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federal register

WEDNESDAY, JUNE 23, 1976

highlights

PART I:

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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Title 3—The President

Memorandum of June 9, 1976

Waiver of the Limitation of Section 33 of the Foreign Military Sales Act, as Amended, on the Aggregate of Military Assistance Under the Foreign Assistance Act of 1961, and of the Total Credits and Loans Guaranteed Under the Foreign Military Sales Act, as Amended, for African Countries in Fiscal Year 1976

[Presidential Determination No. 76–18]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, June 9, 1976.

Pursuant to the authority vested in me by Section 33(b) of the Foreign Military Sales Act, as amended, I hereby determine that the waiver of the limitations of Section 33(a) of the Foreign Military Sales Act, as amended, for fiscal year 1976 is important to the security of the United States.

You are requested, on my behalf, promptly to report this determination to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, as required by Law.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.76–18362 Filed 6–21–76;2:18 pm]

rules and regulations

Title 7—Agriculture

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

[Lemon Regulation 43, Amendment 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 13–19, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.*—(1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 43 (41 FR 23697).

The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and his amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.*—Paragraph (b)(1) of § 910.343 (Lemon Regulation 43 (41 FR 23697)) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period June 13, 1976 through June 19, 1976, is hereby fixed at 285,000 cartons."

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

Dated: June 17, 1976.

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

[FR Doc.76-18214 Filed 6-22-76;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1260—BEEF RESEARCH AND INFORMATION

Rules of Practice and Procedure

The following new subpart establishes rules of practice and procedure governing proceedings to formulate an order under the Beef Research and Information Act (Pub. L. 94–294, 94th Cong., approved May 28, 1976, 7 U.S.C. 2901–2918).

The following subpart is added to a new Part 1260, of Chapter XI, of Title 7 of the Code of Federal Regulations:

Subpart—Rules of Practice and Procedure Governing Proceedings to Formulate an Order Under the Beef Research and Information Act

Sec.

AUTHORITY: Pub. L. 94–294, 94th Cong., approved May 28, 1976, 7 U.S.C. 2901–2918.

Subpart—Rules of Practice and Procedure Governing Proceedings to Formulate an Order Under the Beef Research and Information Act

§ 1260.1 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1260.2 Definitions.

As used in this subpart, the terms as defined in the Act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "Act" means the Beef Research and Information Act, Pub. L. 94–294, 94th Cong., approved May 28, 1976, 7 U.S.C. 2901–2918.

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) The term "administrative law judge" or "judge" means any administrative law judge appointed pursuant to 5 U.S.C. 3105 and assigned to conduct the hearing.

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(f) The term "FEDERAL REGISTER" means the publication provided for by the Federal Register Act, approved July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "order" means any order or any amendment thereto which may be issued pursuant to the Act.

(i) The term "proceeding" means a proceeding forming the basis on which an order may be issued.

(j) The term "hearing clerk" means the hearing clerk, U.S. Department of Agriculture, Washington, D.C.

§ 1260.3 Proposals.

(a) An order may be proposed by an organization of cattle producers or by any other interested organization or person, including the Secretary. Any person or organization other than the Secretary proposing an order shall file with the Administrator a written application, together with a copy of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Administrator shall cause such investigation to be made and such consideration thereto to be given as, in his opinion, are warranted. If the investigation and consideration lead the Administrator to conclude that the proposed order will not tend to effectuate the declared policy of the Act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Administrator to conclude that the proposed order will tend to effectuate the declared policy of the Act, or if the Secretary desires to propose an order, he shall sign and cause to be served a notice of hearing, as provided herein.

§ 1260.4 Requirement of bond or other security.

(a) Prior to the institution of proceedings on an original order, there shall be posted with the Secretary a bond or other security, in a form acceptable to the Secretary, in an amount which the Secretary shall determine to be sufficient to pay any expenses, excluding salaries, incurred by the Government in preparation of an original order and conduct of the referendum considering its approval.

(b) In the event that the original order shall not receive the necessary approval by referendum as required by Section 9 of the Act, the bond or other security shall be forfeited and the proceeds applied to reimburse the Secretary for the expenses incurred by the Government in the preparation of said order and conduct of said referendum.

§ 1260.5 Reimbursement of expenses by the Board.

The Board established by the order shall reimburse the Secretary, from producer assessments, for all the expenses and expenditures, including salaries, which the Secretary determines were incurred by the Government in the preparation of amendments to the order and the conduct of any referendum, including a referendum for termination of the order.

§ 1260.6 Institution of proceedings.

(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority under which the order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed order or a description of the subjects and issues involved; and shall state the time and place of such hearing, and the place where copies of such proposed order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as provided herein, unless the Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Administrator may determine to be reasonable, in the circumstances: *Provided,* That in the case of hearings on amendments to an order, the time of the hearing may be less than 15 days but shall not be less than three days after the date of publication in the FEDERAL REGISTER.

(b) *Giving notice of hearing and supplemental publicity.* (1) The Administrator shall give or cause to be given notice of hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a copy of the notice of hearing to each producer organization known to the Administrator to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such calculated to bring the notice to the atnewspapers as, in his discretion, are best tention of the persons interested therein; and

(iv) By forwarding copies of the notice of hearing addressed to the governors of the 50 States of the United States and the Mayor of the District of Columbia.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; failure to give notice in the manner provided in paragraphs (b) (ii), (iii), and (iv) of this section shall not affect the legality of the notice.

(c) *Record of notice and supplemental publicity.* There shall be filed with the hearing clerk or submitted to the administrative law judge at the hearing an affidavit or certificate of the person giving the notice provided in paragraphs (b) (1) (iii) and (iv) of this section. In regard to the provisions relating to mailing in paragraph (b) (1) (ii) of this section, determination by the Administrator that such provisions have been complied with shall be filed with the hearing clerk or submitted to the administrative law judge at the hearing. In the alternative, if notice is not given in the manner provided in paragraphs (b) (1) (ii), (iii), and (iv) of this section there shall be filed with the hearing clerk or submitted to the administrative law judge at the hearing a determination by the Administrator that such notice is impracticable, unnecessary, or contrary to the public interest with a brief statement of the reasons for such determination. Determinations by the Administrator as herein provided shall be final.

§ 1260.7 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 1260.8 Judge.

(a) *Assignment.* No judge who has any pecuniary interest in the outcome of a proceeding shall serve as judge in such proceeding.

(b) *Power of judge.* Subject to review by the Secretary, as provided elsewhere in this subpart, the judge in any proceeding shall have power to:

(1) Rule upon motions and requests;

(2) Change the time and place of hearings, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or laws; and

(7) Do all acts and take all measures necessary for the maintenance of order at the hearings and the efficient conduct of the proceeding.

(c) *Who may act in absence of judge.* In case of the absence of the judge or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other judge.

(d) *Disqualification of judge.* The judge may at any time withdraw as judge in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a judge, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 1260.9 Motions and requests.

(a) *General.* (1) All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the judge or may be stated orally and made a part of the transcript.

(2) Except as provided in § 1260.18(b) such motions and requests shall be addressed to, and ruled on by, the judge if made prior to his certification of the transcript pursuant to § 1260.12 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The judge may, in his discretion, submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the judge.

§ 1260.10 Conduct of the hearing.

(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the judge shall have changed the time or place, in which event the judge shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as provided in § 1260.6 (relating to the giving of notice of the hearing): *Provided,* That if the change in time or place of hearing is made less than five days prior to the date previously fixed for the hearing, the judge, either in addition to or in lieu of causing the notice of the change to be given shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances.* (1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the judge may request.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the judge finds that a person, acting as counsel or representative for any person participating in the proceeding, is guilty of unethical or unprofessional conduct, the judge may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That the judge may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or representative.

(ii) In case the judge has ordered that a person be precluded from further action as counsel or representative in the proceeding, the judge within a reasonable time thereafter shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* (1) The judge shall, at the opening of the hearing prior to the taking of testimony, have noted as part of the record the notice of hearing as filed with the Office of the Federal Register and the affidavit or certificate of the giving of notice or the determination provided for in § 1260.6(c).

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the judge shall announce.

(d) *Evidence.* (1) *General.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

(i) Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

(ii) When necessary, in order to prevent undue prolongation of the hearing, the judge may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

(iii) The judge shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to any other ruling of the judge during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the judge. The transcript shall not include argument or debate thereon except as ordered by the judge. The ruling of the judge on any objection shall be a part of the transcript. Only objections made before the judge may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the judge, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quintuplicate and in documentary form. In case the required number of copies is not made available, the judge shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the judge. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing), the judge, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the judge.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the judge's ruling in excluding the evidence was erroneous. The judge shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the judge erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 1260.11 Oral and written arguments.

(a) *Oral argument before the judge.* Oral argument before the judge shall be in the discretion of the judge. Such argument, when permitted, may be limited by the judge to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs, proposed findings, and conclusions.* The judge shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the testi-

mony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the judge, as provided in § 1260.10(d), he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 1260.12 Certification of the transcript.

The judge shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings, and proposed conclusions and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the judge shall transmit to the hearing clerk an original and four copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of the testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon the official record copy, and cause to be noted on other copies of the transcript, each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the judge. The hearing clerk shall obtain and file certifications to the effect that such corrections have been effected in copies other than the official record copy.

§ 1260.13 Copies of the transcript.

(a) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file in the office of the hearing clerk where it shall be available for examination during official hours of business. Thereafter said transcript and exhibits shall be made available by the hearing clerk for examinations during official hours of business after prior request and reasonable notice to the hearing clerk.

(b) If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at a rate that may be agreed upon with the reporter.

§ 1260.14 Administrator's recommended decision.

(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed order effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision, the Administrator shall give notice thereof and opportunity to file exceptions thereto by publication in the FEDERAL REGISTER. Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the Administrator's proposed order and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript, and may suggest appropriate changes in the proposed order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 1260.15 Submission to Secretary.

Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: All motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Administrator's recommended decision, if any; and such exceptions as may have been filed.

§ 1260.16 Decision by the Secretary.

After due consideration of the record, the Secretary shall render a decision. Such decision shall become a part of the record and shall include: (a) A statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; (b) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record; (c) a ruling upon each exception filed by interested persons, and (d) either (1) denial of the proposal to issue an order or (2) if the findings upon the record so warrant, an order, the provisions of which shall be set forth and such order shall be complete except for its effective date and any determinations to be made under § 1260.17: *Provided,* That such order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 1260.17 have been met.

§ 1260.17 Execution of the order.

(a) *Issuance of the order.* The Secretary shall, if he finds that it will tend to effectuate the purpose of the Act, issue and make effective the order which was filed as part of his decision pursuant to § 1260.16: *Provided,* That the issuance of such order shall have been approved or favored by producers as required by Section 9 of the Act.

(b) *Effective date of order.* No order shall become effective in less than 30 days after its publication in the FEDEAL REGISTER, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date thereof.

(c) *Notice of issuance.* After issuance of the order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given by publication in the FEDERAL REGISTER.

§ 1260.18 Filing.

(a) *Number of copies.* Except as provided otherwise herein, all documents or papers required or authorized by the foregoing provisions hereof to be filed with the hearing clerk shall be filed in quintuplicate. Any documents or papers so required or authorized to be filed with the hearing clerk shall be filed with the judge during the course of an oral hearing.

(b) *Extension of time.* The time for filing of any document or paper required or authorized by the foregoing provisions to be filed may be extended by the judge (before the record is certified by the judge) or by the Administrator (after the record is so certified by the judge but before it is transmitted to the Secretary) upon request filed, and if, in the judgment of the judge, Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions to be filed shall be deemed to be filed when it is postmarked or, if otherwise delivered, when it is received by the hearing clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That when such time expires on a Sunday or a Federal holiday, such period shall be extended to include the next following business day.

§ 1260.19 Discussion of issues, etc., of proceeding prohibited.

Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in an order proceeding and prior to the issuance of an order, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however,* That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussion with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U.S. Department of Agriculture," the provisions of this section shall prevail.

§ 1260.20 Additional documents to be filed with hearing clerk.

In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any order and which the Secretary is required to issue or to approve.

§ 1260.21 Hearing before Secretary.

The Secretary may act in the place and stead of a judge in any proceeding herein. When he so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions, and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided,* That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

Effective date: This subpart shall become effective on June 23, 1976.

Dated: June 17, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-18271 Filed 6-22-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Income Limits for the Pacific Islands and American Samoa

Section 501 of the Housing and Community Development Act of 1974 revised section 501 of the Housing Act of 1949 to add, as an area to be served by the Farmers Home Administration (FmHA), the territories and possessions of the United States and the Trust Territory of the Pacific Islands. To further clarify the implementation of this authority, the FmHA is revising Exhibits C and D of Subpart A of Part 1822, Chapter XVIII, Title 7 of the Code of Federal Regulations (39 FR 45005; 40 FR 28463; 40 FR 51621). Exhibit C lists the maximum adjusted income for low-income families and Exhibit D lists the maximum adjusted income for moderate-income families. Both exhibits are revised to delete "District of Marianas" and to add "Trust Territory of the Pacific Islands" and "American Samoa." The District of Marianas is included in the Trust Territory of the Pacific Islands. The income limits established for these areas are the same as the limits for most of the States and is commensurate with the income level of the families to be served. The implementation of this regulation will clarify the income limits for famiiles to be eligible for FmHA rural housing assistance.

Interested persons are invited to submit written comments, suggestions, or objections regarding Exhibits C and D on or before July 23, 1976 to the Office of the Chief, Directives Management Branch, Farmers Home Administration, Department of Agriculture, Room 6316, South Building, Washington, DC 20250. Material thus submitted will be evaluated and acted upon in the same manner as if this document was a proposal. However this revised part shall remain effective until it is amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, Farmers Home Administration, during regular business hours (8:15 a.m.–4:45 p.m.).

As revised, Exhibits C and D of Subpart A of Part 1822 read as follows:

EXHIBIT C.—MAXIMUM ADJUSTED INCOME FOR LOW-INCOME FAMILIES

State:	*Maximum adjusted income*
Alabama	$8,500
Arizona	8,500
Arkansas	8,500
California	8,500
Colorado	8,500
Connecticut	8,500
Delaware	8,500
Florida	8,500
Georgia	8,500
Idaho	8,500
Illinois	8,500
Indiana	8,500
Iowa	8,500
Kansas	8,500
Kentucky	8,500
Louisiana	8,500
Maine	8,500
Maryland	8,500
Massachusetts	8,500
Michigan	8,500
Minnesota	8,500
Mississippi	8,500
Missouri	8,500
Montana	8,500
Nebraska	8,500
Hawaii	10,700
Guam	10,700
Trust Territory of the Pacific Islands	8,500
American Samoa	8,500
Nevada	8,500
New Hampshire	8,500
New Jersey	8,500
New Mexico	8,500
New York	8,500
North Carolina	8,500
North Dakota	8,500
Ohio	8,500
Oklahoma	8,500
Oregon	8,500
Pennsylvania	8,500
Puerto Rico	8,500
Rhode Island	8,500
South Carolina	8,500
South Dakota	8,500
Tennessee	8,500
Texas	8,500
Utah	8,500
Vermont	8,500
Virginia	8,500
Virgin Islands	8,500
Washington	8,500
West Virginia	8,500
Wisconsin	8,500
Wyoming	8,500
Alaska	13,500

EXHIBIT D.—MAXIMUM ADJUSTED INCOME FOR MODERATE-INCOME FAMILIES

State:	*Maximum adjusted income*
Alabama	$12,900
Arizona	12,900
Arkansas	12,900
California	12,900
Hawaii	12,900
Nevada	12,900
Colorado	12,900
Florida	12,900
Georgia	12,900
Idaho	12,900
Illinois	12,900
Indiana	12,900
Iowa	12,900
Kansas	12,900
Kentucky	12,900
Louisiana	12,900
Maine	12,900
Michigan	12,900
Minnesota	12,900
Mississippi	12,900
Missouri	12,900
Montana	12,900
Nebraska	12,900
Delaware	12,900
New Jersey	12,900
Maryland	12,900
Guam	16,200
New Mexico	12,900
New York	12,900
North Carolina	12,900
North Dakota	12,900
Ohio	12,900
Oklahoma	12,900
Oregon	12,900
Alaska	20,500
Pennsylvania	12,900
South Carolina	12,900
South Dakota	12,900
Tennessee	12,900
Texas	12,900
Utah	12,900
Vermont	12,900
Connecticut	12,900
Massachusetts	12,900
New Hampshire	12,900
Rhode Island	12,900
Virginia	12,900
Washington	12,900

State:	Maximum adjusted income
West Virginia	12,900
Wisconsin	12,900
Wyoming	12,900
Puerto Rico	12,900
Virgin Islands	12,900
Trust Territory of the Pacific Islands	12,900
American Samoa	12,900

(42 U.S.C. 1480, delegation of authority by the Sec. of Agric., 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 June 23, 1976.

Dated: June 14, 1976.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-18212 Filed 6-22-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1976-4]

SYNTHETIC FUELS PROCESSED FROM OIL SHALE, TAR SANDS, AND COAL

Inapplicability of Mandatory Petroleum Allocation and Price Regulations

I. ISSUE

The Federal Energy Administration ("FEA") has recently received several inquiries with respect to the applicability of the Mandatory Petroleum Allocation and Price Regulations to the so-called synthetic fuels (or crude oil substitutes) processed from oil shale, tar sands, coal, and other natural deposits that must be mined before the crude oil substitute can be extracted. The purpose of this Ruling is to set forth the FEA's determination that such crude oil substitutes do not fall within the purview of FEA's authority to establish mandatory petroleum allocation and price regulations, which is derived from the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA").

For purposes of this Ruling, oil shale is defined as:

> A fine-grained sedimentary rock containing insoluble organic matter that yields substantial amounts of oil by destructive distillation.

Tar sands are defined as:

> The several rock types that contain an extremely viscous hydrocarbon which is not recoverable in its natural state by conventional oil well production methods including currently used enhanced recovery techniques. The hydrocarbon-bearing rocks are variously known as bitumen-rocks, oil impregnated rocks, oil sands, and rock asphalt.

Coal is presently defined in 10 CFR Part 305.

II. RULING

The EPAA directs the President to promulgate regulations providing for the allocation and pricing of "crude oil, residual fuel oil, and refined petroleum products." The term "crude oil," however, is not defined and Congress did not specify in the Act or its legislative history whether it intended the term "crude production of such crude oil substitutes derived from oil shale, coal, tar sands or other natural deposits that must be mined before the hydrocarbons can be extracted. Accordingly, FEA has reviewed the purposes of the EPAA and the circumstances underlying its adoption to determine whether Congress intended the production of such crude oil substitutes to be subject to the specific temporary authority which Congress delegated to the President under the EPAA. Based on this review, the FEA has concluded that the Congress did not intend these products to be regulated under the EPAA.

In enacting the EPAA in December, 1973, Congress was concerned with providing temporary authority for the allocation and pricing of only those petroleum resources that were then actually or threatening to be in short supply. Thus, the purpose of the EPAA was stated in section 2(b) to be "* * * to grant to the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system." The temporary nature of the regulatory program envisioned by Congress under the EPAA was underscored by section 4(g)(1), which initially provided that the regulation required to be promulgated under section 4(a) would remain in effect only until midnight February 28, 1975.[1]

At the time of enactment of the EPAA, domestic production of crude oil substitutes derived from oil shale, coal and tar sands was, as it is now, undertaken only for experimental purposes, and the synthetic products obtained thereby were not commercially available for use as refinery or petrochemical feedstocks and were not expected to become commercially available for several years. From these facts, the FEA has concluded that the Congress clearly did not intend these products to be subject to the temporary regulation required under section 4(a) of the EPAA when it enacted the EPAA to deal with the supply shortages and dislocations in the petroleum industry that occurred late in 1973 or threatened to occur before the end of February 1975.

The FEA recognizes that the initial price regulations of FEA (then known as the Federal Energy Office) defining the substances subject to price controls under the EPAA carrier forward, as the Congress contemplated would be the case, regulations having similar coverage that had previously been adopted by the Cost of Living Council ("CLC"). The CLC first provided for the regulation of petroleum prices on August 17, 1973, when it adopted Subpart L of 6 CFR Part 150, under Phase IV of the Economic Stabilization Program. CLC was acting pursuant to the authority conferred by the Economic Stabilization Act of 1970 ("Stabilization Act"), the broad purpose of which was to stabilize the economy, improve the Nation's competitive position in world trade, and protect the purchasing power of the dollar. The scope of regulatory authority exercised by CLC under the Stabilization Act was equally broad, extending generally to prices, rents, wages, salaries, dividends, and interest.

The Subpart L regulations of CLC were applicable to "sales of products described in the 1972 Standard Industrial Classification Manual, Industry Code 1311, 1321, or 2911 (except natural gas * * *) * * *." The applicability of the CLC Subpart L regulations to the production segment of the petroleum industry was described by Standard Industrial Classification 1311 (except natural gas), which provides, in part, as follows:

> Establishments primarily engaged in operating oil and gas field properties. Such activities include exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operation of separators, emulsion breakers, desilting equipment; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property. This industry also includes the production of oil through the mining and extraction of oil from oil shale and oil sands. * * *
>
> Crude oil production
> Crude petroleum production
> Natural gas production
> Oil sand mining
> Oil shale mining

(Standard Industrial Classifications 1321 and 2911 relate to Natural Gas Liquids and Petroleum Refining, respectively.)

In passing the EPAA, Congress expressly recognized that the CLC petroleum price regulations in Subpart L could form the basis for the price regulations to be adopted under the EPAA, unless and until such time as the purposes of the EPAA required a modification:

> It is expressly contemplated * * * that the price controls established by Phase IV under authority of the Economic Stabilization Act would continue in effect unless and until required to be modified by the price regulation required to carry out the purposes of this Act. * * * (H.R. Rep. No. 628, 93rd Cong., at 26 (1973).)

Congress' contemplation that CLC price controls "would continue in effect unless and until required to be modified" under the EPAA indicates that Congress expected the mandatory authority under the EPAA to be generally coextensive with the scope of the authority exercised by CLC under the Stabilization Act. But it also indicates that the agency

[1] The mandatory regulatory authority contained in section 4(a) has subsequently been extended on several occasions. *See* P.L. 93-511 (December 5, 1974), P.L. 94-99 (September 29, 1975), P.L. 94-133 (November 14, 1975), and P.L. 94-163 (December 22, 1975). The fact that this authority has been extended beyond the initial February 28, 1975 expiration date, however, is not relevant to the intent of Congress with respect to the meaning of the term "crudeoil" at the time the EPAA was passed.

assigned responsibility for implementing the EPAA would be under an obligation to take a closer look at the CLC's regulations in order to conform their scope to the specific temporary regulatory purposes of the EPAA.

Accordingly, FEO on April 3, 1974, determined that certain products refined from crude oil, which were specifically included under the Standard Industrial Classification 2911 and thus were price controlled by the CLC under the Stabilization Act, were not within the intended scope of the EPAA (39 FR 12353, April 4, 1974). No action was taken at that time with respect to the crude oil substitutes which are the subject of this ruling inasmuch as they were not being commercially produced and were thought therefore not to warrant specific mention. However, now that the matter has been appropriately brought to the FEA's attention and the agency has had an opportunity to consider whether Congress intended these products to be subject to regulation under the EPAA, the FEA for the reasons outlined above, has concluded that Congress did not so intend.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

JUNE 17, 1976.

[FR Doc.76-18207 Filed 6-18-76;10:37 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 335—SECURITIES OF INSURED STATE NONMEMBER BANKS

Quarterly Report—Form F-4

This amendment to § 335.44 (12 CFR 335.44) revises the captions of three lines of Form F-4, Quarterly Report, and corrects typographical errors in Form F-4, Quarterly Report.

A. The revision of captions is necessary for internal consistency to conform nomenclature of § 335.44 to revisions to § 335.71 nomenclature adopted this date by the Corporation's Board of Directors. The revisions to § 335.71 were covered by the Notice of Proposed Rule Making published in the FEDERAL REGISTER on February 24, 1976 (41 FR 8072-8074) which invited public comment through March 31, 1976. The effect of this amendment to § 335.44 is to substitute the terms "Unsubordinated debt" for "Debt;" "Total unsubordinated debt" for "Total debt;" and "Subordinated notes and debentures" for "Capital notes and debentures."

B. The format configuration of Form F-4, Quarterly Report, is hereby amended to correct typographical errors in headings, rulings and alignment of captions.

C. These amendments have no effect on the "GENERAL INSTRUCTIONS" to the Form which remain unchanged.

D. The Board finds that public participation in this rule-making process is unnecessary and, therefore, the relevant provisions of 5 U.S.C. 553, requiring notice of proposed rule-making and opportunity for public comment, are not applicable. Accordingly, 12 CFR 335.44 is revised as set forth below.

Effective Date: This revised regulation shall become effective on August 31, 1976. The existing regulation shall remain in effect until that date.

By Order of the Board of Directors, June 16, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

12 CFR 335.44 is amended by deleting the tabular format and the signature clause of Form F-4, Quarterly Report, and substituting the following (General Instructions "A" through "I" which follow the signature clause of the format are not affected by this amendment and continue in force.):

§ 335.44 Form for quarterly report of bank (Form F-4).

