Maine District

*Identification of jurisdictions for this district can be ascertained by contacting the appropriate regional (or State) clearinghouse.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEW HAMPSHIRE

STATE CLEARINGHOUSE

Coordinator of Federal Funds
Office of the Governor
State House
Concord 03301

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Manchester	
Southern New Hampshire Planning Commission 815 Elm Street Manchester 03101	Manchester City Towns Auburn Bedford Candia Chester Deerfield Derry Goffstown Hooksett Londonderry New Boston Raymond Weare
Nashua	
Nashua Regional Planning Commission 115 Main Street Nashua 03060	Nashua City Towns Amherst Brookline Hollis Hudson Litchfield Lyndeborough Mason Merrimack Milford Mount Vernon Pelham Wilton

AREAWIDE CLEARINGHOUSES
(Other)

Lakes Region Planning Commission Box 302 Humiston Building Meredith 03253	Laconia City Towns Alexandria Alton Andover Barnstead Belmont Bridgewater Bristol Brookfield Center Harbor Danbury Effingham Franklin Freedom Gilford Gilmanton Hebron Hill

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New Hampshire, cont'd

Clearinghouse	Jurisdiction
	Holderness
	Laconia
	Meredith
	Moultonboro
	New Hampton
	Northfield
	Ossipee
	Sanbornton
	Sandwich
	Tamworth
	Tilton
	Ruftonboro
	Wakefield
	Wolfeboro
Upper Valley-Lake Sunapee Council 314 National Bank Building On-the-Mall Lebanon 03766	New Hampshire portion: Towns
	Ackworth
	Canaan
	Charleston
	Claremont
	Cornish
	Croydon
	Dorchester
	Enfield
	Grafton
	Grantham
	Goshen
	Hanover
	Langdon
	Lebanon
	Lempster
	Lyme
	Newbury
	New London
	Newport
	Orange
	Oxford
	Plainfield
	Sunapee
	Sutton
	Unity
	Washington
	Wilmot
	Vermont portion: Towns
	Hartford
	Norwich
	Thetford
Southwestern Regional Planning Commission 40 Mechanic Street Keene 03431	Keene City
	Towns
	Antrim
	Bennington
	Chesterfield
	Dublin
	Fitzwilliam
	Francestown
	Gilseun
	Greenfield
	Greenville
	Harrisville
	Hancock
	Hinsdale
	Hillsborough
	Jaffrey
	Marlborough
	Marlow
	Mason
	Nelson
	New Ipswich
	Peterborough
	Richmond
	Rindge

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New Hampshire, cont'd

Clearinghouse	Jurisdiction
	Roxbury
	Sharon
	Stoddard
	Sullivan
	Surry
	Temple
	Troy
	Walpole
	Westmoreland
	Winchester
	Windsor
Central New Hampshire Planning Commission 10 Grand View Road Bow 03301	Concord City
	Towns
	Allenstown
	Boscawen
	Bow
	Bradford
	Canterbury
	Chichester
	Dunbarton
	Epsom
	Henniker
	Hopkinton
	Loudon
	Northwood
	Pembroke
	Pittsfield
	Salisbury
	Warner
	Webster
Strafford Rockingham Regional Council 99 Water Street Exeter 03833	Cities
	Dover
	Portsmouth
	Rochester
	Somerset
	Towns
	Atkinson
	Barrington
	Brentwood
	Danville
	Durham
	East Kingston
	Epping
	Exeter
	Farmington
	Fremont
	Greenland
	Hampstead
	Hampton
	Hampton Falls
	Hewington
	Kensington
	Kingston
	Lee
	Madbury
	Middleton
	Milton
	Newcastle
	New Durham
	Newfields
	Newmarket
	Newton
	North Hampton
	Nottingham
	Plaistow
	Rye
	Rollinsford
	Salem
	Sandown
	Seabrook

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New Hampshire, cont'd

Clearinghouse	Jurisdiction
	Strafford
	Stratham
	Windham
North Country Council, Inc. P.O. Box 40 Franconia 03580	Counties Coos Carroll (part) Towns Albany Bartlett Chatham Conway Eaton Hale's Location Jackson Madison Grafton, except Towns Alexandria Bridgewater Bristol Canaan Dorchester Enfield Grafton Hanover Hebron Holderness Lebanon Lyme Orange Orford

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

RHODE ISLAND

STATE CLEARINGHOUSE

Rhode Island Statewide Planning Program
Department of Administration
Room 201
265 Melrose Street
Providence 02907

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Providence	
Rhode Island Statewide Planning Program Department of Administration Room 201 265 Melrose Street Providence 02907	

AREAWIDE CLEARINGHOUSES
(Other)

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

VERMONT

STATE CLEARINGHOUSE

State Planning Office
Pavilion Office Building
Montpelier 05602

AREAWIDE CLEARINGHOUSES
(Metropolitan)

(No metropolitan areas)

AREAWIDE CLEARINGHOUSES
(Other)

Clearinghouse	Jurisdiction
Addison County Regional Planning and Development Commission Battel Block Middlebury 05753	Towns Addison Bridport Bristol Cornwall Ferrisburg Goshen Leicester Lincoln Middlebury Monkton New Haven Orwell Panton Ripton Salisbury Shoreham Starksboro Vergennes Waltham Weybridge Whiting
Bennington County Regional Planning and Development Commission Arlington 05250	Towns Arlington Bennington Dorset Glastenbury Landgrove Manchester Peru Pownal Rupert Sandgate Shaftsbury Stamford Sunderland Woodford
Central Vermont Regional Planning Commission Berlin Town Municipal Office RFD 4 Montpelier 05602	Barre City Towns Barre Berlin Cabot Calais Duxbury East Montpelier Fayston Marshfield Middlesex Montpelier Moretown

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Vermont, cont'd

Clearinghouse	Jurisdiction
	Northfield
	Orange
	Plainfield
	Roxbury
	Waitsfield
	Warren
	Washington
	Waterbury
	Williamstown
	Woodbury
	Worcester
Chittenden County Regional Planning Commission P.O. Box 108 58 Pearl Street Essex Junction 05452	Cities
	Burlington
	Winooski
	Towns
	Bolton
	Buels Gore
	Charlotte
	Colchester
	Essex
	Hinesburg
	Huntington
	Jericho
	Milton
	Richmond
	Shelburne
	South Burlington
	St. George
	Underhill
	Westford
	Williston
Franklin Regional Planning and Development Commission 118 N. Main Street St. Albans 05478	St. Albans City
	Towns
	Alburg
	Bakersfield
	Berkshire
	Enosburg
	Fairfax
	Fairfield
	Fletcher
	Franklin
	Georgia
	Grand Isle
	Highgate
	Isle La Motte
	Montgomery
	North Hero
	Richford
	St. Albans
	Sheldon
	South Hero
	Swanton
Lamoille County Development Council Box 577 Morrisville 05661	Towns
	Belvidere
	Cambridge
	Eden
	Elmore
	Hyde Park
	Johnson
	Morristown
	Stowe
	Waterville
	Wolcot
Northeastern Vermont Development Association P.O. Box 121 Lyndonville 05851	Caledonia County (part):
	Towns
	Barnet
	Burke
	Danville
	Groton
	Hardwick
	Kirby

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Vermont, cont'd

Clearinghouse	Jurisdiction
	Lyndon
	Newark
	Peacham
	Ryegate
	St. Johnsbury
	Sheffield
	Stannard
	Sutton
	Walden
	Waterford
	Wheelock
	Essex County (part):
	Towns
	Averill
	Averys Gore
	Bloomfield
	Brighton
	Brunswick
	Canaan
	Concord
	East Haven
	Ferdinand
	Granby
	Guildhall
	Lemington
	Lunenburg
	Maidstone
	Lewis
	Norton
	Victory
	Warners Grant
	Warrens Gore
	Orleans County (part):
	Newport City
	Towns
	Albany
	Barton
	Brownington
	Charlestown
	Coventry
	Craftsbury
	Derby
	Glover
	Greensboro
	Holland
	Irasburg
	Jay
	Lowell
	Morgan
	Newport
	Troy
	Westfield
	Westmore
Ottauquechee Regional Planning and Development Commission 39 Central Street Woodstock 05091	Towns
	Barnard
	Bridgewater
	Hartland
	Plymouth
	Woodstock
Rutland Regional Planning Commission 27 Center Street Rutland 05701	Rutland City
	Towns
	Benson
	Brandon
	Castleton
	Chittenden
	Clarendon
	Danby
	Fairhaven
	Hubbardton
	Ira
	Mendon
	Middletown
	Mount Holly

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Vermont, cont'd

Clearinghouse	Jurisdiction
	Mount Tabor
	Pawlet
	Pittsford
	Poultney
	Proctor
	Rutland
	Sherburne
	Shrewsbury
	Sudbury
	Timmouth
	Wallingford
	Wells
	West Haven
	West Rutland
Southern Windsor County Regional Planning Commission 139 Main Street Springfield 05156	Towns Andover Baltimore Cavendish Chester Ludlow Reading Springfield Weathersfield West Windsor Windsor
Two Rivers Regional Planning and Development Commission Box 127 Masonic Hall Sharon 05065	Towns Bethel Bradford Braintree Brookfield Chelsea Corinth Fairlee Granville Hancock Newbury Pittsfield Pomfret Randolph Rochester Royalton Sharon Stockbridge Strafford Topsham Tunbridge Vershire West Fairlee
Upper Valley-Lake Sunapee Council 314 National Bank Building On-the-Mall Lebanon 03766	Vermont portion: Towns Hartford Norwich Thetford New Hampshire portion: Towns Ackworth Canaan Charleston Claremont Cornish Croydon Dorchester Enfield Grafton Grantham Goshen Hanover Langdon Lebanon Lempster Lyme Newbury

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Vermont, cont'd

Clearinghouse	Jurisdiction
	New London
	Newport
	Orange
	Oxford
	Plainfield
	Sunapee
	Sutton
	Unity
	Washington
	Wilmot
Windham Regional Planning and Development Commission 139 Main Street Brattleboro 05301	Towns
	Athens
	Brattleboro
	Brookline
	Dover
	Dummerston
	Grafton
	Guilford
	Halifax
	Jamaica
	Londonderry
	Marlboro
	Newfane
	Putney
	Readsboro
	Rockingham
	Searsburg
	Somerset
	Stratton
	Townshend
	Vernon
	Wardsboro
	Weston
	Westminister
	Whitingham
	Wilmington
	Windham
	Winhall

REGION II

New Jersey

New York

Puerto Rico

Virgin Islands

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEW JERSEY

STATE CLEARINGHOUSE

Bureau of State and Regional Planning
Department of Community Affairs
329 West State Street
P.O. Box 2768
Trenton 08625

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Bridgeport, Conn., Jersey City, N.J., Meriden, Conn., New Haven, Conn., New York, N.Y., Newark, N.J., Norwalk, Conn., Paterson/Clifton/Passaic, N.J., Stamford, Conn., Waterbury, Conn., and Danbury, Conn., Tri-State Regional Planning Commission 1 World Trade Center, 56 South New York, New York 10048	New Jersey portion: Counties Bergen Essex Hudson Middlesex Monmouth Morris Passaic Somerset Union Connecticut portion: All areas within the following State-defined planning districts: Central Naugatuck Valley Greater Bridgeport Housatonic Valley South Central Southwestern New York portion: New York City Counties Dutchess Nassau Orange Putman Rockland Suffolk Westchester
Atlantic City Atlantic County Planning Board 25 Dolphin Avenue Northfield 08225	Atlantic County
Philadelphia, Pa./N.J. and Trenton Delaware Valley Regional Planning Commission Penn Towers Building, Third Floor 1819 John F. Kennedy Boulevard Philadelphia, Pennsylvania 19103	Pennsylvania portion: Counties Bucks Chester Delaware Montgomery Philadelphia New Jersey portion: Counties Burlington Camden Gloucester Mercer

New Jersey, cont'd

Clearinghouse	Jurisdiction
Vineland/Milville/Bridgeton	
Cumberland County Planning Board 800 Commerce Street Bridgeton 08302	Cumberland County
Wilmington, Del./N.J./Md.	
Wilmington Metropolitan Area Planning and Coordinating Council (WILMAPCO) 2062 New Castle Avenue Cross Roads Shopping Center New Castle, Delaware 19720	Delaware portion: New Castle County New Jersey portion: Salem County Maryland portion: Cecil County

AREAWIDE CLEARINGHOUSES
(Other)

Cape May County Planning Board County Court House Cape May 08210	Cape May County
Hunterdon County Planning Board Administrative Building Main Street Flemington 08822	Hunterdon County
Ocean County Planning Board Court House Square Toms River 08753	Ocean County
Office of the County Planning Director Sussex County Planning Board P.O. Box 69 Newton 07860	Sussex County
Warren County Planning Board 234 William Street Alpha 08866	Warren County

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEW YORK

STATE CLEARINGHOUSE

State Clearinghouse
New York State Division
of the Budget
State Capitol
Albany 12224

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Bridgeport, Conn., Jersey City, N.J., Meriden, Conn., Newark, N.J., New Haven, Conn., New York, N.Y., Norwalk, Conn., Paterson/Clifton/Passaic, N.J., Stamford, Conn., Waterbury, Conn., and Danbury, Conn. Tri-State Regional Planning Commission 1 World Trade Center, 56 South New York 10048	New York portion: New York City Counties Dutchess Nassau Orange Putnam Suffolk Westchester New Jersey portion: Counties Bergen Essex Hudson Middlesex Monmouth Morris Passaic Somerset Union Connecticut portion: All areas within the following State-defined planning districts: Central Naugatuck Valley Greater Bridgeport Hausatonic Valley South Central Southwestern
Albany/Schenectady/Troy Capital District Regional Planning Commission Executive Park Tower Stuyvesant Plaza Albany 12203	Counties Albany Rensselaer Saratoga Schenectady
Binghamton Southern Tier East Regional Planning Board Box 1766 Broome County Office Building Binghamton 13902	Counties Broome Chenango Delaware Otsego Tioga Tompkins
Buffalo Erie and Niagara Counties Regional Planning Board 2085 Baseline Road Grand Island 14072	Counties Erie Niagara

New York, cont'd

Clearinghouse	Jurisdiction
Rochester	
Genesee Finger Lakes Regional Planning Board Ebenezer Watts Building 47 S. Fitzhugh Street Rochester 14614	Counties Genesee Livingston Monroe Ontario Orleans Seneca Wayne Yates
Syracuse	
Central New York Regional Planning and Development Board 321 East Water Street Syracuse 13202	Counties Cayuga Cortland Madison Onondaga Oswego
Utica/Rome	
Herkimer-Oneida Joint Planning Board 800 Park Avenue Utica 13501	Counties Herkimer Oneida

AREAWIDE CLEARINGHOUSES
(Other)

Lake Champlain-Lake George Regional Planning Board Lake George Institute Lake George 12845	Counties Clinton Essex Hamilton Warren Washington
Southern Tier Central Regional Planning Board Pulteney and Bridge Streets Corning 14830	Counties Steuben Chenung Schuyler
Southern Tier West Regional Planning Board 24 Broad Street Salamanca 14779	Counties Allegany Cattaraugus Chautauqua
Black River-St. Lawrence Regional Planning Board Payson Hall St. Lawrence University Canton 13617	Counties Franklin Jefferson Lewis St. Lawrence

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

PUERTO RICO

STATE CLEARINGHOUSE

Planning Board
P.O. Box 41119 Minillas Station
Santurce 00940

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Mayaquez	
Puerto Rico Planning Board P.O. Box 9447 Santurce 00908	Mayaguez Municipio
Ponce	
Puerto Rico Planning Board	Ponce Municipio
San Juan	
Puerto Rico Planning Board	Municipios Bayamon Carolina Catano Guaynabo San Juan Trujillo Alto
Caquas	
Puerto Rico Planning Board	Caguas Municipio

VIRGIN ISLANDS

STATE CLEARINGHOUSE

Office of Community Services
Office of the Governor
P.O. Box 5138
St. Thomas 00801

REGION III

Delaware

District of Columbia

Maryland

Pennsylvania

Virginia

West Virginia

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

DELAWARE

STATE CLEARINGHOUSE

Delaware State Planning Office
Thomas Collins Building
530 South Dupont Highway
Dover 19901

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Wilmington, Del./N.J./Md.	
Wilmington Metropolitan Area Planning and Coordinating Council (WILMAPCO) 2062 New Castle Avenue Cross Roads Shopping Center New Castle 19720	Delaware portion: New Castle County New Jersey portion: Salem County Maryland portion: Cecil County

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSESB

DISTRICT OF COLUMBIA

STATE CLEARINGHOUSE

Division of Budget and Management Systems
District Building, Room 423
1350 E Street, N.W.
Washington 20004

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Washington, D.C./Md./Va.	
Metropolitan Washington Council of Governments 1225 Connecticut Avenue, N.W. Washington 20036	District of Columbia Maryland portion: Counties Montgomery Prince Georges Virginia portion: Cities Alexandria Fairfax Falls Church Counties Arlington Fairfax Loudoun Prince William

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MARYLAND

STATE CLEARINGHOUSE

Department of State Planning
301 West Preston Street
Baltimore 21202

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Baltimore	
Regional Planning Council Mt. Vernon Medical Building 701 St. Paul Street Baltimore 21202	Baltimore City Counties Anne Arundel Baltimore Carroll Harford Howard
Washington, D.C./Md./Va.	
Metropolitan Washington Council of Governments 1225 Connecticut Avenue, N.W. Washington, D.C. 20036	District of Columbia Maryland portion: Counties Montgomery Prince Georges Virginia portion: Cities Alexandria Fairfax Falls Church Counties Arlington Fairfax Loundon Prince William
Wilmington, Del./N.J./Md.	
Wilmington Metropolitan Area Planning and Coordinating Council (WILMAPCO) 2061 New Castle Avenue Cross Roads Shopping Center New Castle, Delaware 19720	Delaware portion: New Castle County New Jersey portion: Salem County Maryland portion: Cecil County

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

PENNSYLVANIA

STATE CLEARINGHOUSE

Pennsylvania State Clearinghouse
Governor's Budget Office
Intergovernmental Relations Division
P.O. Box 1323
Harrisburg 17120

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Allentown-Bethlehem	
Joint Planning Commission Lehigh-Northampton Counties Terminal Building, ABE Airport P.O. Box 2087 Lehigh Valley 18103	Counties Lehigh Northampton
Altoona	
Blair County Planning Commission Highland Hall Annex Court House Hollidaysburg 16648	Blair County
Erie	
Erie Metropolitan Planning Commission 606 W. Second Street Erie 16507	Erie County
Harrisburg	
Tri-County Regional Planning Commission 2001 N. Front Street Harrisburg 17102	Counties Cumberland Dauphin Perry
Johnstown	
Cambria County Planning Commission Court House Ebensburg 15931	Cambria County
Lancaster	
Lancaster County Planning Commission 900 East King Street Lancaster 17602	Lancaster County
Philadelphia, Pa./N.J. and Trenton	
Delaware Valley Regional Planning Commission Penn Towers Building, Third Floor 1819 John F. Kennedy Boulevard Philadelphia 19103	Pennsylvania portion: Counties Bucks Chester Delaware Montgomery Philadelphia New Jersey portion: Counties Burlington Camden Gloucester Mercer

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Pennsylvania, cont'd

Clearinghouse	Jurisdiction
Pittsburgh	
Southwestern Pennsylvania Regional Planning Commission 564 Forbes Avenue Pittsburgh 15219	Counties Allegheny Armstrong Beaver Butler Washington Westmoreland
Reading	
Berks County Planning Commission Court House Reading 19601	Berks County
Scranton	
Lackawanna County Planning Commission County Administration Building 200 Adams Avenue Scranton 18503	Lackawanna County
Wilkes-Barre/Hazelton	
Luzerne County Planning Commission Court House Wilkes-Barre 18702	Luzerne County
York	
York County Planning Commission 220 S. Duke Street York 17403	York County

AREAWIDE CLEARINGHOUSES
(Other)

Economic Development Council of Northeast Pennsylvania P.O. Box 777 Avoca 18641	Counties Carbon Lackawanna* Luzerne* Monroe Pike Schulylkill Wayne
Southern Alleghanies Planning and Development Commission 310 Union Avenue Altoona 16602	Counties Bedford Blair* Cambria* Fulton Huntingdon Somerset
Northern Tier Regional Planning and Development Commission 507 Main Street Towanda 18848	Counties Bradford Sullivan Susquehana Tioga Wyoming
Northwest Pennsylvania Regional Planning and Development Commission P.O. Box 231 Franklin 16323	Counties Clarion Crawford Erie* Forest Lawrence Mercer Venango Warren

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Pennsylvania, cont'd

Clearinghouse	Jurisdiction
North Central Pennsylvania Economic Development District 212 Main Street Box 377 Ridgway 15853	Counties Cameron Clearfield Elk Jefferson McKean Potter

*The counties followed by asterisks are within a metropolitan areawide clearinghouse jurisdiction. Notifications from these counties should, therefore be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

VIRGINIA

STATE CLEARINGHOUSE

Division of State Planning
and Community Affairs
1010 James Madison Building
109 Governor Street
Richmond 23219