FORM F-4—QUARTERLY REPORT OF

_____
(Name of Bank)

_____
(City and State)

INFORMATION TO BE INCLUDED IN THE REPORT

A. Summarized Financial Information

Item	3 mo ending		Fiscal year to date (.. months ending.....)	
	19.. (current year)	19.. (prior year)	19.. (current year)	19.. (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest and dividends on securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expenses				
(c) Provision for loan losses				
(d) Other operating expenses				
(e) Total operating expenses				
3. Income before income taxes, extraordinary items, and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses) and extraordinary items				
6. Net securities gains (losses), less related tax effect				
7. Extraordinary items, less related tax effect				
8. Net Income				
9. Earnings per common share: [1]				
(a) Income before securities gains (losses)				
(b) Extraordinary items				
(c) Net Income				
10. Cash dividends declared per common share				

B. Capitalization and Stockholders' Equity

(Date)	Amount
Unsubordinated debt:	
Federal funds purchased and securities sold under agreements to repurchase	$
Other liabilities for borrowed money	$
Bank acceptances outstanding	$
Mortgages payable	$
Total unsubordinated debt	$
Deferred credits	$
Minority interest	$
Subordinated notes and debentures	$

	Shares issued or outstanding	Amount
Stockholder's equity:		
Preferred stock (list separately convertible and nonconvertible preferred stock)		$
Common stock		$
Surplus		$
Undivided profits: Balance at beginning of current fiscal year		$
Prior period adjustments, if any (show credits (and charges) separately)		$
Net income (caption 8 above)		$
Dividends (state cash and stock dividends on common stock separately, indicating amount per share—dividends on preferred stocks may be shown in one amount)		$( )
Other credits (charges) (explain nature and amounts)		$
Balance at end of interim period		$
Reserve for contingencies and other capital reserves		$
Treasury stock: (Identify class of security, number of shares and basis at which stated)		$( )
Total stockholders' equity		$

Instructions. 1. The form and content shall conform generally with that in the balance sheet and notes thereto appearing in the annual report filed with the Corporation.

2. The number of shares of each class of securities reserved for conversion, warrants, options and other rights shall be separately disclosed.

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

Date ..... By .....
(Name and title of signing officer)

[1] See general instruction G(j) below.

GENERAL INSTRUCTIONS

* * * * * * *

[FR Doc.76-18056 Filed 6-22-76;8:45 am]

PART 335—SECURITIES OF INSURED STATE NONMEMBER BANKS

Financial Statements; Form and Content

On February 24, 1976, notice of proposed rulemaking regarding amendments to Part 335 of Federal Deposit Insurance Corporation Rules and Regulations (12 CFR 335) was published for comment in the FEDERAL REGISTER (41 FR 8072–8074 (1976)). Interested persons were given until March 31, 1976, to submit written data, views or arguments regarding the proposed amendments. Comments on the proposal have been received and considered and with one modification the amendments are now adopted.

As amended, § 335.71 which governs the form and content of financial statements submitted pursuant to Part 335 would require that (1) the allowance for loan losses be divided into valuation, contingency and deferred tax portions and reported accordingly; (2) unearned income on loans be deducted from loans receivable; and (3) bonds, notes and debentures be grouped with liabilities rather than capital accounts. The proposal has been modified to provide for disclosure of the difference between the loan loss reserve stated on the financial statements and the reserve accumulated for tax purposes if material. Corrections and clarifications of a minor nature have also been made.

The Board finds that further public participation in this rulemaking process is unnecessary, and therefore the relevant provisions of 5 U.S.C. 553 requiring notice of proposed rulemaking and opportunity for public participation are not applicable. Accordingly, after consideration of the comments received and pursuant to the authority contained in section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78*l* (i)), 12 CFR Part 335 is amended as set forth below, effective August 31, 1976.

By Order of the Board of Directors, June 16, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

§ 335.71 [Amended]

12 C.F.R. § 335.71 is amended as follows:

1. By revising the "BALANCE SHEET" form and instructions thereto as set forth in § 335.71 to read as follows:

A. BALANCE SHEET

Assets

1. Cash and due from banks
2. Investment securities:
   (a) U.S. Treasury securities
   (b) Securities of other U.S. Government agencies and corporations
   (c) Obligations of States and political subdivisions
   (d) Other securities
3. Trading account securities
4. Federal funds sold and securities purchased under agreements to resell
5. Other loans:
   (a) Total other loans
   (b) Less allowance for loan losses
   (c) Net other loans
6. Bank premises and equipment
7. Other real estate owned
8. Investments in subsidiaries not consolidated
9. Customers' acceptance liability
10. Other assets
11. Total assets

Liabilities

12. Deposits:
    (a) Demand deposits in domestic offices
    (b) Savings deposits in domestic offices
    (c) Time deposits in domestic offices
    (d) Deposits in foreign offices
13. Federal funds purchased and securities sold under agreements to repurchase
14. Other liabilities for borrowed money
15. Bank's acceptances outstanding
16. Mortgages payable
17. Minority interests in consolidated subsidiaries
18. Other liabilities
19. Total liabilities (excluding subordinated notes and debentures)
20. Subordinated notes and debentures

Capital Accounts

21. Equity capital:
    (a) Capital stock:
        Preferred stock
        Common stock
    (b) Surplus
    (c) Undivided Profits
    (d) Reserve for contingencies and other capital reserves
22. Total capital accounts
23. Total liabilities, subordinated notes and debentures, and capital

ASSETS

* * * * *

5. *Other loans.* (a) *Total other loans.* (1) State the aggregate gross value of all loans including (i) acceptances of other banks and commercial paper purchased in the open market; (ii) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (iii) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (iv) "cotton overdrafts" or "advances", and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(2) Include (i) paper rediscounted with the Federal Reserve or other banks; and (ii) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(3) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(4) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

(5) Deduct unearned income on loans. If material, report on the balance sheet or in a note to financial statements the amount of unearned income deducted.

(b) *Less reserve for loan losses.* State the balance of the loan loss allowance at the end of the fiscal year. Include in this reserve only the valuation portion—that is, the amount established through charges against income. If the amount shown on this line differs materially from the reserve accumulated for income tax return purposes under the Internal Revenue Code, reconcile such amounts in a note to financial statements.

NOTE.—For financial statements filed subsequent to August 31, 1976, the allowance for loan losses shall be divided into its three components, that is, the valuation, contingency, and deferred tax portions. The valuation portion represents that part of the allowance which was established through charges against income. The contingency portion represents the aggregate of transfers from undivided profits, net of related deferred taxes. The deferred tax portion represents the aggregate deferred taxes associated with the differences between loan loss expense reported for income tax purposes and the amounts reported on statements of income. For financial statements filed subsequent to August 31, 1976, the valuation portion of the allowance shall be deducted from other loans; the contingency portion shall be

included in undivided profits; and the deferred tax portion shall be reported as an other liability. For purposes of this allocation, the entire allowance for loan losses as of January 1, 1969 may be considered to be a valuation allowance unless a material distortion of reported figures would result. The instructions in this NOTE are to be retroactively applied to all financial statements submitted in accordance with the provisions of this Part, regardless of the period reported.

(c) *Net other loans.* State the difference of items 5 (a) and (b).

* * * * *

LIABILITIES

* * * * *

17. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

18. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) deferred income taxes, including deferred taxes arising from income tax return deductions in excess of financial statement provision for loan losses (See Note at § 335.71A(5)(b)); and (f) and other liability not included in Items 12 through 16.

19. *Total liabilities (excluding subordinated notes and debentures).* State the sum of Items 12 through 18.

20. *Subordinated notes and debentures.* State separately here, or in a note referred to herein, each issue or type of obligation subordinated to the claims of depositors and such information as will indicate (a) the general character of each type of debt including, the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the five years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

CAPITAL ACCOUNTS

21. *Equity capital.* (a) *Capital stock.* State for each class of shares the title of issue, the number of shares authorized, issued and outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) *Surplus.* State the net amount formally transferred to the surplus account on or before the reporting date.

(c) *Undivided profits.* State the amount of undivided profits shown by the bank's books. (See NOTE at § 335.71A(5)(b)).

(d) *Reserve for contingencies and other capital reserves.* (1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen indeterminable liabilities.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits".

22. *Total capital accounts.* State the total of Items 21 (a), (b), (c) and (d).

23. *Total liabilities, subordinated notes and debentures, and capital.* State the total of Items 19, 20 and 22.

2. By amending Item 2(f) following the "STATEMENT OF INCOME" form set forth in § 335.71 by substituting the term "subordinated notes and debentures" for the term "capital notes and debentures" wherever it appears.

3. By amending Item 2(1)(5) following the "STATEMENT OF INCOME" form set forth in § 335.71 by deleting the NOTE thereto.

4. By revising the "STATEMENT OF CHANGES IN CAPITAL ACCOUNTS" form set forth in § 335.71 to read as follows:

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (Decrease)	Preferred stock $____ par	Common stock $____ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Balance at beginning of year [1]					
2. Net income transferred to undivided profits					
3. Preferred stock and common stock sold (par or face value)					
4. Stock issued incident to mergers and acquisitions					
5. Premium on capital stock sold					
6. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers					
7. Cash dividends declared on preferred stock					
8. Cash dividends declared on common stock					
9. Stock issued in payment of stock dividend __ shares at par value					
10. All other increases (decreases) [2]					
11. Net increase (decrease) for the year					
12. Balance at end of year					

[1] If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the fiscal period, state in a footnote the difference and explain. See Note at § 335.71A(5)(b) for explanation of requirement that undivided profits be retroactively restated as of the effective date of this amended Regulation.

[2] State separately any material amounts considered to be capital adjustments under generally accepted accounting principles, indicating clearly the nature of the transaction out of which the item arose.

5. By revising the "SCHEDULE III.—*Other loans*" form set forth in § 335.71 to read as follows:

SCHEDULE III.—*Other loans* [1]

Type:	*Book value*
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans	
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Gross total other loans	
Less: Unearned income on loans	
Total other loans (excluding unearned income)	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.

6. By revising the "SCHEDULE VII.—*Allowance for possible loan losses*" form set forth in § 335.71 to read as follows:

SCHEDULE VII.—*Allowance for possible loan losses*

	Amount [1]
Balance at beginning of period	
Recoveries credited to allowance	
Additions due to mergers and absorptions [2]	
Provision for loan losses	
Losses charged to allowance	
Balance at end of period [3]	

[1] Do not include any provision for possible loan losses that the bank establishes as a precautionary measure. Include only any provision that (1) has been established through a charge against income and (2) represents management's judgment as to possible loss or value depreciation.

[2] Describe briefly in a footnote any such addition.

[3] State in a footnote (1) the amount deducted for Federal income tax purposes; (2) the maximum amount that could have been deducted for Federal income tax purposes; and (3) the balance of the allowance at the end of the period as reported for Federal income tax purposes.

[FR Doc.76-18057 Filed 6-22-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation ER-954, Amdt. 1]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Organizational Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 17, 1976.

Sections 298.21(c), 298.23, 298.32 and 298.45(a) of the Board's Economic Regulations provide that the registration and

reregistration of air taxi operators, notices as to change in operations, reports of interests in and operations with large aircraft, and notices as to insurance coverage of air taxi operators be made with the Board's Bureau of Operating Rights in Washington, D.C. With regard to Alaska air taxi operators the requirement that these filings be made in Washington has resulted in delays in the receipt of the required information and its dissemination to those parties, governmental and others, that have a need for the information. Furthermore, the place of filing has also been an inconvenience to the Alaska air taxi operators themselves.

Accordingy, the Board has decided to amend §§ 298.21(c), 298.23, 298.32 and 298.45(a) to provide that with regard to air taxi operators with a mailing address in the State of Alaska the filings and reports required by these sections shall be made with the Board's Field Office in Anchorage, Alaska. All other reports required by Part 298 will continue to be made to the Board's offices in Washington, D.C., as will all filings and reports required of air taxi operators outside the State of Alaska.

Since the amendments provided herein are a rule of agency organization and impose no additional burden the Board finds that notice and public procedure are not necessary.

Accordingly, in consideration of the foregoing, the Board amends Part 298 of its Economic Regulations (14 CFR Part 298), effective July 23, 1976, as follows:

1. Amend § 298.21(c) to read in part as follows:

§ 298.21 Filing for registration by air taxi operators.

* * * * *

(c) Registration and reregistration shall be accomplished by filing with the Board's Bureau of Operating Rights (except that registration and reregistration with regard to an air taxi operator, whether or not he is also a commuter air carrier as defined in this part, with a mailing address in the State of Aaska shall be accomplished by filing with the a mailing address in the Stae of Alaska 99051): * * *

* * * * *

2. Amend § 298.23 to read as follows:

§ 298.23 Notifications to the Board of change in operations.

Each air taxi operator (whether or not he has on file with the Board a currently effective registration under § 298.21) shall notify the Board's Bureau of Operating Rights, Washington, D.C. 20428 (except that each air taxi operator with a mailing address in the State of Alaska which shall notify the Board's Field Office, Anchorage, Alaska 99051), on CAB Form 298–A, of any change in the name or address, or of any change in his type of operations (passenger, cargo, mail, scheduled, etc.) or of his temporary or permanent cessation of operations. Such notification shall be mailed, or otherwise delivered, so as to be received by the Board no later than 30 days after the reported event has occurred.

3. Amend § 298.32 to read as follows:

§ 298.32 Requirements relating to interests in large aircraft or their operation.

(a) Reporting of interest in large aircraft. Every air taxi operator shall report to the Board any proprietary interest, direct or indirect, in any large aircraft or any enterprise operating large aircraft. Such reports shall be filed in duplicate within 5 days of acquisition of such interests and shall be addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention of the Bureau of Operating Rights, except that with regard to an air taxi operator with a mailing address in the State of Alaska such reports shall be addressed to the Civil Aeronautics Board, Field Office, Anchorage, Alaska 99051.

(b) Reporting of operations with large aircraft. Every air taxi operator which operates or intends to operate large aircraft for compensation or hire shall file with the Board a description of the method or proposed method of operations and state why such operations are believed not to constitute air transportation. Such reports shall state, among other pertinent matters, whether State lines or the boundaries of the United States will be crossed; the ultimate origin and destination (not only the places between which carriage is provided) of the persons or property carried; and the persons with whom contracts for transportation have been made or are expected to be made. In case operations not falling within the description on file with the Board are to be undertaken, a report containing the same data shall be filed within 3 days after the particulars of such operations have been decided upon. Such reports shall be filed in duplicate and shall be addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention of the Bureau of Operating Rights, except that with regard to an air taxi operator with a mailing address in the State of Alaska such reports shall be addressed to the Civil Aeronautics Board, Field Office, Anchorage, Alaska 99051.

4. Amend § 298.45(a) to read as follows:

§ 298.45 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.

(a) Each policy of insurance shall specify that, unless replaced as provided in paragraph (b) of this section, it may not be canceled, withdrawn or modified to reduce the limits of liability, by the insurer, until after 10 days' written notice by the insurer to the Board which 10-day notice period shall commence to run from the date such notice is actually received by the Board. Each policy shall further provide that, in the event of cancellation of the policy by the insured, the insurer shall, within 10 days after receipt of such notice of cancellation, notify the Board of this action by the insured. In addition, each policy shall provide that the insurer will notify the Board, 10 days before the expiration date of the policy, unless the policy has been renewed. These notifications shall be made to the Board's Bureau of Operating Rights, Washington, D.C. 20428, except that notifications with regard to air taxi operators with a mailing address in the State of Alaska shall be made to the Board's Field Office, Anchorage, Alaska 99051.

* * * * *

(Secs. 204(a), 407, and 416 of the Federal Aviation Act, as amended, 72 Stat. 743, 766, 771, 49 U.S.C. 1324(a), 1377 and 1386.)

By the Civil Aeronautics Board.

Effective: July 23, 1976.

Adopted: June 17, 1976.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–18266 Filed 6–22–76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1030—EMPLOYEE STANDARDS OF CONDUCT

Clarifications and Corrections

The Consumer Product Safety Commission published, on February 23, 1976 (FR Doc. 76–4920, 41 FR 8018), its Employee Standards of Conduct. The following clarifications and corrections are necessary:

§ 1030.402 [Amended]

In column three of page 8019, § 1030.402(b), the word "such" in the first sentence should be deleted and "outside" inserted in lieu thereof.

§ 1030.404 [Amended]

In column one of page 8020, § 1030.404 (c), "CPSC Form AAAA" should read "CPSC Form 241".

In column two of page 8020, § 1030.405, a new subsection (e) should be added as follows:

§ 1030.405 Outside writing and editing.

* * * * *

(e) Employees shall give advance notice of all outside writing and editing to the appropriate Office, Bureau or Area Office Director. Notice shall be given on CPSC Form 241. The Office, Bureau or Area Office Director shall complete the form with appropriate recommendations and forward it to the Ethics Counselor for approval.

§ 1030.406 [Amended]

In column two of page 8020, section 1030.406(b), the following should be inserted after the first sentence:

"Notice shall be given on CPSC Form 241".

§ 1030.605 [Amended]

In column three of page 8021, section 1030.605(b), "Assistant" should be inserted immediately before "Director".

Dated: June 18, 1976.

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

[FR Doc.76-18222 Filed 6-22-76;8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 250—OIL AND GAS AND SULPHUR OPERATIONS OF THE OUTER CONTINENTAL SHELF

PART 251—GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act of August 7, 1953, 67 Stat. 462, (43 U.S.C. Secs. 1331–1343), Title 30, Code of Federal Regulations is amended by changing § 250.97 and by adding Part 251.

Part 250 applies to oil, gas, and sulphur operations conducted on the Outer Continental Shelf under a lease. The purpose of changing § 250.97 is to specify a definite time when geological and geophysical data and information required to be submitted by a lessee as a result of lease operations will be made available for public inspection.

The new Part 251 applies to geological and geophysical exploration for mineral resources and for scientific research conducted on the Outer Continental Shelf under a permit or notice. The purpose of the addition of Part 251 is to prescribe when the obtaining of a permit or the filing of a notice is required in order to conduct geological and geophysical exploration of the Outer Continental Shelf and to prescribe operating procedures for conducting exploration, requirements for disclosing data and information, conditions for reimbursing permittees for certain costs, and other conditions under which exploration shall be conducted.

Part 251 supersedes the following authorizations and notices pertaining to geological and geophysical exploration of the Outer Continental Shelf and they are hereby revoked:

(1) Notice dated September 17, 1953, Outer Continental Shelf, Geological and Geophysical Explorations (General) (18 FR 5667 and footnote 1 concerning Texas).

(2) Notice dated March 23, 1954, Outer Continental Shelf, Geological and Geophysical Explorations (Louisiana) (19 FR 1730).

(3) Notice dated March 31, 1955, Outer Continental Shelf, Geological and Geophysical Explorations (California) (20 FR 2093).

(4) Notice dated March 27, 1956, Outer Continental Shelf, Geological and Geophysical Exploration (Florida) (21 FR 2129).

(5) Notice dated August 25, 1958, Outer Continental Shelf, Geological and Geophysical Explorations (Alabama) (23 FR 6760).

(6) Notice dated August 5, 1960, Outer Continental Shelf, Geological and Geophysical Explorations (Georgia) (25 FR 7811).

(7) Notice dated September 6, 1960, Outer Continental Shelf, Geological and Geophysical Explorations (Atlantic Coast Area) (25 FR 8759).

(8) Notice dated July 28, 1961, Outer Continental Shelf, Geological and Geophysical Explorations (Pacific Coast Area off Oregon and Washington) (26 FR 6874).

(9) Notice dated March 7, 1964, Outer Continental Shelf, Geological and Geophysical Exploration (Alaska) (29 FR 3369).

(10) Memorandum dated May 14, 1965, from the Director, Geological Survey to the Secretary of the Interior, approved by the Secretary of the Interior on May 20, 1965, authorizing the Area Oil and Gas Supervisor, Gulf of Mexico Area, to approve core drilling on the Continental Slope of the Gulf of Mexico.

(11) Memorandum dated February 16, 1967, from the Director, Geological Survey, to the Secretary of the Interior, approved by the Secretary of the Interior on March 1, 1976, authorizing the Area Oil and Gas Supervisor, Eastern Area, to approve core drilling on the Continental Slope of the Atlantic Ocean.

(12) Notice dated December 11, 1974, Outer Continental Shelf, Geological and Geophysical Exploration (39 FR 43562).

(13) Notice dated August 27, 1975, Outer Continental Shelf, Geological and Geophysical Exploration (40 FR 40563).

A draft of these regulations on geological and geophysical exploration of the Outer Continental Shelf (OCS) was published in the FEDERAL REGISTER on April 22, 1975, 40 FR 17759–17762. Since that draft was published, the regulations have been revised following a review of numerous comments received and reconsideration of several provisions. Below is an identification of significant changes which have been made since that draft was published and a discussion of several of the comments. The Final Environmental Impact Statement on the regulations was made available to the public on May 5, 1976. Some minor changes have been made in the regulations published in that statement.

This rulemaking amends one section in Part 250 of Title 30, which applies to lease operations. Two significant changes have been made in the amended section (§ 250.97) since publication of the draft in 1975. First, the term "information" has been divided into categories in order to eliminate any ambiguity. These categories of "information" are defined in the new Part 251. Second, geological data and analyzed geological information submitted by a lessee will not be made available for public inspection for as long as the lease remains in effect or for a period of two years after submission, whichever period ends at an earlier date. The previous draft provided for release to the public six months after submission in all cases.

The remainder of the rulemaking consists of a new Part 251 of Title 30 which applies to explorations prior to leasing. The following is an explanation of significant changes made since publication of the draft in 1975.

The definitions of "Geological Exploration for Mineral Resources" (§ 251.3(j)) and "Geophysical Exploration for Mineral Resources" (§ 251.3(k)) now specifically include operations to produce data and information in support of possible exploration and development activity. This addition does not encompass any operations conducted under a lease. Rather, it covers operations customarily conducted before leasing to identify, for example, geologic hazards such as shallow faulting or slumping. These operations include such activities as the gathering of high resolution geophysical data and processed geophysical information. This data and information is important to the Department for making final tract selections and developing lease stipulations.

The definition section (§ 251.3) has been expended to include a definition of "data" and, as explained above, to define the various kinds of information which are gathered during exploration. These new definitions are particularly pertinent to the sections governing the submission of information, reimbursement for the submission, and release of the information to the public.

In § 251.5, which explains when a notice or permit is necessary, Federal agencies are not required to obtain permits or submit notices. Any notice submitted by a person must be filed at least 30 days before exploration commences and the Supervisor shall have 21 days to reject a notice of intent to conduct shallow test drilling.

Section 251.6(a), which specifies the form of a notice, clarifies that the filing of a notice shall authorize exploration for one year. All data and information resulting therefrom shall be made available for public inspection and reproduction at the earliest practicable time.

The section governing shallow test drilling (§ 251.9(a)) has been expanded to apply to operations conducted under notices as well as permits. In § 251.9(b), a person may now be issued a permit to conduct a deep stratigraphic test before he submits a drilling plan, but he may not commence drilling until a plan is submitted and approved.

The section requiring the submission of reports of operations (§ 251.11) now requires persons operating under notices, as well as permittees, to submit a final report on their operations when exploration is completed. Persons operating under notices would not be required to submit weekly reports on operations. The submission of final reports will better enable the Department to keep informed of exploration conducted on the OCS and to check whether the exploration

completed is consistent with the proposed exploration in the notice.

The most significant changes have been made in the sections governing the submission of data and information (§ 251.12), reimbursement for processed information (§ 251.13) and the release of data and information to the public (§ 251.14).

Section 251.12, which governs the submission of data and information, is divided into subsections which correspond to geological and geophysical explorations. Under subsection (a) a permittee must notify the Supervisor when he acquires or analyzes geological data. The Supervisor will then have one year, or a longer period if specified in a permit, within which to inspect and select the data and analyzed information. The same procedure is followed under subsection (b) for the submission of geophysical data, processed geophysical information, and reprocessed geophysical information, except that the Supervisor may inspect such data and information on the permittee's premises or the Supervisor may order that it be delivered to him for inspection. Delivery for inspection will not constitute selection by the Supervisor. The Supervisor will select such data and information in writing only. Subsection (b) also specifies that if a permittee transfers geophysical data or processed geophysical information to a third party for processing or reprocessing, he will bind the third party to the obligation of submitting the information as specified in this section.

Section 251.13 provides for reimbursement to permittees for reproduction costs of geophysical data, processed geophysical information and reprocessed geophysical information after it has been delivered to the Supervisor or selected by the Supervisor. In addition, the section provides for reimbursement for processing costs of processed geophysical information and reprocessed geophysical information after it has been selected by the Supervisor. A third party who has obtained geophysical data and processed geophysical information from a permittee for processing or reprocessing may also be eligible for reimbursement. All reimbursement shall be contingent on the Supervisor's approval of the accounting of costs. There was no provision for reimbursement in the previous draft of the regulations.

Section 251.14 specifies the periods that data and information which have been submitted to the Supervisor will be kept confidential. The only significant change since the previous draft is in regard to geophysical explorations. Geophysical data shall, as in the previous draft, remain confidential for ten years following the issuance of the permit, but the ten-year period of confidentiality for processed geophysical information, reprocessed geophysical information, and interpreted geophysical information is now tied to the date it is submitted rather than the date of issuance of the permit.