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Lynchburg

Central Virginia Planning District
Commission
2511 Memorial Avenue, Suite 301
Lynchburg 24501

Cities
Bedford
Lynchburg
Counties
Amherst
Appomattox
Bedford
Campbell

Newport News/Hampton

Peninsula Planning District Commission
2017 Cunningham Drive, Suite 203
Hampton 23666

Cities
Hampton
Newport News
Williamsburg
Counties
James City
York

Norfolk/Portsmouth

Southeastern Virginia Planning
District Commission
110 West Plume Street
Norfolk 23510

Cities
Chesapeake
Franklin
Norfolk
Portsmouth
Suffolk
Virginia Beach
Counties
Nansemond
Isle of Wight
Southampton

Petersburg

Crater Planning District Commission
P.O. Box 1808
2825 S. Crater Road
Petersburg 23803

Cities
Emporia
Hopewell
Petersburg
Counties
Dinwiddie
Greensville
Prince George
Sussex
Surry

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Virginia, cont'd

Clearinghouse	Jurisdiction
Richmond	
Richmond Regional Planning District Commission 701 East Franklin Street - Suite 810 Richmond 23219	Counties Charles City Chesterfield Goochland Hanover Henrico New Kent Powhatan Richmond City
Roanoke	
Fifth Planning District Commission P.O. Box 2527 Crystal Towers Building Roanoke 24010	Counties Alleghany Botetourt Craig Roanoke Cities Clifton Forge Covington Roanoke Salem
Washington, D.C./Md./Va.	
Metropolitan Washington Council of Governments 1225 Connecticut Avenue, N.W. Washington, D.C. 20036	District of Columbia Maryland portion: Counties Montgomery Prince Georges Virginia portion: Cities Alexandria Fairfax Falls Church Counties Arlington Fairfax Loudoun Prince William

AREAWIDE CLEARINGHOUSES
(Other)

LENOWISCO Planning District Commission (PDC) U.S. 58-421 W Duffield 24244	Counties Lee Scott Wise Norton City
Cumberland Plateau PDC P.O. Box 548 Lebanon 24266	Counties Buchanan Dickenson Russel Tazewell
Mount Rogers PDC 544 S. Main Street Hull Building Marion 24354	Counties Bland Carroll Grayson Smyth Washington Wythe Cities Bristol Galax

Virginia, cont'd

Clearinghouse	Jurisdiction
New River Valley PDC 1612 Wadsworth Avenue Radford 24141	Counties Floyd Giles Montgomery Pulaski Radford City
Central Shenandoah PDC P.O. Box 1337 119 W. Frederick Street Staunton 24401	Counties Augusta Bath Highland Rockbridge Rockingham Cities Buena Vista Harrisonburg Lexington Staunton Waynesboro
Southside PDC P.O. Box 553 123 Mecklenburg Street South Hill 23970	Counties Brunswick Halifax Mecklenburg South Boston City
RADCO PDC 913 Charles Street Fredericksburg 22401	Counties Caroline King George Spotsylvania Stafford Fredericksburg City
Northern Neck PDC Post Office Drawer H Callao 22435	Counties Lancaster Northumberland Richmond Westmoreland
Accomack-Northampton PDC Box 316 Accomack 23301	Counties Accomack Northampton
Piedmont PDC P.O. Box P 205 N. Virginia Street Farmville 23901	Counties Amelia Buckingham Charlotte Cumberland Lunenburg Nottoway Prince Edward
West Piedmont PDC P.O. Box 1191 18-22 Walnut Street Martinsville 24112	Counties Franklin Henry Patrick Pittsyvania
Lord Fairfax PDC 514 North Royal Street Front Royal 22630	Counties Clarke Frederick Page Shenandoah Warren
Rappahannock-Rapidan PDC 702 S. Main Street Culpeper 22701	Counties Culpeper Fauquier Madison Orange Rappahannock

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Virginia, cont'd

Clearinghouse	Jurisdiction
Thomas Jefferson PDC 701 East High Street Charlottesville 22901	Counties Albemarle Fluvanna Greene Louisa Nelson Charlottesville City
Middle Peninsula PDC P.O. Box 286 Saluda 23149	Counties Essex Gloucester King and Queen King William Mathews Middlesex

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

WEST VIRGINIA

STATE CLEARINGHOUSE

Grant Information Department
Office of Federal State Relations
Room W-140
State Capitol Building
Charleston 25305

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Charleston	
BCKP Regional Intergovernmental Council 1018 Kanawha Boulevard East Charleston 25301	Counties Boone Clay Kanawha Putnam
Huntington/Ashland, W.Va./Ky./Ohio	
KYOVA Interstate Planning Commission 305 Cabell County Courthouse Huntington 25701	West Virginia portion: Counties Cabell Wayne Kentucky portion: Boyd County Ohio portion: Lawrence County
Steubenville/Weirton, Ohio/W.Va.	
Brooke-Hancock-Jefferson (BHJ) Metropolitan Planning Commission 814 Adams Street Steubenville, Ohio 43952	West Virginia portion: Counties Brooke Hancock Ohio portion: Jefferson County
Wheeling, W.Va./Ohio	
Bel-O-Mar Interstate Planning Commission P.O. Box 2086 2177 National Road Wheeling 26003	West Virginia portion: Counties Marshall Ohio Ohio portion: Belmont County

AREAWIDE CLEARINGHOUSES (Other)

Region I Planning and Development Council 201 Bair Building Beckley 25801	Counties Mercer McDowell Monroe Raleigh Summers Wyoming

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West Virginia, cont'd

Clearinghouse	Jurisdiction
Region II Planning and Development Council Cabell County Court House - Room 305 Huntington 25701	Counties Cabell* Lincoln Logan Mason Mingo Wayne*
Region IV Planning and Development Council Box 505 Summerville 26651	Counties Fayette Greenbrier Nicholas Pocahontas Webster
Region V Planning and Development Council 225 Fourth Street Parkersburg 26101	Counties Calhoun Jackson Pleasants Ritchie Roane Tyler Wirt Wood
Region VI Planning and Development Council 201 Deveny Building Fairmont 26554	Counties Doddridge Harrison Marion Monongahela Preston Taylor
Region VII Planning and Development Council Upshur County Court House Buckhannon 26201	Counties Barbour Braxton Gilmer Lewis Randolph Tucker Upshur
Region VIII Planning and Development Council 1 Virginia Avenue Petersburg 26847	Counties Grant Hampshire Hardy Mineral Pendleton
Region IX Planning and Development Council 121 West King Street Martinsburg 25401	Counties Berkeley Jefferson Morgan
Region X Planning and Development Council 2177 National Road P.O. Box 2086 Wheeling 26003	Counties Marshall* Ohio* Wetzel

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notification from these counties will be sent to both clearinghouses.

REGION IV

Alabama

Florida

Georgia

Kentucky

Mississippi

North Carolina

South Carolina

Tennessee

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

ALABAMA

STATE CLEARINGHOUSE

Alabama Development Office
State Office Building
Montgomery 36104

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Birmingham	
Birmingham Regional Planning Commission Suite 220 2112 - Eleventh Avenue, South 21 Office Plaza South Birmingham 35205	Counties Chilton Jefferson Blount St. Clair Shelby Walker
Columbus, Ga./Ala.	
Lower Chattahoochee Valley APDC P.O. Box 1908 Columbus, Georgia 31902	Georgia portion: Counties Chattahoochee Clay Harris Muscogee Quitinaw Randolph Stewart Talbot Alabama portion: Russell County
Gadsden	
East Alabama Regional Planning and Development Commission P.O. Box 2186 700 Quintard Avenue Anniston 36201	Counties Calhoun Chambers Cherokee Clay Cleburne Coosa Etowah Randolph Talladega Tallapoosa
Huntsville	
Top of Alabama Regional Council of Governments 350 State National Bank Building Huntsville 35801	Counties Madison Limestone Jackson Marshall Dekalb
Mobile	
South Alabama Regional Planning Commission P.O. Box 1665 250 N. Water Street Mobile 36601	Counties Mobile Baldwin Escambia

Alabama, cont'd

Clearinghouse	Jurisdiction
Montgomery	
Central Alabama Regional Planning Commission P.O. Box 4034 303 Washington Avenue Montgomery 36104	Counties Elmore Montgomery Autanga
Tuscaloosa	
West Alabama Planning and Development Council P.O. Box 86 Tuscaloosa 35401	Counties Bibb Fayette Hale Tuscaloosa Pickens Greene Lamar

AREAWIDE CLEARINGHOUSES
(Other)

Alabama-Tombigbee Rivers Regional Planning and Development Commission P.O. Box 269 Court House Camden 36726	Counties Choctaw Monroe Clarke Perry Conecun Washington Dallas Wilcox Marengo Sumter
Muscle Shoals Council of Local Governments P.O. Box 2358 Muscle Shoals 35660	Counties Colbert Franklin Lauderdale Winston Marion
North Central Alabama Regional Planning and Development Commission P.O. Box 1069 Decatur 35601	Counties Cullman Lawrence Morgan
Southeast Alabama Regional Planning and Development Commission P.O. Box 1406 Dothan 36301	Counties Barbour Henry Coffee Houston Covington Dale Geneva
South Central Alabama Planning and Development Commission 2825 East South Boulevard Montgomery 36109	Counties Bullock Butler Crenshaw Lowndes Macon Pike
Lee County Council of Governments P.O. Box 1072 Auburn 36830	Counties Lee

*Counties followed by an asterisk are also within a metropolitan areawide clearinghouse jurisdiction. Therefore, notification from these counties will be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

FLORIDA

STATE CLEARINGHOUSE

Bureau of Intergovernmental Relations
Division of State Planning
Department of Administration
660 Apalachee Parkway
Tallahassee 32304

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Fort Lauderdale/Hollywood	
Broward County Area Planning Board 1600 S.E. 10 Terrace Fort Lauderdale 33316	Broward County
Gainesville	
North Central Florida Regional Planning Council #5 S.W. Second Place Gainesville 32601	Counties Alachua Bradford Columbia Dixie Gilchrist Hamilton Lafayette Madison Suwannee Taylor Union
Jacksonville	
Jacksonville Area Planning Board 330 East Bay Street Jacksonville 32202	Counties Baker Clay Duval Flagler Nassau Putnam St. Johns
Miami	
Metropolitan Dade County Planning Department 702 Justice Building 1351 N.W. 12th Street Miami 33125	Dade County
Orlando	
East Central Florida Regional Planning Council 1011 Wymore Road Winter Park 32789	Counties Brevard Indian River Lake Orange Osceola Seminole Volusia

Florida, cont'd

Clearinghouse	Jurisdiction
Pensacola	
West Florida Regional Planning Council P.O. Box 486 106 S. Reus Street Pensacola 32502	Counties Escambia Santa Rosa Okaloosa
Tallahassee	
Tallahassee-Leon County Planning Commission P.O. Box 533 Tallahassee 32302	Leon County
Tampa/St. Petersburg	
Tampa Bay Regional Planning Council 3151 Third Avenue North St. Petersburg 33713	Counties Hillsborough Manatee Pinellas Sarasota Pasco
West Palm Beach	
Palm Beach County Area Planning Board 2300 Palm Beach Lakes Boulevard Suite 200 West Palm Beach 33409	Palm Beach County

AREAWIDE CLEARINGHOUSES
(Other)

Northwest Florida Development Council and Economic Development District 5321-B West Highway 98 Panama City 32401	Counties Bay Calhoun Franklin Gadsden Gulf Holmes Jackson Jefferson Leon* Liberty Wakuela Walton Washington
South Florida Regional Planning Council Suite 429 1515 Northwest 167 Street Miami 33169	Counties Broward* Dade* Martin Monroe Palm Beach* St. Lucie
Withlacoochee Regional Planning Council 3500 N.E. Silver Springs Boulevard Ocala 32670	Citrus Hernando Levy Marion Sumter
Southwest Florida Planning Council P.O. Box 981 2121 West First Street Fort Myers 33901	Charlotte Collier Glades Hendry Lee Sarasota

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Florida, cont'd

Clearinghouse	Jurisdiction
Central Florida Regional Planning Council P.O. Box 1664 Bartow 33830	DeSoto Hardee Highlands Okeechobee Polk

*Counties followed by an asterisk are also in a metropolitan clearinghouse area. Therefore, notifications involving such counties should be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

GEORGIA

STATE CLEARINGHOUSE

Office of Planning and Budget
Room 615B
270 Washington Street, S.W.
Atlanta 30334

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Albany	
Albany-Daugherty County Planning Commission P.O. Box 1827 Albany 31702	Dougherty County
Atlanta	
Atlanta Regional Commission 100 Peachtree Street, NE Suite 910 Atlanta 30303	Counties Clayton Cobb Dekalb Douglas Fultin Gwinett Rockdale
Augusta, Ga./South Carolina	
Metropolitan Council of Governments of Aiken and Richmond Counties 121 Marion Avenue East North Augusta, South Carolina 29841	Georgia portion: Richmond County S.C. portion: Aiken County
Chattanooga, Tenn./Georgia	
Chattanooga Area Regional Council of Governments 735 Broad Street Chattanooga, Tennessee 37402	Georgia portion: Counties Walker Catoosa Dade Tennessee portion: Hamilton County
Columbus, Ga./Alabama	
Lower Chattahoochee Valley APDC P.O. Box 1908 Columbus 31902	Georgia portion: Counties Chattahoochee Clay Harris Muscogee Quitmau Randolph Stewart Talbot Alabama portion: Russell County

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Georgia, cont'd

Clearinghouse	Jurisdiction
Macon	
Middle Georgia Area Planning Commission 711 Grand Building Macon 31201	Counties Bibb Crawford Houston Jones Monroe Peach Twigg
Savannah	
Chatham County-Savannah Metropolitan Planning Commission P.O. Box 1027 Savannah 31402	Chatham County

AREAWIDE CLEARINGHOUSES
(Other)

Altamaha Area Planning and Development Commission (APDC) P.O. Box 328 Baxley 31513	Counties Appling Bullock Candler Evans Jeff Davis Tattnall Toomes Wayne
Central Savannah River APDC 2123 Wrightsboro Road P.O. Box 2800 Augusta 30904	Counties Burke Columbia Emanuel Glascock Jefferson Jenkins Lincoln McDuffie Richmond* Screven Taliaferro Warren Wilkes
Chattahoochee-Flint APDC P.O. Box 1363 LaGrange 30240	Counties Carroll Coweta Heard Meriwether Troup
Coastal APDC P.O. Box 1316 Brunswick 31520	Counties Bryan Camden Chatham* Effingham Glynn Liberty Long McIntosh

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Georgia, cont'd

Clearinghouse	Jurisdiction
Coastal Plains APDC P.O. Box 1223 Valdosta 31601	Counties Ben Hill Berrien Brooks Cook Echols Irwin Lanier Lowndes Tift Turner
Coosa Valley APDC P.O. Box 1467 3 Broad Street Rome 30161	Counties Bartow Catoosa* Chatooga Dade* Floyd Gordon Haralson Paulding Polk Walker*
Georgia Mountains APDC P.O. Box 1720 Gainesville 30501	Counties Banks Dawson Forsyth Franklin Habersham Hall Hart Lumpkin Rabun Stephens Towns Union White
Heart of Georgia APDC 501 Oak Street Eastman 31012	Counties Bleckley Dodge Laurens Montgomery Pulaski Telfair Treutlen Wheeler Wilcox
Middle Flint APDC P.O. Box 6 Ellaville 31806	Counties Crisp Dooley Macon Marion Schley Sumter Taylor Webster
McIntosh Trail APDC P.O. Box 241 206 Childers Building Griffin 30223	Counties Butts Fayette Henry Lamar Newton Pike Spalding Upson

Georgia, cont'd

Clearinghouse	Jurisdiction
North Georgia APDC 212 N. Pentz Street Dalton 30720	Counties Cherokee Fannin Gilmer Murray Pickens Whitfield
Northeast Georgia APDC 305 Research Drive Athens 30601	Counties Barrow Clarke Elbert Greene Jackson Madison Morgan Oconee Oglethorpe Walton
Oconee APDC P.O. Box 707 104 East Hancock Street Milledgeville 31061	Counties Baldwin Hancock Jasper Johnson Putnam Washington Wilkinson
Slash Pine APDC P.O. Box 1276 902 Grove Avenue Waycross 31501	Counties Atkinson Bacon Brantley Charlton Clinch Coffee Pierce Ware
Southwest Georgia APDC P.O. Box 346 Camilla 31730	Counties Baker Calhoun Colquitt Decatur Dougherty* Early Grady Lee Miller Mitchell Seminole Terrell Thomas Worth

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

KENTUCKY

STATE CLEARINGHOUSE

State Clearinghouse
Office for Local Government
State National Bank Building
Frankfort 40601

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Cincinnati, Ohio/Ky./Ind. and Hamilton/Middletown, Ohio	
Ohio-Ky.-Ind. (OKI) Council of Governments 426 East Fourth Street Cincinnati, Ohio 45202	Ohio portion: Counties Butler Clermont Clinton Hamilton Warren Kentucky portion: Counties Boone Campbell Kenton Indiana portion: Counties Dearborn Ohio
Evansville, Ind./Ky.	
Southwestern Indiana and Kentucky Regional Council of Governments Civic Center Complex Evansville, Indiana 47708	Kentucky portion: Henderson County Indiana portion: Counties Gibson Pike Posey Vanderburgh Warwick
Huntington/Ashland, W.Va./Ky./Ohio	
KYOVA Interstate Planning Commission 305 Cabell County Courthouse Huntington, West Virginia 25701	West Virginia portion: Counties Cabell Wayne Kentucky portion: Boyd County Ohio portion: Lawrence County

Kentucky, cont'd

Clearinghouse	Jurisdiction
Lexington	
Bluegrass Area Development District 160 East Reynolds Road Lexington 40503	Counties Anderson Bourbon Boyle Clark Estill Fayette Franklin Garrard Harrison Jessamine Lincoln Madison Mercer Nichols Powell Scott Woodford
Louisville, Ky./Ind.	
Kentuckiana Regional Planning and Development Agency Room 406 208 South Fifth Street Louisville 40202	Kentucky portion: Counties Bullitt Jefferson Henry Oldham Shelby Spencer Trimble Indiana portion: Counties Floyd Clark
Owensboro	
Green River Area Development District P.O. Box 628 220-1/2 Frederica Street Owensboro 42301	Counties Daviess Hancock Henderson Mclean Ohio Union Webster

AREAWIDE CLEARINGHOUSES
(Other

Barren River Area Development District, Inc. P.O. Box 154 Bowling Green 42101	Counties Allen Barren Butler Edmondson Hart Logan Metcalfe Monroe Simpson Warren
Big Sandy Area Development District, Inc. Tourist Information Building Prestonburg 41653	Counties Floyd Johnson Magoffin Martin Pike

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Kentucky, cont'd

Clearinghouse	Jurisdiction
Buffalo Trace Area Development District, Inc. State National Bank Building Maysville 41056	Counties Bracken Fleming Lewis Mason Robertson
Cumberland Valley Area Development District, Inc. Courthouse London 40741	Counties Bell Clay Harlan Jackson Knox Laurel Rockcastle Whitley
Fivco Area Development District, Inc. P.O. Box 636 Catletsburg 41129	Counties Boyd Carter Greenup Elliott Lawrence
Gateway Area Development District, Inc. P.O. Box 107 Owingsville 40360	Counties Bath Menifee Montgomery Morgan Rowan
Kentucky River Area Development District, Inc. P.O. Box 986 Hazard 41701	Counties Breathitt Knott Lee Letcher Leslie Owsley Perry Wolfe
Lake Cumberland Area Development District, Inc. P.O. Box 387 Jamestown 42629	Counties Adair Casey Clinton Cumberland Green McCreary Pulaski Russell Taylor Wayne
Lincoln Trail Area Development District, Inc. 305 First Federal Building Elizabethtown 42701	Counties Breckenridge Grayson Hardin Larue Marion Meade Nelson Washington
Pennyrile Area Development District 128 North Main Street Hopkinsville 42240	Counties Caldwell Christian Crittenden Hopkins Livingston Lyon Muhlenberg Todd Trigg

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Kentucky, cont'd

Clearinghouse	Jurisdiction
Purchase Area Development District Board of Directors P.O. Drawer N 607-1/2 W. Broadway Mayfield 42066	Counties Ballard Calloway Carlisle Fulton Hickman Graves Marshall McCracken
Northern Kentucky Area Development District 106 Tanners Lane Florence 41042	Counties Boone* Campbell* Carroll Gallatin Grant Kenton Owen Pendleton

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MISSISSIPPI

STATE CLEARINGHOUSE

Coordinator Federal-State Programs
Office of the Governor
400 Watkins Building
510 George Street
Jackson 39201

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Biloxi/Gulfport	
Gulf Regional Planning Commission P.O. Box 1346 Gulfport 39501	Counties Hancock Harrison Jackson
Jackson	
Central Mississippi Planning and Development District 2675 River Ridge Road Jackson 39216	Counties Copiah Hinds Rankin Madison Simpson Warren Yazoo
Memphis, Tenn./Arkansas/Miss.	
Mississippi-Arkansas-Tennessee Council of Governments Room 501, 125 North Main Street Memphis, Tennessee 38103	Arkansas portion: Crittenden County Mississippi portion: DeSoto County Tennessee portion: Counties Fayette Lauderdale Tipton Shelby