Several comments were submitted to the Department on the draft regulations published on April 22, 1975. The following is a discussion of many of the suggested changes and a statement as to whether they were adopted.

Scientific research organizations have expressed their opposition to the notice requirements. The Department has a duty to remain informed of the research projects being conducted on the OCS so that it may provide for the protection of environmental values. Consequently, the notice requirement has not been deleted. Notices will also enable the Department to warn research organizations of any known hazards on the OCS.

Pursuant to one comment, the regulations have been revised to clarify that persons operating under notices will be required to comply with the terms of the notices and the regulations. Of particular note, this revision specifically incorporates into the notice the condition that scientific research operations may not create hazardous conditions or cause undue harm to the environment, and, as explained above, that a final report on operations must be submitted.

Despite a comment to the contrary, the Department decided that the use of any explosives by a scientific research organization should require a permit in order to allow time to determine whether the use of explosives in an area is environmentally acceptable. The Fish and Wildlife Service requested that it be consulted before the use of explosives is authorized. While the regulations do not provide for this consultation, there would be an opportunity for it.

Since the time will vary for processing a permit application and analyzing, if necessary, the possible impact of the proposal, the Department did not adopt a suggestion to require action on applications within specified times. Similarly, the Department did not adopt a proposal by the State of Florida to require coordination with State agencies in the issuance of permits. However, the Department makes every effort to coordinate its OCS program, encompassing both permit and lease operations, with State programs.

In accordance with one comment, persons will be notified in writing of any suspension or revocation of their authority to conduct explorations. The notice will specify the reason for the suspension or revocation.

Most of the comments on test drilling were not adopted. The Department finds that the opportunity for group participation for test drilling reduces the number of tests and the impact on the environment. In order to encourage group participation, the late participation penalty has not been increased as suggested. The use of the penalty fee is left to the discretion of the organizers of the group. To allay fears expressed in one comment, we note that group participation may not be required for all shallow test drilling. The concern is that, when it is required, it will force the disclosure of technology to competitors.

Contrary to one suggestion the final regulations require, for safety and environmental reasons, the submission of interpretations of common depth point seismic data as part of a drilling plan for a deep stratigraphic test. Similarly, the final regulations require that the drilling plan, without exception, specify an oil spill contingency plan and the equipment available to implement it. In accordance with one comment, the regulations have been changed so that after a drilling plan is approved, the Director's approval is necessary for the relocation of a drillsite exceeding 600 feet rather than 300 feet.

There were some recommendations that the requirements for submission of data and information be clarified. As explained above, the various kinds of information have been distinguished and defined to eliminate confusion. The final regulations also specify that a permittee may be required to submit analyzed geological information or processed geophysical information whether he prepares it for himself or another party and regardless of when he prepares it. However, except where specifically provided, a permittee shall not be required to submit interpreted information. Furthermore, not all data, analyzed geological information, or processed geophysical information will be required to be submitted. The permittee will be required to notify the Supervisor of its availability for inspection, and the Supervisor will then have the option to select it.

There was considerable concern that the Department should provide some reimbursement for data and information that is submitted. The Department has added a new section (§ 251.13) which, as explained above, provides for reimbursement for certain reproduction and processing costs incurred in meeting the obligations of a permit authorizing geophysical exploration for mineral resources.

Finally, the Department has received many comments on the periods that the Department must keep data and information confidential, ranging from 30 years to immediate release of it to the public. The Department had to balance the advantage of immediately alerting the States to resource potentials to assist them in planning against the disadvantage that immediate release of data and information would be to the exploration industry. Immediate release would reduce the marketability of the data and information, thus adversely affecting the exploration industry. Accordingly, the final regulations generally require that data and information collected under a permit not be disclosed to the public for ten years after the issuance of the permit. However, information identifying hydrocarbon shows or environmental hazards will be released immediately and information obtained from a deep stratigraphic test would be released five years after completion of the well and, in certain instances, earlier.

It is hereby certified that the economic and inflationary impacts of the proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Therefore, Part 250 of Title 30 of the Code of Federal Regulations is amended, and Part 251 of Title 30 of the Code of Federal Regulations is added as follows:

1. Section 250.97 of Part 250 of Title 30 of the Code of Federal Regulations is revised to read as follows:

§ 250.97 Public inspection of records.

(a) Geophysical data, processed geophysical information, interpreted geophysical information and interpreted geological information (as defined in § 251.3 of this chapter) which are submitted pursuant to the requirements of this Part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect, or for a period of 10 years after the date of submission, whichever is less, unless the Supervisor with the approval of the Director determines that earlier release of such information is necessary for the proper development of the field or area.

(b) Geological data and analyzed geological information (as defined in § 251.3 of this chapter) which are submitted pursuant to the requirements of this Part shall not be made available for public inspection without the consent of the lessee as long as the lease remains in effect or for a period of two years after the date of submission, whichever is less, unless the Supervisor with the approval of the Director determines that earlier release of such information is necessary for the proper development of the field or area.

2. Part 251 is added to Title 30 of the Code of Federal Regulations to read as follows:

Sec.

AUTHORITY: Sec. 11 of the Outer Continental Shelf Lands Act, 67 Stat. 468 (43 U.S.C. Sec. 1340).

§ 251.1 Purpose.

The purpose of the regulations in this Part is to prescribe policies, procedures, and requirements for conducting geological and geophysical exploration for mineral resources and scientific research on the Outer Continental Shelf without a lease.

§ 251.2 Applicability.

(a) *Permits and notices.* The regulations of this Part are applicable to permits issued and notices filed after the effective date of this Part. The regulations of this Part are also applicable to any "Permit and Agreement for Outer Continental Shelf Geophysical Exploration" which, prior to the effective date of this Part, is issued pursuant to the notice on Geological and Geophysical Exploration by the Acting Secretary of the Interior, dated August 27, 1975, and published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40563). If the regulations of this Part conflict with the terms of sections 4, 5, or 8 of a "Permit and Agreement for Outer Continental Shelf Geophysical Exploration" which, prior to the effective date of this Part, was issued pursuant to that notice in the FEDERAL REGISTER on September 3, 1975, the terms of that section in the Permit and Agreement shall control.

(b) *Leases.* The regulations in this Part shall not apply to geological and geophysical exploration conducted on a lease in the Outer Continental Shelf of the United States by or on behalf of the lessee. Those explorations shall be governed by the regulations in Part 250 of this Title.

§ 251.3 Definitions.

When used in this Part, the following definitions shall apply.

(a) *Outer Continental Shelf.* All submerged lands which lie seaward and outside the area of lands beneath navigable waters as defined in Section 2 of the Submerged Lands Act, 67 Stat. 29, (43 U.S.C. Sec. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(b) *Act.* The Outer Continental Shelf Lands Act, 67 Stat. 462, (43 U.S.C. Secs. 1331–1343).

(c) *OCS Order.* A formal numbered order issued by the Supervisor with the prior approval of the Chief, Conservation Division, Geological Survey, that implements the regulations contained in this Part or Part 250 of this Title and applies to operations in an area of the Outer Continental Shelf.

(d) *Director.* The Director of the Geological Survey, United States Department of the Interior.

(e) *Supervisor.* A representative of the Secretary, or any subordinate of that representative acting under his direction, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey.

(f) *Person.* A citizen or national of the United States, an alien lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. Sec. 1101(a)(20), a private, public, or municipal corporation organized under the laws of the United States or of any State or Territory thereof, and associations of such citizens, nationals, resident aliens, or private, public or municipal corporations, States or political subdivisions of States.

(g) *Third party.* Any person other than a representative of the United States or the permittee.

(h) *Notice.* The Statement of intent to conduct geological and geophysical exploration for scientific research which does not include the use of solid or liquid explosives or a deep stratigraphic test.

(i) *Permit.* The contract or agreement approved for a specified period of not more than one year under which a person acquires the right to conduct (1) geological exploration for mineral resources, (2) geophysical exploration for mineral resources, or (3) geological and geophysical exploration for scientific research which includes the use of solid or liquid explosives or a deep stratigraphic test.

(j) *Geological exploration for mineral resources.* Any operation conducted on the Outer Continental Shelf which utilizes geological and geochemical techniques, including, but not limited to, core and test drilling, well logging techniques, and various bottom sampling methods, to produce data and information on mineral resources, including data and information in support of possible exploration and development activity. The term does not include exploration for scientific research.

(k) *Geophysical exploration for mineral resources.* Any operation conducted on the Outer Continental Shelf which utilizes geophysical techniques, including, but not limited to, gravity, magnetic and various seismic methods, to produce data and information on mineral resources, including data and information in support of possible exploration and development activity. The term does not include exploration for scientific research.

(l) *Geological and geophysical exploration for scientific research.* Any investigation conducted on the Outer Continental Shelf for scientific research purposes involving the gathering and analysis of geological or geophysical data and information which are made available to the public for inspection and reproduction at the earliest practicable time.

(m) *Deep stratigraphic test.* Off structure drilling which involves the penetration into the sea bottom of more than 50 feet (15.2 metres) of consolidated rock or a total of more than 300 feet (91.4 metres).

(n) *Shallow test drilling.* Drilling into the sea bottom to depths less than those specified for a deep stratigraphic test.

(o) *Data.* Facts and statistics or samples which have not been analyzed or processed.

(p) *Analyzed geological information.* Data, collected under a permit; which

have been analyzed. Analysis may include, but is not limited to, identification of lithologic and fossil content, core analyses, laboratory analyses of physical and chemical properties, logs or charts of electrical, radioactive, sonic, and other well logs, and descriptions of hydrocarbon shows or hazardous conditions.

(q) *Processed geophysical information.* Data, collected under a permit, which have been processed. Processing involves changing the form of data so as to facilitate interpretation. Processing operations may include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transforming data elements.

(r) *Interpreted geological information.* Knowledge, often in the form of maps, developed by determining the geological significance of data and analyzed geological information.

(s) *Interpreted geophysical information.* Knowledge, often in the form of maps, developed by determining the geological significance of geophysical data and processed geophysical information.

(t) *Information.* This term, as used without a qualifying adjective, includes analyzed geological information, processed geophysical information, interpreted geological information, and interpreted geophysical information.

§ 251.4 Functions of supervisor.

The Supervisor shall regulate all operations and other activities under this Part and perform all duties prescribed by this Part. In order to do so effectively, the Supervisor is authorized to issue OCS Orders and other written and oral orders and to take all other actions necessary to carry out the provisions of this Part and to prevent damage to, or waste of, any natural resource or injury to life and property from any activity hereunder. The Supervisor shall confirm oral orders in writing as soon as possible.

§ 251.5 Requirement of notices and permits.

(a) *Geological or geophysical exploration for mineral resources.* A person may not conduct geological or geophysical exploration for mineral resources without a permit. Separate permits will be issued for geological exploration for mineral resources and for geophysical exploration for mineral resources.

(b) *Geological and geophysical exploration for scientific research.* (1) A person may not conduct geological and geophysical exploration for scientific research without a permit if the exploration includes the use of solid or liquid explosives or a deep stratigraphic test. Separate permits will be issued for geological exploration for scientific research and for geophysical exploration for scientific research.

(2) A person may conduct geological and geophysical exploration for scientific research without a permit if the exploration does not include the use of solid or liquid explosives or a deep stratigraphic test. However, the person must file with the Supervisor a notice to the Director of intent to conduct exploration which does not involve such explosives or a deep stratigraphic test at least 30 days prior to commencing the exploration. Shallow test drilling may not be conducted if, within 21 days of the filing of the notice, the Supervisor rejects the notice by sending a statement of rejection by certified mail to the person who filed the notice. A statement of rejection may advise the person of changes in the notice which, if filed again, would render the notice acceptable to the Supervisor.

§ 251.6 Forms for notices and permit applications.

(a) *Notices.* A notice shall not be on a standardized form, but shall be signed and shall state:

(1) The name(s) of the person(s) conducting or participating in the proposed exploration;

(2) The type of exploration and manner in which it will be conducted;

(3) The location, designated on a map, plat, or chart, where the exploration will be conducted;

(4) The dates, which shall designate a period of not more than one year, on which the exploration will be commenced and completed;

(5) The proposed time and manner in which the data and information resulting from the exploration will be made available to the public for inspection and reproduction, such time being the earliest practicable time;

(6) An agreement that the data and information resulting from the exploration will not be sold or withheld for exclusive use; and

(7) An agreement to comply with the Act, the regulations in this Part, applicable OCS orders, other written or oral orders of the Supervisor, and other applicable statutes and regulations, whether such statutes, regulations or orders are enacted, promulgated, issued or amended before or after the notice is filed.

(8) The name, registry number, registered owner and port of registry of vessels used in the operation.

(b) *Permit applications.* An application for a permit shall be on form approved by the Director. Each application shall include:

(1) The name(s) of the person(s) conducting or participating in the proposed exploration;

(2) The type of exploration and manner in which it will be conducted;

(3) The location on the Outer Continental Shelf where the exploration will be conducted;

(4) The purpose of conducting the exploration;

(5) The dates on which the exploration will be commenced and completed; and

(6) Such other descriptions of the proposed exploration as the Supervisor may request of the applicant.

§ 251.7 Filing locations for notices and permit applications.

(a) *Geological or geophysical exploration for mineral resources.* (1) Applications for permits to conduct geological or geophysical exploration for oil, gas and sulphur shall be filed in duplicate at the following Geological Survey offices:

(i) For the Outer Continental Shelf off the Atlantic Coast—the Area Oil and Gas Supervisor, Eastern Area, 1725 K Street, N.W., Suite 213, Washington, D.C. 20244.

(ii) For the Outer Continental Shelf in the Gulf of Mexico—the Area Oil and Gas Supervisor, Gulf of Mexico Area, P.O. Box 7944, Metairie, Louisiana 70011.

(iii) For the Outer Continental Shelf off the coast of the States of California, Oregon, and Washington—the Area Oil and Gas Supervisor, Pacific Area, Room 7744, Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.

(iv) For the Outer Continental Shelf off the State of Alaska—the Area Oil and Gas Supervisor, Alaska Area, P.O. Box 259, Anchorage, Alaska 99510.

(2) Applications for permits to conduct geological or geophysical exploration for minerals other than oil, gas and sulphur shall be filed in duplicate at the following Geological Survey offices:

(i) For the Outer Continental Shelf off the Atlantic Coast and in the Gulf of Mexico—the Area Mining Supervisor, Eastern Area, Suite 213, 1725 K Street, N.W., Washington, D.C. 20244.

(ii) For the Outer Continental Shelf off the States of Alaska, California, Oregon, and Washington—the Area Mining Supervisor, Alaska—Pacific Area, 345 Middlefield Road, Menlo Park, California 94025.

(b) *Geological and geophysical exploration for scientific research.* Notices and applications for permits to conduct geological and geophysical exploration for scientific research shall be filed in duplicate with the Area Oil and Gas Supervisor as indicated in paragraph (a)(1) of this section.

§ 251.8 General conditions of notices and permits.

(a) *Statutes, regulations and orders.* Exploration authorized under this Part shall be conducted in accordance with the Act, the regulations in this Part, applicable OCS orders, other written or oral orders of the Supervisor, and other applicable statutes and regulations, whether such statutes, regulations and orders are enacted, promulgated, issued, or amended before or after the notice is filed or the permit is issued.

(b) *General restrictions on operations.* Exploration authorized under this Part shall be conducted so that operations do not:

(1) Interfere with or endanger operations under any lease maintained or granted pursuant to the Act;

(2) Cause undue harm to aquatic life;

(3) Cause pollution;

(4) Create hazardous or unsafe conditions;

(5) Unreasonably interfere with or harm other uses of the area; or

(6) Disturb cultural resources, including sites, structures or objects of historical or archaeological significance.

(c) *Report of hydrocarbon shows or adverse effects.* Any person conducting

exploration under this Part shall immediately report to the Director through the Supervisor any hydrocarbon shows or any adverse effects of the exploration on the environment, aquatic life, cultural resources or uses of the area in which the exploration is conducted.

(d) *No right to a lease.* Authorizations granted under this Part to conduct exploration shall not confer a right to a lease under the Act.

§ 251.9 Test drilling under notices and permits.

(a) *Shallow test drilling.* (1) Permits authorizing geological exploration for mineral resources by means of shallow test drilling may be issued by the Supervisor. The Supervisor will also review notices under which shallow test drilling will be conducted.

(2) As a condition of a permit or after receipt of a notice, the Supervisor may require the gathering and submission of, prior to the commencement of operations, high resolution geophysical data, processed geophysical information, and interpreted geophysical information from, but not limited to, bathymetric, side-scan sonar and magnetometer systems, so as to determine shallow structural detail across and in the vicinity of the proposed test.

(b) *Deep stratigraphic tests.* Permits authorizing geological exploration for mineral resources or scientific research by means of deep stratigraphic tests may be issued by the Supervisor, with the approval of the Director.

(1) The holder of a permit that authorizes deep stratigraphic tests may not commence any drilling operations unless he has submitted a drilling plan and the Director has approved the plan. Each drilling plan shall include:

(i) A description of the drilling rig proposed for use showing the design and major features thereof, including features intended to prevent or control pollution;

(ii) The location of each deep stratigraphic test to be conducted including surface and projected bottom hole location for directionally drilled tests;

(iii) An oil spill contingency plan and a description of all equipment and materials available to the permittee for use in containment and recovery of an oil spill, with a description of the capabilities of such equipment under different sea and weather conditions;

(iv) High resolution geophysical data, processed geophysical information, and interpreted geophysical information from, but not limited to, bathymetric, side-scan sonar and magnetometer systems, collected across any proposed drilling location so as to permit determination of shallow structural detail in the vicinity of the proposed test, and for stratigraphic tests proposed to depths greater than 1,000 feet (304.8 metres) below the mudline, common depth point seismic data from the area of the proposed test location and processed geophysical information and interpreted geophysical information therefrom; and

(v) Such other pertinent data and information as the Supervisor may request.

(2) After approval of a drilling plan, any modifications must be approved by the Supervisor. A modification including relocation of a drillsite or bottom hole location exceeding 600 feet (182.8 metres) must be approved by the Director.

(3) A deep stratigraphic test authorized by a permit shall be conducted in a manner which prevents blowouts, prevents release of fluids from strata into the sea, and prevents communication between fluid-bearing strata of oil, gas, or water. The permittee shall utilize appropriate protective measures and devices specified by the Supervisor.

(c) *Group participation.* In order to minimize duplicative geological exploration involving penetration of the seabed of the Outer Continental Shelf, a permittee proposing to conduct a deep stratigraphic test shall afford all interested persons an opportunity to participate in the test on a cost-sharing basis with a penalty for late participation of not more than 100 percent of the cost to each original participant. A permittee proposing to conduct shallow test drilling shall, when ordered by the Supervisor or when provided in the permit, afford all interested persons an opportunity to participate in the test on a cost-sharing basis with a penalty for late participation of not more than 50 percent of the cost to each original participant. To allow for group participation a permittee shall:

(1) Publish a summary statement of the proposed test in a manner approved by the Supervisor;

(2) Allow at least 30 days from the date of the publication for other persons to consider participation in the program as described by the permit and join as original participants;

(3) Forward a copy of the published notice(s) to the Supervisor;

(4) Compute the cost to an original participant by dividing the total cost of the program by the number of original participants; and

(5) Furnish the Supervisor with a complete list of all participants under the permit prior to commencing operations, or at the end of the advertising period if operations begin prior to its close, and submit, on a timely basis, a list of all late participants.

If the Supervisor determines that a change made in the permit or drilling plan is significant, he shall require additional publications. Persons wishing to join as a result of such readvertisements within the time frame allowed will be considered to be original participants.

(d) *Cultural resources.* Any person who holds a permit authorizing a deep stratigraphic test shall, prior to commencing the test, conduct studies sufficient to determine the possible existence of any cultural resources, including sites, structures, or objects of historical or archaeological significance that may be affected by such drilling, and shall report the findings of the studies to the Supervisor. Any person who holds a permit authorizing shallow test drilling or who has filed a notice for Shallow test drilling may be required to conduct such studies at the discretion of the Supervisor. If any study indicates the possible presence of a cultural resource, a full explanation will be included in the report. The person shall take no action that may result in the disturbance of cultural resources without the prior approval of the Supervisor, and if any cultural resource is discovered during a test, the person shall immediately report the finding to the Supervisor and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(e) *Orders and regulations.* All Outer Continental Shelf regulations relating to drilling operations in Part 250 of this title and all OCS Orders relating to the drilling and abandonment of wells apply, as appropriate, to drilling authorized under this Part. Departures from the requirements of OCS Orders shall be permitted as provided in § 250.12(b) of this title.

(f) *Bonds.* Before a permit authorizing a deep stratigraphic test will be issued, the applicant shall furnish to the Bureau of Land Management a surety bond of not less than $100,000 conditioned on compliance with the terms of the permit, unless he already maintains with or furnishes to the Bureau of Land Management a bond in the sum of $300,000 conditioned on compliance with the terms of the permit issued to him for the area of the Outer Continental Shelf where he proposes to conduct a deep stratigraphic test. The Supervisor may require a bond for shallow test drilling. Any bond furnished or maintained by a person under this section will be on a form approved by the Supervisor.

§ 251.10 Observation of exploration conducted under permits.

(a) *Advisor.* A permittee shall, on request of the Supervisor, furnish food, quarters, and transportation for an advisor who is approved by the Supervisor, and the permittee will be reimbursed by the United States for actual costs. The advisor shall observe operations conducted pursuant to the permit and advise the Supervisor on the conduct of the operations as well as on any adverse effects of the operations upon the environment, aquatic life, cultural resources, and other uses of the area. The fees charged by an advisor shall be paid by the United States.

(b) *Federal inspector.* A permittee shall, on request of the Supervisor, furnish food, quarters, and transportation for a Federal representative to inspect operations, and the permittee will be reimbursed by the United States for actual costs.

§ 251.11 Report of operations conducted under notices and permits.

(a) *Weekly reports.* Each permittee shall submit to the Supervisor weekly reports which include a daily log of operations.

(b) *Final reports.* Each permittee and each person operating under a notice shall submit a final report to the Supervisor within 30 days after the completion of exploration under the permit or notice. The final report shall contain the following:

(1) A description of the work performed;

(2) Charts, maps, or plats depicting the areas in which the exploration was conducted and specifically identifying the lines over which geophysical traverses were run or the locations where geological exploration was conducted, including a reference sufficient to identify the data produced during each such operation;

(3) The dates on which the exploration was performed;

(4) A report of any hydrocarbon shows or any adverse effects of the exploration on the environment, aquatic life, cultural resources, or other uses of the area in which the exploration was conducted;

(5) Such other descriptions of the exploration as may be specified by the Supervisor.

§ 251.12 Submission of data and information by permittees.

(a) *Submission of geological data and analyzed geological information.* (1) Each holder of a permit for geological exploration shall notify the Supervisor immediately, in writing, of the acquisition or analysis of any geological data collected under the permit. At any time within one year of receiving a notice of acquisition or analysis from a permittee, or within a longer period if specified in the permit, the Supervisor may select all or part of the geological data and analyzed geological information. The permittee shall keep the geological data and analyzed geological information available for inspection and selection by the Supervisor during such period, and the permittee shall submit geological data and analyzed geological information to the Supervisor within 30 days after receiving a request for submission of them.

(2) Each submission of geological data and analyzed geological information shall, at the direction of the Supervisor, contain all or part of the following:

(i) An accurate and complete record of all geological (including geochemical) data and information resulting from each operation;

(ii) Paleontological reports identifying microscopic fossils by depth (not resulting age interpretations based upon such identification) unless washed samples are maintained by the permittee for paleontological determination and are made available for inspection by the Geological Survey;

(iii) Copies of logs or charts of electrical, radioactive, sonic, and other well logs;

(iv) Analyses of core or bottom samples or a representative cut or split of the core or bottom sample;

(v) Detailed descriptions of any hydrocarbon shows or hazardous conditions encountered during operations, including near losses of well control, abnormal geopressures, and losses of circulation; and

(vi) Such other geological data and analyzed geological information obtained under the permit as may be specified by the Supervisor.

(3) A permittee shall not be required to submit interpreted geological information under this Part of Title 30 unless specifically required in this Part.

(b) *Submission of geophysical data and processed geophysical information.* (1) Each holder of a permit for geophysical exploration shall notify the Supervisor immediately, in writing, of the acquisition, processing, or reprocessing of any geophysical data collected under the permit. At any time within one year after receiving a notice of acquisition, processing, or reprocessing from a permittee, or within a longer period if specified in the permit, the Supervisor may select all or part of the geophysical data, processed geophysical information, and reprocessed geophysical information. The permittee shall keep the geophysical data, processed geophysical information, and reprocessed geophysical information available for inspection and selection by the Supervisor during such period.