AREAWIDE CLEARINGHOUSES (Other)

East Central Mississippi Planning and Development District 410 Decatur Street Newton 39345	Counties Clarke Jasper Kemper Lauderdale Leake Neshoba Newton Scott Smith
Golden Triangle Planning and Development District Post Office Drawer DN State College 39762	Counties Choctaw Clay Lowndes Noxubee Oktibbeha Webster Winston

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Mississippi, cont'd

Clearinghouse	Jurisdiction
North Central Mississippi Planning and Development District P.O. Box 668 321 Summit Street Winona 38967	Counties Attala Carroll Grenada Holmes Leflore Montgomery Yalobusha
North Delta Planning and Development District P.O. Box 1244 Clarksdale 38614	Counties Coahoma DeSoto* Quitman Panola Tallahatchie Tate Tunica
Northeast Mississippi Planning and Development District P.O. Drawer 6-D Booneville 38829	Counties Alcorn Benton Marshall Prentiss Tippah Tishomingo
South Delta Planning and Development District Route 1, Box AB52 Greenville 38701	Counties Bolivar Humphreys Issaquena Sharkey Sunflower Washington
Southern Mississippi Planning and Development District 1020 32nd Avenue Gulfport 39501	Counties Covington Forrest George Greene Hancock* Harrison* Jackson* Jefferson Davis Jones Lamar Marion Pearl River Perry Stone Wayne
Southwest Mississippi Planning and Development District P.O. Box 686 McComb 39648	Counties Adams Amite Claiborne Franklin Jefferson Lawrence Lincoln Pike Walthall Wilkinson
Three Rivers Planning and Development District 99 Center Ridge Drive Pontotoc 38863	Counties Calhoun Chickasaw Itawamba LaFayette Lee Monroe Pontotoc Union

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Mississippi, cont'd

Clearinghouse	Jurisdiction

*The counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction. Notifications from these counties should, therefore, be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NORTH CAROLINA

STATE CLEARINGHOUSE

Office of Intergovernmental Relations
116 West Jones Street
Raleigh 27603

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Asheville	
Land of Sky Regional Council P.O. Box 2175 Asheville 28802	Counties Buncombe Henderson Madison Transylvania
Charlotte*	
Centralina Council of Governments 1229 Greenwood Cliff, Suite 301 P.O. Box 4168 Charlotte 28204	Counties Cabarrus Gaston Iredell Lincoln Mecklenburg Rowan Stanly Union
Durham and Raleigh	
Triangle J Council of Governments P.O. Box 12276 Research Triangle Park 27709	Counties Chatham Durham Johnson Lee Orange Wake
Fayetteville	
Region M Council of Governments 801 Arsenal Avenue Fayetteville 28305	Counties Cumberland Harnett Sampson
Greensboro/Winston-Salem/High Point	
Piedmont Triad Council of Governments Four Seasons Offices 2120 Pinecroft Road Greensboro 27407	Counties Alamance Caswell Davidson Davie Forsyth Guilford Randolph Rockingham Stokes Surry Yadkin

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North Carolina, cont'd

Clearinghouse	Jurisdiction
Wilmington	
Cape Fear Council of Governments 1 North Third Suite 206 Wilmington 28401	Counties Brunswick Columbus New Hanover Pender

AREAWIDE CLEARINGHOUSES
(Other)

Isothermal Planning and Development Commission 306 Ridgecrest Avenue Rutherfordton 28139	Counties Cleveland McDowell Polk Rutherford
:-Tarr Regional Council of Governments Post Office Box 1500 238 Orange Street Henderson 27536	Counties Franklin Granville Person Vance Warren
Region D Council of Governments Executive Arts Building Boone 28607	Counties Alleghany Ashe Avery Mitchell Watauga Wilkes Yancey
Neuse River Council of Governments P.O. Box 1717 502 Pollock Street New Bern 28560	Counties Carteret Craven Duplin Greene Jones Lenoir Onslow Pamlico Wayne
Region L Council of Governments P.O. Box 1827 Rocky Mount 27801	Counties Edgecombe Halifax Nash Northampton Wilson
Lumber River Council of Governments 2802 Rowland Avenue Lumberton 28358	Counties Bladen Hoke Robeson Scotland
Mid-East Economic Development Commission P.O. Box 1218 Washington 27889	Counties Beaufort Bertie Hertford Martin Pitt
Southwestern Planning and Economic Development Commission Route 3, Box 338 Bryson City 28713	Counties Cherokee Clay Graham Haywood Jackson Macon Swain

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North Carolina, cont'd

Clearinghouse	Jurisdiction
Western Piedmont Council of Governments P.O. Box 807 352 Second Street Hickory 28601	Counties Alexander Burke Caldwell Catawba
Albemarle Regional Planning and Development Commission P.O. Box 587 Edenton 27932	Counties Camden Chowan Currituck Dare Gates Hyde Pasquotank Perquimans Tyrrell Washington
Pee Dee Council of Governments P.O. Box 728 Troy 27371	Counties Anson Montgomery Moore Richmond

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

SOUTH CAROLINA

STATE CLEARINGHOUSE

State Clearinghouse
Division of Administration
1205 Pendleton Street, 4th Floor
Columbia 29201

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Augusta, Ga./S.C.	
Metropolitan Council of Governments of Aiken and Richmond Counties 121 Marion Avenue East North Augusta 29841	Georgia portion: Richmond County S.C. portion: Aiken County*
Charleston	
Berkeley-Charleston-Dorchester Regional Planning Commission 2 Courthouse Square Charleston 29401	Counties Berkeley Charleston Dorchester
Columbia	
Central Midlands Regional Planning Council 800 Dutch Square Boulevard Suite 155 Columbia 29210	Counties Lexington Richland Fairfield Newberry
Greenville, Pickens, and Spartanburg	
South Carolina Appalachian Council of Governments Drawer 6668 211 Century Drive Greenville 29606	Counties Greenville Pickens Anderson Cherokee Oconee Spartanburg

AREAWIDE CLEARINGHOUSES (Other)

Catawba Regional Planning Council P.O. Box 862 107 Hampton Street Rock Hill 29730	Counties Chester Lancaster Union York
Lowcountry Regional Planning Council P.O. Box 98 Yemassee 29945	Counties Beaufort Colleton Hampton Jasper
Lower Savannah Regional Planning and Development Commission P.O. Box 850 Aiken 29801	Counties Allendale Aiken* Bamberg Barnwell Calhoun Orangeburg

South Carolina, cont'd

Clearinghouse	Jurisdiction
Pee Dee Regional Planning and Development Council P.O. Box 4366 Florence 29501	Counties Chesterfield Darlington Dillon Florence Marion Marlboro
Santee-Wateree Regional Planning Council P.O. Box 1837 36 East Calhoun Street Sumter 29150	Counties Clarendon Kershaw Lee Sumter
Upper Savannah Regional Planning and Development Council P.O. Box 1244 Greenwood 29646	Counties Abbeville Edgefield Greenwood Laurens McCormick Saluda
Waccamaw Regional Planning and Development Council P.O. Box 419 Georgetown 29440	Counties Georgetown Horry Williamsburg

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

TENNESSEE

STATE CLEARINGHOUSE

Office of Urban and Federal Affairs
108 Parkway Towers
404 James Robertson Parkway
Nashville 37219

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Chattanooga, Tenn./Ga.	
Chattanooga Area Regional Council of Governments 423 James Building 735 Broad Street Chattanooga 37402	Tennessee portion: Hamilton County Georgia portion: Counties Walker Dade Catoosa
Knoxville	
Knoxville Area Council of Governments 1810 Lake Avenue Knoxville 37916	Counties Anderson Blount Knox
Memphis, Tenn./Ark./Miss.	
Mississippi-Arkansas-Tennessee Council of Governments Room 501 125 North Main Street Memphis 38103	Tennessee portion: Counties Fayette Lauderdale Shelby Tipton Arkansas portion: Crittenden County Mississippi portion: DeSoto County
Nashville	
Mid-Cumberland Council of Governments 226 Capitol Boulevard Nashville 37219	Counties Cheatham Davidson Montgomery Robertson Rutherford Sumner Williamson Wilson Houston Humphreys Stewart Trousdale Dickson

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Tennessee, cont'd

Clearinghouse	Jurisdiction
AREAWIDE CLEARINGHOUSES (Other)	
East Tennessee Development District 1810 Lake Avenue Knoxville 37916	Counties Anderson* Blount* Campbell Clairborne Cocke Grainger Hamblen Jefferson Knox* Loudon Monroe Morgan Roane Scott Sevier Union
First Tennessee-Virginia Development District P.O. Box 2779 Eastern Tennessee State University Johnson City 37601	Counties Carter Greene Hancock Hawkins Johnson Sullivan Unicoi Washington, Tenn.
Southeast Tennessee Development District 423 James Building 731 Broad Street Chattanooga 37402	Counties Bledsoe Bradley Grundy Hamilton* Marion McMinn Meigs Polk Rhea Sequatchie
Northwest Tennessee Development District P.O. Box 63 Martin 38237	Counties Benton Carroll Crockett Dyer Gibson Henry Lake Obion Weakley
Upper Cumberland Development District Burgess Falls Road Cookeville 38501	Counties Cannon Clay Cumberland DeKalb Fentress Jackson Macon Overton Pickett Putnam Smith Van Buren Warren White

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Tennessee, cont'd

Clearinghouse	Jurisdiction
Southwest Development District P.O. Box 2385 Jackson 38301	Counties Chester Decatur Hardeman Hardin Haywood Henderson Madison McNary
South Central Development District P.O. Box 670 Columbia 38401	Counties Bedford Coffee Franklin Giles Hickman Lawrence Lewis Lincoln Maury Marshall Moore Perry Wayne

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

REGION V

Illinois

Indiana

Minnesota

Michigan

Ohio

Wisconsin

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

ILLINOIS

STATE CLEARINGHOUSE

State Clearinghouse
Bureau of the Budget
103 State House
Springfield 62706

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Bloomington/Normal	
McLean County Regional Planning Commission 305 Illinois House 207 West Jefferson Street Bloomington 61701	McLean County
Champaign/Urbana	
Champaign County Regional Planning Commission 117 West Elm Street Urbana 61801	Champaign County
Chicago	
Northeastern Illinois Planning Commission 10 South Riverside Plaza Chicago 60611	Counties Cook Dupage Kane Lake McHenry Will
Davenport/Rock Island/Moline, Iowa/Ill.	
Bi-State Metropolitan Planning Commission 1504 Third Avenue Rock Island 61201	Illinois portion: Rock Island County Iowa portion: Scott County
Decatur	
Macon County Regional Planning Commission 253 East Wood Street Decatur 62523	Macon County
Peoria	
Peoria Tri-County Regional Planning Commission Box 2200 East Peoria 61611	Counties Peoria Tazewell Woodford
Rockford, Ill./Wis.	
Rock Valley Metropolitan Council 401 West State Street Rockford 61101	Illinois portion: Counties Boone Winnebago Wisconsin portion: Rock County

Illinois, cont'd

Clearinghouse	Jurisdiction
St. Louis, Mo./Ill.	
East-West Gateway Coordinating Council 720 Olive Street St. Louis, Missouri 63101	Illinois portion: Counties Madison Monroe St. Clair Missouri portion: St. Louis City Counties Jefferson St. Charles St. Louis Franklin
Springfield	
Sangamon County Regional Planning Commission Municipal Building, Room 311 Seventh and Monroe Streets Springfield 62701	Sangamon County

AREAWIDE CLEARINGHOUSES
(Other)

Greater Egypt Regional Planning and Development Commission P.O. Box 3160 Carbondale 62901	Counties Franklin Jackson Jefferson Perry Williamson
Southeastern Illinois Regional Planning and Development Commission 710 Harrisburg National Bank Building Harrisburg 62946	Counties Gallatin Hamilton Hardin Pope Saline
Greater Wabash Regional Planning Commission 110 South Middle Street Grayville 62844	Counties Edwards Wabash Wayne White
South Central Illinois Regional Planning and Development Commission 107a South Broadway Salem 62881	Counties Effingham Fayette Marion
Northwest Illinois Regional Council of Public Officials 210 East Third Street Sterling 61081	Counties Carroll Joe Daviess Lee Whiteside

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

INDIANA

STATE CLEARINGHOUSE

Clearinghouse Review Officer
Indiana Budget Agency
212 State House
Indianapolis 46204

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Anderson/Muncie	
Region Six Planning and Development Commission 207 North Talley Muncie 47303	Counties Blackford Delaware Grant Henry Jay Madison Randolph
Gary/Hammond/East Chicago	
Northwestern Indiana Regional Planning Commission 8149 Kennedy Avenue Highland 46322	Counties Lake Porter
Cincinnati, Ohio/Ky./Ind. and Hamilton/Middletown, Ohio	
Ohio-Kentucky-Indiana (OKI) Council of Governments 426 East Fourth Street Cincinnati, Ohio 45202	Indiana portion: Counties Dearborn Ohio Kentucky portion: Counties Boone Campbell Kenton Ohio portion: Counties Butler Clinton Clermont Hamilton Warren
Evansville, Ind./Ky.	
Southwestern Indiana and Kentucky Regional Council of Governments Civic Center Complex Room 312, Administration Building Evansville 47708	Indiana portion: Counties Gibson Pike Posey Vanderburgh Warrick Kentucky portion: Henderson County
Fort Wayne	
Northeastern Indiana Regional Coordinating Council City-County Building Fort Wayne 46802	Counties Adams Allen DeKalb Wells

Indiana, cont'd

Clearinghouse	Jurisdiction
Indianapolis	
Indiana Heartland Coordinating Commission 7202 Shadeland Avenue Indianapolis 46250	Counties Boone Hamilton Hancock Hendricks Johnson Marion Morgan Shelby
LaFayette/W. LaFayette	
Region IV Development Commission Court House LaFayette 47901	Counties Benton Carroll Clinton Fountain Montgomery Tippecanoe Warren White
Louisville, Ky./Ind.	
Kentuckiana Regional Planning and Development Agency Room 406 208 South Fifth Street Louisville, Kentucky 40202	Indiana portion: Counties Clark Floyd Kentucky portion: Counties Bullitt Henry Jefferson Oldham Shelby Spencer Trimble
South Bend	
Michiana Area Council of Governments 7th Floor, County-City Building South Bend 46601	Counties Elkhart Marshall St. Joseph Kosciusko
Terre Haute	
West Central Indiana Economic Development District 700 Wabash Avenue P.O. Box 627 Terre Haute 47808	Counties Clay Parke Sullivan Vermillion Vigo

AREAWIDE CLEARINGHOUSES
(Other)

Patoka Lake Regional Planning Commission The Courthouse Jasper 47546	Counties Crawford Dubois Orange Perry Spencer
Southern Indiana Development Commission P.O. Box 442 Loogootee 47553	Counties Daviess Greene Lawrence Martin

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Indiana, cont'd

Clearinghouse	Jurisdiction
Ouabache Regional Planning Commission 23 South Broadway Peru 46970	Counties Cass Fulton Howard Miami Tipton Wabash
Region XI Development Commission 2530 Sandcrest Boulevard Columbus 47201	Counties Bartholomew Brown Decatur Jackson Jennings
Region XII Development Commission P.O. Box 127 Versailles 47042	Counties Dearborn* Jefferson Ohio* Ripley Switzerland
Kankakee-Iroquois Regional Planning Commission P.O. Box 684 25 Bill Street Francesville 47946	Counties Jasper Newton Pulaski Starke
Region IX Development Commission P.O. Box 661 Connersville 47331	Counties Fayette Franklin Rush Union Wayne
Region III-A Coordinating Council Production Credit Association Building P.O. Box 95 Albion 46701	Counties LaGrange Nobel Steuben Whitley
River Hills Regional Planning Commission c/o Indiana University South East P.O. Box 679 Albany 47150	Counties Harrison Scott Washington

*Counties marked by an asterisk are also in a metropolitan areawide clearinghouse jurisdiction. Therefore, notifications should be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MICHIGAN

STATE CLEARINGHOUSE

Department of Management and Budget
Lewis Cass Building
Lansing 48913

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Ann Arbor, Detroit	
Southeast Michigan Council of Governments 810 Book Building 1249 Washington Boulevard Detroit 48226	Counties Macomb Oakland Washtenaw Wayne Monroe St. Clair Livingston
Bay City	
Bay Regional Planning Commission County Building Bay City 48706	Bay County
Flint	
Genessee County Metropolitan Planning Commission 920 Beach Street Flint 48502	Genessee County
Grand Rapids	
West Michigan Regional Planning Commission 1204 People's Building 60 Monroe at Ionia Grand Rapids 49502	Counties Allegan Ionia Kent Lake Mason Mecosta Montcalm Newaygo Osceola
Jackson	
Jackson Metropolitan Area Regional Planning Commission 514 County Building 312 South Jackson Street Jackson 49201	Jackson County
Kalamazoo	
Kalamazoo Metropolitan County Planning Commission 418 West Kalamazoo Avenue Kalamazoo 49006	Kalamazoo County
Lansing	
Lansing Tri-County Regional Planning Commission 2722 East Michigan Avenue Lansing 48912	Counties Clinton Eaton Ingham

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Michigan, cont'd

Clearinghouse	Jurisdiction
Muskegon/Muskegon Heights	
West Michigan Shoreline Regional Development Commission The Torrent House 315 West Webster Avenue Muskegon 49440	Counties Muskegon Oceana Ottawa
Saginaw	
Saginaw County Metropolitan Planning Commission County Courthouse Saginaw 48602	Saginaw County
Toledo, Ohio/Michigan	
Toledo Metropolitan Area Council of Governments 420 Madison Avenue Toledo 43604	Michigan portion: Monroe County (part) Whiteford Township Bedford Township Erie Township City of Luna Pier Ohio portion: Counties Lucas Wood Erie Ottawa Sandusky

AREAWIDE CLEARINGHOUSES
(Other)

Northwest Michigan Regional Planning and Development Commission 120 West State Street Traverse City 49684	Counties Antrim Benzie Charlevoix Grand Traverse Kalkaska Lelanau Manistee Missaukee Wexford
Upper Central Peninsula Planning and Development Regional Commission 2415 - 14th Avenue, South Escanaba 49829	Counties Alger Delta Dickinson Marquette Menominee Schoolcraft
Western Upper Peninsula Planning and Development Region P.O. Box 365 Houghton 49931	Counties Baraga Gogebic Houghton Iron Keweenaw Ontonagon
Southwestern Michigan Regional Planning Commission 2907 Division Street St. Joseph 49085	Counties Berrien Cass Van Buren
South Central Michigan Planning Council Connors Hall Nazareth College Nazareth 49074	Counties Barry Branch Calhoun Kalamazoo St. Joseph

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MINNESOTA

STATE CLEARINGHOUSE

State Clearinghouse
Minnesota State Planning Agency
101 Capitol Square Building
St. Paul 55101

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Fargo/Moorhead, N. Dak./Minn.	
Fargo-Moorhead Metropolitan Council of Governments 44 Foss Lane Moorhead 56560	Minnesota portion: Clay County North Dakota portion: Cass County
Minneapolis/St. Paul	
Metropolitan Council Metro Square Building 7th and Robert Streets St. Paul 55101	Counties Anoka Carver Dakota Hennepin Ramsey Scott Washington
Rochester/Olmsted	
Rochester-Olmsted Council of Governments 1421 3rd Avenue, S.E. Rochester 55901	Olmsted County
St. Cloud	
Central Minnesota Regional Development Commission 1139 Franklin Avenue Sauk Rapids 56379	Counties Benton Sherburne Stearns Wright
Duluth	
Arrowhead Regional Development Commission 200 Arrowhead Place Duluth 55802	Counties St. Louis Lake Cook Koochiching Atkin Itasca Carleton

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Minnesota, cont'd

AREAWIDE CLEARINGHOUSES
(Other)

Clearinghouse	Jurisdiction
Headwaters Regional Development Commission Box 584 Bemidji 56601	Counties Beltrami Clearwater Hubbard Lake of the Woods Mahnomen
Six East Regional Development Commission City Auditorium 311 West 6th Street Willmar 56201	Counties Kandiyohi McLeod Meeker Renville
Northwest Regional Development Commission 114 West 2nd Street Crookston 57616	Counties Kittson Marshall Norman Pennington Polk Red Lake Roseau
Region Nine Regional Development Commission 709 North Front Mankato 56001	Counties Blue Earth Brown Faribault Le Sueur Martin Nicollet Sibley Waseca Watonwan
West Central Regional Development Commission Administration Building Fergus Falls Community College Fergus Falls 56537	Counties Becker Clay Douglas Grant Otter Tail Pope Stevens Traverse Wilkins
Six West Regional Development Commission 128 West Sorenson Appleton 56208	Counties Big Stone Chippewa Lac Qui Parle Swift Yellow Medicine
East Central Regional Development Commission 18 North Vine Street Mora 55051	Counties Chisago Isanti Kanabec Mille Lacs Pine
Southwest Regional Development Commission 2711 Broadway Avenue Slayton 56172	Counties Cottonwood Jackson Lincoln Lyon Murray Nobles Pipestone Redwood Rock