(2) The Supervisor shall have the right to inspect the geophysical data, processed geophysical information, or reprocessed geophysical information prior to selection in writing. This inspection may be performed on the permittee's premises or, if the Supervisor shall so request, the permittee shall deliver the geophysical data, processed geophysical information, or reprocessed geophysical information to the Supervisor for inspection. Such delivery shall be within 30 days after the request for delivery is received. At any time prior to selection in writing, the Supervisor shall have the right to return, without cost to the Government except for reproduction costs, any or all geophysical data, processed geophysical information, or reprocessed geophysical information following either inspection and detailed assessment of quality or establishment of price to the Government for processing or reprocessing. If the Supervisor decides to keep any or all of the geophysical data, processed geophysical information, or reprocessed geophysical information, he shall select them in writing; and if they are on the permittee's premises, the permittee shall submit them within 30 days after receiving a request for submission of them. The Supervisor shall have the right to arrange, by contract or otherwise, for the reproduction of geophysical data, processed geophysical information and reprocessed geophysical information independently of the permittee and without reimbursement of the permittee for reproduction costs.

(3) In the event a permittee transfers geophysical data or processed geophysical information to a third party, or a third party who has received geophysical data or processed geophysical information directly or indirectly from a permittee transfers the geophysical data or processed geophysical information to another third party, the transferor shall notify the Supervisor of such transmittal and the transferor shall bind the third party, in writing, to the obligations of the permittee as specified in this Section.

(4) Each submission of geophysical data, processed geophysical information and reprocessed geophysical information shall, at the direction of the Supervisor, contain all or part of the following:

(i) An accurate and complete record of each geophysical survey conducted under the permit, including final location maps of all survey stations; and

(ii) All common depth point and high resolution seismic data developed under a permit in a format and of a quality suitable for processing; processed geophysical information derived therefrom with extraneous signals and interference removed, in a format and of a quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques; and other geophysical data and processed geophysical information obtained from, but not limited to, shallow and deep subbottom profiles, bathymetry, side-scan sonar and magnetometer systems, bottom profiles, gravity and magnetic surveys and special studies such as refraction and velocity surveys.

(5) A permittee shall not be required to submit interpreted geophysical information under this Part of Title 30 unless specifically required by this Part.

§ 251.13 Reimbursement to permittees.

(a) *Reimbursement for reproduction costs.* After the delivery or submission of geophysical data, processed geophysical information and reprocessed geophysical information in accordance with § 251.12(b)(2), the permittee or third party shall, upon a request for reimbursement and upon a determination by the Supervisor that the request is proper, be reimbursed for the cost of reproducing the geophysical data, processed geophysical information and reprocessed geophysical information at the permittee's lowest rate or at the lowest commercial rate established in the area, whichever is less.

(b) *Reimbursement for processing or reprocessing costs.* After the Supervisor selects in writing processed and reprocessed geophysical information in accordance with § 251.12(b)(2), the permittee or third party shall, upon a request for reimbursement and upon a determination by the Supervisor that the request is proper, be reimbursed for the cost attributable to processing and reprocessing only, as distinguished from the cost of data acquisition. The amount of reimbursement will not exceed the lowest rate available to any purchaser. If the processed and reprocessed geophysical information is not available for sale and the permittee or third party is the only participant, the permittee or third party shall be reimbursed for not more than one-half of the processing and re-

processing cost incurred by the permittee or third party. The permittee or third party shall refund to the United States any amount by which the lowest share of the total processing and reprocessing cost is reduced following reimbursement to the permittee or third party by the United States.

(c) *Procedures for establishing amount of reimbursement.* If a permittee or third party intends to request reimbursement under this section, he shall submit to the Supervisor a request for reimbursement which specifies the cost of reproducing the geophysical data, processed geophysical information, and reprocessed geophysical information or the cost of processing or reprocessing the geophysical data. The request shall be submitted at the time the permittee or third party delivers for inspection geophysical data, processed geophysical information or reprocessed geophysical information or upon demand by the Supervisor if the inspection is on the permittee's or third party's premises. Any reimbursement to a permittee or third party shall be conditioned upon a determination by the Supervisor that the request for reimbursement as originally submitted or as revised is proper. Reimbursement procedures shall be in accordance with applicable laws and regulations.

§ 251.14 Disclosure of data and information submitted under permits.

(a) *General.* Except as specified in this Section, the United States shall not make available to the public (1) trade secrets and commercial or financial information which are privileged or confidential and which are received from permittees, and (2) geological and geophysical information and data, including maps, concerning wells, which are received from permittees.

(b) *Disclosure of geological data, analyzed geological information and interpreted geological information.* The Supervisor shall disclose geological data, analyzed geological information and interpreted geological information submitted under a permit as follows:

(1) He shall immediately issue a public notice identifying any hydrocarbon shows or environmental hazards on unleased lands discovered during drilling operations when the shows or hazards are judged to be significant by the Director;

(2) He shall make available to the public all other geological data, analyzed geological information and interpreted geological information, except geological data, analyzed geological information and interpreted geological information obtained from deep stratigraphic tests, ten years after issuance of the permit; and

(3) He shall make available to the public geological data, analyzed geological information and interpreted geological information obtained from deep stratigraphic tests, five years after completion of the test well or 60 calendar days after the issuance of the first Federal lease within 50 geographic miles (92.6 kilometres) of the test site, whichever is earlier.

(c) *Disclosure of geophysical data, processed geophysical information and interpreted geophysical information.* The Supervisor shall disclose geophysical data, processed geophysical information, reprocessed geophysical information and interpreted geophysical information submitted under a permit and retained by the Supervisor as follows:

(1) He shall make available to the public geophysical data 10 years after the issuance of the permit.

(2) He shall make available to the public processed geophysical information, reprocessed geophysical information and interpreted geophysical information 10 years after it has been submitted to the Supervisor.

§ 251.15 Termination, suspension and revocation of authority to operate under notices and permits.

(a) *Termination.* The Supervisor or a person who has filed a notice or who holds a permit may terminate the authority to conduct exploration under a notice or permit, as the case may be, at any time and without cause by sending a statement of termination by certified mail to the other party at least 30 days in advance of the date such termination is to be effective.

(b) *Suspension and revocation.* (1) The Supervisor may, by sending a statement of suspension or revocation by certified mail, suspend or revoke the authority to conduct exploration under a permit or notice when in his judgment the exploration or proposed exploration threatens immediate, serious, or irreparable harm or damage to life, including aquatic life, to property, to cultural resources, to valuable mineral deposits, or to the environment. Such suspensions and revocations shall be effective immediately upon receipt of the statement.

(2) The Supervisor may, by sending a statement of suspension or revocation by certified mail, suspend or revoke the authority to conduct exploration under a notice or permit for noncompliance with the Act, the regulations in this Part, the terms and conditions of the permit, applicable OCS Orders, other written orders of the Supervisor including requests for any reports, and other applicable laws and regulations. A suspension shall be effective immediately upon receipt of the statement and a revocation shall be effective without further notice on the thirtieth day after receipt of the statement, unless the breach or violation is corrected by that time. Upon receipt of a statement of revocation asserting a breach or violation, the authority to conduct exploration under the notice or permit shall be suspended immediately, and the suspension shall remain in effect until the breach or violation has been corrected or the revocation becomes final.

(c) *Continuing obligations.* Termination or revocation of the authority to conduct exploration under a notice or permit shall not relieve the person who filed the notice or who holds the permit of the obligation to abandon any drill sites in compliance with § 251.9(e), and to comply with all other obligations specified in this Part or in the permit or notice.

§ 251.16 Penalties.

All persons conducting geological or geophysical exploration for mineral resources and exploration for scientific research shall be subject to the penalty provisions of section 5(a)(2) of the Act, (43 U.S.C. Sec. 1334(a)(2)), for violation of regulations for the prevention of waste, the conservation of natural resources, or the protection of correlative rights. This is in addition to any penalty which may be prescribed in the permit for noncompliance with its provisions or any action which may be brought by the United States to compel compliance with the provisions of the permit.

§ 251.17 Appeals.

Orders or decisions issued under the regulations in this Part may be appealed as provided in Part 290 of this Title.

Effective: June 11, 1976.

Approved: June 11, 1976.

TOM KLEPPE,
Secretary of the Interior.

[FR Doc.76-18259 Filed 6-22-76;8:45 am]

Title 32—National Defense

CHAPTER XII—DEFENSE SUPPLY AGENCY

SUBCHAPTER B—MISCELLANEOUS

[DSAR 5400.21: RCS DD (A & AR) 1379]

PART 1286—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Correction

On September 30, 1975, there was published in the FEDERAL REGISTER (40 FR 45113) (FR Doc. 75-25987) a notice of proposed rulemaking to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a).

The following paragraph was inadvertently omitted when the final document was published (41 FR 18836, May 7, 1976), and should now be added to page 18844, third column, immediately below the center heading "Appendix C" to read as follows:

All systems of records maintained by the Defense Supply Agency shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 11652, and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions herein may

contain isolated items of information which have been properly classified.

Effective date: May 7, 1976.

By order of the Director, Defense Supply Agency.

J. J. McALEER, Jr.,
Colonel, USA,
Staff Director, Administration.

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

JUNE 17, 1976.

[FR Doc.76-18232 Filed 6-22-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 564-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Nebraska: Approval of Plan Revision and Clarifying Amendments

On May 31, 1972 (37 FR 10877), pursuant to section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator approved, with specific exceptions, the State of Nebraska plan for the implementation of the National Ambient Air Quality Standards (NAAQS). On February 24, 1976 (41 FR 8072), the Agency announced that the State proposed to revise its implementation plan by making a number of amendments to the Air Pollution Control Rules and Regulations of Nebraska. These amendments were adopted on December 14, 1974, and June 13, 1975, pursuant to the Nebraska Environmental Protection Act, as amended on April 13, 1974, and were officially submitted to the Environmental Protection Agency (EPA) on August 5, 1975. The significant changes are discussed in the following paragraphs.

The term "designated area" has been amended to define a "designated area" as a Standard Metropolitan Statistical Area (SMSA). This refers only to preconstruction review requirements for what are termed "complex sources." A "designated area" has the same review regulations (40 CFR 52.22), which are currently suspended.

The State has adopted the second group of New Source Performance Standards promulgated by the EPA (39 FR 9308), in addition to the first group of five categories previously adopted. The seven categories of sources are: asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and municipal sewage treatment plants.

Variance procedures have been amended to provide for variances beyond the NAAQS attainment date. The amended regulations allow a source to be granted a variance beyond the attainment date, provided the owner or operator of the source demonstrates that the source emissions will not interfere with attainment or maintenance of the NAAQS and the owner or operator has shown good faith efforts to comply with emission standards.

The provision permitting sources to withhold certain information involving processes or methods of manufacture has been deleted from the regulations. An amended public information rule now clearly requires that emission data be released. This rulemaking revokes the disapproval of the State plan relating to availability of emission data and the EPA-promulgated substitute regulation. Section 52.1424 is revised to remove the disapproval of legal authority to release emission data.

A visible emission regulation for diesel-powered vehicles has been added. Other minor changes were made including renumbering internal cross references and a general recodification.

These proposed changes were opened to public comment in the proposal dated February 24, 1976. No comments were received during the public comment period.

These changes constitute a revision to the State of Nebraska implementation plan, pursuant to § 51.6 of this chapter. The Administrator's decision to approve or to disapprove a plan revision is based on whether or not they meet the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51, "Requirements for Preparation, Adoption and Submittal of State Implementation Plans."

After careful review of all the changes contained in the proposed revision, the Administrator has determined that the revision meets the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51. Accordingly, this SIP revision is hereby approved and made part of the SIP.

The Administrator finds that good cause exists to make these revisions immediately effective for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of state and federal law which provided for adequate public hearings and comments, and further participation is unnecessary;

2. Immediate effectiveness enables affected sources to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the amendments may do so without delay; and

3. The clarifying amendments merely modify existing lists and impose no additional requirements.

The amendments to § 52.1420(c), which are also being published herein, reflect additions to the amendments published on March 2, 1976 (41 FR 8956). These additions merely clarify the existing list and impose no new requirements. Therefore, the Administrator finds for good cause that it is unnecessary and impractical to subject these clarifications to notice and public comment procedures.

This revision becomes effective on June 23, 1976.

(Sections 110 and 301, Clean Air Act as amended (42 U.S.C. 1857c-5, 1857g).)

Dated: June 16, 1976.

JOHN QUARLES,
Acting Administrator.

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

1. In § 52.1420, paragraph (c) is amended by adding subparagraphs (10) through (18) as follows:

Subpart CC—Nebraska

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

(10) Compliance schedules were submitted by the Department of Environmental Control on September 13, 1974.

(11) Compliance schedules were submitted by the Department of Environmental Control on February 21, 1975.

(12) Compliance schedules were submitted by the Department of Environmental Control on May 23, 1975.

(13) Revision of regulations to include the second group of New Source Performance Standards and provide for granting of post-attainment variances and releasing of emission data was submitted on August 5, 1975, by the Governor.

(14) Compliance schedules were submitted by the Governor on August 27, 1975.

(15) Compliance schedules were submitted by the Governor on January 1, 1976.

(16) Compliance schedules were submitted by the Department of Environmental Control on January 15, 1976.

(17) Amended State law (LB1029) giving the Department of Environmental Control authority to require monitoring of emissions, require reporting of emissions and release emission data was submitted by the Governor on February 10, 1976.

(18) Compliance schedules were submitted by the Governor on April 23, 1976.

2. Section 52.1423 is revoked.

§ 52.1423 [Revoked].

3. Section 52.1424 is amended to read as follows:

§ 52.1424 Legal authority.

The requirements of § 51.11(a) of this chapter are not met since the Lincoln-Lancaster County Health Department regulations contain the following deficiencies:

(a) Authority to require recordkeeping is inadequate (§ 51.11(a)(5) of this chapter).

(b) Authority to require installation of monitoring devices or make periodic reports is inadequate (§ 51.11(a)(6) of this chapter).

[FR Doc.76-18169 Filed 6-22-76;8:45 am]

[FRL 563-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Ambient SO_2 and NO_2 Standards

On May 31, 1972 (37 FR 10842), the Administrator approved the North Carolina plan to attain and maintain the national ambient air quality standards in that State. The original North Carolina implementation plan contained ambient standards for sulfur dioxide which were equal to the annual, 24-hour, and 3-hour national secondary standards in effect at that time (60, 260, and 1300 $\mu g/m^3$, respectively); the plan also contained a 24-hour standard for nitrogen dioxide (250 $\mu g/m^3$, not to be exceeded more than once a year) in addition to an annual standard (100 $\mu g/m^3$) equal to the national standards. On September 14, 1973 (38 FR 25681), the Administrator revoked the national annual secondary standard for SO_2 together with the 24-hour standard established for assessing plans to attain the annual standard. North Carolina, after notice and public hearing, has changed its annual and 24-hour SO_2 standards to make them equal to the national primary annual and 24-hour standards (80 and 365 $\mu g/m^3$, respectively). Also, the State has revoked its 24-hour ambient standard for nitrogen dioxide. These changes were submitted to the Agency as a proposed plan revision on March 23, 1976.

The revised North Carolina ambient standards for sulfur dioxide and nitrogen dioxide are hereby approved. This action is effective immediately.

The Administrator finds that there is no reason to propose this revision for public comment since the only course of action open to him in the case of ambient standards equal to the national standards is to approve them. Also, there is no reason to defer the effective date of this approval action since it merely ratifies changes which are already in effect under North Carolina law, and imposes no additional burden on anyone.

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

Dated: June 6, 1976.

JOHN QUARLES,
Acting Administrator.

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

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (15) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(15) Revised ambient SO_2 and NO_2 standards, submitted on March 23, 1976, by the North Carolina Department of Natural and Economic Resources.

[FR Doc.76-18170 Filed 6-22-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment E-189]

PART 101-25—GENERAL

Replacement Standards; Office Machines

This regulation provides updated replacement standards for office machines.

Section 101-25.403 is amended as follows:

§ 101-25.403 Office machines.

* * * * *

(a) Electrically operated office machines such as typewriters, adding machines, and desk calculators (excluding the electronic type) under 12 years of age or manually operated office machines under 15 years of age shall not be replaced unless:

* * * * *

(b) Electronic office machines such as calculators, accounting machines, cash registers, and dictating equipment shall be replaced after expiration of the warranty period if the estimated one-time repair cost exceeds 80 percent of the replacement cost of a comparable new model.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This regulation is effective on June 23, 1976.

Dated: June 11, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-18256 Filed 6-22-76;8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1607—GOVERNING BODIES OF RECIPIENTS

Requirements

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings to persons financially unable to afford legal assistance. Section 1007(c) of the Act, 42 U.S.C. 2996f(c), states that the composition of the governing body of a recipient shall meet certain requirements.

On May 5, 1976 (41 FR 18526) a proposed regulation on governing bodies of recipients was published. Interested persons were given until June 3, 1976 to submit comments on the proposed regulation. All comments received were given full consideration. Several minor technical changes were made, and the following issues were considered before adoption of the final regulation.

COMPOSITION

The Act requires that sixty percent of the governing body of a recipient be lawyers, and that at least one member be an eligible client. The Corporation concluded that there are sound and persuasive policy reasons for going beyond the Act and imposing additional requirements. This conclusion rests on the Corporation's recognition that a legal services client has only limited freedom of choice in selecting a lawyer; unlike the client of a private law firm, he or she cannot go to another law firm if dissatisfied with any aspect of the assistance received. Therefore, it seems essential to structure the governing body in a way that insures that legal services lawyers will be strictly accountable, through the governing body, to the clients they serve.

While we expect lawyer members to be diligent in pursuit of the goal of accountability, we believe that its attainment requires more than one client member. As a practical matter, a dissatisfied client may be reluctant or unable to seek out and present a grievance to a lawyer-member of the governing body; client-members may be expected to be more accessible. Moreover, "the client community" is not monolithic; most legal services programs serve heterogeneous populations with diverse, and sometimes conflicting, needs and interests. A single voice cannot represent them all. A governing body would be sorely handicapped in its task of establishing priorities in resource allocation if its client membership did not reflect this diversity.

These concerns underlie the requirement in § 1607.3(a) that the governing body "reasonably reflect the interests and characteristics of the eligible clients in the area served." The Corporation considered, and rejected as both unwise and unworkable, a formulation requiring the lawyer and the client component of the body each to reflect specified segments of the general population served. The desire to insure accountability led to the requirement in § 1607.3(d) that one-third of a governing body be either clients or representatives of client groups. This requirement also should serve to eliminate the tension that occasionally developed in the past of client membership of a governing board was minimal or non-existent, and the program perceived a contradiction between the instructions of the governing body and the demands of its clients. In most programs, however, client membership has comprised between one-third and one-half of the governing body membership, and this formula apparently has worked well.

QUALIFICATIONS

Section 1607.3 adopts the language used in §§ 1603.3 and 1603.4, governing State Advisory Council membership, and requires that attorney members of the governing body be supportive of the purposes of the Act and "have interest in, and knowledge of, the delivery of quality legal services to the poor."

Under § 1607.3(d), only one member need be an eligible client when selected; the other members of the client component may be delegates or representatives. This realistic allowance is made because clients may be reluctant to speak up in the presence of a group of lawyers, and may feel that their own point of view would be presented more effectively by a spokesman of their choice. A client member who becomes ineligible for legal assistance because of a change in financial circumstances may, nonetheless, remain on the governing board.

The requirement in § 1607.3 that lawyers and the clients be selected from, or designated by, appropriate groups, follows from our overall concern to insure that membership is both representative of, and accountable to the interests it represents. The remaining members of a governing body need not represent any group, but must be interested in and supportive of legal services to the poor.

Section 1607.3(h) states that no category of governing board membership shall be dominated by persons serving as the representatives of a single association, group, or organization. It should be noted that the Regulation does not prevent drawing all attorney members, for example, from the same state or local Bar Association, so long as a dominant percentage of the attorney membership of the governing body has not been designated by that Bar Association as its representatives.

FUNCTIONS OF GOVERNING BODY

The Corporation believes that Formal Opinion 334 of the American Bar Association Committee on Ethics and Professional Responsibility (August 10, 1974) enunciates sound principles to guide a governing body in carrying out its responsibilities to a legal services program and its clients.

COMPENSATION

Section 1607.6 authorizes payment to governing body members for reasonable and actual expenses required for fulfillment of membership obligations, but the Corporation does not encourage members who can afford to pay such expenses themselves to seek reimbursement from the recipient.

The following regulation has been adopted by the Legal Services Corporation, to become effective July 23, 1976, pursuant to section 1008(e) of the Act.

Part 1607 is established to read as follows:

Sec.
1607.1 Purpose.
1607.2 Definition.
1607.3 Composition.
1607.4 Functions of a governing body.
1607.5 Waiver.
1607.6 Compensation.

AUTHORITY: Sec. 1007(c); 42 U.S.C. 2996f(c).

§ 1607.1 Purpose.

This part is designed to insure that the governing body of a recipient will be well qualified to guide a recipient in its efforts to provide high quality legal assistance to those who otherwise would be unable to obtain adequate legal counsel, and to insure that the recipient is accountable to its clients.

§ 1607.2 Definition.

"Eligible client," as used in this Part, means a person eligible to receive legal assistance under the Act, without regard to whether the person is receiving assistance at the time of selection for membership on a governing body.

§ 1607.3 Composition.

(a) A recipient shall be incorporated in a State in which it provides legal assistance, and shall have a governing body that reasonably reflects the interests and characteristics of the eligible clients in the area served.

(b) At least sixty (60) percent of a governing body shall be attorneys admitted to practice in a State in which a recipient is to provide legal assistance, who are supportive of the purposes of the Act and have interest in, and knowledge of, the delivery of quality legal services to the poor.

(c) The attorneys shall be selected from, or designated by, appropriate Bar Associations and other groups, including, but not limited to, law schools, civil rights or anti-poverty organizations, and organizations of eligible clients.

(d) At least one member of a governing body shall be, when selected, an eligible client, and at least one-third of the members shall be either eligible clients, or representatives of associations, groups, or organizations of eligible clients.

(e) The members who are, or who represent those who are, eligible clients shall be selected from, or designated by, a variety of appropriate groups including, but not limited to, client and neighborhood associations and organizations.

(f) The categories of "attorney" and "eligible client representative" are not mutually exclusive; a single individual may be counted toward satisfaction of both requirements.

(g) The remaining members of a governing body, whatever the method of selection, shall be individuals interested in and supportive of legal services to the poor.

(h) No category of governing board membership shall be dominated by persons serving as the representatives of a single association, group, or organization.

(i) Members of a governing body may be selected by appointment, election, or other means. The method of selection and composition shall be subject to approval by the Corporation. A recipient whose current governing body does not satisfy the requirements of this section shall submit for approval a plan for achieving compliance as soon as possible.

§ 1607.4 Functions of a governing body.

(a) A governing body shall have at least four meetings a year. Timely and effective prior public notice of all meetings shall be given, and all meetings shall be public except for those concerned with matters properly discussed in executive session.

(b) A governing body shall establish and enforce broad policies governing the operation of a recipient, but shall not interfere with any attorney's professional responsibilities to clients.

§ 1607.5 Waiver.

(a) Upon application, the President shall waive the requirements of this Part to permit a recipient that was funded under section 222(a)(3) of the Economic Opportunity Act of 1964 and, on July 25, 1974, had a majority of persons who were not attorneys on its governing body, to continue such a non-attorney majority.

(b) The President may waive the requirements of this Part upon application of a recipient that demonstrates that it cannot comply with them because of

(1) The nature of the population or area served; or

(2) Special circumstances, including, but not limited to, conflicting requirements of the recipient's major funding source.

(c) A recipient seeking a waiver shall demonstrate that it has made diligent efforts to comply with the requirements of this Part.

§ 1607.6 Compensation.

While serving on the governing body of a recipient, no member shall receive compensation from the recipient, but a member may receive payment for normal travel and other out-of-pocket expenses required for fulfillment of the obligations of membership.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-18293 Filed 6-22-76;8:45 am]

PART 1608—PROHIBITED POLITICAL ACTIVITIES

Quality Legal Assistance

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings to persons financially unable to afford legal assistance. Sections of the Act, including sections 1005(b), 1006(b)(5), 1006(d)(3) and (4), 1006(e)(1) and (2), 1007(a)(6) and 1007(b)(2) prohibit certain political activities by the Corporation, recipients, and their respective employees.

A proposed regulation on prohibited political activities was published on May 5, 1976 (41 FR 18527), and interested persons were given until June 3, 1976 to submit comments. All comments received were given full consideration, but none raised any issue of substance, and the proposed regulation has been adopted without change.

The following issues were considered before adoption of the final regulation:

PURPOSE

Congress declared that in order to "preserve its strength, the legal services program must be kept free from the

influence of or use by it of political pressures"; and the Act contains several provisions that are designed to insure that Corporation funds will not be used to promote political interests. This part implements those provisions.

APPLICATION OF THE HATCH ACT

The Legal Services Corporation Act (hereinafter LSC Act) refers to the Hatch Act in two places, one affecting Corporation employees, and the other, staff attorneys. After passage of the LSC Act, a relevant portion of the Hatch Act barring employees from taking an active part in political campaigns was amended, and now bars only actual candidacy for elective public office. Before adopting a regulation implementing these Sections of the LSC Act, it was necessary to decide whether either or both of the references in the LSC Act constitute a specific incorporation of the unamended Hatch Act, precluding consideration of subsequent amendments.

Section 1006(e)(2) states that Corporation employees "shall be deemed to be State or local employees" for Hatch Act purposes. The emphasis is on identity of treatment with the other employees specified, and not on prohibiting particular activities. Therefore we concluded that Congress would have applied the amended Hatch Act to Corporation employees, and we have done so in § 1608.4.