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Minnesota, cont'd

Clearinghouse	Jurisdiction
Southeastern Regional Development Commission 741 Marquette Bank Building South Broadway at 2nd S.E. Rochester 55901	Counties Dodge Fillimore Freeborn Goodhue Houston Mower Olmsted* Rice Steele Wabasha Winona

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

OHIO

STATE CLEARINGHOUSE

Office of the Governor
State Clearinghouse
State Office Tower
30 East Broad Street
Columbus 43215

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Cleveland and Lorain/Elyria	
Northeast Ohio Areawide Coordinating Agency 439 The Arcade Cleveland 44114	Counties Cuyahoga Geauga Lake Lorain Medina
Akron, Canton	
Northeast Ohio Four County Regional Planning and Development Organization 19 North High Street Akron 44308	Counties Portage Stark County Summit Wayne
Cincinnati, Ohio/Ky./Ind. and Hamilton/Middletown, Ohio	
Ohio-Ky.-Ind. (OKI) Council of Governments 426 East Fourth Street Cincinnati 45202	Ohio portion: Counties Butler Clinton Clermont Hamilton Warren Indiana portion: Counties Dearborn Ohio Kentucky portion: Counties Boone Campbell Kenton

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Ohio, cont'd

Clearinghouse	Jurisdiction
Columbus	
Mid-Ohio Regional Planning Commission 514 South High Street Columbus 43215	Delaware County (part): Townships Berkshire Concord Genoa Harlem Liberty Orange Fairfield County (part): Townships Bloom Violet Franklin County Licking County (part): Townships Etna Lima Monroe Madison County (part): Townships Canaan Darby Fairfield Jefferson Pleasant Pickaway County (part): Townships Darby Harrison Madison Scioto Union County (part): Jerome Township
Dayton	
Miami Valley Regional Planning Commission Dayco Building 333 W. First Street Dayton 45402	Counties Darke Greene Miami Montgomery Preble
Huntington/Ashland, W.Va./Ky./Ohio	
KYOVA Interstate Planning Commission 305 Cabell County Courthouse Huntington, West Virginia 25701	Kentucky portion: Boyd County Ohio portion: Lawrence County West Virginia portion: Counties Cabell Wayne
Lima	
Lima-Allen County Regional Planning Commission 300 Colonial Building Lima 45801	Allen County
Mansfield	
Richland County Regional Planning Commission 35 North Park Street Mansfield 44902	Richland County

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Ohio, cont'd

Clearinghouse	Jurisdiction
Springfield	
Clark County-Springfield Regional Planning Commission Springfield City Building Springfield 45501	Clark County
Steubenville/Weirton, Ohio/W.Va.	
Brooke-Hancock-Jefferson (BHJ) Metropolitan Planning Commission 814 Adams Street Steubenville 43952	Ohio portion: Jefferson County West Virginia portion: Counties Brooke Hancock
Toledo	
Toledo Metropolitan Area Council of Governments 420 Madison Avenue Toledo 43604	Ohio portion: Counties Lucas Wood Erie Ottawa Sandusky Michigan portion: Monroe County (part) Whiteford Township Bedford Township Erie Township City of Luna Pier
Youngstown/Warren	
Eastgate Development and Transportation Agency 1616 Covington Street Youngstown 44510	Counties Ashtabula Columbiana Mahoning Trumbull
Wheeling, W.Va./Ohio	
Bel-O-Mar Interstate Planning Commission 501 Stone Boulevard Wheeling, West Virginia 26003	West Virginia portion: Counties Marshall Ohio Ohio portion: Belmont County

AREAWIDE CLEARINGHOUSES
(Other)

Buckeye Hills-Hocking Valley Regional Development District 410 St. Clair Building 216 Putnam Street Marietta 45750	Counties Athens Hocking Meigs Monroe Morgan Noble Perry Washington
Maumee Valley Resource Conservation, Planning and Development Organization 1012 Ralston Avenue Defiance 43512	Counties Defiance Fulton Henry Paulding Williams

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Ohio, cont'd

Clearinghouse	Jurisdiction
Tuscarawas Valley Regional Advisory Committee P.O. Box 66 Cambridge 43725	Counties Carroll Coshocton Guernsey Holmes Harrison Muskingum Tuscarawas

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

WISCONSIN

STATE CLEARINGHOUSE

State Clearinghouse
Bureau of Planning and Budget
Department of Administration
1 West Wilson Street
State Office Building
Madison 53702

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Green Bay	
Brown County Planning Commission 100 North Jefferson Street Green Bay 54301	Brown County
Kenosha, Milwaukee, and Racine	
Southeastern Wisconsin Regional Planning Commission P.O. Box 769 916 North East Avenue Waukesha 53186	Counties Kenosha Milwaukee Ozaukee Racine Walworth Washington Waukesha
LaCrosse	
Mississippi River Regional Planning Commission Grandview Building 1707 Main Street LaCrosse 54601	Counties Buffalo Crawford Jackson LaCrosse Monroe Pepin Pierce Trempealeau Vernon
Madison	
Dane County Regional Planning Commission City-County Building Madison 53709	Dane County

Wisconsin, cont'd

Clearinghouse	Jurisdiction
Rockford, Wisc./Ill.	
Rock Valley Metropolitan Council 401 West State Street Rockford, Illinois 61101	Wisconsin portion: Rock County Illinois portion: Counties Winnebago Boone
Superior	
Northwest Regional Planning Commission 302 1/2 Walnut Street Spooner 54801	Counties Ashland Bayfield Burnett Douglas Iron Price Rusk Sawyer Taylor Washburn
Appleton-Oshkosh	
East Central Wisconsin Regional Planning Commission 1919 American Court Neenah 54956	Counties Calumet Fond du Lac Green Lake Marquette Menominee Outagamie Shawano Waupaca Waushara Winnebago

AREAWIDE CLEARINGHOUSES
(Other)

Southwestern Wisconsin Regional Planning Commission 217 Pioneer Tower Building Platteville 53818	Counties Grant Green Iowa Lafayette Richland
West Central Wisconsin Regional Planning Commission 731 Oxford Avenue Eau Claire 54701	Counties Barron Chippewa Clark Dunn Eau Claire Polk St. Croix
North Central Wisconsin Regional Planning Commission 2100 Main Street Stevens Point 54481	Counties Forest Juneau Langlade Lincoln Marathon Oneida Portage Vilas Wood

REGION VI

Arkansas

Louisiana

New Mexico

Oklahoma

Texas

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

ARKANSAS

STATE CLEARINGHOUSE

Arkansas Department of Planning
400 Train Station Square
Victory at Markham
Little Rock 72201

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Fort Smith, Ark./Okla.	
Arkhoma Regional Planning Commission 510 North Greenwood Avenue Fort Smith 72901	Arkansas portion: Counties Crawford Sebastian Oklahoma portion: Counties LeFlore Sequoyah
Little Rock/North Little Rock	
Metroplan 100 Main Street, Continental Building Little Rock 72201	Counties Pulaski Saline
Memphis, Tenn./Ark./Miss.	
Mississippi-Arkansas-Tennessee Council of Governments Room 501 City Hall 125 N. Main Street Memphis, Tennessee 38103	Arkansas portion: Crittenden County Mississippi portion: DeSoto County Tennessee portion: Counties Fayette Lauderdale Shelby Tipton
Pine Bluff	
Southeast Arkansas Regional Planning Commission 1300 Ohio Street Pine Bluff 71601	Jefferson County
Texarkana, Tex./Ark.	
Ark.-Tex. Council of Governments P.O. Box 5307 Texarkana, Texas 75501	Arkansas portion: Miller County Texas portion: Counties Bowie Cass Morris Red River Delta Franklin Hopkins Lamar Titus

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Arkansas, cont'd

Clearinghouse	Jurisdiction
AREAWIDE CLEARINGHOUSES (Other)	
Central Arkansas Planning and Development District P.O. Box 187 112 Northeast Front Street Lonoke 72086	Counties Faulkner Lonoke Monroe Prairie
White River Planning and Development District P.O. Box 2396 Batesville 72501	Counties Cleburne Fulton Independence Izard Jackson Sharp Stone Van Buren White Woodruff
East Arkansas Planning and Development District 706 S. Main Street Jonesboro 72401	Counties Clay Craighead Cross Saint Francis Greene Lawrence Lee Mississippi Phillips Poinsett Randolph
Northwest Arkansas Planning and Development District P.O. Box 668 Harrison 72601	Counties Baxter Boone Carroll Madison Mahion Newton Searcy
Northwest Arkansas Regional Planning Commission P.O. Box 745 505-1/2 West Huntsville Avenue Springdale 72764	Counties Benton Washington
Southwest Arkansas Planning and Development District P.O. Box 767 Magnolia 71753	Counties Calhoun Columbia Dallas Hempstead Howard Lafayette Little River Nevada Ouachita Sevier Union
West Central Arkansas Planning and Development District Municipal Building, Box 1558 Hot Springs 71901	Counties Clark Conway Garland Hot Springs Johnson Montgomery Perry Pike Pope Yell

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Arkansas, cont'd	
Clearinghouse	Jurisdiction
Western Arkansas Planning and Development District 510 N. Greenwood Avenue Fort Smith 72901	Counties Franklin Logan Polk Scott
Southeast Planning and Development District P.O. Box 6806 1108 Poplar Street Pine Bluff 71601	Counties Arkansas Ashley Bradley Chicot Cleveland Desha Drew Grant Lincoln

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

LOUISIANA

STATE CLEARINGHOUSE

Office of Intergovernmental Relations
Office of the Governor
P.O. Box 44455
Capitol Station
Baton Rouge 70804

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Baton Rouge	
Capital Region/Planning Commission 333 North 19th Street P.O. Box 3355 Baton Rouge 70821	Parishes Ascension East Baton Rouge East Feliciana Iberville Pointe Coupee West Baton Rouge West Feliciana Washington
Lafayette	
Lafayette Council of Governments P.O. Box 2154 Lafayette 70501	Lafayette Parish
Lake Charles	
Calcasieu Regional Planning Commission P.O. Box 3164 Lake Charles 70601	Calcasieu Parish
Monroe	
Ouachita Council of Governments Monroe City Plaza Monroe 71201	Ouachita Parish
New Orleans	
Regional Planning Commission for Jefferson, Orleans, and St. Bernard Parish 909 Masonic Temple Building 333 St. Charles Avenue New Orleans 70130	Parishes Jefferson Orleans St. Bernard St. Tammany
Shreveport	
Shreve-Area Council of Local Governments P.O. Box 1109 Shreveport 71102	Parishes Bossier Caddo

Louisiana, cont'd

AREAWIDE CLEARINGHOUSES
(Other)

Clearinghouse	Jurisdiction
Acadiana Regional Clearinghouse c/o Evangeline Economic Development District Council P.O. Box 3322 LaFayette 70501	Parishes Acadia Evangeline Iberia LaFayette* St. Landry St. Martin St. Mary Vermillion
Central Regional Clearinghouse c/o Kisatchie-Delta Economic Development District Council 1254 Dorchester Drive Alexandria 71301	Parishes Avoyelles Catahoula Concordia Grant LaSalle Rapides Vernon Winn
Florida Regional Clearinghouse c/o Capitol Regional Planning Commission 333 North 19th Street Baton Rouge 70821	Parishes Ascension* East Baton Rouge* East Feliciana* Iberville* Livingston Pointe Coupee* St. Helena Tangipahoa Washington* West Baton Rouge* West Feliciana*
Northeast Regional Clearinghouse c/o North Delta Regional Planning and Development District 2212 Justice Street Monroe 71201	Parishes Caldwell East Carroll Franklin Jackson Madison Morehouse Ouachita* Richland Tensas Union West Carroll
Northwest Regional Clearinghouse c/o Coordinating and Development Council of Northwest Louisiana P.O. Box 7644 Shreveport 71101	Parishes Bienville Bossier* Caddo* Claiborne DeSoto Lincoln Natchitoches Red River Sabine Webster
c/o Imperial Calcasieu Regional Planning and Development District Southwest Regional Clearinghouse P.O. Box 3164 Lake Charles 70601	Parishes Allen Beauregard Calcasieu* Cameron Jefferson Davis

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Louisiana, cont'd

Clearinghouse	Jurisdiction
Teche Regional Clearinghouse c/o South Central Planning and Development Commission P.O. Box 846 Thibodaux 70301	Parishes Assumption LaFourche St. Charles St. James St. John the Baptist Terrebonne
Metropolitan Regional Clearinghouse 900 Masonic Temple Building 333 St. Charles Avenue New Orleans 70130	Parishes Jefferson* Orleans* Plaquemines St. Bernard* St. Tammany*

*The counties followed by asterisks are within a metropolitan areawide clearinghouse jurisdiction. Notifications from these counties should, therefore, be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEW MEXICO

STATE CLEARINGHOUSE

State Planning Office
State Capitol
Santa Fe 87501

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Albuquerque

Middle Rio Grande Council of Governments Suite 1320 505 Marquette Avenue N.W. Albuquerque 87101	Counties Bernalillo Sandoval Torrance Valencia

AREAWIDE CLEARINGHOUSES
(Other)

North Central New Mexico Economic Development District P.O. Box 4248 Santa Fe 87501	Counties Colfax Los Alamos Mora Rio Arriba Taos San Miguel Santa Fe
Eastern Plains Council of Government Curry County Courthouse Clovis 88101	Counties Curry De Baca Guadalupe Harding Quay Roosevelt Union
San Juan Regional Committee 1900 West Aztec Blvd. Aztec 87104	Counties San Juan
AND	
McKinley Council of Governments 300 West Hill, Suite 2 Gallup 87301	Counties McKinley
Southwest New Mexico Council of Governments P.O. Box 1211 Silver City 88061	Counties Catron Grant Hildalgo Luna
Southern Rio Grande Council of Governments City County Building 575 S. Alameda Las Cruces 88001	Counties Socorro Sierra Dona Ana
Southeastern New Mexico Economic Development District P.O. Box 6639, RIAC Roswell 88201	Counties Chaves Eddy Lea Lincoln Otero

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

OKLAHOMA

STATE CLEARINGHOUSE

Office of Community Affairs and Planning
State Grant-in-Aid Clearinghouse
4901 North Lincoln Boulevard
Oklahoma City 73105

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Fort Smith, Ark./Okla.	
Arkhoma Regional Planning Commission 510 North Greenwood Avenue Fort Smith, Arkansas 72901	Arkansas portion: Counties Sebastian Crawford Oklahoma portion: Counties Le Flore Sequoyah
Lawton	
Association of South Central Oklahoma Governments 802 Main Street Duncan 73533	Counties Caddo Comanche Cotton Grady Jefferson McClain Stephens Tillman
Oklahoma City	
Association of Central Oklahoma Governments Suite 200 4801 Classen Boulevard Oklahoma City 73118	Counties Canadian Cleveland Logan Oklahoma
Tulsa	
Indian Nations Council of Governments 630 West 7th Street Tulsa 74127	Counties Creek Osage Tulsa

AREAWIDE CLEARINGHOUSES
(Other)

Central Oklahoma Economic Development District 16 East Ninth Street Shawnee 74801	Counties Creek Hughes Lincoln Okfuskee Pawnee Payne Pottawatomie Seminole

Oklahoma, cont'd

Clearinghouse	Jurisdiction
Northern Oklahoma Development Association P.O. Box 3507 Enid 73701	Counties Alfalfa Blaine Garfield Grant Kay Kingfisher Major Noble
Eastern Oklahoma Economic Development District P.O. Box 1367 Muskogee 74401	Counties Adair Cherokee McIntosh Muskogee Okmulgee Sequoyah* Wagoner
Kiamichi Economic Development District Box K Eastern Oklahoma A&M College Wilburton 74578	Counties Choctaw Haskell Latimer LeFlore* McCurtain Pittsburg Pushmataha
Northeast Counties of Oklahoma Economic Development District P.O. Drawer E 215 South Wilson Vinita 74301	Counties Craig Delaware Mayes Nowata Ottawa Rogers Washington
Southern Oklahoma Development Association P.O. Box 3125 Ardmore Air Park Ardmore 73401	Counties Atoka Bryan Carter Coal Garvin Johnston Love Marshall Murray Pontotoc
Southwestern Oklahoma Development District Association P.O. Box 569 Burns Flat 73624	Counties Beekham Custer Greer Harmon Jackson Kiowa Roger Mills Washita
Oklahoma Economic Development Association Box 668 330 Douglas Avenue Beaver 73932	Counties Beaver Cimarron Dewey Ellis Harper Texas Woods Woodward

*Counties marked by an asterisk are also in a metropolitan areawide clearinghouse jurisdiction. Notifications, therefore, should be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

TEXAS

Under State PNRS procedures, no project notifications will be sent directly to the State clearinghouse, only the metropolitan or regional clearinghouse need be notified. The State Clearinghouse is notified in turn by the metropolitan and regional clearinghouses.

STATE CLEARINGHOUSE

Division of Planning Coordination
Office of the Governor
P.O. Box 12428, Capitol Station
Austin 78711

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Abilene	
West Central Texas Council of Governments P.O. Box 3195 3349 N. Twelfth Street Abilene 79604	Counties Brown Callahan Coleman Comanche Eastland Fisher Haskell Jones Kent Knox Mitchell Nolan Runnels Scurry Shackelford Stephens Stonewall Taylor Throckmorton
Amarillo	
Panhandle Regional Planning Commission P.O. Box 9257 Amarillo 79105	Counties Armstrong Briscoe Carson Castro Collingsworth Dallam Deaf Smith Donley Gray Hall Hansford Hartley Hemphill Hutchinson Lipscomb Moore Ochiltree Oldham Parmer Potter Randall Roberts Sherman Swisher Wheeler

Texas, cont'd

Clearinghouse	Jurisdiction
Austin	
The Capital Area Planning Council 105 West Riverside Drive Suite 246 Austin 78704	Counties Bastrop Blanco Burnet Caldwell Fayette Hays Lee Llano Travis Williamson
Beaumont/Port Arthur/Orange	
South East Texas Regional Planning Commission P.O. Drawer 1387 Nederland 77267	Counties Hardin Jefferson Orange
Brownsville/Harlingen/San Benito, and McAllen/Pharr/Edinburg	
Lower Rio Grande Valley Development Council First National Bank Building McAllen 78501	Counties Cameron Hidalgo Willacy
Bryan-College Station	
Brazos Valley Development Council P.O. Drawer 4128 Bryan 77801	Counties Brazos Burleson Grimes Leon Madison Robertson Washington
Corpus Christi	
Coastal Bend Council of Governments Suite 200 4600 Parkdale Drive P.O. Box 6609 Corpus Christi 78411	Counties Aransas Bee Brooks Duval Jim Wells Kenedy Kleberg Live Oak McMullen Nueces Refugio San Patricio

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Texas, cont'd

Clearinghouse	Jurisdiction
Dallas and Fort Worth	
North Central Texas Council of Governments P.O. Drawer COG Arlington 76011	Counties Collin Dallas Denton Ellis Erath Hood Hunt Johnson Kaufman Navarro Palo Pinto Parker Rockwall Somervell Tarrant Wise
El Paso	
West Texas Council of Governments 1200 North Mesa El Paso 79902	Counties Brewster Culberson El Paso Hudspeth Jeff Davis Presidio
Houston and Galveston/Texas City	
Houston-Galveston Area Council 3701 West Alabama Avenue Houston 77027	Counties Austin Brazoria Chambers Colorado Fort Bend Galveston Harris Liberty Matagorda Montgomery Walker Waller Wharton
Killeen/Temple	
Central Texas Council of Governments P.O. Box 729 Belton 76513	Counties Bell Coryell Hamilton Lampasas Milam Mills San Saba
Laredo	
South Texas Development Council P.O. Box 1365 1104 Victoria Street Laredo 78040	Counties Jim Hogg Starr Webb Zapata

Texas, cont'd

Clearinghouse	Jurisdiction
Lubbock	
South Plains Association of Governments Lubbock National Bank Building Lubbock 79401	Counties Bailey Cochran Crosby Dickens Floyd Garza Hale Hockley King Lamb Lubbock Lynn Motley Terry Yoakum
Midland and Odessa	
Permian Basin Regional Planning Commission P.O. Box 6391 Midland 79701	Counties Andrews Borden Crane Dawson Ector Gaines Glasscock Howard Loving Martin Midland Pecos Reeves Terrell Upton Ward Winkler
San Antonio	
Alamo Area Council of Governments 400 Three A Life Building San Antonio 78205	Counties Atascosa Bandera Bexar Comal Frio Gillespie Guadalupe Karnes Kendall Kerr Medina Wilson
San Angelo	
Concho Valley Council of Governments 7 W. Twohig Building, Room 505 San Angelo 76901	Counties Coke Concho Crockett Irion Kimble Mason McCulloch Menard Reagan Schleicher Sterling Sutton Tom Green