The best reading of § 1007(a)(6), which requires the Corporation to insure that staff attorneys refrain from activities "of the type" prohibited by the Hatch Act, suggests that the Hatch Act is cited by way of example only, leaving specific proscriptions to the discretion and continuing experience of the Corporation. Support of such reading is found in the fact that the LSC Act requires the Corporation to limit both partisan and nonpartisan political activity by staff attorneys, but the Hatch Act never applied to nonpartisan activity. We concluded that neither the amended nor unamended provisions of the Hatch Act directly apply to staff attorneys, and that the Corporation has discretion to deviate from the Hatch Act in relation to them; but in the absence of experience justifying deviation, we have embodied the Hatch Act without any change except the addition of a prohibition against nonpartisan candidacy, as required by the LSC Act.

The following regulation has been adopted by the Legal Services Corporation, to become effective July 23, 1976, pursuant to § 1008(e) of the Act.

Part 1608 is established to read as follows:

Sec.
1608.1 Purpose.
1608.2 Definition.
1608.3 Prohibitions applicable to the Corporation and to recipients.
1608.4 Prohibition applicable to all employees.
1608.5 Prohibitions applicable to Corporation employees and staff attorneys.
1608.6 Prohibitions applicable to attorneys and to staff attorneys.
1608.7 Attorney-client relationship.
1608.8 Enforcement.

AUTHORITY: Secs. 1001(5), 1005(b)(2), 1006(b)(3), 1006(b)(5)(B), 1006(d)(3), 1006(d)(4), 1006(e)(1), 1006(e)(2), 1007(a)(6), 1007(b)(2); 42 U.S.C. 2996(5), 2996d(b)(2), 2996e(b)(3), 2996e(b)(5)(B), 2996e(d)(3), 2996e(d)(4), 2996e(e)(1), 2996e(e)(2), 2996f(a)(6), 2996(b)(2).

§ 1608.1 Purpose.

This Part is designed to insure that the Corporation's resources will be used to provide high quality legal assistance and not to support or promote political activities or interests. The Part should be construed and applied so as to further this purpose without infringing upon the constitutional rights of employees or the professional responsibilities of attorneys to their clients.

§ 1608.2 Definition.

"Legal assistance activities," as used in this Part, means any activity.

(a) Carried out during an employee's working hours;

(b) Using resources provided by the Corporation or by a recipient; or

(c) That, in fact, provides legal advice, or representation to an eligible client.

§ 1608.3 Prohibitions applicable to the corporation and to recipients.

(a) Neither the Corporation nor any recipient shall use any political test or qualification in making any decision, taking any action, or performing any function under the Act.

(b) Neither the Corporation nor any recipient shall contribute or make available Corporation funds, or any personnel or equipment

(1) To any political party or association,

(2) To the campaign of any candidate for public or party office, or

(3) For use in advocating or opposing any ballot measure, initiative, or referendum.

§ 1608.4 Prohibitions applicable to all employees.

(a) No employee shall intentionally identify the Corporation or a recipient with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office.

(b) No employee shall use any Corporation funds for activities prohibited to attorneys under Section 1608.6; nor shall an employee intentionally identify or encourage others to identify the Corporation or a recipient with such activities.

§ 1608.5 Prohibitions applicable to corporation employees and to staff attorneys.

While employed under the Act, no Corporation employee and no staff attorney shall, at any time,

(a) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, whether partisan or nonpartisan;

(b) Directly or indirectly coerce, attempt to coerce, command or advise an employee of the Corporation or of any recipient to pay, lend, or contribute anything of value to a political party, or committee, organization, agency or person for political purposes; and

(c) No staff attorney shall be a candidate for elective public office, whether partisan or nonpartisan; nor shall a Corporation employee be a candidate for partisan elective public office.

§ 1608.6 Prohibitions applicable to attorneys and to staff attorneys.

(a) While engaged in legal assistance activities supported under the Act, no attorney shall engage in

(1) Any political activity,

(2) Any activity to provide voters with transportation to the polls, or to provide similar assistance in connection with an election, or

(3) Any voter registration activity.

(b) While employed under the Act, no staff attorney shall engage in the activities prohibited by paragraphs (a)(2) or (a)(3) of this section at any time.

§ 1608.7 Attorney-client relationship.

Nothing in this Part is intended to prohibit an attorney or staff attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

§ 1608.8 Enforcement.

This Part shall be enforced according to the procedures set forth in § 1612.5.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-18294 Filed 6-22-76;8:45 am]

PART 1610—USE OF FUNDS FROM SOURCES OTHER THAN THE CORPORATION

Prohibitions and Accounting

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1010(c) of the Act, 42 U.S.C. 2996i(c), restricts the use of funds received by recipients from sources other than the Corporation.

A proposed regulation on the use of non-Corporation funds was published on May 5, 1976 (41 FR 18528), and interested persons were given until June 3, 1976 to submit comments. All comments received by the Corporation were given full consideration, and, in addition to technical changes, the following revisions were made in the proposed regulation:

DEFINITION (§ 1610.1); WAIVER (§ 1610.4)

Several comments indicated confusion about what activities are prohibited by the Act. Therefore, a definition of "purposes prohibited by the Act or Corporation Regulations" was added, referring to the specific prohibitions in the Act.

To avoid inconsistency in use of the term "recipient," the proposed definition, excluding private attorneys, law firms, state or local entities of attorneys, and legal aid organizations with separate public defender programs, was removed from § 1610.1, and a new waiver provision (§ 1610.4) was added. An exception from the Part's requirements is authorized only if necessary to permit the Corporation to make a contract or arrangement with one of the enumerated entities.

AUTHORIZED USE OF OTHER FUNDS (§ 1610.3)

Section 1610.3 authorizes a recipient to use public or tribal funds for any purpose within the scope of the grant.

The following regulation has been adopted by the Legal Services Corporation, to become effective July 23, 1976, pursuant to section 1008(e) of the Act.

Sec.
1610.1 Definition.
1610.2 Prohibition.
1610.3 Authorized use of other funds.
1610.4 Accounting.
1610.5 Waiver.

AUTHORITY: Section 1010(c); 42 U.S.C. 2996i.

§ 1610.1 Definition.

As used in this Part, the phrase "purposes prohibited by the Act or Corporation Regulations" refers to activities prohibited by the following Sections of the Act and the Regulations promulgated thereunder:

(a) Sections 1006(d)(3), 1006(d)(4), 1007(a)(6), and 1007(b)(2) (Political activities);

(b) Section 1007(a)(5) (Legislative and administrative representation);

(c) Section 1007(a)(10) (Activities inconsistent with professional responsibilities);

(d) Section 1007(b)(1) (Fee-generating cases; criminal proceedings; civil actions challenging criminal convictions);

(e) Section 1007(b)(4) (Representation of juveniles);

(f) Section 1007(b)(5) (Advocacy training);

(g) Section 1007(b)(6) (Organizing activities);

(h) Section 1007(b)(7) (School desegregation);

(i) Section 1007(b)(8) (Abortions); and

(j) Section 1007(b)(9) (Violations of Military Selective Service Act or military desertion).

§ 1610.2 Prohibition.

Funds received from another source for the provision of legal assistance shall not be used by a recipient for purposes prohibited by the Act or Corporation Regulations, unless such use is authorized by § 1610.3.

§ 1610.3 Authorized use of other funds.

A receipient may receive public or tribal funds and use them in accordance with the purposes for which they were provided.

§ 1610.4 Accounting.

Funds received by a recipient from a source other than the Corporation shall be accounted for as separate and distinct receipts and disbursements, in the manner lirected by the Corporation.

§ 1610.5 Waiver.

Any provision of this Part may be waived by the President when necessary to permit the Corporation to make a contract or other arrangement for the provision of legal assistance with any private attorney, law firm, state or local entity of attorneys, or a legal aid organization that has a separate public defender program.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-18295 Filed 6-22-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1352; Docket No. 20194]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Importation of Certain Electronic Equipment

1. On September 19, 1974, the Commission adopted a notice of proposed rulemaking in the subject proceeding. The notice was released on September 24, 1974 and published in the FEDERAL REGISTER (39 FR 35182). The date for receiving comments closed on November 1, 1974 and for reply comments on November 12, 1974.

2. Pursuant to the authority granted by section 302 of the Communications Act,[1] the Commission promulgated its marketing rules [2] in 1970. These regulations are designed to control the marketing of radio frequency devices having an interference potential. To achieve this control, the Commission required that all such devices could not be imported into the U.S.A. or shipped or sold in this country unless the device complied with the technical regulations promulgated by the Commission. In addition, if our rules imposed a requirement for type approval, type acceptance or certification,[3] the subject device could not be imported into this country, or shipped or sold here, unless the required equipment authorization had previously been granted by the Commission.

3. Experience has shown that many devices subject to our rules are still being imported into the U.S.A. without the required FCC equipment authorization. The Commission in a joint effort with the U.S. Customs Service devised the proposed procedures to further implement the cooperative operation of enforcing the importation requirements. Under these procedures, the customs officer must first determine whether a particular device must in fact have an equipment authorization, and secondly must ascertain whether such an authorization has in fact been issued. This can only be determined by communicating with the responsible FCC officials.

4. The following parties filed comments: Robert J. Hajek; Pathcom, Inc.; Aeronautical Radio Inc. (ARINC) and the Air Transportation Association of America (ATA); Motorola, Inc.; Collins Radio Group, Rockwell International Corp. (Collins); The Consumer Electronics Group of the Electronics Industries Association (EIA-CEG); Radio Shack, A Tandy Corporation Co. (Radio Shack); Sharp Corporation, Home Appliance Division (Sharp); General Electric (GE); GTE Sylvania, Inc. (Sylvania).

5. The comments vary between complete support without objection and complete opposition to the proposed rules, although most concurred with the intent of the proposal.[4] In view of the comments received and pursuant to discussions with the U.S. Customs Service (U.S.C.S.) a number of changes, discussed below, were made to proposed rules. In general the changes modify the proposed procedure to insure more expedient handling of shipments of radio frequency devices through the U.S. Customs inspection at the time of entry.

6. Comments filed by Motorola, ARINC/ATA supported the proposed rules, without exception. ARINC and ATA indicated that they would support strict compliance with the Commission's equipment authorization program, since operation of non-complying RF equipment presents a potential source of harmful interference to aeronautical, navigational and safety communications. Motorola expressed the opinion that since domestic manufacturers are required to manufacture and market only radio frequency devices in compliance with FCC rules, it is only equitable that all manufacturers, including foreign, be made to comply with the same requirements. In this connection, the Commission plans to intensify its enforcement of

[1] Section 302 was added to the Communications Act by Pub. L. 90-379, July 5, 1968, 82 Stat. 290.

[2] Subpart I of Part 2 of the FCC Rules, 47 CFR 2.801, et seq.

[3] Type approval, type acceptance and certification are collectively known as equipment authorizations and will be so referred to in the remainder of this document.

[4] In a letter dated November 11, 1974, Mr. Robert J. Hajek stated that while he had no particular objection to the direct purpose of this proceeding, he objects to Section 2.803 (47 CFR 2.803) of the Commission's marketing rules, which prohibit the importation and marketing (sale, lease, offer for sale) of non-complying radio frequency devices. Since his comments are directed towards the marketing rules and not towards this proceeding, Mr. Hajek is referred to the Report and Order of Docket No. 18426, adopted May 13, 1970, 35 FR 7894, 23 FCC 2nd 79, for a discussion of the marketing rules and their implications.

the equipment authorization program by calling in random sample units of authorized equipment to the FCC laboratory for testing.

7. The largest number of objections suggested that a bottleneck may be created at the port of entry because of delays caused by the lack of an effective procedure in the proposed rules for handling various unusual situations which may arise. The concern here is with possible delays in the release of a shipment when proof of compliance is not required because the RF devices are exempt from FCC rules, or when the importer can obtain the required information, but lacks it at the time of entry. A delay in the release of such shipments would apparently disrupt normal operations.

8. As an example of the situation, Collins pointed out that a RF device owned and operated by the U.S. Government is exempt from FCC regulatory authority under 47 U.S.C. 302 and § 2.807 of the marketing rules, but no exemption was provided in the proposed importation rules. Collins cited a second area of possible confusion by pointing out that they have a number of repair contacts with oversea firms to import a RF device, repair it and ship (export) the device back to the country of origin. Inasmuch as the proposed rules fail to provide an adequate procedure for handling such equipment which is exempt from FCC authority, Collins believes there will be many unnecessary delays at the port of entry and therefore opposes the adoption of the proposed rules.

9. Pathcom Inc. views the current procedure (described in paragraph 3 above) as adequate for determining whether a RF device complies with FCC rules before importation. Pathcom also equates the proposed rules to a non-tariff barrier, since, in their opinion, the end result will merely raise the cost of importation and provide no further assurance of compliance than is already achieved with the current procedure.

10. The Commission's intention with the adoption of these rules is to keep RF devices which are not capable of complying with our technical requirements, from being distributed to the general public and thereby reducing the potential harmful interference capable of being caused to authorized communications. The anticipated benefits to be derived from these rules far outweigh the inconvenience imposed on the importer/consignee. The present system for determining compliance, as stated in paragraph 3 above, fails to accomplish this adequately.

11. The current procedure for determining compliance of imported RF devices was established as an interim means of enforcement when it was discovered that a large number of RF devices being imported did not comply with FCC rules. The present procedure was never intended to be a permanent method of enforcement, since it can be applied only on a sampling basis. The U.S.C.S. agreed to the present procedure as an interim measure pending the adoption of permanent procedures formalized in rules.

12. Inasmuch as some of the above objections point to valid deficiencies in the handling of special circumstances and exemptions to the marketing rules, and in accordance with a request from the U.S.C.S., the proposed rules are modified to require the use of FCC Form 740, attached as Appendix B [5] to assure the expeditious handling of a shipment of RF Devices through U.S. Customs. This form, in duplicate, will be required to accompany the documentation of all import shipments of RF devices. The form allows the release of a shipment of RF devices without delay under the various circumstances which may exist at the time of importation. If the device requires an equipment authorization as a prerequisite for importation, the importer merely checks the appropriate box on the form certifying that the equipment has been authorized by the Commission. This deletes the need for requiring the importer to supply a copy of the equipment authorization as originally proposed in Section 2.1203 of the Notice. In instances where the importer cannot certify to compliance, the shipment may be conditionally released without a delay, provided a bond is posted in accordance with U.S.C.S. regulations. The importer will then have the time needed to show proof of compliance.

13. The proposed rules are also modified to allow the special types of entries itemized below. The type of special entry is indicated by checking the appropriate box on Form 740. For a RF device entering under items (1), (2), (3) and (4), the importer must post bond in accordance with U.S.C.S. regulations. For a receiver entering under item (5), the U.S.C.S. may waive the requirement for Form 740. The additional special type of entries are:

(1) The application for an equipment authorization is pending before the FCC;

(2) The device is not presently in compliance, but will be brought into compliance;

(3) The importer lacks sufficient information to make a declaratory statement;

(4) The device will be exported after repair or further fabrication in the U.S.A.;

(5) An individual entering the U.S.A. with not more than three receivers intended for his own use;

(6) A RF device imported exclusively for sale to the U.S. Government.

14. In each case, the importer must certify [6] that the equipment either complies or is entering the U.S.A. under the special conditions indicated on the form. One of the two copies of Form 740 provided to Customs will be forwarded to the FCC for record keeping and enforcement follow-up purposes.

15. In connection with the conditional release of a RF device under bond, Sylvania expressed a concern that the Commission may attempt to draw a distinction on the conditions under which a bond may be posted. They are concerned that a distinction will be made between the conditions for the bonding of a RF device unintentionally imported without proof of compliance and the bonding of a RF device imported into the U.S.A. for the purpose of bringing it into compliance. In both cases, the device must be stored in the importers warehouse and can not legally be marketed.

16. The present marketing rules do not allow the importation of a RF device for the purpose of bringing it into compliance and although the proposed rules did not contemplate such an entry, it would be extremely difficult and nearly impossible for the FCC or U.S.C.S. to determine the intent of importation under these circumstances. Furthermore, since the bonding procedure merely allows the release of a non-complying or questionable RF device on the condition that it is stored in a warehouse and not marketed until a release is authorized by the U.S.C.S., the intent of the marketing rules is maintained. An importer who violates the conditions of the release under bond may be subject to prosecution pursuant to 47 U.S.C. 501, 502, as well as to penalties assessed in accordance with U.S.C.S. regulations.

17. A second point should also be stressed here. The fact that a RF device is in the U.S.A. under a bond arrangement should not be construed to mean that the FCC is obligated either to provide special handling for a pending equipment authorization application, or to issue a grant of equipment authorization if the device fails to comply with the conditions for granting an authorization as set forth in § 2.915 of our procedural rules.

18. A number of comments took exception to the provision in proposed § 2.1207 (a), which was intended to limit the number of non-complying RF devices that could be imported under a Temporary Importation Bond for the purpose of test and evaluation. Sharp states they want unrestricted importation of sample units for the purpose of sale evaluation. Radio Shack stated they would like to see a provision to allow for the temporary importation of sample units to stay in the U.S.A. for a period of up to three years. They claimed that the sample unit serves as an invaluable tool for the comparison of circuitry techniques, saleable features and manufacturer education in current state of the art design. The comments by EIA–CEG specifically object to the type of bond required, since many of the manufacturers they represent allege that the Temporary Importation Bond is the most unsatisfactory and most expensive bond to use.

19. Some of the comments, in particular those from Sharp, have miscon-

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[5] Filed as part of the original document.

[6] False declarations made on a form supplying information to the U.S. Government may subject the individual making such statements to a fine not more than $10,000, or imprisonment for more than 5 years, pursuant to 18 U.S.C. 1001.

strued the term "importation for test and evaluation" to include sale evaluations. Until recently, this interpretation was not acceptable, since the Commission does not want a manufacturer, vendor or importer to create a market for a product prior to a demonstration that the product does, in fact, comply with FCC Rules. This policy was relaxed in a recent Memorandum. Opinion and Order, released March 30, 1976 (41 FR 13358), amending § 2.803 of our marketing rules. The amended rules now permit, under certain restrictions, advertising by means of displays and showings at industry trade shows of non-approved equipment provided such displays and showings are accompanied by a conspicuous notice that the equipment has not been authorized and may not be legally offered for sale or lease or sold or leased. This relaxed interpretation of § 2.803 does not allow the activation or operation of nonauthorized equipment at such trade shows, nor does it apply to equipment that cannot be granted an equipment authorization. Importation of a limited number of unauthorized equipments under bond for this purpose will be permitted.

20. Also, in recognition of the fact that a foreign manufacturer may not have the facilities for determining compliance, the rules will allow a limited number of unauthorized RF devices to be imported for the express purpose of evaluation to determine compliance with technical requirements. Such a device cannot be offered for sale in any manner. The importer or consignee of such devices will be required to complete FCC Form 740, in duplicate, certifying this to be the case. Although the importer or consignee will have to file a bond pursuant to U.S. Customs regulations, it will not be the Temporary Import Bond as proposed since the latter is not deemed to be necessary. The rules below reflect these changes.

21. EIA–CEG objected to proposed § 2.1207(b), exempting television receivers which are designed to receive foreign standard TV signals, on the grounds that such receivers, in their opinion, are imported only for testing and evaluation. Moreover, if a certified statement without a bond is required for such imports, EIA–CEG questions why other RF devices, particularly RF devices imported for the purpose of test and evaluation, must have a bond posted.

22. A television broadcast receiver, which is designed to operate under standards in use in a foreign country, is typically not capable of receiving U.S. standard television broadcast signals, unless extensively modified. It has come to the attention of the Commission that a number of devices, including such TV receivers, are imported for the purpose of sale to foreign individuals returning to their native country or to persons going abroad. In our opinion, such devices are not imported for the purpose of test and evaluation. Inasmuch as they are apparently imported for the purpose of export and therefore do not present a potential source of harmful interference, the Commission is inclined, not to delete, but expand proposed § 2.1207(b) to include all devices intended for export. In addition the proposed rule is modified to require the posting of a bond and submission of FCC Form 740 in duplicate for each such entry.

23. A number of comments were also critical of the proposed section dealing with subassemblies. Section 2.1205(b) of the proposed rules required the importer/consignee to provide a statement for each shipment of subassemblies of RF devices. The statement would accompany the entry papers of the shipment and would certify that the subassembly would undergo additional manufacturing before the completed device would be offered for sale to the general public. Both GE and EIA–CEG argued that the term "subassembly" was ambiguous and that it left the importer to guess what items, e.g. tubes, semi-conductors, TV tuners, resistors etc., were encompassed in the meaning of subassembly.

24. Arguing further, EIA–CEG pointed out the Commission's Report and Order on Marketing Rules, Docket No. 18426, in no way attempted to include subassemblies which are made up of interconnected components. Proposed Section 2.1205(b) also overlooked the fact that subassemblies may be used as replacement parts for existing devices, EIA–CEG said. Furthermore, to apply regulations to subassemblies or components before the completion of the manufacturing process of a RF device, CEG–EIA argued would be meaningless and superfluous in light of the high degree of regulation now applicable to the completed device. They also point out that in most cases the importer/consignee may not be in a position to make a statement certifying how the subassemblies will be used.

25. The Commission agrees in part with these arguments. It should be noted, however, that subassemblies and component parts of RF devices are included in § 2.801(d) of the marketing rules. The intent of proposed § 2.1205(b) was to exercise some measure of control over the large number of devices which are essentially completed RF devices capable of causing harmful interference, but lack a cabinet, knobs, speakers or other similar minor attachments to complete the device for marketing. The proposed rule was not contemplated to encompass individual components, such as coils, tubes, IF strips, etc., which are used as replacements or which require considerable fabrication before the RF device is completed.

26. In view of the objections and the Commission's concern for maintaining control over the entry of the large number of "subassemblies," the proposed rules are changed to add a definition of the term subassembly in line with the above. With this definition and the required use of the FCC Form 740 for such entries, unnecessary confusion and delay should be eliminated. To keep track of such entries, the Commission has arranged to receive one of the two copies of FCC Form 740 that will be furnished to U.S.C.S.

27. In summary, the Commission finds that it is in the public interest to adopt the rules below. The rules will require the importer of a RF device to attach an appropriately completed FCC Form 740 in duplicate to the entry papers of each shipment of each separately identified RF device or subassembly subject to FCC technical or equipment authorization requirement.

28. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, *it is ordered*, That effective November 1, 1976, Part 2 is amended in the manner set forth below and this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat. 290; 47 U.S.C. 154, 302, 303.)

Adopted: December 10, 1975.

Released: June 21, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 2 of Title 47, Code of Federal Regulations, is amended by the addition of a new Subpart K, which reads as follows:

Subpart K—Importation of Devices Capable of Causing Harmful Interference

Sec.
2.1201 Purpose.
2.1202 General requirement for entry into the U.S.A.
2.1203 Entry and release when equipment authorization is required.
2.1204 [Reserved]
2.1205 Entry and release when equipment authorization is not required.
2.1206 [Reserved]
2.1207 Entry for test and evaluation.
2.1208 [Reserved]
2.1209 Entry for export.
2.1210 [Reserved]
2.1211 Entry for Federal government use.
2.1212 [Reserved]
2.1213 Entry for personal use.
2.1214 [Reserved]
2.1215 Entry for repair or further fabrication.
2.1216–2.1218 [Reserved]
2.1219 Non-complying equipment.

AUTHORITY: Secs. 4(i), 302, 303(r), Communications Act of 1934, as amended.

Subpart K—Importation of Devices Capable of Causing Harmful Interference

§ 2.1201 Purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards, the rules governing the service may require that such equipment receive an equipment authorization from the Commission as a prerequisite for

marketing and importing this equipment into the U.S.A. The marketing rules, § 2.801 et seq., were adopted pursuant to the authority in section 302 of the Communications Act of 1934, as amended, (47 U.S.C. 302).

(b) The rules in this subpart set out the conditions under which radio frequency devices and subassemblies of radio frequency devices capable of causing harmful interference to radio communications, as defined in § 2.801 may be imported into the U.S.A.

NOTE.—The term subassembly as used in this Subpart shall mean chassis or other essentially completed device which requires the addition of cabinets, knobs, speakers or other similar minor attachments to complete the device for marketing. Subassembly shall not encompass individual components, such as coils, condensers, IF strips, tubes, etc. which are used as replacements or which require considerable fabrication before a device subject to FCC marketing rules is produced.

§ 2.1202 General requirement for entry into the U.S.A.

(a) A radio frequency device or radio frequency subassembly shall be refused entry or withdrawal for consumption into the Customs territory of the United States unless accompanied by an original plus one copy of FCC Form 740 certifying that the entry meets one of the conditions for entry set out in this subpart.

(b) A separate Form 740 shall be used for each separately identified device or subassembly regardless of quantity involved.

§ 2.1203 Entry and release when equipment authorization is required.

A radio frequency device requiring an equipment authorization as a prerequisite for importation into the Customs territory of the U.S.A. shall be refused entry or withdrawal for consumption unless the entry papers for such shipment is accompanied by an original plus one copy of FCC Form 740 certifying that the appropriate equipment authorization has been issued by the FCC.

NOTE.—The importer/consignee of the device may be required to produce a copy of the equipment authorization form.

§ 2.1204 [Reserved]

§ 2.1205 Entry and release when equipment authorization is not required.

(a) A radio frequency device for which the Commission has established technical specifications, but for which an equipment authorization is not required, shall be refused entry or withdrawal for consumption into the Customs territory of the U.S. unless the entry papers for such shipment are accompanied, by an original plus one copy of FCC Form 740 certifying that the device does not require an FCC equipment authorization, and that the device complies with the applicable FCC technical specifications.

(b) A subassembly (See § 2.1201(b)) which is designed to be included in a device ultimately subject to FCC regulations shall be refused entry or withdrawal for consumption into the Customs territory of the U.S. unless accompanied by an original plus one copy of FCC Form 740 certifying that the necessary steps required to insure compliance with applicable FCC rules, including obtaining an equipment authorization, if required, shall be taken before the completed device is marketed.

§ 2.1206 [Reserved]

§ 2.1207 Entry for test and evaluation.

A radio frequency device imported for the purpose of evaluation at industry trade shows under the restrictions of § 2.803 or to determine compliance with pertinent technical requirements may be released in limited quantities under a bond furnished in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by the original plus one copy of FCC Form 740 certifying that the device is imported for technical evaluation only and will not be offered for sale or otherwise marketed within the U.S.A.

§ 2.1208 [Reserved]

§ 2.1209 Entry for export.

A radio frequency device imported solely for export may be released under a bond furnished in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by the original plus one copy of FCC Form 740 certifying that the device is imported for the purpose of export and will not be offered for sale or otherwise marketed for use within the U.S.A.

§ 2.1210 [Reserved]

§ 2.1211 Entry for Federal government use.

A radio frequency device or subassembly imported for use exclusively by the U.S. Government, or agency thereof, shall be accompanied by an original plus one copy of FCC Form 740 certifying this to be the case.

§ 2.1212 [Reserved]

§ 2.1213 Entry for personal use.

An individual entering the U.S.A. with not more than three receivers for his own use may, in lieu of certifying compliance, declare that the receivers are for personal use and are not intended for sale. The U.S. Customs Service may waive the requirement of § 2.1202 for such entry.

§ 2.1214 [Reserved]

§ 2.1215 Entry for repair or further fabrication.

A radio frequency device or a subassembly thereof, imported for repair or further fabrication and which is then exported may be released under bond in accordance with U.S. Customs Service regulations. The entry papers for such entries must be accompanied by the original plus one copy of FCC Form 740 certifying this to be the case.

§ 2.1216—2.1218 [Reserved]

§ 2.1219 Non-complying equipment.

A radio frequency device, or subassembly thereof, which either does not comply with the applicable provisions of this chapter or the importer/consignee lacks sufficient information to certify compliance, shall be refused entry or withdrawal for consumption into the Customs territory of the U.S.A.

NOTE.—The U.S. Customs Service has indicated that it will follow the procedure delineated below for such non-complying equipment.

(a) If any radio frequency device or subassembly thereof is denied entry under the provisions of §§ 2.1202, 2.1203 or 2.1205, the District Director will refuse to release the shipment for entry into the United States, will detain such equipment at the importers risk and expense, and shall issue a notice of such refusal to the importer or consignee.

(b) Alternatively, the importer or consignee may complete (2) copies of FCC Form 740 and furnish a bond in accordance with U.S. Customs Service regulations to allow time for him to accomplish whatever is necessary to bring the device into compliance. Such entry shall be detained by the importer or consignee and must not be used or otherwise disposed of until (2) copies of FCC Form 740, certifying that the equipment complies with applicable FCC rules, have been presented to and accepted by the District Director of Customs.

(c) If the importer or consignee fails to demonstrate that the equipment entering under paragraph (b) of this section, has been brought into compliance within 90 days after entry, or within such additional time as may be allowed for good cause shown, he will at his risk and expense immediately deliver to the District Director of Customs the conditionally released equipment.

(d) In the event the equipment is not redelivered, the importer may be subject to criminal prosecution pursuant to sections 302, 501 and 502 of the Communications Act of 1934, as amended, (47 U.S.C. 302, 501, 502) in addition to penalties assessed in accordance with U.S. Custom Service regulations.

(e) Equipment which is refused entry under this section or which is redelivered in accordance with the above described procedure and which is not exported under customs supervisions within 90 days from date of notice of refusal of admission or date of redelivery will be disposed of under customs laws and regulations; provided, that such disposition will not result in an introduction into the U.S.A. which is in violation of the regulations in this chapter.

[FR Doc.76-18228 Filed 6-22-76;8:45 am]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Editorial Amendments; Correction

In the Order in the above-captioned matter, released June 7, 1976, and published in the FEDERAL REGISTER on June 14, 1976 at 41 FR 23957, the second instruction of the Appendix is in error and should read: "2. In § 73.69 par. 3 of the

Note at the end of the section is amended to read as follows:".

Released: June 18, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-18230 Filed 6-22-76;8:45 am]

[FCC 76-487]

PART 73—RADIO BROADCAST SERVICES

Order

Correction

In FR Doc. 76-16513, appearing at page 22940, in the issue for Tuesday, June 8, 1976, on page 22943, in the third column, the eighth line of § 73.564(b), now reading "tor shall be posted either:", should read "tor license shall be posted either:".

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 263 (Sub-No. 2)]

PART 1005—PRINCIPLES AND PRACTICES FOR THE INVESTIGATION AND VOLUNTARY DISPOSITION OF LOSS AND DAMAGE CLAIMS AND PROCESSING SALVAGE

Order; In Re Net Weights for Determining Losses

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of May 1976.

It appearing, That by order entered June 20, 1973, this Commission (1) instituted an investigation for the purposes, among other, of inquiring into the lawfulness of the practice of common carriers of determining their liability for the loss of scrap iron and steel by a comparison of gross weights at origin and destination; and (2) instituted a rulemaking proceeding for the purpose of considering an addition to the Commission's rules and regulations governing the voluntary disposition of loss and damage claims and processing salvage;

It further appearing, That all common carriers subject to the Interstate Commerce Act were made respondents in the proceeding, and opportunity to participate in the proceeding was given to all persons who indicated to this Commission their intention to do so;

It further appearing, That statutory notice of the institution of this proceeding was given to the general public by depositing a copy of the order of June 20, 1973, in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the FEDERAL REGISTER, for publication in the FEDERAL REGISTER as Notice to all interested parties and that such notice appeared in the issue of the FEDERAL REGISTER on July 5, 1973 (38 FR 17849);

It further appearing, That initial representations, and statements in reply were filed by parties to the proceeding, and investigation of the matters and things involved in this proceeding having been made, and the Commission, on the date hereof, having made and filed a report containing its findings of facts and conclusions thereon, in which said report it is found, as more particularly set forth therein, that certain railroad respondents have been and are at the present time engaging in certain practices with respect to the handling and processing of loss and damage claims which are unjust, unreasonable, or otherwise in violation of certain provisions of section 20(11) of the Interstate Commerce Act, as more particularly set forth in the said report, and that the said report, for the reasons above, should be made a part hereof.

And it further appearing, That the said report embraces a regulation referred to and designated therein as § 1005.7, and that the Commission has found, as set forth in the report, that the regulation is just, reasonable, and otherwise lawful and that compliance therewith should be required of the railroad respondents hereto;

It is ordered, That Subchapter A, Chapter X, of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by inserting therein a new section, which section is hereby designated § 1005.7. Weight as a measure of loss, and is set forth below.

It is further ordered, That all railroad respondents herein be, and they are hereby, notified and required to cease and desist, on or before the effective date of the prescribed rule from using or applying their present freight claim rules, regulations and policies to the extent that the provisions thereof are inconsistent with or substantively different from the provisions of the regulation contained in § 1005.7 referred to above.

It is further ordered, That all railroad respondents to this proceeding be, and they are hereby, notified and required to modify their freight claim rules and other of their policies, rules, and regulations governing the handling and processing of loss and damage claims so as to conform them with the regulation set forth in § 1005.7, and to implement and put into use such revised policies, rules, and regulations on or before the effective date of the prescribed rule.

It is further ordered, That the rule herein prescribed be, and it is hereby, prescribed to become effective 45 days from the date of service of this order, and will apply on all claims for loss and damage in transit to scrap iron and steel moving in interstate or foreign commerce received by railroad respondents hereto on and after the said effective date.

It is further ordered, That this proceeding be, and it is hereby, discontinued.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

ROBERT L. OSWALD,
Secretary.

APPENDIX A

SET FORTH BELOW IS THE SUBSTANCE OF THE CORRECTED NOTICE OF PROPOSED RULEMAKING AND ORDER SERVED JULY 5, 1973

By notice dated March 19, 1973, and published in the FEDERAL REGISTER on March 28, 1973, 38 F.R. 8108, it was stated that a petition had been filed by Louis Padnos Iron & Metal Company seeking the institution of an investigation into the lawfulness of the railroad practice of utilizing a comparison of gross weights to determine the extent of loss on shipments of scrap iron and steel. The petition was docketed for administrative handling as No. 35767, Louis Padnos Iron & Metal Co.—Petition for Investigation of Practices of Rail Carriers Respecting Handling of Loss Claims on Scrap Iron and Steel. As stated below, we have decided to institute an investigation as requested; however, we have also decided to consider the advisability of prescribing rules and regulations governing the voluntary disposition of loss claims. Therefore, we have docketed the proceeding with the number and title captioned above.

In the notice, we advised that petitioner asserts that it is entitled to reimbursement of its "full and actual loss," pursuant to section 20(11) of the Interstate Commerce Act and that such loss lawfully should be measured by the difference between origin and destination net weights. Petitioner states that it is the practice of certain railroads to pay only those claims for loss established by a comparison of gross weights.

In the past, we have had occasion to consider several matters which are necessarily connected with this petition. For example, as long ago as 1913, *In Re Weighing of Freight by Carrier,* 28 I.C.C. 7, it was noted that inaccuracies in weighing can result in discrimination between shippers as much as do differences in rates themselves. Cognizance was taken there of the fact that accuracy in the matter of weight in connection with claims for loss becomes of increasing importance in proportion to the value of the article being transported. A prolific source of error in ascertaining correct weights was found to be improper tare weights stenciled upon cars, but it was also stated to be of great importance that cars were being delivered for loading which contain foreign substances (thereby increasing the "light" weight of the car).

More recently, in *Consignees' Obligation to Unload Rail Cars,* 340 I.C.C. 405, we found that rule 27 of the Uniform Freight Classification imposes upon consignees the obligation of unloading railcars with exceptions. The carriers are on notice that cars not completely unloaded must either be left on demurrage or pulled under rates for the transportation of refuse. However, petitioner has, in other representations before this Commission, given reason to believe that such is not always the case with respect to cars used for the movement of scrap iron and steel.

In *Loss and Damage Claims,* 340 I.C.C. 515, we determined that we have the requisite authority to prescribe rules and regulations governing the voluntary processing of loss and damage claims. While we could proceed to consider the advisability of detailed rules with respect to weighing and to completion of unloading, we believe that, if warranted, a simple rule requiring the settlement of loss claims to be based upon a comparison of net weights will best accomplish the protection of the public interest. However, if

it should later appear that the proceeding should be broadened for the consideration of more detailed rules, we will take under advisement the possibility of prescribing a net-weight rule on an interim basis pending the completion of more detailed proceedings.

Wherefore, and for good cause:

It is ordered, That, to the extent indicated below, the petition be, and it is hereby, granted; and that, in all other respects not inconsistent with this order, the petition be, and it is hereby, denied.

It is further ordered, That, upon petition and the Commission's own motion, pursuant to the authority of the national transportation policy (49 U.S.C. proceeding section 1), parts I, II, III, and IV of the Interstate Commerce Act (49 U.S.C. § 1, 301, 901, and 1001, *et seq.*), including more specifically sections 1, 2, 3, 6, 12, 13, 15, and 20; 204, 208, 216, 217, 218, 219, and 220; 304, 305, 306, 307, 313, 315, and 316; 403, 405, 406, 409, 412, 413, and 417; and as may be applicable, sections 553, 556, 557, and 559 of the Administrative Procedure Act (5 U.S.C. 551, *et seq.*): (a) an investigation be, and it is hereby, instituted into the lawfulness of the practice of common carriers of determining their liability for the loss of scrap iron and steel by a comparison of gross weights at origin and destination; and (b) a rule making proceeding be, and it is hereby, instituted for the purpose of considering the following addition to the Commission's rules and regulations governing the voluntary disposition of loss and damage claims and processing salvage, 49 C.F.R. 1005, *et seq.*:

Section 1005.7 Weight as a measure of loss.

Where weight is used as a measure of loss, the settlement of claims shall be based upon a comparison of net weights at origin and destination.

It is further ordered, That all common carriers subject to the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person *other than those who responded to the notice issued in connection with No. 35767* intending to participate in this proceeding shall notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423, on or before July 31, 1973, an original and one copy of a statement of his intention to participate; and that a revised service list shall then be prepared and made available to persons responding to this order and to the notice issued in connection with No. 35767, containing the names and addresses of all parties to this proceeding, upon whom copies of all pleadings must be served; thereafter, the nature of further proceedings will be designated.

And it is further ordered, That notice of this proceeding be given by posting a copy in the Office of the Commission's Secretary for public inspection and by delivering a copy to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

APPENDIX B

PART I—INITIAL REPRESENTATIONS

1. Institute of Scrap Iron and Steel, Inc. (Institute).

The Institute represents members engaged in the processing of scrap iron and steel nationwide who moved 26.6 million tons by rail in 1971. It favors the proposed rule because its members find that the present railroad claims settlement policies are arbitrary and result in an unlawful limitation on common carrier liability for legitimate losses. The primary area of disagreement is the carriers' previously mentioned policy of determining losses based on a comparison of origin and destination gross weights. The Institute maintains that there is no legal or factual justification for this policy as the provisions of section 20(11) call for carrier liability based on the bill of lading which includes notations of net weight. The Institute would prefer to have the rule promulgated in the following form, changes italicized:

Where weight is used as a measure of loss, the settlement of claims *supported by certified origin gross and tare weights and certified destination gross and tare weights* shall be based upon a comparison of net weight at origin and destination. *If certified gross or tare weights at either origin or destination are not available, the settlement of claims shall be based upon a comparison of gross weights at origin and destination.*

The unstated premise of the additions appears to be that the taking of tare weights is not always possible or practical and that stenciled tare weights should not be relied on when actual tare weights are not taken.

2. Louis Padinos Iron & Metal Co. (Padnos).

The prevailing car shortage as well as the damaged and dirty condition of the cars received are all service problems of long standing. Documents dealing with damaged or dirty cars are claused (notations are made) to show the conditions of the cars and the railroads are advised of such conditions, but such clausing is done on a qualitative as opposed to quantitative basis.

The origin tare weighing is mandated by the fact that 7 of 10 cars utilized by Padnos have stenciled tare weights that vary from actual tare. The examples provided in its appendix IV indicate that the variance is always a higher actual tare.

Because destination net weight controls payment for the scrap and shipping charges and all four weights are made on certified scales, Padnos feels that the loss in net weight must occur in transit or at destination as a result of incomplete unloading of scrap.

Typical claim processing by the railroads normally involves denial based on: (a) failure to show a difference in gross weights, (b) contentions that bundled scrap cannot be lost, (c) the difference in gross weights is within a 1 or 1½ percent scale tolerance, (d) lack of unusual circumstances in the shipment, and (e) failure of consignee to completely unload.

Formerly a 50-percent settlement offer was made but currently it is not being offered any settlement. Other shippers have been offered settlements of between 25 percent and 100 percent but always on a gross v. gross basis.

The railroads contract to deliver what they receive from their shippers. If they do not, it is they that should explain the difference, not the shipper.

The railroads create the conditions that lead to shortages. These may be single or several in combination. Some are (a) cars presented for loading in a dirty condition, (b) cars which are damaged in some manner, (c) failure to see that cars are fully unloaded, and (d) allowing cars to be used in intraplant service after unloading before being light weighted.

Tangential to the handling of loss claims has been the railroad's handling of the freight charge problem. As previously noted, freight charges are prepaid but overcharge claims are paid on the basis of destination net weights. Padnos questions why these weights are accepted for the purpose of setting freight charges but rejected for the purpose of claims adjustment.

One bit of data included in argument is in seeming contradiction to the facts as earlier presented. It is alleged that on occasion actual tare weights are not taken at destination and that stenciled tare weights are substituted to determine destination net weight. This difference in the method of determining destination tare weights admittedly will show up as a difference in destination net weight.

In summary, the Padnos legal position is that the gross v. gross method of claims settlement is unlawful under the provisions of the Interstate Commerce Act in that it is:

A. unjust and unreasonable
B. discriminatory as between shippers
C. not properly published in tariff form
D. unduly preferential and prejudicial
E. violative of antitrust laws.

3. Association of American Railroads (AAR).

Beyond the jurisdictional arguments, *supra,* AAR bases its opposition to the proposed rule on the following grounds: First, injustices that would be caused by the proposed rules and second, the loss of flexibility and adaptability. AAR summarizes current claim processing procedures as the process of investigating claims, considering all available evidence and disposing of individual claims on their merits. It views the proposed regulation as defective because it does not take into account differing transportation characteristics and would cause unjustified payment of claims to some shippers.

As an example, AAR indicates that Padnos and a few other large shippers are the only ones possessing track scales and obtaining actual tare weights prior to loading. A net weight comparison based on stenciled tare weights (used by the smaller shippers) should not be the sole criterion for determining loss in transit. Further, a rule requiring determination of actual tare weight prior to loading of all shipments would cause "tremendous congestion and delay in the use of rail equipment."

The railroads recognize the problems of inaccurate stencil weights and failure of consignees to unload cars completely. It is their position that no practical solution has been found for these problems and that a net v. net comparison would force payment of unjustified claims without alleviating the root causes of the apparent weight loss. Additionally, inherent inaccuracies in the weighing procedures require the application of tolerances to weight comparisons to determine loss accurately.

In reference to the loss of flexibility, AAR notes an error in logic in the Padnos' position. Although the shippers are unwilling to have claims settlements based on a gross v. gross determination, they are willing to use the same gross weight figures to determine the net weights. AAR considers the determination of tare weights and the process of subtracting tare from gross to determine net as compounding the problem of potential inaccuracy.

The essence of the argument against a net v. net comparison is based on the methods by which shippers are currently determining net weights. In many instances stenciled tare weights are subtracted from actual gross weight to arrive at origin "net." Partially unloaded cars are weighed to determine destination "tare" weight which is then subtracted from destination actual gross to arrive at destination "net." As the stenciled tares and the partially unloaded tare weights are not accurate, AAR has rejected the use of net v. net because of its inherent inaccuracies.

4. Grain Processing Corporation (GPC).

GPC endorses the proposal because of the uniformity it will bring to claims settlement procedures when weight is the measure of loss. It finds the present system, including differences in carrier claims settlement procedures, to be wholly unsatisfactory. Claims

involving clear-record cars have been settled on an arbitrary basis. The shipper is forced to show mechanical defects in the cars and settlement has been made at 50 percent and 75 percent of the claimed amount. Although these problems have only been encountered in rail transport, GPC advocates the inclusion of all modes of transportation in the proposed rule.

1. Armco Steel Corporation (Armco).

Armco provides additional data to expand the picture of how scrap shipments are handled by the consignee. First the shipments are graded, then they are gross weighed on Armco's scales. If there is a discrepancy of 1 percent or more from the shipper's gross weight the car is reweighed. If the discrepancy shows up on reweighing, the broker is notified and Armco requests disposition instructions. No data is provided as to the frequency of this occurrence.

Armco admits the possibility of failure to unload completely all ferrous material from the cars but states that the current shortage of ferrous scrap makes complete unloading the goal of the receivers. However, Armco does not define complete unloading to include the removal of nonferrous material from the cars. Its position is that the accumulation of such materials result from the prolonged use of the same cars to transport other bulk commodities, *e.g.*, sand and gravel, and renders stenciled tare weight inaccurate.

Armco states in conclusion that application of the proposed rule to other commodities should take into account their varying transportation characteristics. As to scrap iron and steel, Armco is of the opinion that the rule should apply only when certified tare and gross weights are taken at both origin and destination and that in all other cases settlement should be made on the basis of a comparison of gross weights.

2. Southern Motor Carriers Rate Conference, Inc. (Southern).

Southern views the facts as presented in the initial statements of the parties as indicating that the problem under consideration exists solely between shippers and the railroads. Because of this fact and the inflexibility that the rule would bring to claims settlement. Southern believes that the rule should not be applied to motor carriers.

3. Standard Milling Company (Standard).

Standard does not own, nor is it adjacent to weighing facilities. Thus it is impractical to obtain actual tare weights of boxcars prior to loading. As a result, Standard requests that a gross weight be taken after loading and then subtracts the stenciled tare weight to arrive at a net origin weight. The receiver, if he has a track scale, determines the destination gross and tare weights. If it does not, it requests the railroad to weigh the empty car to determine tare weight. This actual tare weight is then deducted from the gross shipping weight to determine the destination net weight. As the railroads accept the above-noted method for determining origin net and certify the destination scales on which destination net is determined, Standard is of the opinion that the railroads should accept a net v. net comparison to determine loss in shipment. In answer to the argument that the difference in net weights may simply reflect a difference between actual and stenciled tare weights, Standard takes the position that since the carriers are obligated to supply suitable freight cars and since suitable in this context includes being properly marked, the carriers should bear the burden of their failure to mark cars with an accurate stencil weight. Additionally, the use of the stencil weights for the determination of freight charges gives the same weights validity for use in the settlement of loss and damage claims.

Standard acknowledges the need for allowances for shrinkage in movement as currently applied in the published tariffs but is of the opinion that the current dearth of guidelines or prescribed rules for determining losses must be corrected to avoid discrimination, preference, and prejudice. It concludes that losses should be determined on a net v. net basis with the net figure determined by means of the best available weights, in its case stenciled tare weights at origin and actual tare weight at destination.

4. Louis Padnos Iron & Metal Co. (Padnos).

Padnos challenges the railroads' conclusion that light weighing all cars delivered to scrap dealers would cause the results mentioned in the initial statement of AAR. As the railroads have never performed this service, they allegedly cannot be sure what, if any, effects it would have on congestion or efficiency. According to Padnos, if some congestion did result and were not attributable to other inefficiencies, the advantages to be gained by knowledge of the actual tare weight would outweigh the disadvantages of congestion.

Padnos asserts that problems in claims handling are caused by failures on the part of the railroads to meet their obligations to provide clean cars marked with accurate stencil weights, to insure that the consignee completely unloads cars prior to destination tare weighing, and to provide uniform claims settlement procedures.

The promulgation of the proposed rule is seen as having the following salutory effects. "It will stimulate the railroads to improve car supply, to clean cars, police unloading, check tare weights, weigh cars light before presentation for loading, and, in general, improve their service to the public."

5. Institute of Scrap Iron and Steel, Inc. (Institute).

The Institute agrees with the railroads that no benefit will be derived if net weights are not determined by use of actual tare and gross weights both at origin and at destination. Further, it does not wish to require the railroads to lightweigh cars. It seeks to limit application of the proposed rule to cases in which the shipper and consignee either possess the capability by lightweighing cars or request that the railroad lightweigh.

The Institute takes no position as to the use of the rule for commodities other than scrap but maintains that the rule is needed for that commodity.

The minor inaccuracies in weighing noted by the AAR are acknowledged but the use of properly determined tolerances is said to eliminate this problem insofar as it relates to the use of net v. net comparisons in the determination of losses. These tolerances would also remove the distortions caused by the accumulation of rain and snow in cars occurring between tare and gross weighing at origin, which accumulation is eliminated before gross weighing at destination. The Institute aslo favors notation of the weighing ticket to indicate the presence of dirt, debris, snow, etc., in the cars at the weighing time. Such notation would of necessity be qualitative and not quantitative. It is pointed out that the ability to correct weight differentials caused by the failure of consignees to unload the cars completely at destination is within the carrier's authority under the provisions of *Consignees' Obligation to Unload Rail Cars*, 340 I.C.C. 405.

6. Association of American Railroads (AAR).

AAR reiterates that the rule as proposed would be excessively rigid as it would prevent the use of evidence other than a net v. net comparison to determine the extent of loss. Without defining the phrase, AAR maintains that "(a)ll available evidence" should be examined.

In addition AAR states that since net weights are determined by use of gross weights the additional weighing does not provide more accuracy but rather provides more opportunity for error. The use of tolerances is also defended.

In response to the assertion made by the Institute that scrap is "highly susceptible to loss," AAR notes that in certain areas of heavy transportation of scrap the tracks "would have to be lined with scrap if the difference in origin and destination weights is accepted as 100 percent accurate." It is contended that the answer to the weight discrepancies is found in inaccurate weighing and reporting and in incomplete unloading by consignees of "foreign material."

The suggestion of Padnos and of the Institute to limit application of the proposed rule to instances in which four certified weights are taken is characterized by AAR as providing a preference to those claimants who have obtained the required weighings because net weights may be less accurate than gross weights. AAR views the responsibility of its members as requiring the determination of actual loss, not a difference in weights as shown on certificates. Additionally, the railroads recognize that some consignees fail to unload cars completely and they have sought a practical solution to this problem. The ultimate effect of the rule, according to AAR, would be the payment of unjustified freight loss claims and not the complete unloading of cars.