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Texas, cont'd

Clearinghouse	Jurisdiction
Sherman/Denison	
Texoma Regional Planning Commission 1000 Arnold Boulevard Grayson County Airport Sherman 75090	Counties Cooke Fannin Grayson
Texarkana, Tex./Ark.	
Ark-Tex Council of Governments P.O. Box 5307 Texarkana 75501	Texas portion: Counties Bowie Cass Delta Franklin Hopkins Lamar Morris Red River Titus Arkansas portion: Miller County
Tyler	
East Texas Council of Governments Fifth Floor, Citizens Bank Building Kilgore 75662	Counties Anderson Camp Cherokee Gregg Harrison Henderson Marion Panola Rains Rusk Smith Upshur Van Zandt Wood
Waco	
Heart of Texas Council of Governments 216 North 5th Street Waco 76701	Counties Bosque Falls Freestone Hill Limestone McLennan
Wichita Falls	
Nortex Regional Planning Commission 1914 Kemp Boulevard Wichita Falls 76309	Counties Archer Baylor Childress Clay Cottle Foard Hardeman Jack Montague Wichita Wilbarger Young

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Texas, cont'd

AREAWIDE CLEARINGHOUSES
(Other)

Clearinghouse	Jurisdiction
Deep East Texas Development Council 272 E. Lamar Street Jasper 75951	Counties Angelina Houston Jasper Nacogdoches Newton Polk Sabine San Augustine San Jacinto Shelby Trinity Tyler
Golden Crescent Council of Governments P.O. Box 2028 Victoria 77901	Counties Calhoun DeWitt Goliad Gonzales Jackson Lavaca Victoria
Middle Rio Grande Development Council P.O. Box 1461 Del Rio 78840	Counties Dimmit Edwards Kinney LaSalle Maverick Real Uvalde Val Verde Zavala

REGION VII

Iowa

Kansas

Missouri

Nebraska

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

IOWA

STATE CLEARINGHOUSE

Office of Planning and Programming
523 East 12th Street
Des Moines 50319

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Cedar Rapids	
Linn County Regional Planning Commission City Hall Cedar Rapids 52401	Linn County
Davenport/Rock Island/Moline, Iowa/Ill.	
Bi-State Metropolitan Planning Commission 1504 Third Avenue Rock Island, Illinois 61201	Iowa portion: Scott County Illinois portion: Rock Island County
Des Moines	
Central Iowa Regional Association of Local Governments 104 1/2 East Locust Street Des Moines 50309	Counties Boone Dallas Jasper Madison Marion Polk Story Warren
Dubuque	
East Central Intergovernmental Association 22 Fischer Building Dubuque 52001	Counties Cedar Clinton Delaware Dubuque Jackson
Omaha, Nebr./Iowa	
Omaha-Council Bluffs Metropolitan Area Planning Agency 7000 West Center Road Omaha, Nebraska 68106	Iowa portion: Counties Pottawattamie Mills Nebraska portion: Counties Douglas Sarpy

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Iowa, cont'd

Clearinghouse	Jurisdiction
Sioux City, Iowa/Nebr./S.D.	
Siouxland Interstate Metropolitan Planning Council P.O. Box 447 626 Insurance Exchange Building Sioux City 51102	Iowa portion: Counties Cherokee Ida Monona Plymouth Woodbury Nebraska portion: Dakota County South Dakota portion: Union County
Waterloo	
Iowa Northland Regional Council of Governments Russell Lamson Building 2009 West Fifth Street Waterloo 50701	Counties Black Hawk Bremer Buchanan Butler Chickasaw Grundy

AREAWIDE CLEARINGHOUSES
(Other)

Johnson County Regional Planning Commission 22-1/2 South Dubuque Street Iowa City 52240	Johnson County
Upper Explorerland Regional Planning Commission 134 West Green Street Postville 52162	Counties Allamakee Clayton Fayette Howard Winneshiek
Mid Iowa Development Association Regional Planning Commission Wahkonsa Manor 12 South 10th Street Fort Dodge 50501	Counties Calhoun Hamilton Humboldt Pocahontas Webster Wright
Southern Iowa Regional Planning Agency 124 N. Pine Street Creston 50801	Counties Adair Adams Clarke Decatur Ringgold Taylor Union
North Iowa Council of Governments 202 First S.E. Mason City 50401	Counties Cerro Gordo Floyd Franklin Hancock Kossuth Mitchell Winnebago Worth

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Iowa, cont'd

Clearinghouse	Jurisdiction
Northwest Iowa Regional Council of Governments 407 1/2 Grand Avenue Box 406 Spencer 51301	Counties Buena Vista Clay Dickinson Emmet Lyon O'Brien Osceola Palo Alto Sioux
Southeast Iowa Regional Planning Commission P.O. Box 971 Keokuk 52632	Counties Des Moines Henry Lee Louisa
Region Six Planning Commission 10 Woodbury Building 8 North First Avenue Marshalltown 50158	Counties Hardin Marshall Poweshiek Tama
Region 12 Council of Governments 527 1/2 North Adams P.O. Box 663 Carroll 51401	Counties Audubon Carroll Crawford Greene Guthrie Sac
Area XV Regional Planning Commission Building No. 46 Ottumwa Industrial Airport Ottumwa 52501	Counties Appanoose Davis Jefferson Keokuk Lucas Mahaska Monroe Van Buren Wapello Wayne
Southwest Iowa Regional Planning Commission P.O. Box I Griswold 51535	Counties Cass Fremont Harrison Montgomery Page Shelby

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

KANSAS

STATE CLEARINGHOUSE

Division of State Planning and
Research
Department of Administration
State Office Building
Topeka 66612

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Kansas City, Mo./Kan.	
Mid-America Regional Council 20 West Ninth Street, Third Floor Kansas City, Missouri 64105	Missouri portion: Counties Cass Clay Jackson Platte Ray Kansas portion: Counties Johnson Leavenworth Wyandotte
Topeka	
Topeka-Shawnee County Metropolitan Planning Agency Shawnee County Court House, Room 209 Topeka 66603	Shawnee County
Wichita	
Wichita-Sedgwick County Metropolitan Area Planning Department City Building Annex 104 South Main Street Wichita 67202	Sedgwick County
St. Joseph, Mo./Kan.	
Mo-Kan Regional Council 4529 South 169 Highway St. Joseph, Missouri 64507	Missouri portion: Counties Andrew Buchanan Clinton DeKalb Brown (part) City of Horton Kansas portion: City of Atchison Doniphan County

AREAWIDE CLEARINGHOUSES
(Other)

Big Lakes Regional Planning Commission Riley County Courthouse Manhattan 66502	Counties Pottawatomie Riley Geary

2

Kansas, cont'd

Clearinghouse	Jurisdiction
Northwest Kansas Planning Commission P.O. Box 248 Hill City 67642	Counties Cheyenne Decatur Ellis Gove Graham Logan Norton Osborne Phillips Rawlins Rooks Russell Sheridan Sherman Smith Thomas Trego Wallace
Chikaskia-Indian Hills Regional Planning Commission P.O. Box 301 Pratt County Courthouse Pratt 67124	Counties Barber Comanche Harper Kingman Kiowa Pratt Sumner
Greater Southwest Regional Planning Commission 125 North J. C. Street Garden City 67846	Counties Clark Finney Ford Grant Gray Greeley Hamilton Haskell Hodgeman Kearny Lane Meade Morton Ness Scott Seward Stanton Stevens Wichita
Golden Belt Regional Planning Commission City Hall 419 Broadway Larned 67550	Counties Barton Edwards Pawnee Rush Stafford
Mid-State Regional Planning Commission P.O. Box 963 McPherson 67460	Counties McPherson Reno Rice
Southeast Kansas Regional Planning Commission Memorial Building Chanute 66720	Counties Allen Bourbon Cherokee Crawford Labette Montgomery Neosho Wilson Woodson

3

Kansas, cont'd

Clearinghouse	Jurisdiction
North Central Regional Planning Commission Municipal Building Beloit 67420	Counties Cloud Ellsworth Jewell Lincoln Mitchell Ottawa Republic Saline
Flint Hills Regional Planning Commission P.O. Box L Strong City 66869	Counties Chase Dickinson Lyon Marion Morris

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MISSOURI

STATE CLEARINGHOUSE

Office of Administration
Division of State Planning and Analysis
P.O. Box 809
State Capitol
Jefferson City 65101

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Columbia	
Mid-Missouri Council of Governments 830 E. High Street Jefferson City 65101	Counties Audrain Boone Callaway Cole Cooper Howard Moniteau Osage
Kansas City, Mo./Kan.	
Mid-American Regional Council 20 W. Ninth Street Kansas City 64105	Missouri portion: Counties Cass Clay Jackson Platte Ray Kansas portion: Counties Johnson Leavenworth Wyandotte
St. Joseph, Mo./Kan.	
Mo-Kan Council of Governments 4529 South 169 Highway St. Joseph 64507	Missouri portion: Counties Andrew Buchanan Clinton DeKalb Brown (part) City of Horton Kansas portion: City of Atchison Doniphan County
St. Louis, Mo./Ill.	
East-West Gateway Coordinating Council 720 Olive, Suite 2110 St. Louis 63101	Missouri portion: St. Louis City Counties Jefferson St. Charles St. Louis Franklin Illinois portion: Counties Madison Monroe St. Clair

2

Missouri, cont'd

Clearinghouse	Jurisdiction
Springfield	
Lakes Country Regional Planning Commission Republic Shopping Center 438 North Highway 60 Republic 65738	Counties Barry Christian Dade Dallas Greene Lawrence Polk Stone Taney Webster

AREAWIDE CLEARINGHOUSES
(Other)

Boonslick Regional Planning Commission P.O. Box 343 Bilmac Plaza Hignways 40 & 47 Warrenton 63383	Counties Lincoln Montgomery Warren
Bootheel Regional Planning Commission P.O. Box 397 Malden 63863	Counties Dunklin Mississippi New Madrid Pemiscot Scott Stoddard
Green Hills Regional Planning Commission Grundy County Court House Trenton 64683	Counties Caldwell Daviess Grundy Harrison Linn Livingston Mercer Putnam Sullivan
Kaysinger Basin Regional Planning Commission 9th and East Ohio Clinton 64735	Counties Bates Benton Cedar Henry Hickory St. Clair Vernon
Lake of the Ozarks Regional Planning Commission P.O. Box 786 Camdenton 65020	Counties Camden Laclede Miller Morgan Pulaski
Mark Twain Regional Planning Commission 227 North Rollins P.O. Box 389 Macon 63552	Counties Lewis Macon Marion Monroe Pike Ralls Randolph Shelby

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Missouri, cont'd

Clearinghouse	Jurisdiction
Meramec Regional Planning Commission 1203 East 10th Street Rolla 65401	Counties Crawford Dent Gasconade Maries Phelps Washington
Missouri Valley Regional Planning Commission Farmers Savings Bank Building P.O. Box 747 Marshall 65340	Counties Carroll Chariton Saline
Northeast Missouri Regional Planning Commission Adair County Court House Kirksville 63501	Counties Adair Clark Knox Schuyler Scotland
Northwest Missouri Regional Planning Commission P.O. Box 370 Maryville 64468	Counties Atchison Gentry Holt Nodaway Worth
Ozark Foothills Regional Planning Commission P.O. Box 124 Ellsinore 63937	Counties Butler Carter Reynolds Ripley Wayne
Ozark Gateway Regional Planning Commission 303 East 3rd Street P.O. Box 1355 Joplin 64801	Counties Barton Jasper McDonald Newton
Show-me Regional Planning Commission P.O. Box 348 103 Business Route 50 West Warrensburg 64093	Counties Johnson Lafayette Pettis
South Central Ozark Regional Planning Commission Williams Building West Plains 65775	Counties Douglas Howell Oregon Ozark Shannon Texas Wright
Southeast Missouri Regional Planning Commission 19 North Main Street Perryville 63775	Counties Bollinger Cape Girardeau Iron Madison Perry St. Francois Ste. Genevieve

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEBRASKA

STATE CLEARINGHOUSE

State Office of Planning
and Programming
State Capitol
Box 94601
Lincoln 68509

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Lincoln	
Lincoln City-Lancaster County Planning Commission City Hall Lincoln 68508	Lancaster County
Omaha/Council Bluffs, Nebr./Iowa	
Omaha-Council Bluffs Metropolitan Area Planning Agency 7000 West Center Road Omaha 68106	Nebraska portion: Counties Douglas Sarpy Iowa portion: Counties Pottawattamie Mills
Sioux City, Iowa/Neb./S.D.	
Siouxland Interstate Metropolitan Planning Council P.O. Box 447 626 Insurance Exchange Building Sioux City, Iowa 51102	Iowa portion: Counties Cherokee Ida Monona Plymouth Woodbury Nebraska portion: Dakota County South Dakota portion: Union County Union County

AREAWIDE CLEARINGHOUSES
(Other)

Panhandle Resource Council 2402 Avenue I RFD 1, Box 1 Scottsbluff 69361	Counties Banner Box Butte Cheyenne Dawes Deuel Garden Kimball Morrill Scottsbluff Sheridan Sioux

2

Nebraska, cont'd

Clearinghouse	Jurisdiction
Southeast Nebraska Council of Governments P.O. Box 437 Humboldt 68376	Counties Johnson Nemaha Pawnee Richardson
Mid-Elkhorn Valley Council of Governments P.O. Box 426 Norfolk 68701	Counties Antelope Madison Pierce Stanton Wayne
Southwest Nebraska Council of Governments P.O. Box 126 McCook 69001	Counties Dundy Hays Hitchcock Red Willow
Tri County Council of Governments P.O. Box 204 Hartington 68739	Counties Cedar Dixon Knox

REGION VIII

Colorado

Montana

North Dakota

South Dakota

Utah

Wyoming

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

COLORADO

STATE CLEARINGHOUSE

Division of Planning
Department of Local Affairs
1845 Sherman Street
Denver 80203

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Colorado Springs	
Pikes Peak Area Council of Governments 27 East Vermijo Colorado Springs 80903	Counties El Paso Teller Park
Denver	
Denver Regional Council of Governments 1776 South Jackson Denver 80210	Counties Adams Arapahoe Boulder Clear Creek Douglas Gilpin Jefferson Denver
Pueblo	
Pueblo Area Council of Governments 1 City Hall Place Pueblo 81003	Pueblo County

AREAWIDE CLEARINGHOUSES (Other)

San Luis Valley Council of Governments Adams State College - Box 123 Alamosa 81102	Counties Alamosa Conejos Costilla Mineral Rio Grande Saguache
Northeastern Colorado Council of Governments P.O. Box 1782 Sterling 80751	Counties Logan Morgan Phillips Sedgwick Washington Yuma
The District 10 Regional Planning Commission 107 South Cascade Box 341 Montrose 81401	Counties Delta Gunnison Hinsdale Montrose Ouray San Miguel

2

Colorado, cont'd

Clearinghouse	Jurisdiction
Colorado West Council of Governments 229 West Avenue Box 351 Rifle 81650	Counties Garfield Mesa Moffatt Rio Blanco
Larimer-Weld Regional Planning Commission 201 East Fourth Street Loveland 80537	Counties Larimer Weld
Huerfano-Las Animas Area Council of Governments Las Animas County Courthouse Trinidad 81082	Counties Huerfano Las Animas
Northwest Colorado Council of Governments Holiday Center Building P.O. Box 737 Frisco 80443	Counties Eagle Grand Jackson Pitkin Routt Summit
Lower Arkansas Valley Council of Governments County Courthouse Las Animas 81054	Counties Baca Bent Crowley Kiowa Otero Prowers

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MONTANA

STATE CLEARINGHOUSE

Research and Information Systems
Division
Department of Community Affairs
1424 9th Avenue
Helena 59601

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Billings	
Billings/Yellowstone City-County Planning Board Room 303, County Courthouse Billings 59101	Yellowstone County
Great Falls	
Great Falls City-County Planning Board P.O. Box 1609 Great Falls 59403	Cascade County

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NORTH DAKOTA

STATE CLEARINGHOUSE

North Dakota State Planning Agency
State Capitol
Bismarck 58501

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Fargo/Moorhead, N. Dak./Minn.	
Fargo-Moorhead Metropolitan Council of Governments 44 Foss Lane Moorhead, Minnesota 56560	North Dakota portion: Cass County Minnesota portion: Clay County

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

SOUTH DAKOTA

STATE CLEARINGHOUSE

State Planning Bureau
State Capitol
Pierre 57501

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Sioux City, Iowa/Neb./S.D.	
Siouxland Interstate Metropolitan Planning Council P.O. Box 447 Sioux City, Iowa 51103	Iowa portion: Counties Cherokee Ida Monona Plymouth Woodbury Nebraska portion: Dakota County South Dakota portion: Union County
Sioux Falls	
South Eastern Council of Governments 208 East 13th Street Sioux Falls 57102	Counties Clay Lincoln McCook Mennehaha Turner Union

AREAWIDE CLEARINGHOUSES (Other)

First Planning and Development District 401 First Avenue, N.E. Watertown 57201	Counties Brookings Codington Clark Deuel Grant Hamlin Kingsbury Lake Miner Moody
Third Planning and Development District P.O. Box 687 Yankton County Courthouse Yankton 57078	Counties Aurora Bon Homme Brule Charles Mix Davison Douglas Gregory Hanson Hutchinson Jerauld Sanborn Yankton

2

South Dakota, cont'd

Clearinghouse	Jurisdiction
Fourth Planning and Development District 310 South Lincoln Aberdeen 57501	Counties Beadle Brown Day Edmunds Falk Hand Marshall McPherson Roberts Spink
Fifth Planning and Development District 365 1/2 Pierre Street Pierre 57501	Counties Buffalo Campbell Corson Dewey Gregory Haakon Hughes Hyde Jones Lyman Mellette Perkins Potter Stanley Sully Tripp Todd Walworth Ziebach
Sixth Planning and Development District P.O. Box 1586 1825 W. Main Street Rapid City 57701	Counties Bennett Butte Custer Fall River Harding Jackson Lawrence Meade Pennington Shannon Washabaugh

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

UTAH

STATE CLEARINGHOUSE

Utah State Planning Coordinator
Office of the Governor
State Capitol Building
Salt Lake City 84114

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Salt Lake City, Ogden	
Wasatch Front Regional Council 424 West Center Street Bountiful 84010	Counties Salt Lake Tooele Davis Weber Morgan
Provo/Orem	
Mountainland Association of Governments 160 East Center Street Provo 84601	Counties Utah Wasatch Summit

AREAWIDE CLEARINGHOUSES (Other)

Bear River Association of Governments Cache County Courthouse 179 North Main Logan 84321	Counties Box Elder Cache Rich
Six County Commissioners Organization Federal Building Richfield 84701	Counties Jaub Millard Sanpete Sevier Pinte Wayne
Southeastern Utah Association of Governments P.O. Box 686 109 S. Carbon Avenue Price 84501	Counties Carbon Emery Grand San Juan
Five County Association of Governments Organization P.O. Box 261 Cedar City 84720	Counties Beaver Garfield Iron Kane Washington
Uintah Basin Association of Governments Box 867 26 West Second North Roosevelt 84066	Counties Daggett Duchesue Uintah

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

WYOMING

STATE CLEARINGHOUSE

State Planning Coordinator
Office of the Governor
Capitol Building
Cheyenne 82001

AREAWIDE CLEARINGHOUSES
(Metropolitan)

(No metropolitan areas)

REGION IX

Arizona

California

Hawaii

Nevada

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

ARIZONA

STATE CLEARINGHOUSE

Department of Economic Planning
and Development
State of Arizona
1624 West Adams Street
Phoenix 85007

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Phoenix	
Maricopa Association of Governments 1820 West Washington Street Phoenix 85007	Maricopa County
Tucson	
Pima Association of Governments 215 North Court Tucson 85701	Pima County

AREAWIDE CLEARINGHOUSES
(Other)

Northern Arizona Council of Governments P.O. Box 57 Flagstaff 86001	Counties Apache Coconino Navajo Yavapai
Central Arizona Association of Governments Drawer JJ 512 Butte Avenue Florence 85232	Counties Gila Pinal
Southeastern Arizona Governments Association P.O. Box 204 Bisbee 85603	Counties Greenlee Cochise Graham Santa Cruz
District IV Council of Governments 377 South Main Street Yuma 85364	Counties Mohave Yuma

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

CALIFORNIA

STATE CLEARINGHOUSE

Office of the Governor
Office of Planning and Research
1400 Tenth Street
Sacramento 95814

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Anaheim/Santa Ana/Garden Grove, Los Angeles, Oxnard/Ventura, and San Bernardino/Riverside/Ontario	
Southern California Association of Governments Suite 1000 600 South Commonwealth Avenue Los Angeles 90005	Counties Imperial Los Angeles Orange Riverside San Bernardino Ventura
Bakersfield	
Kern County Council of Governments 1098 - 26th Street Bakersfield 93301	Kern County
Fresno	
Council of Fresno County Governments 1221 Fulton Mall, Suite 607 Fresno 93721	Fresno County
Modesto	
Stanislaus Area Association of Governments 720 13th Street Modesto 95354	Stanislaus County
Sacramento	
Sacramento Regional Area Planning Commission 1225 Eighth Street, Suite 400 Sacramento 95814	Counties Eldorado (part): Area west of Lake Tahoe basin Placer (part): Area west of Lake Tahoe basin Sacramento Sutter Yolo Yuba
Salinas/Monterey	
Association of Monterey Bay Area Governments 798 Cass Street Monterey 93941	Counties Monterey San Benito Santa Cruz

California, cont'd

Clearinghouse	Jurisdiction
San Diego	
San Diego County Comprehensive Planning Organization Security Pacific Plaza 1200 Third Avenue San Diego 92101	San Diego County
San Francisco/Oakland, San Jose, Vallejo/Napa, and Santa Rosa	
Association of Bay Area Governments Hotel Claremont Berkeley 94705	Counties Alameda Contra Costa Marin Napa San Francisco San Mateo Santa Clara Solano Sonoma
Santa Barbara	
Santa Barbara County-Cities Area Planning Council 1306 Santa Barbara Street Santa Barbara 93101	Santa Barbara County
Stockton	
San Joaquin County Council of Governments 1850 E. Hazelton Avenue Stockton 95205	San Joaquin County

AREAWIDE CLEARINGHOUSES
(Other)

Tahoe Regional Planning Agency P.O. Box 8896 1052 Tata Lane South Lake Tahoe 95731	California portion: Lake Tahoe Water Shed Basin Placer County (part) El Dorado County (part) Nevada portion: Lake Tahoe Water Shed Basin Washoe County (part) Carson City The region as a whole includes the Tahoe basin, the perimeter of which is approximately 10-12 miles from the Shores of Lake Tahoe.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

HAWAII

STATE CLEARINGHOUSE

Department of Planning and Economic Development
P.O. Box 2359
Honolulu 96804

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Honolulu	
City and County of Honolulu Department of General Planning 650 South King Street Honolulu 96813	Honolulu County

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEVADA

STATE CLEARINGHOUSE

State Planning Coordinator
State Capitol Building
Carson City 89701

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Las Vegas	
Clark County Regional Planning Council County Court House Annex Las Vegas 89101	Clark County
Reno	
Washoe Council of Governments P.O. Box 3516 517 Forest Street Reno 89505	Washoe County

AREAWIDE CLEARINGHOUSES (Other)

Tahoe Regional Planning Agency P.O. Box 8896 1052 Tata Lane South Lake Tahoe, California 95731	California portion: Counties Placer (part) El Dorado (part) Nevada portion: Counties Douglas (part) Washoe (part) Carson City (part) The region as a whole includes the Tahoe basin, the perimeter of which is approximately 10-12 miles from the Shores of Lake Tahoe.
Carson River Basin Council of Governments P.O. Box 1927 Carson City 89701	Carson City Counties Churchill Douglas Lyon Storey

REGION X

Alaska

Idaho

Oregon

Washington

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

ALASKA

STATE CLEARINGHOUSE

Office of the Governor
State of Alaska
Division of Planning and Research
Pouch AD
State Capitol
Juneau 99801

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Anchorage	
Office of Management and Budget PO Box 400 City of Anchorage Anchorage 99510	Greater Anchorage Area

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

IDAHO

STATE CLEARINGHOUSE

State Clearinghouse
Division of Budget, Policy Planning
and Coordination
122 Statehouse
Boise 83720

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Boise	
Ada Council of Governments 525 W. Jefferson Street Boise 83702	Ada County

AREAWIDE CLEARINGHOUSES
(Other)

Panhandle Planning and Development Council Box 1154 411 Coeur d'Alene Avenue Coeur d'Alene 83814	Counties Benewah Boundary Bonner Kootenai Shoshone
Southeastern Idaho Council of Governments Box 4169 209 East Louis Pocatello 83201	Counties Bannock Bear Lake Bingham Caribou Franklin Oneida Power

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Idaho, cont'd

Clearinghouse	Jurisdiction
Ida-Ore Regional Planning and Development Association Box 311 25 West Fort Street Weiser 83672	Counties Ada Adams Boise Canyon Elmore Gem Payette Owyhee Valley Washington
Magic Valley Council of Governments 401 South Lincoln Jerome 83338	Counties Blaine Camas Cassia Gooding Jerome Lincoln Minidoka Twin Falls
Clearwater Economic Development Association P.O. Box 8636 Moscow 83843	Counties Clearwater Idaho Latah Lewis Nez Perce

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

OREGON

STATE CLEARINGHOUSE

Federal Aid Coordinator
Intergovernmental Relations Division
Executive Department
240 Cottage Street S. E.
Salem 97310

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Eugene	
Lane Council of Governments 135 6th Avenue East Eugene 97401	Lane County
Portland, Ore./Wash.	
Columbia Region Association of Governments 527 S. W. Hall Street University Center Building Portland 97201	Oregon portion: Counties Clackamas Columbia Multnomah Washington Washington portion: Clark County
Salem	
Mid Willamette Valley Council of Governments 305 Civic Center 555 Liberty Street, S.E. Salem 97301	Counties Marion Polk Yamill

AREAWIDE CLEARINGHOUSES
(Other)

Blue Mountain Intergovernmental Council Wallowa County Courthouse Enterprise 97828	Counties Baker Union Wallowa

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Oregon, cont'd

Clearinghouse	Jurisdiction
Central Oregon Intergovernmental Council P.O. Box 575 1106 West Highland Avenue Redmond 97756	Counties Jefferson Deschutes Cook
Clatsop-Tillamook Intergovernmental Council P.O. Box 488 Cannon Beach 97110	Counties Clatsop Tillamook
Coos-Curry Council of Governments 1975 McPherson P.O. Box 647 North Bend 97459	Counties Coos Curry
Mid-Columbia Economic Development District P.O. Box 280 502 E. Fifth Street, Annex B The Dalles 97058	Counties Hood River Sherman Wasco
Rogue Valley Council of Governments Suite 211 33 North Central Medford 97501	Counties Jackson Josephine
Southeast Oregon Council of Governments Burns City Hall Burns 97720	Counties Harney Malheur
District 4 Council of Governments 460 S.W. Madison Corvallis 97330	Counties Benton Lincoln Linn
East Central Oregon Association of Counties Room 15 116 South Main Pendleton 97801	Counties Gilliam Grant Morrow Umatilla Wheeler
Umpqua Regional Council of Governments Douglas County Courthouse Annex 205 S.E. Jackson Street Roseburg 97470	Douglas County
Klamath Lake Planning and Coordinating Council Lake County Courthouse Lakeview 97630	Counties Klamath Lake

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

WASHINGTON

STATE CLEARINGHOUSE

Office of the Governor
Office of Program Planning and
Fiscal Management
Olympia 98504

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Portland, Ore./Wash.	
Columbia Region Association of Governments 527 S.W. Hall Street University Center Building Portland, Oregon 97201	Oregon portion: Counties Clackamas Columbia Multnomah Washington Washington portion: Clark County
Seattle/Everett and Tacoma	
Puget Sound Governmental Conference 216 First Avenue South Seattle 98104	Counties King Kitsap Pierce Snohomish

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Washington, cont'd

Clearinghouse	Jurisdiction
Spokane	
Spokane Regional Planning Conference 221 Wall Street - City Hall Spokane 99201	Spokane County
Yakima	
Yakima County Conference of Governments 417 County Courthouse Yakima 98901	Jurisdiction Yakima County
Richland-Kennewick	
Benton-Franklin Governmental Conference 906 Jadwin Avenue Richland 99352	Counties Benton Franklin

AREAWIDE CLEARINGHOUSES
(Other)

Clearinghouse	
Chelan Country Regional Planning Council 411 Washington Street Wenatchee 98801	Jurisdiction Chelan County
Clallam County Governmental Conference 127 East First Street Port Angeles 98362	Clallam County
Cowlitz-Wahkiakum Governmental Conference Cowlitz County Courthouse Fifth Avenue Annex Kelso 98626	Counties Cowlitz Wahkiakum
Dougles County Regional Planning Commission 110 Third Street N.E. East Wenatchee 98801	Douglas County

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Washington, cont'd

Clearinghouse	Jurisdiction
Grant-Lincoln-Adams Conference of Governments 326 West Division Ephrata 98823	Counties Adams Grant Lincoln
Grays Harbor Regional Planning Commission 207 1/2 East Market Street Aberdeen 98520	Grays Harbor County
Island County Planning Department P.O. Box 698 Coupeville 98239	Island County
Jefferson-Port Townsend Regional Council City Hall Port Townsend 98368	Jefferson County
Kittitas County Council of Governments City Hall Ellensburg 98926	Kittitas County
Klickitat County Regional Planning Council P. O. Box 1515 Goldendale 98620	Klickitat County
Lewis Regional Planning Commission P.O. Box 418 Chehalis 98532	Lewis County
Mason Regional Planning Council P.O. Box 400 Shelton 98584	Mason County
Okanogan County Regional Planning Commission P.O. Box 1009 Okanogan 98840	Okanogan County
Pacific County Regional Planning Council Courthouse P.O. Box 66 South Bend 98586	Pacific County
San Juan County Planning Department P.O. Box 61 Friday Harbor 98250	San Juan County
Skagit Regional Planning Council P.O. Box 30	Skagit County

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Washington, cont'd

Clearinghouse	Jurisdiction
County Courthouse Annex Stevenson 98648	
Thurston Regional Planning Council 332 County Courthouse Annex Olympia 98501	Thurston County
TRICO Economic Development District North 470 Main Mail Box 214 Colville 99114	Counties Ferry Pend Oreille Stevens
Walla Walla Regional Planning Commission P.O. Box 478 Third and Rose Streets Walla Walla 99362	Counties Walla Walla Columbia
Whatcom County Council of Governments Whatcom County Courthouse 311 Grand Avenue Bellingham 98225	Wahtcom County
Whitman County Regional Planning Council P.O. Box 208 Colfax 99111	Whitman County
Asotin County Planning Commission P.O. Box 61 Asotin 99402	Counties Asotin Garfield

*Counties followed by an asterisk are witnin a metropolitan areawide clearinghouse juristiction also. Therefore, notification from these counties will be sent to both clearinghouses.

[FR Doc.76-8326 Filed 3-24-76;8:45 am]

federal register

THURSDAY, MARCH 25, 1976



PART V:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

CENTRAL INTELLIGENCE AGENCY

[32 CFR Part 1901]

PRIVACY ACT OF 1974

Implementation

Notice is hereby given that the Central Intelligence Agency proposes to amend Title 32, Chapter XIX, Code of Federal Regulations which implemented the provision of sections 2 and 3 of the Privacy Act of 1974 (Pub. L. 93–579).

The proposed rule changes are in response to an OMB task force review of CIA rules. The reasons for the changes and the proposed rules are set forth below.

The public may participate in this proposed rule-making by submitting written data, views or arguments on the proposed rule changes to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505, on or before April 15, 1976. All written comments received from the public on or before that date will be considered by the Agency in formulating the final rule changes.

JOHN F. BLAKE,
Deputy Director for Administration.

1. Add new paragraph to § 1901.15 to establish a time requirement for acknowledging receipt of a request. Paragraphs (a) through (f) are relettered (b) through (g) with the new paragraph appearing as paragraph (a).

§ 1901.15 Disclosure of requested information to individuals.

(a) The Privacy Act Coordinator shall within ten days (excluding Saturdays, Sundays and legal holidays) send the requester written acknowledgment pursuant to § 1901.11 of receipt of the request.

2. Delete paragraphs (a) and (b) of

* * * * *

§ 1901.17 and substitute the following paragraph. The purpose of this change is to (1) eliminate the thirty-day time requirement for an individual to file an appeal and (2) identify a point of contact in the Agency for persons who may wish additional procedural guidance in preparing appeals. Paragraphs (c) and (d) are relettered (b) and (c).

§ 1901.17 Appeal of determination to deny access to requested record.

(a) Any individual whose request made pursuant to § 1901.11 is refused may appeal by submitting a written statement setting forth the basis for the appeal to the Privacy Act Coordinator. Persons who require procedural guidance in preparing an appeal to the Agency's initial refusal to provide records may write for assistance to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

* * * * *

3. Revise § 1901.21(d)(1) to establish an Agency requirement to notify all previous recipients of a record when it has been amended.

§ 1901.21 Request for correction or amendment to record.

* * * * *

(d) * * *

(1) Make any correction or amendment to any portion of the record which the individual believes is not accurate, relevant, timely, or complete, and inform all other identified persons or agencies to whom the record has been amended and inform the Privacy Act Coordinator of this action; and the Privacy Act Coordinator shall, in turn, promptly inform the requester; or

* * * * *

4. Revise § 1901.23(a) to delete the thirty-day time limit for an individual to file an appeal of initial adverse Agency determination on a request to correct or amend a record, and revise § 1901.23(e) to include provision for the dissemination by the Agency of statement of disagreement to all previous recipients of the record when the Agency refusal to amend or correct the record is upheld.

§ 1901.23 Appeal of initial adverse agency determination on correction or amendment.

(a) Any individual whose request made pursuant to 1901.21 is refused may appeal such refusal.

* * * * *

(e) If, on appeal, the refusal to amend or correct the record is upheld, the individual may file a concise statement setting forth the reasons for his disagreement with the determination. This statement shall be sent to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505,, within thirty days of notification of refusal to correct or amend the record. The System Manager shall clearly note any portion of the record which is disputed, and provide copies of the statement and, if the System Manager deems it appropriate, copies of a concise statement of reasons for not making the requested amendment to all other identified persons or agencies to whom the disputed record has been disclosed.

[FR Doc.76–8359 Filed 3–24–76;8:45 am]

CENTRAL INTELLIGENCE AGENCY

PRIVACY ACT OF 1974

Changes to Systems of Records

The following Central Intelligence Agency systems of records subject to the Privacy Act which were published in the FEDERAL REGISTER (40 FR 39778) of August 28, 1975, are changed. The purpose of these changes is to refine the system descriptions published in the Central Intelligence Agency's initial notice of record systems. Any public comment, including written data, views or arguments concerning these systems of records should be addressed to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505, on or before April 23, 1976.

JOHN F. BLAKE,
Deputy Director for Administration.

CIA–6

System Name: Career Trainee Files.

Changes: Storage: Add: and microforms. Retention and disposal: Delete statement; substitute: Records are retained for the duration of the employee's participation in the Career Training Program, then transferred to the Office of Personnel. Official transcripts are filed in the official personnel folders; the remaining materials are forwarded to the individual's supplemental personnel (soft) file. Records on unsuccessful applicants for the Career Training Program are returned to the Office of Personnel.

CIA–7

System Name: Off-Campus Instructor Applicant Files.

Changes: Retrievability: Add: and discipline. Retention and Disposal: Delete statement; substitute: Records are retained for three years after termination of Agency employment, then destroyed by burning.

CIA–8

System Name: Agency Training Record.

Change: Categories of individuals covered by the system: Delete statement; substitute: Agency employees and other Federal employees who have completed Office of Training courses, Agency-sponsored external training, and other Agency component-conducted training programs.

CIA–11

System Name: Modern Language Aptitude Test Scores (MLAT).

Change: Retention and disposal: Delete statement; substitute: Records are retained for duration of individual's employment. Unsuccessful applicant records are retained for 12 months. Records are destroyed by burning.

CIA–12

System Name: External Training Files.

Changes: Categories of individuals covered by the system: Delete statement; substitute: Employees sponsored full-time external training programs. Retention and disposal: Delete statement; substitute: Retained for one year after employee completes all course commitments; records are destroyed by burning.

CIA–13

System Name: Guest Speakers.

Changes: Categories of individuals covered by the system: After Agency, insert "and other Government officials." Categories of records in the system: Delete statement; substitute: Name, biographic data including academic credentials, published materials, correspondence and administrative records. Retrievability: Add: and area of expertise.

CIA–21

System Name: Privacy Act Requesters.

Changes: Routine uses of records maintained in the system, including categories of users and purposes of such uses: Add: Information pertaining to the requester surfaced as a result of a Privacy Act request may be referred to other Federal agencies for their review pursuant to the Privacy Act when the records were originated by another Federal agency. Retention and disposal: Delete statement; substitute: Records are retained for two years after the case file is closed. Records are destroyed by burning. System manager(s) and address: Delete statement; substitute: Chief, Information and Privacy Staff, Central Intelligence Agency, Washington, D.C. 20505.

CIA–22

System Name: Freedom of Information Act Requesters.

Changes: Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Add: Information pertaining to the request or requester that surfaced as a result of a Freedom of Information Act request may be referred to other Federal agencies for their review pursuant to the Freedom of Information Act, as amended, when the records were originated by another Federal agency. Retention and disposal: Delete statement; substitute: Records are retained for two years after the case file is closed. Records are destroyed by burning. System manager(s) and address: Delete statement; substitute: Chief, Information and Privacy Staff, Central Intelligence Agency, Washington, D.C. 20505.

CIA–25

System Name: Supplemental Personnel (Soft) Files.

Change: Add: and magnetic media.

CIA–26

System Name: Supplemental Personnel (Soft) Files.

Change: Storage: Add: and magnetic media.

CIA–29

System Name: Manpower Control System.

Change: Retrievability: After word "code" insert social security number.

CIA–38

System Name: Congressional Liaison Records.

Change: Storage: Add: and magnetic media.

CIA–50

System Name: Financial Records.

Change: Categories of individuals covered by the system: Delete statement; subtitute: Current and former Agency staff personnel, contract personnel, consultants, independent contractors, detailed military and civilian personnel, and survivors of deceased CIA retirement system annuitants.

[FR Doc.76–8358 Filed 3–24–76;8:45 am]

CENTRAL INTELLIGENCE AGENCY

PRIVACY ACT

Changes to Systems of Records

The following Central Intelligence Agency systems of records, subject to the Privacy Act which were published in the Federal Register (40 F.R. 39778) of August 28, 1975, are merged into one system of records to centralize control over access to the records and to facilitate the administration of Privacy Act requests. Any public comments, including written data, views or arguments, concerning these systems of records should be addressed to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505, on or before April 26, 1976.

John F. Blake,
Deputy Director for Administration.

Systems notices for CIA-53, Liaison Contact Files, and CIA-55, Occupational Accident Report Records, are rescinded. Records in these systems have been merged with CIA-57, Security Records System. The revised CIA-57, Security Records System, is republished in its entirety to show the consolidation of the aforementioned records systems.

CIA-57.

System name: Security Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants, staff and contract employees, former employees, consultants, contractors, military detailees, individuals of security interest, persons of substantive affiliation with or service to the Agency, persons on whom the Agency has conducted an investigation, Agency employees and other indivduals associated with the Agency who have completed an accident report form, and Federal, civilian and military personnel with whom the Agency conducts liaison.

Categories of records in the system: Investigation requests.

Biographic data (name, sex, D/POB, social security number, and employer and employee address at time record was created).

Authorizations for the release of high school and college transcripts and copies of those transcripts.

Investigative reports.

Appraisal summaries reflecting the rationale for granting or refusing a security clearance.

Documentation of the final action taken by the Office of Security concerning any given investigation.

Secrecy agreements.

Documentation concerning the granting or refusing of special clearances; levels of clearances held; approvals for personnel reassignments; notations that polygraph or other special interviews were performed; memoranda concerning security violations; notices of termination of affiliation with the Agency.

Report of accidents and investigative reports.

Authority for maintenance of the system: National Security Act of 1947, amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Executive Order 10450.

Executive Order 11807.

Section 19(a), Occupational Safety and Health Act of 1970—Public Law 91-596.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used to ascertain whether there is any existing information concerning a person who is of immediate interest to the CIA. The system is routinely used when:

a person applies for CIA employment;

a person is a candidate or associated with a candidate for some project or assignment; contact files are kept for three years and then destroyed by burning or pulping, except where there is a documented request to continue the liaison.

System manager(s) and address:

Director, Office of Security

Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record access procedures: Current and former employees, consultants, contractors, contract employees, military detailees, applicants for

a question arises as to whether a certain individual has been security approved, or considered for security approval by the CIA;

there is a need to obtain the security file of an individual who is known (or assumed) to be the subject of a file; and

CIA receives a request for investigative information from another Federal agency.

Records from this system are also used to prepare briefings on Agency accident experience; to determine accident causes and recommend remedial action; and to prepare quarterly and annual statistical reports for the Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, computer disks and magnetic tapes.

Retrievability: By name.

Safeguards: Records are safeguarded by combination lock security containers, or are stored within a vaulted area. Access is restricted to individuals who are certified on an "Access List." The Access List is validated each month and published so that responsible officials can insure that records are accessed ony for official purposes.

Retention and disposal: Files which contain Agency-developed investigative reports o an individual are retained a maximum of 50 years, then destoryed by burning or pulping. Liaison employment, persons of substantive affiliation with or service to the Agency, Federal, state and local agencies, educational institutions, employers, personal and business references provided by the individual under investigation and acquaintances of the individual.

[FR Doc.76-8355 Filed 3-24-76;8:45 am]

CENTRAL INTELLIGENCE AGENCY

PRIVACY ACT

Additional Systems of Records

The systems of records subject to the Privacy Act listed below are additional new record systems notices to those already published in the Federal Register. These systems were in existence at the time of the initial notice of records systems published in the Federal Register on August 28, 1975, and were inadvertently omitted from the notice. Any public comments, including written data, views or arguments concerning these systems of records should be addressed to the Privacy Act Coordinator, Central Intelligence Agency, Washington, D.C. 20505, on or before April 26, 1976.