As a final point, AAR states that the scope of the proposed regulation is not justified on the record. The failure of interested parties outside the grain and scrap industries to participate herein is said to establish general satisfaction with current methods of claims settlement.

Part 1005 is amended by adding § 1005.7 to read as follows:

§ 1005.7 Weight as a measure of loss.

Where weight is used as a measure of loss in rail transit of scrap iron and steel and actual tare and gross weights are determined at origin and destination, the settlement of claims shall be based upon a comparison of net weights at origin and destination.

[FR Doc.76-18278 Filed 6-22-76;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1099]

[Docket No. AO–183–A34]

MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Paducah, Kentucky, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by July 8, 1976. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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 governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary Statement

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Paducah, Kentucky, on April 21, 1976, pursuant to notice thereof which was issued on April 2, 1976 (41 FR 14768).

The material issue on the record of the hearing relates to modification of the payback months under the Louisville plan.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Modification of the payback months under the Louisville plan. The seasonal payment plan for distributing returns to producers (commonly referred to as the Louisville plan) should be modified to change the payback from the months of October through January to the months of September through December.

A Louisville seasonal payment plan has been effective in the Paducah order continuously since May 1, 1966. The plan is intended to provide an incentive for producers to produce an even milk supply throughout the year.

The Louisville plan provides for withholding from the uniform price computation in each of the months of April through June an amount computed at 50 cents per hundredweight of producer milk delivered during such month. Monies thus withheld are retained in the producer-settlement fund to be distributed to producers during the following months of October through January. One-fourth of the monies retained is added to the pool value in computing the uniform price in each of such months.

A proposal to modify the Louisville plan was made by Dairymen, Inc., a cooperative representing a substantial majority of the producers on the market. The cooperative's representative testified that the month of September is a more appropriate payback month than the month of January. He indicated that the proposed payback months comport with the seasonality of production for the Paducah market, the seasonality of Class I sales within the marketing area, and the payback months of Louisville plans effective in adjacent Federal order markets.

The National Farmer's Organization (NFO), a cooperative association representing less than 10 percent of the producers supplying milk to handlers regulated under the Paducah order, opposed the continuation of the Louisville plan now contained in the Paducah order. It was the position of that cooperative that the takeout-payback plan should be eliminated from the order, thereby permitting producers to receive the full value for their milk each month as reflected by a uniform price unaffected by any takeout or payback amounts.

NFO took the position that the proposal to change the payback months under the Louisville plan also opened up the issue of whether the Louisville plan should be continued in any form under the Paducah order. The witness for the cooperative then testified at some length relative to the deletion of the Louisville plan and the revisions necessary to add a base-excess plan to the order. Counsel for the Department eventually objected to the further receipt of testimony regarding the merits of either the Louisville plan or a base-excess plan on the basis that such testimony was beyond the scope of the hearing notice. The Administrative Law Judge sustained the objection but permitted the cooperative's witness to present additional testimony relative to the two seasonal payment plans as an offer of proof.

The witness for NFO held that the Louisville plan has certain deficiencies which render the plan inappropriate. First, producers who are not associated with the market during the spring months and who thus do not contribute to the fund, may participate in the distribution of such fund in the fall months. Secondly, the plan makes no provision for compensating or making adjustment to producers who contribute to the fund in the April–July period and are not on the market during the fall months to participate in the distribution of the fund. For these reasons, the NFO holds that the continuation of the Louisville plan in the Paducah order is not in the best interests of its members, or of Paducah producers generally.

The alleged deficiencies in the Louisville plan detailed by the NFO witness are not a basis for deleting the plan from the order. In fact, the alleged deficiencies which are the basis for the cooperative's complaint are the very characteristics that are essential if the plan is to have any positive effect in leveling out production.

The Louisville payment plan has essentially the identical effect on individual producer returns which would result from seasonal pricing. Because seasonal pricing would result in substantial changes in handler cost for milk as between the flush and short production months and such changes likely would be imperfectly reflected in resale price changes to the detriment of consumers and producers alike, the market adopted the alternative Louisville payment plan.

Under seasonal pricing producers who supplied the market in the flush production months would receive a return below that realized in other months. Conversely, producers who did not supply the market in the fall months of lowest production would not realize the higher returns in such months.

Similarly, producers who supply the market in the spring months of greatest production, but do not supply the market in the fall months of lowest production, appropriately should not share in the distribution of the Louisville funds withheld during the spring months. Conversely, producers supplying the market in the fall months should not be excluded from receiving Louisville plan funds because they did not supply the market during the spring months. To adjust payments to producers in the manner suggested by the opposing cooperative would totally destroy the intended effect of the Louisville plan since the distribution of seasonal payment funds would be contingent

upon producers supplying the market during the spring months when there are ample supplies of milk rather than during the fall months when greater production is necessary to supply the fluid milk needs of the market.

No producer who supplies the market during the spring months has any inherent right to funds withheld from payment. Such funds are market funds and are distributed only to those producers who supply the market with milk in the fall months when it is most needed. In this manner, the distribution of market funds encourage a leveling of production that promotes more orderly marketing conditions. The indirect benefits of the plan are a reduction in surplus disposal costs in the spring and a minimization of transportation costs by eliminating or reducing the need to import distant milk supplies to meet fluid milk needs in the fall.

NFO in opposing continuation of the Louisville plan alternatively favored a base-excess plan as being a more desirable seasonal payment plan for producers. Its witness held that, if the proponent cooperative desired a Louisville plan to encourage more even production among its member producers, such plan could be operated outside of the framework of the order.

Its members, the opponent cooperative held, should not be subject to a Louisville plan because some other producers on the market prefer such plan. The cooperative took the position that, although NFO producers are in the minority as related to the total number of producers supplying the Paducah market, this circumstance does not mitigate the deficiencies and inequities which it held are inherent in the Louisville plan. The cooperative's witness indicated that if, despite the cooperative's objections, the Louisville plan was retained in the Paducah order, then the cooperative favored changing the payback months as proposed.

A Louisville plan should be retained in the Paducah order despite the preference expressed by a limited number of producers for amendatory action deleting such plan. Alternatively, these producers requested, in the event the Department deemed it necessary to provide some method of encouraging more even production throughout the year, that a base-excess plan be added. Both the Louisville plan and a base-excess plan are specifically authorized by the Agricultural Marketing Agreement Act. Both serve the same purpose, i.e., to promote more orderly marketing conditions by encouraging the production of an even supply of milk throughout the year. Each of these seasonal payment plans provide a disincentive for producers to increase milk production in the spring months which are the normal months of flush production. Conversely, each of the plans provide an incentive for producers to increase milk production during the fall months when milk production is normally at its lowest level.

In this instance in which either of two seasonal payment plans accomplish the same purpose and a controversy exists over which seasonal plan should be effective in the market, preference must be given to that plan favored by the majority of producers affected. The Louisville plan in this instance is favored by the majority of the producers on the Paducah market and, therefore, should be retained.

The payback months of the Louisville plan should be changed from the months of October–January to the months of September–December. The substitution of the month of September for the month of January as one of the payback months will tend to encourage production in September and to lessen the incentive for dairy farmers to produce milk in January. Consequently, such change should result in a more even milk supply throughout the year.

Data presented by the proponent cooperative shows that September is one of the 4 months of the year when milk production in the Paducah market is at its lowest level. Average daily producer milk deliveries during the most recent 5-year period were lowest during the month of October followed by the months of November, December, and September. The month of January ranked seventh.

Other data presented at the hearing also confirms the shortness of the milk supply during September. The average daily milk production marketed per farm by months for the last 3 years shows that January milk production exceeds milk production for the preceding month of September. For the 3-year period daily deliveries per farm averaged 1,335 pounds for the month of September and 1,415 pounds for the following month of January.

A further reason for changing the payback months of the Paducah order is so that the September and January minimum pay prices to producers under the Paducah order will more closely correspond with minimum pay prices due dairy farmers located in the same general area but who are producers under other Federal orders. Variations in blend prices received by dairy farmers in this general area have been a source of dissatisfaction to members of proponent cooperative. Currently, the payback months of the Paducah order do not coincide with the payback months of several nearby Federal order markets. The payback months of the St. Louis-Ozarks, Southern Illinois, and Louisville-Lexington-Evansville orders are September, October, November and December whereas the payback months of the Paducah order are the months of October–January. As a consequence, producers under the St. Louis-Ozarks, Southern Illinois, and Louisville-Lexington-Evansville order receive a blend price for the months of September reflecting not only the utilization value of the milk in their market but also a portion of the Louisville fund of that market. Paducah producers, however, receive during the month of September only the utilization value of their milk. Conversely, Paducah producers receive a portion of the Louisville fund as well as the utilization value of their milk during the month of January whereas the producers in the other three markets receive only the utilization value of their milk. Consequently, the alignment of the payback months of the Paducah order with the payback months of the surrounding Federal order markets will insure more compatibility in month-to-month returns as among producers in a common supply area with alternative outlets in several markets and thus will provide greater assurance of continuing orderly marketing.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions 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 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) The tentative marketing agreement and the order, 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 area, and the minimum prices specified in the tentative marketing agreement and the order, 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 agreement and the order, 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 a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1099.61, paragraph (h) is revised to read as follows:

§ 1099.61 Computation of uniform price (including weighted average price).

* * * * *

(h) For each of the months of September, October, November, and December, add one-fourth of the total amount subtracted pursuant to paragraph (g) of this section;

* * * * *

Signed at Washington, D.C., on June 17, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.76-18213 Filed 6-22-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 43h]

ENROLLMENT OF ALASKA NATIVES

Applications, Preparation and Approval of Roll

Correction

In FR Doc. 76-16200 appearing on page 22566 in the issue for Friday, June 4, 1976, the following change should be made:

On page 22567, middle column, the 17th, 18th and 19th lines of § 43h.8 now reading, "ing Office notice sent by certified or registered mail, not later than 30 days after receipt of the * * *" should read, "ing Office not later than 30 days after receipt of the notice sent by certified or registered mail,".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 212]

[Docket No. 76N-0099]

HUMAN DRUGS

Current Good Manufacturing Practice in the Manufacture, Processing, Packing, or Holding of Large Volume Parenterals

Correction

In FR Doc. 76-15585, appearing at page 22202, in the issue for Tuesday, June 1, 1976, the following corrections should be made:

1. On page 22209, in the first column, the first line following the table of contents heading for subpart F, which now reads "212.110 Sampling of in-process materials", should read "212.100 Written procedures; deviations."

2. On page 22209, the ninth line of the second column should read "purity characteristics that it purports or".

3. On page 22210, in the second column, the second from the last line of § 212.5(e), now reading "subject to a supplemental new drug ap-", should read "shall include data justifying use of such".

4. On page 22213, in the first column, the second line of § 212.75(c) should read "enter either the top or bottom of the".

[21 CFR Part 500]

[Docket No. 75N-0372]

ANIMAL DRUGS

Hexachlorophene

The Food and Drug Administration proposes to require approved new animal drug applications (NADA's) for animal drugs containing hexachlorophene for use in or on animals, other than as part of a product preservative system at a level of not more than 0.1 percent in topical preparations for use on non-food-producing animals. Interested persons have until August 23, 1976, to submit comments.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of September 27, 1972 (37 FR 20160), a regulation, § 250.250 (21 CFR 250.250, formerly 21 CFR 3.91 prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996)) regarding use of hexachlorophene-containing products and summarizing the known toxicity of hexachlorophene to humans. The Commissioner has considered the question of the toxicity of hexachlorophene to food-producing and non-food-producing animals and finds there are no adequate data to support its safe use in or on animals other than as part of a product preservative system at a level of not more than 0.1 percent in topical preparations for use on non-food-producing animals.

The Commissioner has also considered the question of potential hazard to humans resulting from the use of animal drugs containing hexachlorophene in or on animals. Persons applying these animal drugs to animals or having contact with treated animals may be exposed to hexachlorophene for extended periods of time. Although the Commissioner is not aware of any data regarding the effect on humans that results from incidental exposure caused by application of animal drugs containing hexachlorophene at a level greater than 0.1 percent, studies have shown that hexachlorophene can be absorbed through the skin of humans in toxic amounts. (Copies of reports on these studies are on file with the Hearing Clerk, Food and Drug Administration.) He concludes that the potential hazard to humans from such incidental exposure supports agency action concerning such animal drugs. Furthermore, no data are available to the Commissioner establishing that any level of hexachlorophene, including preservative levels, is safe for use in or on food-producing animals because of the potential for residues in food derived from treated animals.

Additionally, the Commissioner is aware of no adequate and well-controlled studies establishing substantial evidence of effectiveness for any therapeutic use of hexachlorophene in or on animals.

Because animal drugs containing hexachlorophene above a preservative level of 0.1 percent in non-food-producing animals have not been demonstrated to be same and effective by current standards, such products are considered new animal drugs requiring approved NADA's for their continued use. Under these circumstances, the Commissioner concludes that a regulation should be published reflecting the findings and providing that hexachlorophene may continue to be used only in topical preparations intended for non-food-producing animals and then only as part of a product preservative system at a level not to exceed 0.1 percent. All other animal drugs containing hexachlorophene are not generally recognized as safe and effective and shall be the subject of approved NADA's.

To implement these conclusions, the Commissioner has determined that the following procedures shall apply to those firms currently engaged in the manufacture and distribution of animal drugs containing hexachlorophene for which an approved NADA is required.

Manufacturers of animal drugs that contain hexachlorophene (1) for any use in or on food-producing animals, or (2) at a level in excess of 0.1 percent for topical use on non-food-producing animals, or (3) in any amount for any use on non-food-producing animals other than topical uses are provided 60 days after the effective date of a final regulation based on this proposal to submit an NADA, to supplement an existing NADA, or to reformulate the animal drug. Each application or supplemental application shall include adequate data to establish that the animal drug is safe and effective. If the animal drug is currently subject to and approved NADA, reformulation will require the approval of a supplemental NADA. The interim marketing of these animal drugs may continue until such application has been approved, or until it has been determined that the application is not approvable under the provisions of § 514.111 (21 CFR 514.111). Approved NADA's will be withdrawn if supplements have not been received within the 60-day time limit.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A-107, and interim

guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701 (a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262), it is proposed that Subpart B of Part 500 be amended by adding new § 500.46 to read as follows:

§ 500.46 Hexachlorophene in animal drugs.

(a) The Commissioner of Food and Drugs has determined that there are no adequate data to establish that animal drugs containing hexachlorophene are safe and effective for any animal use other than in topical products for use on non-food-producing animals as part of a product preservative system at a level not to exceed 0.1 percent; that there is no information on the potential risk to humans from exposure to hexachlorophene by persons who apply animal products containing the drug at levels higher than 0.1 percent; and that there is likewise no information on human exposure to animals on which these animal drugs have been used and no information on possible residues of hexachlorophene in edible products of food-producing animals treated with new animal drugs that contain any quantity of hexachlorophene.

(b) Animal drugs containing hexachlorophene for other than preservative use on non-food-producing animals at levels not exceeding 0.1 percent are considered new animal drugs and shall be the subject of new animal drug applications (NADA's).

(c) Any person currently marketing animal drugs that contain hexachlorophene other than as part of a product preservative system for products used on non-food-producing animals at a level not exceeding 0.1 percent shall, within 60 days after the effective date of a final regulation based on this proposal, submit a new animal drug application, supplement an existing application, or reformulate the product. Each application or supplemental application shall include adequate data to establish that the animal drug is safe and effective. If the animal drug is currently subject to an approved new animal drug application, each reformulation shall require an approved supplemental application. The interim marketing of these animal drugs may continue until the application has been approved, until it has been determined that the application is not approvable under the provisions of § 514.111 (21 CFR 514.111), or until an existing approved application has been withdrawn.

(d) After 60 days following the effective date of a final regulation based on this proposal, animal drugs that contain hexachlorophene other than for preservative use on non-food-producing animals at a level not exceeding 0.1 percent that are introduced into interstate commerce shall be deemed to be adulterated within the meaning of section 501(a)(5) of the act (21 U.S.C. 351(a)(5)) unless such animal drug is the subject of a new animal drug application or a supplemental new animal drug application submitted pursuant to paragraph (c) of this section. Action to withdraw approval of new animal drug applications will be initiated if supplemental new animal drug applications have not been submitted in accordance with this section.

(e) New animal drug applications submitted for animal drugs containing hexachlorophene for use in or on food-producing animals shall include adequate data to assure that edible products from treated animals are safe for human consumption under the labeled conditions of use.

Interested persons may, on or before August 23, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD. 20852, written comments (preferably in quintruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: June 15, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76–18206 Filed 6–22–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 544–2]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Proposed Mandatory Value Engineering Program

The Environmental Protection Agency is considering the amendment of the Construction Grant Regulations (40 CFR 35) to incorporate value engineering (VE) as a cost control program for preparation of plans and specifications (Step 2) for wastewater treatment projects funded under the EPA construction grant program. The effectiveness of the VE technique in terms of monetary savings has been well demonstrated in a voluntary VE program applied to projects receiving EPA construction grants. The proposed amendment requires that initially all construction grant projects for which the total grant eligible cost of construction is $10 million or more excluding the cost for interceptors and collector sewers be subjected to a VE analysis as part of the Step 2 grant. If the amendment is adopted in final form, it is planned to make the VE requirement applicable to projects for which Step 2 grant applications are received on or after October 1, 1976. Section 212(2)(b) of the Federal Water Pollution Control Act Amendments of 1972 (the Act) requires that any application for construction grants contain adequate data and analysis demonstrating the proposed treatment works to be the most cost efficient alternative over the life of the work. Cost-effectiveness analysis guidelines (40 CFR 35, Appendix A) were promulgated by the Environmental Protection Agency on September 10, 1973, pursuant to the requirements of Section 212(2)(c) of the Act.

The EPA cost-effectiveness guidelines have primarily been directed at the selection of treatment alternatives as part of Step 1 grants (facility planning). There is a need to establish an effective cost control program in the Step 2 grant process. In view of this need, EPA introduced a voluntary VE program in December 1974. The program was voluntary because (1) the application of the VE technique to wastewater treatment projects, particularly under grant conditions, had not been fully demonstrated, and (2) VE was new to most consulting engineers and regulatory agencies concerned with wastewater treatment. The objectives of the voluntary program were to demonstrate how VE can be effectively applied to wastewater treatment projects and to give consulting engineers and regulatory agencies the opportunity to gain experience in VE.

VE is a management technique initiated in 1946 and has been successfully used as a cost control program in many industries and governmental agencies. The purpose of VE is to generate better solutions or design alternatives to the unnecessarily high cost areas of the project. VE assures the identification of these high cost areas and focuses efforts on them to provide alternate approaches to the design. VE is organized to create beneficial changes without adversely affecting the needed performance requirements or the quality of the facility. When applied to a project, VE treats costs as a design requirement for the entire life of the system; that is, the cost to design, build, operate and maintain the system for its intended lifetime.

The VE anaylsis is performed by a multi-disciplined team, which is composed of, perhaps, a structural engineer, an architect, a mechanical engineer, a sanitary engineer, and additional members such as electrical, cost estimating and soils specialists. The objective of this multi-disciplined approach is to bring the broadest outlook (all the disciplines involved in the design) to the team, and to assure that consideration is given to the effects of a change in one criterion on the performance of the entire system.

The VE job plan is a systematic approach. Although there are several job plans that are used, the most direct plan includes the following phases: Information, Identification of alternatives, Development and Presentation.

The study team reviews the proposed or present design in order to compile all

the available factual information on the usage, design, construction, cost and so forth. Next, the worth of the function which is defined as the least expensive way to perform the required function, is determined in order to establish the cost-to-worth ratio. A high ratio will indicate high cost areas of the project where VE effort should apply.

After the high cost areas are identified, the VE team begins a creative effort to generate alternative solutions for the basic function. The criteria and requirements are challenged to offer the broadest approach for achieving the basic function. All of the alternate design approaches are measured against the baseline worth figure. Their advantages and disadvantages are listed. This includes the technological risks in their use, the time required to implement them as changes, and their cost. The best few ways to accomplish the functon, which give the *best value*, are selected for further study and refinement.

The VE team generates alternative solutions for the basic operational functions and the best approaches are developed into proposals, with detailed cost estimates and a summary of relevant information, including savings and cost comparisons on a total life basis (construction plus operating and maintenance costs). The alternatives are ranked in accordance with their value and ease of implementation. A presentation is then made to the decision-makers (grantee, original designer and perhaps State and EPA) and, after approval, the selected alternate is implemented into the design.

In May 1975, the General Accounting Office (GAO) published a Report to the Congress ("Potential of Value Analysis for Reducing Waste Treatment Plant Costs"), indicating that there may be an opportunity for savings as a result of applying VE to the Step 2 grant process. The report also recommended that a cost control program such as VE be incorporated in the EPA Construction grant program. The results from all of the completed projects subjected to VE in the EPA voluntary VE program confirm GAO's findings that the present Step 2 grant process does not always ensure that the most economical design is specified. Additionally, the results of the voluntary program show that, when the VE program is properly managed, an average saving of 10 percent of the total construction cost is possible and project delays can be avoided.

The proposed mandatory VE program will, in effect, ensure that all larger projects for which the major portion of the Federal grant money will be required will be brought under VE review as soon as possible.

A mandatory VE program is being proposed to (1) ensure that there will be a sufficient number of qualified VE specialists available to meet the needs of the program and (2) allow opportunity for persons involved in the grants program to become technically and administratively prepared for a more inclusive program.

Interested parties are encouraged to submit written comments, views, or data concerning the proposed rule making to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460 (PM-216). All such submittals received on or before July 23, 1976 will be considered prior to promulgation of final regulations on value engineering. It is requested that all written comments be submitted in triplicate.

In consideration of the foregoing, it is proposed to amend Part 35 of Chapter I of Title 40 of the Code of Federal Regulations as set forth below.

RUSSELL E. TRAIN,
Administrator.

JUNE 15, 1976.

1. Part 35 is amended by adding § 35.905-27 as follows:

§ 35.905-27 Value Engineering (VE).

A specialized cost control technique based on a systematic and creative approach, which identifies and focuses on unnecessarily high cost in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

2. Sec. 35.920-3 is amended by adding subparagraph (9) to paragraph (b) as follows:

§ 35.920-3 Contents of application.

* * * * *

(b) * * *

(9) A value engineering proposal for all Step 2 grant applications for projects having a total Step 3 grant eligible construction cost of $10 million or more excluding the cost for interceptor and collector sewers. For those projects requiring VE, the grantee may propose, subject to the Regional Administrator's approval to exclude interceptor and collector sewers from the scope of the VE analysis.

3. Sec. 35.925-7 is amended by deleting the word "and" at the end of paragraph (c); by redesignating paragraph (d) as paragraph (e); and adding the following new paragraph:

§ 35.925-7 Design.

* * * * *

(d) The value engineering requirements of § 35.926(b) and § 35.926(c) have been met; and

* * * * *

4. Part 35 is amended by adding § 35.926 as follows:

§ 35.926 Value Engineering (VE).

(a) Value engineering proposal. The VE proposal must contain sufficient information so that a determination can be made as to the adequacy of the VE effort and the justification of the proposed VE fee. Essential information shall include, but not be limited to the following:

(i) Scope of VE analysis;

(ii) VE team and VE coordinator (names and background);

(iii) Level of VE effort;

(iv) VE cost estimate;

(v) VE schcedule in relation to project schedule (including completion of VE analysis and submittal of VE summary reports).

(b) Value engineering analysis. For projects subject to the value engineering (VE) requirements of § 35.926(a), a VE analysis of the project design shall be performed and upon completion of the VE analysis a preliminary report summarizing the VE findings and a final report describing implementation of the VE recommendations must be submitted to the project officer on a schedule approved by him.

(c) For those projects for which a value engineering (VE) analysis has been performed in accordance with § 35.925-7(d) and § 35.926(b), VE recommendations shall be implemented to the maximum extent feasible, as determined by the grantee, subject to the approval of the EPA project officer. Rejection of any recommendation shall be on the basis of cost-effectiveness, reliability, extent of project delays, and other factors that may be critical to the treatment processes and the environmental impact of the project.

5. Part 35 is amended by adding § 35.935-18, as follows:

§ 35.935-18 Value Engineering.

A grantee must comply with the applicable value engineering requirements of § 35.926.

[FR Doc.76-18172 Filed 6-22-76;8:45 am]

[40 CFR Part 180]

[FRL 565-8; PP3F1330/P25]

PESTICIDE PROGRAMS

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities, Tolerance for Pesticide Chemical Carbaryl

On January 8, 1973, notice was given (38 FR 1763) that Union Carbide Corp., 1730 Pennsylvania Ave. NW., Washington, DC 20006, had filed a petition (PP 3F1330) with the Environmental Protection Agency (EPA). This petition proposed the establishment of interim tolerances for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) and its metabolite 1-naphthol, calculated as 1-napthyl *N*-methylcarbamate, in eggs at 0.5 part per million (ppm). On July 12, 1973, the EPA amended 40 CFR 180.319 by establishing the requested interim tolerance.