John F. Blake,
Deputy Director for Administration.

CIA-58.

System name: Inspector General Research Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency personnel and other individuals whose names appear in documents assembled primarily from other Agency records systems by the Inspector General in relation to an Executive commission and Legislative committee reviews of Agency activities conducted between 1972 and 1976.

Categories of records in the system: CIA documents that are pertinent to an Executive commission and Legislative committee reviews of Agency activities.

Authority for maintenance of the system: Central Intelligence Act of 1949, as amended—Public Law 81110. Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by Agency officials for reference use in connection with Executive and Legislative reviews of Agency activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name or subject.

Safeguards: Information is stored in safes. Access is limited to Agency personnel.

Retention and disposal: Documents will be retained for indefinite period.

System manager(s) and address:

Inspector General
Central Intelligence Agency
Washington, D.C. 20505

Notification procedure: Individuals seeking to learn if this system of records contains their correspondence should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency employees.

CIA-59.

System name: Unsolicited Correspondence from the General Public Addressed to the Director or Deputy Director of Central Intelligence.

System location:

Central Intelligence Agency
Washington, D.C. 20505

Categories of individuals covered by the system: Members of the general public who have written to the Director or Deputy Director of Central Intelligence.

Categories of records in the system: Correspondence from the general public and Agency letters of response.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as amended—Public Law 81-110. Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by the Executive Secretary, Office of the Director, to insure that correspondence is acknowledged. Certain correspondence is forwarded to other Government agencies for appropriate action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Paper.

Retrievability: By name.

Safeguards: Records are in a vaulted area; access is controlled by the Executive Secretary.

Retention and disposal: Records are stored in the Executive Registry for two years and then transferred to the Records Center for an additional three years' storage, records are destroyed by burning five years after date of receipt of correspondence.

System manager(s) and address:

Executive Secretary
Central Intelligence Agency
Washington, D.C. 20505

Notification procedure: Individuals seeking to learn if this system of records contains their correspondence should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

[FR Doc.76-8278 Filed 3-24-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

PRIVACY ACT OF 1974

Supplemental Notice of Proposed Systems of Records

Pursuant to the requirements of sections (e)(4) and (11) of the Privacy Act of 1974 (Pub. L. 93-579), the National Transportation Safety Board (NTSB) hereby gives notice of the maintenance of systems of records designated as NTSB-9—Employee locator Cards, and NTSB-10—Disciplinary Action, Adverse Action, Grievance and Appeal Files. These systems of records were in existence on September 27, 1975, and should have been published in any one of the notices of proposed systems published by the NTSB on August 11, 1975 (40 FR 33813), on September 5, 1975 (40 FR 41197), and on September 25, 1975 (40 FR 44301), but, due to administrative oversight, were inadvertently omitted from those notices. The routine uses set forth in the prefatory statement accompanying the initial publications of systems of records apply to the newly designated systems of records contained herein and are hereby incorporated by reference.

Public comment is solicited. Comments should be submitted on or before April 26,1976, to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

Fritz L. Puls
General Counsel

NTSB—9

System name: Employee Locator Cards—NTSB

System location:

Office of the Chief, Administrative Operations Staff
National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Categories of individuals covered by the system: All employees of NTSB.

Categories of records in the system: Employee names, office locations and telephone extensions, home addresses and telephone numbers, and names of persons and telephone numbers used for notification in the event of emergency.

Authority for maintenance of the system: Pub. L. 93-633 and Title 5 U.S.C. 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Administrative Operations Staff to provide information to the public by telephone of the office location and the office telephone exentsion of employees and to provide information to supervisors and other management officials of employees' home telephones or addresses in the event of official or personal emergencies. Routine use includes, but is not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court, referral to potential employees, and for security clearance. Disclosure may be made to a congressional office from the record to an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retrievability: Records are maintained on cards.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Records are maintained in lockable metal file cabinets to which access is controlled by an NTSB employee.

Retention and disposal: Files are destroyed when an individual's employment terminates.

System manager(s) and address:

Chief, Administrative Operations Staff
National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Notification procedure: Address inquiries to General Manager.

Record access procedures: Procedures are detailed in NTSB regulation, 49 CFR Part 802.

Contesting record procedures: Same as above.

Record source categories: Employees whose names appear in the record system.

NTSB—10

System name: Disciplinary Action, Adverse Action, Grievance and Appeal Files—NTSB

National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Categories of individuals covered by the system: Employees against whom disciplinary or adverse actions are taken by the agency or who appeal such actions or file grievances.

Categories of records in the system: Case files showing all pertinent records relating to employee disciplinary actions, adverse actions, grievances, and appeals.

Authority for maintenance of the system: 5 U.S.C. 7501, 7511, 7512, 7521, 7531, 7532, 7533, and 7701, as implemented by 5 CFR Parts 752, 771, and 772.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide an official file on actions cited above for use of agency, concerned employees and their representatives, and appellate bodies in connection with determination of disciplinary actions, adverse actions, grievances, and appeals before the NTSB and the Civil Service Commission. Routine use includes but is not limited to referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court, referral to potential employees, and for security clearance. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained i individual file folders indexed by name of employee against whom action is proposed or taken, or by whom appeal is filed.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Folders are located in lockable metal file cabinets to which access is controlled by an NTSB employee.

Retention and disposal: Files are retained and disposed of in accordance with general records disposal schedules prescribed by the General Services Administration.

System manager(s) and address: Director of Personnel

National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Notification procedure: Address inquiries to General Manager.

Record access procedures: Procedures are detailed in NTSB regulation, 49 CFR Part 802.

Contesting record procedures: Same as above.

Record source categories: Supervisors or management officials initiating or acting on adverse personnel actions against employees and their representatives, personnel investigators, hearing officers or administrative law judges, affected employees and their representatives, and other persons affected by or having an involvement in the action proposed or taken.

[FR Doc.76-7820 Filed 3-24-76;8:45 am]

federal register

THURSDAY, MARCH 25, 1976



PART VI:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

POLLUTION BY OIL AND HAZARDOUS SUBSTANCES

Liability

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-185]

PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL

Oil and Hazardous Substance Liability

● *Purpose.* These regulations prescribe notification procedures in the event of an oil or hazardous substance discharge, the procedures for the removal of a discharge of oil, and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substance. ●

Interested parties were notified of the opportunity to participate in this rule making proceeding by a notice of proposed rule making published in December 4, 1974 issue of the FEDERAL REGISTER (39 FR 41989). Over 125 comments were received. All comments received were considered by the Coast Guard in promulgating the regulations. Except as noted and discussed in the following paragraphs, these regulations as proposed have been adopted without substantive changes.

A large number of comments received were not relevant to the intent of the regulations. For instance, the purpose of proposed § 153.105 is to delegate the various authorities contained in Section 311 of the Federal Water Pollution Control Act (FWPCA), yet several comments were concerned with these authorities which are fixed by statute and executive order.

Several commenters asked that these regulations be delayed until after the Environmental Protection Agency (EPA) has designated hazardous substances. The Coast Guard believes it is in the best interests of the public to publish these regulations at this time. The Coast Guard shall strongly urge that EPA references these regulations when they promulgate the final list of hazardous substances.

Several commenters were concerned with the Coast Guard's interpretation of navigable waters under the FWPCA. Consistent with section 502(7), FWPCA, which defines navigable waters to mean "the waters of the U.S., including the territorial seas" and the intent of Congress that this definition be given the "broadest possible constitutional interpretation, unencumbered by agency determinations which have been made or may be made for administrative purposes" (Senate Report #92-1236 (September 28, 1975) at page 144), the Coast Guard views these regulations to be applicable to the entire riverine system within the United States, extending upstream to the sources, whatever and wherever they may be. Further, lakes and ponds not part of this riverine system are "waters of the U.S." where the Federal government may exercise any constitutionally authorized powers over them.

Several commenters objected to "the high seas" being included in the definition of "Coastal Waters" (proposed § 153.103(o)) since "high seas" is not included in Section 311 of the Act. The Coast Guard agreed with this comment and changed the definition to read:

"Coastal Waters" are the waters of the United States navigable by deep draft vessels, the contiguous zone, and the other waters of the United States subject to tidal influence.

One commenter asked which Federal Agency was responsible for determining an imminent and substantial threat from non-transportation related facilities. section 1, Executive Order 11735, designates that responsibility to the Administrator of the Environmental Protection Agency.

One commenter asked the Coast Guard to clarify its policy with regard to requiring bonds for vessels. Regulations pertaining to evidence of financial responsibility for vessels are issued by the Federal Maritime Commission and are promulgated in 46 CFR Part 542.

Several commenters pointed out that the proposed definition of "chemical agent" in the regulations did not agree with the definition of "chemical agent" in the National Oil and Hazardous Substances Pollution Contingency Plan. The definition in these proposed regulations was written in anticipation of the revised National Oil and Hazardous Substances Contingency Plan which was published in the FEDERAL REGISTER on 10 February 1975 (40 FR 6282). The definitions are now consistent.

One commenter stated that under section 311(j), FWPCA, and Executive Order 11735 both the U.S. Coast Guard and the Environmental Protection Agency could each assess fines for the same incident. Executive Order 11735 states that the administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating (delegated by the Secretary to U.S. Coast Guard under 49 CFR 1.46 (l) and (m)) may assess and compromise civil penalties in connection with the enforcement of the respective regulations issued by each pursuant to that order. Since the responsibility for promulgating regulations under Section 311(j), FWPCA, is divided between the Environmental Protection Agency and the Coast Guard along geographical or operational lines with no respective overlap, there can be no double assessment.

Many comments were received concerning proposed § 153.107 suggesting that successive layers of redelegation were dangerous since someone might be delegated an authority that he is not qualified to administer. Redelegation is not automatically implemented, nor do the authorizations in proposed § 153.105 automatically accrue to any and all levels by the language of proposed § 153.107. The authorizations under proposed § 153.105 remain with the District Commanders and Chief, Office of Marine Environment and Systems, respectively, unless they initiate specific actions to redelegate them by internal procedures. Realistically, the District Commanders and Chief, Office of Marine Environment and Systems, cannot personally exercise all the authorizations under proposed § 153.105. The authorization to redelegate is necessary to effect the most efficient exercise of any specific authority by the appropriate staff elements or field commands. The District Commanders and Chief, Office of Marine Environment and Systems, are qualified to exercise the authorizations in proposed § 153.105 and they are further qualified to determine to whom these authorizations may be redelegated and whether that redelegation is for routine administration or is on a case by case basis.

Many comments were received concerning the civil penalty provisions of Section 311, FWPCA. Several of these comments related to the decision in *U.S. vs. LeBeouf Bros. Towing Co., Inc.* (E.D. LA., C.A. No. 73-915, June 14, 1974) and to the fact that under certain circumstances more than one penalty could be imposed for a single incident. It is the policy of the Coast Guard to assess a civil penalty for every violation of section 311(b)(3) of the FWPCA. This penalty is assessed against the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs, without regard to fault for the discharge. Allegations of third party responsibility are solely civil matters between the parties concerned and have no bearing on civil penalty assessments under Section 311 of the FWPCA.

The *LeBeouf* decision held that the *civil penalty* required to be assessed by section 311(b)(6) is criminal in nature, and therefore the statutory immunity conferred by section 311(b)(5) upon a person in charge who notifies the Coast Guard of a discharge in violation of section 311(b)(3) prohibits the assessment of a penalty where the notification provided the information upon which the Coast Guard assessed the penalty. The Coast Guard does not consider the LeBeouf decision as having force in any judicial district other than the Eastern District of Louisiana particularly in view of contrary positions taken by other district courts. Until the issues relating to the nature of the civil penalty provisions are resolved at the appropriate appellate level adversely to the Government, the Coast Guard will continue to enforce the provisions of the FWPCA prohibiting the discharge of oil into the waters of the U.S. through the imposition of civil penalties.

With regard to the possibility of receiving more than one penalty assessment for a single violation, it is the policy of the Coast Guard to carry out it's responsibilities under the laws passed by Congress. The occurrence of "multiple assessments" is dictated by the language of the FWPCA itself and not by any administrative decision within the Coast Guard.

Several comments were received objecting to the "order of priority" of proposed § 153.203 and the order in the list itself, and two comments were received supporting the proposal. The objectors were concerned that there would be a delay in the field units responding to an incident because of the added communications to and from the National Response Center (NRC), and that the new procedures would disrupt established lo-

cal procedures. It was argued that the notification provisions of the FWPCA serves only to expedite response actions. The notification requirements of Section 311, FWPCA, serves to alert the Federal Government to the occurrence of an event of interest. In the case of an oil or hazardous substance discharge, this notice serves to trigger *response* actions to remove the discharge, *enforcement* actions because the discharge is a violation of law, and actions to investigate the possibility that the discharge resulted from a violation of regulations intended for the *prevention* of such a discharge. These responsibilities are assigned to the Coast Guard and the EPA on a geographic or operational basis without overlap. Any notification scheme, therefore, must satisfy all these requirements and be simple and efficient to use for the persons required to give notice of a discharge. The Coast Guard has established a toll free, 24-hour, "800" telephone number to meet these objectives. This "800" number terminates in the NRC established pursuant to 40 CFR 1510.33 and Annex III of the National Oil and Hazardous Substances Pollution Contingency Plan. Internal procedures have been instituted by the Coast Guard whereby the NRC duty officer will solicit certain information by telephone and will immediately retransmit that information by telephone to the predesignated On-Scene Coordinator (OSC) for his action. Telephone switching equipment is being installed in the NRC to enable the immediate switching of an incoming call to the appropriate OSC. Until this installation is complete, a person giving notice of a discharge to the NRC will be requested to remain by the telephone from which he is making the call until recontacted by the OSC or the NRC, but not longer than fifteen minutes. This procedure relieves all potential dischargers from maintaining current telephone numbers for a list of persons. One telephone number will be all that is needed. Communication within the Federal Government will become an internal procedure and not a burden on the discharger to notify each agency. As well, the total Government responsibility can be discharged more efficiently. One commenter suggested that the procedure for giving notice of a discharge satisfy other provisions of section 311, FWPCA. This can occur only if provided for by the agency delegated to carry out those provisions. Section 153.203 has been changed to provide an approximately one year transitionary period for the review and modification of existing procedures, and the order of individuals has been changed.

One commenter suggested that there be one Regional Contingency Plan to encompass the entire Great Lakes systems in lieu of several Regional Contingency Plans following the Standard Federal Administrative Regions. This requirement is imposed by the National Oil and Hazardous Substances Pollution Contingency Plan, published by the Council on Environmental Quality. The Coast Guard does not have the authority to alter this requirement.

One commenter suggested that a procedure be provided for the person making notice of a discharge to receive confirmation. The eventual implementation of centralized reporting via the "800" telephone number handles this implicitly by internal procedures. All telephone calls to the NRC are recorded and these recordings are preserved for a length of time. Confirmation of notice would only be an issue if enforcement action is taken for failure to notify. In that case if notice were given to the NRC it would be a simple matter to replay the tape recording for the proper period to confirm that notice was given.

One commenter recommended that "immediately" be defined as used in proposed § 153.203. This comment has not been implemented since common English usage would dictate the concept of "at once" or "without delay". The intent is that once a person has knowledge of a discharge he would then initiate actions to give notice of this discharge.

Several commenters asked if proposed § 153.305(a)(3) requires the discharger to receive approval of the OSC before initiating response actions. This was not intended; therefore, proposed § 153.305 (a)(3) has been omitted. The OSC monitors removal operations and the use of any mechanical methods or sorbents are subject to his concurrence.

One commenter asked that vessels be allowed immediate use of dispersants and/or sinking agents on small discharges to prevent the oil from coming ashore. Dispersants and sinking agents must be used in accordance with Annex X of the National Oil and Hazardous Substances Pollution Contingency Plan, which requires prior OSC approval on a case by case basis.

Many comments were received concerning the Removal Contingency Plans under proposed § 153.307. It is not the intent of the Coast Guard to regulate these plans by imposing § 153.309 penalties for non-compliance. For clarification proposed § 153.307 has been omitted. The Coast Guard still encourages persons subject to these regulations to prepare plans wherever possible and any Federal OSC will review them for consistency with the National Oil and Hazardous Substances Pollution Contingency Plan.

One commenter suggested that pay and allowances of Federal employees should not be charged as cleanup costs, since these personnel would be paid whether they were involved in a cleanup or not. The comment further made a comparison to other Coast Guard operations such as search and rescue for which the Coast Guard does not receive any compensation. The laws which authorize the Coast Guard to perform search and rescue operations and many other functions do not assign liability for costs incurred in those operations. The FWPCA, however, assigns liability to the responsible party, in sections 311 (f) & (g), for actual costs. Pay and allowances are actual costs.

One commenter asked if a company could be reimbursed from the Pollution Fund if it helped clean up another company's spill—that is, be treated as a contractor. If such actions are taken at the direction of the Federal OSC as part of Federal Government removal activity, payment from the Pollution Fund for these actions is appropriate. If such actions are voluntarily initiated, payment must be sought from the party responsible for the discharge. Such voluntary action without OSC authorization does not entitle a company to reimbursement from the Pollution Fund.

Two commenters suggested that a party having a valid claim under section 311 (i), FWPCA, should not have to commence a suit and obtain a judgment before seeking reimbursement in accordance with proposed § 153.411. The FWPCA in section 311(i)(1) specifically requires that reasonable costs incurred may be recovered in a suit brought against the United States Government in the United States Court of Claims. Section 311(i)(3) provides that a judgment of the United States Court of Claims must be awarded before payment may be made from the fund.

One commenter suggested that the documentation required in the OSC and Agency Coordinator (AC) reports under proposed § 153.415 is not specific enough either in documenting the reasons why the OSC takes over cleanup (if he does) or in documenting costs charged to the Pollution Fund. The content of the required reports stated in proposed § 153.415 is only intended to give a general idea of what they should contain. More specific documentation requirements are contained in internal directives, where appropriate, since they do not concern the general public.

One commenter asked if it is not inconsistent for the "AC" to submit reports of actions under section 311(d), FWPCA, to the appropriate District Commander since the "AC", except in specifically delegated cases, is senior to the District Commander. This comment was also applied to the itemized lists required by proposed § 153.419(b)(1) & (2). The reason for this apparent anomaly is because all pollution fund transactions and reviews actually take place at the District Office level under the direction of the appropriate District comptroller.

Two commenters stated that section 311(d), FWPCA, actions do not carry a liability for government incurred costs. Section 311(d), FWPCA, provides that "any expense incurred under this subsection shall be a cost incurred by the U.S. Government for the purpose of section 311(f) in the removal of oil or hazardous substance."

On the basis of other comments, the following minor changes have been made to the proposed regulations:

1. Section 153.103(q) is changed adding the words "or hazardous substances" after "oil" to follow the wording of the FWPCA.
2. Definitions of "navigable waters" and "contiguous zone" are added to § 153.103.
3. Section 153.105(a)(5) and (b)(3) are rewritten to follow the wording of the FWPCA by adding "to the public health or welfare of the United States" after "threat" and adding "into or upon the navigable waters of the United States" after "substance".

4. Section 153.105(a)(8) is changed by adding the words "as prescribed in section 311(m) of the Act".

5. Section 153.105(b)(3) is changed by adding the words "through the United States Attorney of the district in which the threat occurs".

6. Section 153.203(a) is changed by adding the words "from that vessel or facility" after "substance".

7. Section 153.305(b) is changed by including the use of sorbents as a method for controlling discharges and adding the phrase "to the maximum extent possible".

8. Section 153.305(c) is changed by including the use of manual methods for recovery and adding the phrase "to the maximum extent possible".

9. Section 153.407 is modified by adding the words "found to be reasonable by the Coast Guard" after "costs" in (a) and (c).

In consideration of the preceding, the regulations proposed in the December 4, 1974 issue of the FEDERAL REGISTER (39 FR 41989) are hereby adopted with the changes discussed.

Environmental Impact. The Coast Guard has determined that these proposed regulations do not have the potential to significantly affect the quality of the human environment. The determination is based on two factors. First, the regulations are primarily administrative in nature. Secondly, the regulations are based on the Federal policies established in the National Contingency Plan coordinated and published by the Council on Environmental Quality, for which no impact statement was required.

In consideration of the foregoing, Part 153 of Chapter 33 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General

Sec.

153.101 Purpose.
153.103 Definitions.
153.105 Delegations.
153.107 Redelegation.

Subpart B—Notice of the Discharge of Oil or a Hazardous Substance

153.201 Purpose.
153.203 Procedure for the Notice of Discharge.
153.205 Fines.

Subpart C—Removal of Discharged Oil

153.301 Purpose.
153.303 Applicability.
153.305 Methods and Procedures for the Removal of Discharged Oil.
153.307 Penalty.

Subpart D—Administration of the Pollution Fund

153.401 Purpose.
153.403 Applicability.
153.405 Liability to the Pollution Fund.
153.407 Payment or Reimbursement from the Pollution Fund.
153.411 Procedures for Payment of Judgments.
153.413 Deposit of Money into the Fund.
153.415 OSC and AC Reports.
153.417 Reimbursement for Actions under Section 311(c) of the Act.
153.419 Reimbursement for Actions under Section 311(d) of the Act.

AUTHORITY: Sec. 311(j)(1)(A) and (m), 86 Stat. 862 (33 U.S.C. 1321(j)(1)(A) and (m)); secs. 2, 5, and 7, E.O. 11735 (38 FR 21243); 49 CFR 1.45(b) and 1.46 (*l*) and (m).

Subpart A—General

§ 153.101 Purpose.

The purpose of this part is to prescribe regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substance, the procedures for the removal of a discharge of oil, and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substances.

§ 153.103 Definitions.

As used in this part:

(a) "Act" means the Federal Water Pollution Control Act (86 Stat. 816, 33 USC 1251).

(b) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(c) "Hazardous substance" means any substance designated by the Administrator of the Environmental Protection Agency pursuant to section 311(b)(2) of the Act.

(d) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(e) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(f) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(g) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) "Person" includes an individual, firm, corporation, association, and a partnership.

(i) "Onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

(j) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel.

(k) "Pollution Fund" and "Fund" means the revolving fund established in the Treasury under the authority in section 311(k) of the Act to carry out the provisions of section 311 (c), (d), (i), and (l) of the Act.

(l) "On-Scene Coordinator" or "OSC" is the predesignated Federal official provided for or furnished by the Environmental Protection Agency or the Coast Guard to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substance Pollution Contingency Plan (National Contingency Plan) prepared pursuant to section 311(c)(2) of the Act and published in 40 CFR Part 1510.

(m) "Agency Coordinator" or "AC" is the Federal Official designated by the Environmental Protection Agency or the Coast Guard to coordinate and direct the removal or elimination of threats of pollution hazards from discharges, or imminent discharges, of oil or hazardous substances, and the removal and destruction of vessels, under the authority of section 311(d) of the Act.

(n) "Harmful quantity" means those quantities of oil and any hazardous substance determined in accordance with the provisions of section 311(b)(4) of the Act.

NOTE: Regulations with respect to harmful quantities of oil are published in 40 CFR Part 110.

(o) "Coastal waters" are the waters of the United States navigable by deep draft vessels, the contiguous zone, and the other waters of the United States subject to tidal influence.

NOTE: Coastal waters are those U.S. waters and areas for which the Secretary of the Department in which the Coast Guard is operating has the responsibility to provide or furnish On-Scene Coordinators under the National Contingency Plan.

(p) "Inland waters" are those waters upstream from coastal waters.

NOTE: Inland waters are those U.S. waters and areas for which the Administrator of the Environmental Protection Agency has responsibility to provide or furnish On-Scene Coordinators under the National Contingency Plan. Specific dividing lines between coastal and inland waters are contained in the Regional Contingency Plans published pursuant to the National Contingency Plan.

(q) "Remove" or "Removal" refers to removal of oil or hazardous substances from the waters and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(r) "Chemical agents" means those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, conceal, entrap, fix, gel, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

(s) "Mechanical removal" means the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices to contain the discharge of oil and to recover the discharge from the water or adjoining shorelines.

(t) "Sorbent" means materials essentially inert and insoluble used to remove oil from water through a variety of sorption mechanisms. Examples include straw, expanded perlite, polyurethane foam, reclaimed paper fibres, and peat moss.

(u) "Chief, Office of Marine Environment and Systems" means the Coast

Guard Officer designated by the Commandant to assist and advise him on matters relating to marine environmental protection, port safety and security, aids to navigation, and bridges over navigable waters.

(v) "Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, as published in the June 1, 1972 issue of the FEDERAL REGISTER (37 FR 11906).

(w) "Navigable waters" means the waters of the United States including the territorial seas.

§ 153.105 Delegations.

(a) Each district commander, within his assigned district, is delegated authority to—

(1) Assess a civil penalty in accordance with the procedures in Subpart 1.07 of this chapter of not more than $5,000 for each offense against an owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance has been discharged into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone in violation of section 311(b)(3) of the Act;

(2) Make the request, allowed in section 311(b)(6) of the Act, of the District Director of Customs to withhold clearance required by 19 CFR 4.66(a) of any vessel the owner or operator of which is subject to the penalty prescribed in section 311(b)(6) of the Act;

(3) Make the determination, allowed in section 311(b)(6) of the Act, whether or not clearance required by 19 CFR 4.66(a) may be granted of any vessel the owner or operator of which is subject to the penalty prescribed in section 311(b)(6) of the Act upon the filing by him of a bond or other surety satisfactory to the district commander;

(4) Assess a civil penalty in accordance with the procedures in Subpart 1.07 of this chapter of not more than $5,000 for each violation against an owner or operator of a vessel, an onshore facility, or an offshore facility, and any other person subject to regulations promulgated by the Coast Guard under section 311(j)(1) of the Act who fails or refuses to comply with those regulations, as prescribed in section 311(j)(2) of the Act;

(5) Determine an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from a transportation-related onshore or offshore facility, except aircraft, motor vehicles, rolling or pipeline system, and to secure the relief necessary to abate that actual or threatened discharge through the United States Attorney of the district in which the threat occurs, as prescribed in section 311(e) of the Act;

(6) Authorize for each discharge of oil or hazardous substance a total expenditure of $1,000,000 or less from the Pollution Fund for costs allowed in § 153.407;

(7) Deny entry to any port or place in the United States or the navigable waters of the United States, to, and detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to section 311(p) of the Act which upon request does not provide evidence of financial responsibility, as prescribed in section 311(p)(6) of the Act; and

(8) Except for public vessels, board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, with or without a warrant arrest any person who in his presence or view violates a provision of section 311 of the Act or any regulation issued thereunder, and execute any warrant or other process issued by an officer or court of competent jurisdiction, as prescribed in section 311(m) of the Act.

(b) The Chief, Office of Marine Environment and Systems, is delegated authority to—

(1) Carry out, in coastal waters, the functions contained in Section 311(d) of the Act which are, whenever a marine disaster has created a substantial threat of a pollution hazard from a vessel, to coordinate and direct all public and private efforts directed at the removal or elimination of that threat, and to summarily remove and if necessary destroy that vessel;

(2) Authorize for each discharge of oil or hazardous substance an expenditure in excess of $1,000,000 from the Pollution Fund for costs allowed in § 153.407; and

(3) Determine an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from aircraft, motor vehicles, rolling stock, or pipeline system, and through the Chief Counsel secure the relief necessary to abate that actual or threatened discharge through the United States Attorney of the district in which the threat occurs, as prescribed in section 311(e) of the Act.

(c) Each Coast Guard official predesignated as On-Scene Coordinator by the applicable Regional Contingency Plan is delegated authority, pursuant to section 311(c)(1) of the Act, to remove or arrange for the removal of any oil or hazardous substance discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, unless he determines that the removal is being done properly by the owner of the vessel or facility from which the discharge occurs.

§ 153.107 Redelegation.

Except for the authority granted in § 153.105(a)(5), (b)(3), and (c), each Coast Guard officer to whom authority is granted in § 153.105 may redelegate and authorize successive redelegations of that authority within the command under his jurisdiction, or to members of his staff.

Subpart B—Notice of the Discharge of Oil or a Hazardous Substance

§ 153.201 Purpose.

The purpose of this subpart is to prescribe the manner in which the notice required in section 311(b)(5) of the Act is to be given and to list the government officials to receive that notice.

NOTE: The notice required in this subpart is in addition to the notice required in 46 CFR 2.20-65 which requires notice to the Coast Guard of certain hazardous materials incidents.

§ 153.203 Procedure for the notice of discharge.

(a) Before January 1, 1977, any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunication, or a similar means of rapid communication, one of the following persons:

(1) Duty Officer, National Response Center, U.S. Coast Guard, 400 Seventh Street, SW, Washington, D.C. 20590, toll free telephone number 800-424-8802.

(2) The government official predesignated in the applicable Regional Contingency Plan as the On-Scene Coordinator for the geographic area in which the discharge occurs.

NOTE: Regional Contingency Plans are available at Coast Guard District Offices and Environmental Protection Agency (EPA) Regional Offices, as indicated in Table 2. Coast Guard District Office and EPA Regional Office addresses are listed in Table 1.

(3) Commanding Officer or Office-in Charge of any Coast Guard unit in the vicinity of the discharge, or in the case of a discharge into the Panama Canal Zone, the Marine Traffic Control in Cristobal or Balboa.

(4) Commander of the Coast Guard district in which the discharge occurs.

NOTE: Coast Guard Districts and corresponding states may be found in Part 3 of this Chapter.

(b) After December 31, 1976, any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunication, or a similar means of rapid communication the official designated in paragraph (a)

(1) of this section, except as prescribed in paragraph (c) and (d) of this section.

(c) If after December 31, 1976, to give notice as prescribed in paragraph (b) of this section is impractical, notice may be given to the officials listed in paragraphs (a)(2) through (a)(4) of this section in order of priority.

(d) After December 31, 1976 any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance occurring in Alaska or Hawaii from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunications, or a similar means of rapid communications any of the officials listed in paragraphs (a)(2) through (a)(4) of this section.

§ 153.205 Fines.

Section 311(b)(5) of the Act prescribes that any person who fails to notify the appropriate agency of the United States Government immediately of a discharge is, upon conviction, subject to a fine of not more than $10,000, or to imprisonment of not more than one year, or both.

TABLE 1.—*Addresses and telephone numbers of Coast Guard district offices and EPA regional offices*

	Address	Telephone
EPA REGIONAL OFFICES		
Region:		
I	Room 2303, John F. Kennedy, Federal Bldg., Boston, Mass. 02303.	617-223-7265
II	Room 908, 26 Federal Plaza, New York, N.Y. 10007.	201-548-8730
III	Curtis Bldg., 6th and Walnut Sts., Philadelphia, Pa. 19106.	215-597-9898
IV	1421 Peachtree St. NE., Atlanta, Ga. 30309.	404-526-5062
V	230 S. Dearborn Ave., Chicago, Ill. 60604.	312-896-7591
VI	Suite 1600, 1600 Patterson St., Dallas, Tex. 75201.	214-749-3840
VII	1735 Baltimore Ave., Kansas City, Mo. 64108.	816-374-3778
VIII	Suite 900, 1860 Lincoln St., Denver, Colo. 80203.	303-837-3880
IX	100 California St., San Francisco, Calif. 94111.	415-556-6254
X	1200 6th Ave., Seattle, Wash. 98101.	206-442-1200
COAST GUARD DISTRICT OFFICES		
District:		
1st	150 Causeway St., Boston, Mass. 02114.	617-223-3644
2d	Federal Bldg., 1520 Market St., St. Louis, Mo. 63101.	314-622-4614
3d	Governors Island, New York, N.Y. 10004.	212-264-4800
5th	Federal Bldg., 431 Crawford St., Portsmouth, Va. 23705.	703-393-9611
7th	Room 1018, Federal Bldg., 51 Southwest 1st Ave., Miami, Fla. 33130.	305-350-5611
8th	Customhouse, New Orleans, La. 70130.	504-527-6225
9th	1240 East 9th St., Cleveland, Ohio 44199.	216-522-3983
11th	Heartwell Bldg., 19 Pine Ave., Long Beach, Calif. 90802.	213-590-2311
12th	630 Sansome St., San Francisco, Calif. 94126.	415-556-5500
13th	618 2nd Ave., Seattle, Wash. 98104.	206-524-2902
14th	677 Ala Moana Blvd., Honolulu, Hawaii 96813.	808-546-7109
17th	P.O. Box 3-5000, Juneau, Alaska 99801.	907-586-7340

TABLE 2—STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS

States and EPA region:	*Coast Guard district—*
Region I:	
Maine	[1] 1
New Hampshire	1
Vermont	1
Massachusetts	1
Connecticut	3
Rhode Island	1
Region II:	
New York:	
Coastal area	[1] 3
Great Lakes area	9
New Jersey	3
Puerto Rico	7
Virgin Islands	7
Region III:	
Pennsylvania:	
East coast	3
Lakeside	9
Maryland	[1] 5
Delaware	3
West Virginia	2
Virginia	5
District of Columbia	5
Region IV:	
Kentucky	2
Tennessee	2
North Carolina	5
South Carolina	[1] 7
Georgia	7
Florida	7
Atlantic and Gulf coasts	7
Panhandle	8
Alabama	8
Mississippi	8
Canal Zone	7
Region V:	
Minnesota	[1] 9
Wisconsin	9
Michigan	9
Illinois	9
Indiana	9
Ohio	9
Region VI:	
New Mexico	8
Texas	[1] 8
Oklahoma	2
Arkansas	2
Louisiana	8
Region VII:	
Nebraska	2
Iowa	2
Kansas	2
Missouri	2
Region VIII:	
Montana	13
Wyoming	2
Utah	12
Colorado	2
North Dakota	2
South Dakota	2
Region IX:	
California:	
Northern	[1] 12
Southern	11
Nevada	12
Arizona	11
Hawaii	14
Guam	14
American Samoa	14
Trust Territories of the Pacific	14
Region X:	
Washington	[1] 13
Oregon	13
Idaho	13
Alaska	17

[1] Coastal plans for standard regions are available for public inspection.

Subpart C—Removal of Discharged Oil

§ 153.301 Purpose.

The purpose of this subpart is to prescribe methods and procedures to be used to remove discharges of oil from coastal waters.

§ 153.303 Applicability.

The provisions of this subpart apply to any owner or operator of a vessel or onshore or offshore facility from which a discharge of oil into coastal waters occurs who acts to remove or arranges for the removal of such discharges.

§ 153.305 Methods and Procedures for the Removal of Discharged Oil.

Each person who removes or arranges for the removal of a discharge of oil from coastal waters shall—

(a) Use to the maximum extent possible mechanical methods and sorbents that—

(1) Most effectively expedite removal of the discharged oil; and

(2) Minimize secondary pollution from the removal operations;

NOTE: The Federal OSC is authorized by the provisions of the National Contingency Plan to require or deny the use of specific mechanical methods and sorbents. Sorbent selection considerations of the OSC include hydrographic and meteorological conditions, characteristics of the sorbent, and availability of a mechanical method for containment and recovery.

(b) Control the source of discharge, prevent further discharges, and halt or slow the spread of the discharge by mechanical methods or sorbents or both to the maximum extent possible;

(c) Recover the discharged oil from the water or adjoining shorelines by mechanical or manual methods or both to the maximum extent possible;

(d) Use chemical agents only in accordance with the provisions of Annex X of the National Contingency Plan and with the prior approval of the Federal OSC; and

(e) Dispose of recovered oil and oil contaminated materials in accordance with applicable State and local government procedures.

§ 153.307 Penalties.

Section 311(j)(2) of the Act prescribes that any person who fails or refuses to comply with the provisions of this subpart is liable to a civil penalty of not more than $5,000.

Subpart D—Administration of the Pollution Fund

§ 153.401 Purpose.

This subpart prescribes policies, procedures, and reporting requirements for the payment from and deposit into the Fund established pursuant to section 311(k) of the Act.

§ 153.403 Applicability.

The provisions of this subpart apply to—

(a) Each Federal and State agency that desires reimbursement from the Fund for costs incurred during a removal activity; and

(b) The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal activity.

§ 153.405 Liability to the pollution fund.

The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal activity is liable to the pollution fund for the actual costs of Federal and State agencies, including the employment and use of personnel and equipment, not to exceed the limits established by Sections 311 (f) and (g) of the Act.

§ 153.407 Payments or reimbursement from the pollution fund.

(a) The following costs incurred during performance of a Phase III or IV activity, defined by the National Contingency Plan, as authorized by the appropriate OSC under the authority of section 311(c) of the Act and of the provisions of the National Contingency Plan, or during the removal or elimination of threats of pollution hazards from discharges, or imminent discharges, of oil or hazardous substances, and the removal and destruction of vessels, as authorized by the appropriate AC under the authority of section 311(d) of the Act are reimbursable to Federal and State agencies:

(1) Costs found to be reasonable by the Coast Guard incurred by government industrial type facilities, including charges for overhead in accordance with the agency's industrial accounting system.

(2) Actual costs for which an agency is required or authorized by any law to obtain full reimbursement.

(3) Costs found to be reasonable by the Coast Guard incurred as a result of removal activity that are not ordinarily funded by an agency's regular appropriations and that are not incurred during normal operations. These costs include, but are not limited to, the following:

(i) Travel (transportation and per diem) specifically requested of the agency by the On-Scene Coordinator.

(ii) Overtime for civilian personnel specifically requested of the agency by the On-Scene Coordinator.

(iii) Incremental operating costs for vessels, aircraft, vehicles, and equipment incurred in connection with the removal activity.

(iv) Supplies, materials, and equipment procured for the specific removal activity and fully expended during the removal activity.

(v) Lease or rental of equipment for the specific removal activity.

(vi) Contract costs for the specific removal activity.

(4) Claims payable under Part 25, Subpart J of this title.

(b) The District Commander may authorize the direct payment of the costs found to be reasonable under paragraph (a)(3) of this section.

(c) The Pollution Fund is not available to pay any foreign, Federal, State or local government or agency for the payment or reimbursement of its costs incurred in the removal of oil or hazardous substances discharged from a vessel or facility that it owns or operates.

NOTE: Federal procurement procedures governing contracts to purchase property and services apply to costs incurred as a result of removal activity. Where the public exigency will not permit the delay incident to advertising, purchases and contracts are negotiated pursuant to 10 U.S.C. 2304(a)(2) or 41 U.S.C. 252(c)(2), as applicable.

§ 153.411 Procedures for payment of judgments.

An owner or operator of a vessel or an onshore or offshore facility who obtains a judgment against the United States under section 311(i) of the Act may have the judgment satisfied by requesting payment of the judgment in writing from the Commandant (G-L), 400 7th Street SW., Washington, D.C. 20590. This request must be accompanied by a copy of the judgment and must designate to whom payment should be made.

§ 153.413 Deposit of money into the fund.

Any person liable for the payment of the following shall remit payment by check or postal money order, payable to the U.S. Coast Guard, to the cognizant District Commander, or to the Commandant for deposit into the Pollution Fund as prescribed in section 311(k) of the Act:

(a) A fine or penalty imposed, assessed, or compromised under section 311 of the Act, including the proceeds of a bond or other surety obtained pursuant to section 311(b)(6).

(b) A claim asserted by the cognizant District Commander for costs recoverable under sections 311(f) and (g) of the Act.

(c) A judgment obtained by the United States for costs recoverable under sections 311(f) and (g) of the Act.

§ 153.415 OSC and AC reports.

As soon as practicable after completion of an action authorized under section 311(c) or (d) of the Act, the OSC or AC submits a report to the cognizant District Commander that must include—

(a) Names of agencies and contractors authorized to participate in the action;

(b) A general description of the function performed by each participating agency and contractor;

(c) An estimate of the cost of each function performed by each participating agency and contractor; and

(d) A copy of contracts, memoranda, or other documents pertaining to the functions performed by the participating agencies and contractors.

§ 153.417 Reimbursement for actions under section 311(c) of the Act.

(a) Each Federal or State agency requesting reimbursement for an action authorized under section 311(c) of the Act must, within 60 days after completion of the action, submit to the cognizant District Commander, through the OSC for review and certification required in paragraph (b) of this section, lists, accompanied by supporting accounting data, itemizing actual costs incurred.

(b) Requests for reimbursement submitted by Federal and State agencies are reviewed by the OSC to ensure that the costs for which reimbursement is being sought were authorized as Phase III and IV removal actions and must have one of the following certifications by the OSC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as Phase III and IV removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund.

_____
(Signature)
OSC_____
(Incident title)
_____
(Pollution incident project number)

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as Phase III and IV removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund:

_____
(Signature)
OSC_____
(Incident title)
_____
(Pollution incident project number)

§ 153.419 Reimbursement for actions under 311(d) of the Act.

(a) Each Federal agency requesting reimbursement for an action authorized under section 311(d) of the Act must, within 60 days after completion of the action, submit to the cognizant District Commander, through the AC for review and certification required in paragraph (b) of this section, lists, accompanied by supporting accounting data, itemizing actual costs incurred.

(b) Requests for reimbursement submitted by Federal agencies are reviewed by the AC to ensure that the costs for which reimbursement is being sought were authorized under section 311(d) of the Act and must have one of the following certifications by the AC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as removal actions under section 311(d) of the Act and reasonable costs related thereto are proper for payment from the Pollution Fund.

_____
(Signature)
AC_____
(Incident title)
_____
(Pollution incident project number)

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as removal actions under section 311(d) of the Act, and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund:

(Signature)

AC----------

(Incident title)

(Pollution incident project number)

(Sec. 311 (j)(1)(A) and (m), 86 Stat. 862 (33 U.S.C. 1321 (j)(1)(A) and (m); secs. 2, 5, and 7, E.O. 11735 (38 FR 21243); 49 CFR 1.45(b) and 1.46(*l*) and (m))

Effective date. This revision shall become effective on April 26, 1976.

Dated: March 19, 1976.

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

[FR Doc.76-8453 Filed 3-24-76;8:45 am]



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