The tolerance for eggs was designated as interim because of a lack of a method of analysis for the hydroxy metabolites of carbaryl. This deficiency was later resolved. Union Carbide Corp. requested by letter dated February 9, 1976, that the tolerance for eggs be changed from an interim to a permanent tolerance. As a result of the deficiency being resolved regarding the toxicological concern for the hydroxy metabolites and based on the data submitted in the petition and other relevant information, the request for a permanent tolerance of 0.5 ppm for carbaryl and is metabolite in eggs is being proposed at this time in accordance with 40 CFR 180.32. The pesticide is considered useful for the purpose for which

the tolerance is sought and the existing tolerances for the meat and fat of poultry are adequate to cover any secondary residues resulting from the proposed use. The proposed amendment to 40 CFR 180.169 to establish a tolerance for eggs will protect the public health.

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 in the FEDERAL REGISTER, 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, Room 401, East Tower, 401 N St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before July 23, 1976, and should bear a notation indicating both the subject and the petition/document control number "PP6E1742/P23". 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.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Dated: June 16, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

It is proposed that 40 CFR 180.169 be amended by adding the paragraph "0.5 part per million * * *" after the paragraph "1 part per million * * *" to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

* * * * *

0.5 part per million in eggs.

* * * * *

§ 180.319 [Amended]

1. It is proposed that § 180.319 be amended by deleting the substance "carbaryl" and its corresponding tolerance 0.5 part per million for the raw agricultural commodity eggs from the list of interim tolerances.

[FR Doc.76-18171 Filed 6-22-76;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

[20 CFR Part 901]

ENROLLMENT OF ACTUARIES

Hearing

On May 18, 1976, proposed regulations for the enrollment of actuaries under section 3042 of the Employee Retirement Income Security Act of 1974 were published in the FEDERAL REGISTER (41 FR 20424). A public hearing on the provisions of those proposed regulations will be held on July 12, 1976, beginning at 9:30 a.m. in Room S-5215 A, B & C, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. Those persons who requested on or before June 17, 1976, to comment orally at the hearing will be heard first. Thereafter, other individuals who desire to comment orally will be heard as time permits. The Chairman of the Joint Board reserves the right to limit the length of presentations at the hearing.

ROWLAND E. CROSS,
Chairman, Joint Board for the Enrollment of Actuaries.

[FR Doc.76-18175 Filed 6-22-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 35, 154]

[Docket No. RM76-17]

ADVANCED APPROVAL OF RATE TREATMENT FOR RESEARCH AND DEVELOPMENT

Accounting-Rulemaking, Research and Development; Notice of Proposed Rulemaking

JUNE 17, 1976.

Pursuant to Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, Section 309 of the Federal Power Act, 49 Stat. 858-859, 16 U.S.C. 825h, and Section 16 of the Natural Gas Act, 52 Stat. 830, 15 U.S.C. 717o, the Commission gives notice that it proposes to amend its regulations by adding new material to Chapter I, Title 18, Code of Federal Regulations. The purpose of the amendments is to provide additional procedures and guidelines whereby requests for advance assurance of rate treatment for research and development (R&D) expenditures may be used by jurisdictional companies to insure the support of well-planned and comprehensive R&D programs. Specifically, in Subchapter B, Regulations under the Federal Power Act, the Commission proposes to amend Part 35 by adding additional material to § 35.22 (a) and by adding new §§ 35.22(b), 35.22 (c) and 35.22(d). In Subchapter E, Regulations under the Natural Gas Act, the Commission proposes to amend Part 154 by adding additional material to § 154.38(d) (5)(i) and by adding new §§ 154.38(d) (5)(ii), 154.38(d) (5)(iii), and 154.38(d) (5)(iv).

BACKGROUND

This Commission recognizes the need for a significantly expanded national energy research and development program as part of the solution to the Nation's problem of increasing imbalance between energy supply and demand. By our Order No. 408 issued August 26, 1970, we changed the uniform systems of accounts for electric utility and natural gas companies by establishing a specific amount for R&D expenditures, allowed amortization of approved research and development expenditures over a period up to five years, and allowed rate base treatment for unamortized balances. By our Order No. 483 issued April 30, 1973, we expanded our definition of research and development for accounting purposes, allowed advance assurance of rate treatment of expenditures for R&D projects, and allowed tracking of these expenses in jurisdictional rates. Since issuance of these orders, there have been significant developments in the expanding national energy research and development effort which indicate the desirability of further clarification of the Commission's R&D accounting procedures. The Electric Power Research Institute was established in 1973 and is receiving increasing support from all segments of the electric utility industry. The Energy Research and Development Administration, established in 1975, brings together all major federal energy R&D programs and is establishing a growing number of cooperative research, development, and demonstration programs with the energy industries.

We are encouraged by the increased emphasis R&D has been given by some elements of the electric power and natural gas industries as demonstrated by the support given to the Electric Power Research Institute by jurisdictional electric power companies and by a number of requests for advanced approval of individual R&D projects by jurisdictional natural gas companies. However, we have not yet seen the level of concentrated and coordinated effort by the natural gas industry that the public interest requires to significantly advance the state of technology to relieve the servere curtailment of service now being experienced by interstate natural gas pipelines. In addition, our staff has expressed to us the difficulty of reviewing research projects individually to test their reasonableness. Individual research and development projects often cannot be justified separately but only as components of complete and complex research programs, which programs have objectives that serve consumer or public interests.

We believe it is now desirable for this Commission to take additional action related to the support of R&D programs by the electric power and natural gas industries. It is important that our regulations be reviewed from time to time to assure that they prescribe the most direct and effective means for implementing our statutory responsibility, taking account of the dynamic nature of the technology used in the industries we regulate. By issuing this Notice of Proposed Rulemaking, we solicit the comments and suggestions of interested parties.

This proposed rulemaking is intended specifically to stimulate R&D effort by jurisdictional companies by clarifying the Commission's review and accounting procedures and by providing an opportunity for simplifying proceedings before the Commission by allowing advance approval of the R&D program of organizations which derive financial support from jurisdictional companies. The rulemaking would: (1) establish sound and comprehensive planning of research programs as

the preferred test for granting advance approval of R&D expenditures, (2) recognize participation in full-scale demonstration facilities, under certain conditions, as a justifiable R&D expenditure and (3) assure FPC review and decision at an early planning phase of R&D program development whenever advance approval is requested.

It appears that the review and approval of research programs proposed to be supported by one or more companies subject to the jurisdiction of this Commission and one or more state regulatory commissions would offer a valuable opportunity for joint review as authorized under Section 209(a) of the Federal Power Act (49 Stat. 853, 16 U.S.C. 824h (a)) and under Section 17(a) of the Natural Gas Act (52 Stat. 830, 15 U.S.C. 717p(a)). We specifically solicit the comments of the various state commissions, and of the National Association of Regulatory Utility Commissioners as to this concept.

The provisions of this proposed rulemaking augment current regulations dealing with application for advance approval of R&D expenditures, which is an optional procedure offered in § 35.22, Subchapter B, Regulations Under the Federal Power Act, and Section 154.38 (d) (5), Subchapter E, Regulations Under the Natural Gas Act. It is not intended herein to alter the application of current regulations except in cases where application is made for advance assurance of rate treatment for R&D expenditures.

Research Planning as the Preferred Test

The Commission may apply either of two methods to test the reasonableness of energy research and development projects.

The first method is to examine the technical structure of each project to determine whether it meets a definition of research and development and has a reasonable change of benefiting ratepayers. This procedure, however, substitutes the technical and research judgment of a limited number of FPC staff for that of other technical and research personnel and can cause long, costly delays in reviewing many of the projects.

The second method is to establish a set of criteria based on the planning process itself. In this approach, an individual R&D expenditure would be reasonable if it supported a comprehensive and integrated energy R&D program meeting the needs of the company and/or the industry to serve ratepayers and the general public. This second method is proposed in this rulemaking.

R&D Programs of Non-Jurisdictional Organizations

Individual jurisdictional companies can and do undertake and support research projects alone either in-house or under grant or contract benefiting, in varying degree, both their immediate customers and the general public.

In addition, a number of organizations exist or are planned which undertake pertinent energy research and development efforts with the joint support of more than one jurisdictional company.

In addition to conducting or contracting for individual R&D efforts, we believe it is reasonable for jurisdictional companies to provide support to R&D organizations such as national organizations broadly supported by a number of energy industry sectors (e.g., natural gas, electric power, petroleum, coal, nuclear energy); single industry sector supported national organizations (e.g., the Electric Power Research Institute and some form of national center funded as proposed in the "Gas Industry Research Plan 1974–2000", issued January 1974 by the American Gas Association); and regional organizations or projects which work primarily on problems of a regional nature.

For R&D organizations supported by more than a single jurisdictional company, we are proposing to offer the option of the R&D organization requesting advance approval as a substitute for individual jurisdictional companies filing for advance approval. Since the justification for advance approval of rate treatment for R&D expenditures would be the same whether provided by the R&D organization once or by the jurisdictional companies many times individually, a single request by the organization would reduce the paperwork burden on the R&D organization, the jurisdictional ocmpanies, and the FPC and would afford each the opportunity to concentrate more on assuring the quality and value of the R&D efforts undertaken.

Guidelines for R&D Planning

We are also proposing guidelines by which we will judge the reasonableness of requests for advance approval for both R&D organizations and R&D programs within a single jurisdictional company. These guidelines are intended to put the emphasis on quality and completeness of the R&D planning process, including consideration of cost versus probable benefit, as the justification of the reasonableness of the individual R&D projects and expenditures which constitute the total R&D program. The nature of research and development and the breadth of the national energy problem require the broadest possible assessment of future technological options. To assure the comprehensive R&D effort necessary to maximize the probability of technological success and societal acceptance, R&D organizations and jurisdictional companies must involve qualified representatives from varied scientific, engineering, economic, consumer, and environmental interests in the R&D planning process. We propose the following as guidelines:

1. Evidence that the R&D objectives of the company or research organization have been clearly established.

2. Evidence that the plan evolves from these R&D objectives and utilizes the review by and judgment of qualified representatives of scientific, engineering, industry, economic, consumer and environmental interests.

3. Evidence that an effective mechanism exists and is used for coordinating this research and development plan with Federal R&D programs and with other relevant private efforts of national scope.

4. Evidence that the R&D program has reasonable chance of benefiting the ratepayer in a reasonable period of time.

5. Evidence that whatever achievements may result from the R&D effort either in the form of new or improved technology, new or improved techniques, reduced investment or costs, patents or salable products will accrue to the benefit of participating jurisdictional companies and will flow through to their customers.

To request advance approval of an R&D program, an R&D organization or an individual jurisdictional company would annually submit an R&D planning document covering at least a five-year period. The planning document would provide the evidence required under the guidelines above. In addition, the document would describe and budget individual research, development, and demonstration projects previously initiated and those planned to commence during the first year of the plan.

Demonstration Projects

Many of the energy technologies under serious investigation in the national R&D effort are not only known to be technically feasible but also are in operation on a laboratory scale, or on a working scale, as in a pilot plant. However, uncertainty with regard to the economics of commercial-scale operation is, in many cases, so great as to preclude normal methods of financing the construction of the first, or the first several commercial-scale facilities. Therefore, because of the Nation's need for rapid development of new energy technology, the construction of commercial-scale demonstration facilities must be regarded as a vital part of the national R&D program.

We propose specifically to grant advance approval as R&D expense to a portion of the cost of demonstration projects, provided the projects meet the planning criteria stated above and the additional criterion that the demonstration project must involve sufficiently high economic or technological risk as to preclude complete financing as a normal business investment.

The portion of the project cost eligible to be considered for advance approval as an R&D expense would be that part of the total cost in excess of an amount which would be justified as normal business investment relative to a level of performance of the planned facility which is assured on the basis of existing technology and practices. This approach to determining the R&D cost component does not imply that there is a simple formula applicable to all such projects. Each major demonstration project will have to be analyzed in terms of the technology and the risk involved. In making application for advance approval for R&D costs associated with a demonstration facility, the applicant would state the total estimated cost of the facility and that portion of the total which is to

be financed as normal business investment. The normal business investment would be based on the reasonably assured level of output over the useful life of the facility and the expected per unit selling price of the product.

Advanced approval of portions of demonstration project costs as R&D expense may be granted to either individual jurisdictional companies or R&D organizations. However, we express a strong preference for arrangements in which high-risk demonstration projects are conducted by R&D organizations jointly supported by jurisdictional companies having a large number of ratepayers.

To the extent that a demonstration facility produces revenue (from sale of the product or eventual sale of the facility) directly related to that portion of the facility cost which has been treated as R&D expense, we require that the revenue flow back to the ratepayers.

TIMELY FPC REVIEW AND DECISION

Since the issuance of the proposed rulemaking on January 27, 1970, which subsequently resulted in promulgation of Commission Order No. 408, we have been on record as encouraging an expanded and improved R&D effort by the electric power and natural gas industries. We recognize that continuity of program support is necessary to maintain a qualified research staff and that certainty of support is necessary to effectively complete R&D projects which may extend over periods ranging up to a number of years. We also recognize that to minimize uncertainty of financial support for long range R&D programs we have an obligation to effect timely decisions on proposals submitted to us for advance approval of such programs. Therefore, we propose to require that proposals for advance approval be submitted at least 180 days in advance of proposed commencement and we propose to commit the FPC to a decision within 90 days; such action may take the form of an order requiring a formal hearing where the Commission is unable, based upon the filing, to determine whether or to what extent the proposed R&D effort justifies ratepayer support.

Although we do not propose to establish specific requirements nor limits on the level of R&D expenditures by jurisdictional companies, it does appear to us that existing levels, which range generally from 0.5 to 1.5 percent of gross revenues, are too low. The Commission believes that the technological advances that are needed in the best interests of customers and the general public warrant R&D expenditures greater than existing levels provided such expenditures are planned and coordinated as specified in the guidelines prescribed above.

REVISIONS OF CFR TITLE 18

Specifically, we propose to amend both Subchapter B, Regulations under the Federal Power Act, Chapter 1, Title 18 CFR, Section 35.22, and Subchapter E, Regulations under the Natural Gas Act, Chapter 1, Title 18 CFR, Section 154.38 (d) (5), as follows:

REVISIONS OF SECTION 35.22

Section 35.22(a) is to be amended by the addition of two sentences at the end relating to demonstration facilities.

Paragraph (b) is to be redesignated as (e) and new paragraphs (b), (c) and (d) are added. Section 35.22 to read as follows:

§ 35.22 Research and development clauses.

(a) Commission approval may be requested of rate treatment for R&D expenditures of $50,000 or more related to a project undertaken by the company or as part of a project undertaken by others, or for a group of projects which, in the aggregate, cost $50,000 or more when advance assurance of rate base treatment is desired. This approval may be requested regardless of whether the R&D is undertaken by the utility or by another party or organization. Approval requests shall describe the project in such detail as to satisfy the Commission that the project expenditure involved qualifies as being valid, justifiable, and reasonable. In addition, the request shall specifically include the estimated cost of the project and a description of the utility's expenditure percentage in the total project program. When a utility participates in a joint project, the contractual agreements should provide the utility complete access to cost records and results related to the project. Records shall be so kept that unscheduled progress reports may be called for as determined by the Commission. Approval requests shall justify any conduct of or partial support of large-scale demonstration facilities by clearly identifying and justifying the portions of the capital and operating costs which require the high-risk financial support necessary to the pursuit of R&D. The justification of support for a large-scale demonstration facility shall include a statement as to the planned accounting treatment of revenue which may be derived from the facility's product and of proceeds which may be derived from the sale of the facility.

(b) Where more than one jurisdictional company proposes to support an R&D organization as defined below, an approval request may be submitted to the Commission by the R&D organization covering the organization's R&D program as defined below. Approval by the Commission of such R&D program shall constitute approval of individual companies' contributions to the R&D organization. Organizations eligible to receive contributions from companies and to request program approval from the Commission under this section may be R&D organizations broadly supported by a number of energy industry sectors (e.g., natural gas, electric power, petroleum, coal, nuclear energy); single industry sector supported national organizations; or regional organizations that work primarily on problems of a regional nature.

(c) R&D organizations or individual jurisdictional companies requesting R&D program approval shall annually submit a five-year program plan at least 180 days prior to the commencement of the five-year period of the plan. The plan shall clearly state the objectives of the program, both those objectives within and beyond the five-year period, and clearly relate these objectives to the interests of the ratepayers, the public, and the industry and to the objectives of other major research organizations, particularly the U.S. Energy Research and Development Administration. The plan shall contain sufficient budget, technical, and schedule details to afford an understanding of the work to be performed, to allow an assessment of the probability of success, and to permit comparison with other organizations' research plans. The commencement date and expected termination date for individual research, development, and demonstration projects to be initiated during the first year of the plan will be given along with expected annual costs. The plan shall discuss the R&D efforts and progress since the preparation of the plan of the previous year and shall explain any changes that have been made in objectives, priorities, and budgets since the plan of the previous year. The plan shall identify all jurisdictional companies that will support the program and their budgeted support. The plan shall identify those persons involved in the development, review, and approval of the plan and shall state the amount of effort contributed and the degree of control exercised by each.

(d) Within 90 days of filing of the five-year R&D plan as defined above, the Commission will state its decision with respect to acceptance, partial acceptance, or rejection of the plan, or, when the complexity of issues in the plan so requires, will set a date certain by which a final decision will be made, or will state that the matter is to be set for hearing. Partial rejection of a plan by the Commission will be accompanied by a decision as to the partial level of acceptance which will be proportionally applied to all contributions listed for jurisdictional companies in the plan. Approval by the Commission of a five-year plan constitutes approval for rate treatment of all projects identified as starting during the first year of the approved plan. FPC staff may review the last four years of the five-year plan with the organization to provide the organization with the benefit of staff's expertise and knowledge relative to various elements of the national energy R&D effort. The principal tests for the adequacy of the proposed plan shall be (1) the relevance of the expected results to the interests of the ratepayers, public, and the industry and (2) the competence and involvement of persons contributing to the development of the plan.

* * * * *

REVISIONS OF SECTION 154.38(d)(5)

Section 154.38(d)(5)(i) is to be amended by the addition of two sentences

at the end relating to demonstration facilities; subdivisions (ii), (iii) and (iv), are added to read as follows:

§ 154.38 Composition of rate schedule.

(d) * * *

(5) (i) Commission approval may be requested of rate treatment for R&D expenditures of $50,000 or more related to a project undertaken by the company or as part of a project undertaken by others, or for a group of projects which, in the aggregate, cost $50,000 or more when advance assurance of rate base treatment is desired. This approval may be requested regardless of whether the R&D is undertaken by the utility or by another party or organization. Approval requests shall describe the project in such detail as to satisfy the Commission that the project expenditure involved qualifies as being valid, justifiable, and reasonable. In addition, the request shall specifically include the estimated cost of the project and a description of the utility's expenditure percentage in the total project program. When a utility participates in a joint project, the contractual agreements should provide the utility complete access to cost records and results related to the project. Records shall be so kept that unscheduled progress reports may be called for as determined by the Commission. Approval requests shall justify any conduct of or partial support of large-scale demonstration facilities by clearly identifying and justifying the portions of the capital and operating costs which require the high-risk financial support necessary to the pursuit of R&D. The justification of support for a large-scale demonstration facility shall include a statement as to the planned accounting treatment of revenue which may be derived from the facility's product and of proceeds which may be derived from the sale of the facility.

(ii) Where more than one jurisdictional company proposes to support an R&D organization as defined below, an approval request may be submitted to the Commission by the R&D organization covering the organization's R&D program as defined below. Approval by the Commission of such R&D program shall constitute approval of individual companies' contributions to the R&D organization. Organizations eligible to receive contributions from companies and to request program approval from the Commission under this section may be R&D organizations broadly supported by a number of energy industry sectors (e.g., natural gas, electric power, petroleum, coal, nuclear energy); single industry sector supported national organizations; or regional organizations that work primarily on problems of a regional nature.

(iii) R&D organizations or individual jurisdictional companies requesting R&D program approval shall annually submit a five-year program plan at least 180 days prior to the comencement of the five-year period of the plan. The plan shall clearly state the objectives of the program, both those objectives within and beyond the five-year period, and clearly relate these objectives to the interests of the ratepayers, the public, and the industry and to the objectives of other major research organizations, particularly the U.S. Energy Research and Development Administration. The plan shall contain sufficient budget, technical, and schedule details to afford an understanding of the work to be performed, to allow an assesment of the probability of success, and to permit comparison with other organizations' research plans. The commencement date and expected termination date for individual research, develaopment, and demonstration projects to be initiated during the first year of the plan will be given along with expected annual costs. The plan shall discuss the R&D efforts and progress since the preparation of the plan of the previous year and shall explain any changes that have been made in objectives, priorities, and budgets since the plan of the previous year. The plan shall identify all jurisdictional companies that will support the program and their budgeted support. The plan shall identify those persons involved in the development, review, and approval of the plan and shall state the amount of effort contributed and the degree of control exercised by each.

(iv) Within 90 days of filing of the five-year R&D plan as defined above, the Commission will state its decision with respect to acceptance, partial acceptance, or rejection of the plan, or, when the complexity of issues in the plan so requires, will set a date certain by which a final decision will be made, or will state that the matter is to be set for hearing. Partial rejection of a plan by the Commission will be accompanied by a decision as to the partial level of acceptance which will be proportionally applied to all contributions listed for jurisdictional companies in the plan. Approval by the Commission of a five-year plan constitutes approval for rate treatment of all projects identified as starting during the first year of the proposed plan. FPC staff may review the last four years of the five-year plan with the organization to provide the organization with the benefit of staff's expertise and knowledge relative to various elements of the national energy R&D effort. The principal tests for the adequacy of the proposed plan shall be (1) the relevance of the expected results to the interests of the ratepayers, public, and the industry and (2) the competence and involvement of persons contributing to the development of the plan.

* * * * *

SUBMISSION OF COMMENTS

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 2, 1976, data, views, comments or suggestions in writing concerning all or part of the rulemaking proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection, at the Commission's Office of Public Information, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed rulemaking. The staff, in its discretion, may grant or deny requests for conference.

If any state regulatory commission deems this matter to be one which should be considered under the Cooperative Provisions of § 1.37 of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.37), it should notify the Federal Power Commission, as provided for by § 1.37(b) of the rules, not later than August 2, 1976.

The proposed additions to Part 35 of the Commission's Rules under the Federal Power Act would be issued under the authority granted to the Federal Power Commission by Section 309 of the Act, 49 Stat. 858–859, 16 U.S.C. 825h. The proposed additions to Part 154 of the Commission's Rules under the Natural Gas Act would be issued under the authority granted to the Federal Power Commission by Section 16 of the Act, 52 Stat. 830, 15 U.S.C. 7170.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–18250 Filed 6–22–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release No. IA–516, File No. S7–632]

INVESTMENT ADVISERS

Proposed Rules Concerning General Requirements for Papers and Applications, and Procedure With Respect Thereto

Correction

In FR Doc. 76–15815 appearing at page 22101 in the FEDERAL REGISTER of Tuesday, June 1, 1976 the following corrections should be made:

1. On page 22101, third column, second full paragraph, the eighth and ninth lines should be transposed to read "Commission. In view of the relative brevity of other reports currently re-".

2. On page 22101, third column, third full paragraph, the fifth line should read "other than an application of regis-".

3. (a) On page 22103, first column, first paragraph, the U.S. Code citation in the eleventh line should read "(A) [15 U.S.C. 78a–15(b) * * *".

(b) In the thirteenth line, the reference to Section "23(e)(1)" should read "203(e)(1)".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on July 19, 1976, from 9:30 a.m. to 12:30 p.m., and from 2:00 p.m. to 5:00 p.m., in Room 1107, New State Building, 21st and Virginia Avenue, N.W.

The purpose of the meeting is to exchange information on the factors involved in foreign disaster response coordination, both within the U.S. and abroad, to identify the current issues, to develop action recommendations and to consider such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

This session will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mr. Fred O. Pinkham will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the Diplomatic Entrance, 22nd and C Streets.

Dated: June 17, 1976.

ALLAN R. FURMAN,
Deputy Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.76-18260 Filed 6-22-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 11, 1976.

The USAF Scientific Advisory Board Foreign Technology Division (FTD) Advisory Group, Air Force Systems Command, meetings scheduled for June 30 and July 1, 1976, published in the FEDERAL REGISTER on May 26, 1976, Volume 41, Number 103, have been cancelled. The meetings will be rescheduled at a later date.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

JAMES L. ELMER,
Major, USAF Executive, Directorate of Administration.

[FR Doc.76-18255 Filed 6-22-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALL FOR INDUSTRY NOMINATIONS AND AREAS OF PUBLIC CONCERN

Request for Information on Areas of Interest With Respect to Areas Suitable or Unsuitable for Federal Coal Leasing; Correction

On pages 22133 and 22134 of the FEDERAL REGISTER of Tuesday, June 1, 1976, a notice was published calling for industry nominations and areas of public concern with respect to Federal coal leasing. The following corrections are made in that notice:

1. On page 22133, in the first column, the second paragraph is revised to read as follows:

Nominations and accompanying narratives may be submitted to the appropriate office of the Bureau of Land Management until July 31, 1976.

2. On page 22133, in the second column, the second full paragraph, numbered (1), is amended by adding the words, "shall be describable in quarter sections, sections, or multiples thereof and," immediately following the words, "each nomination," and immediately before the word, "is."

3. On page 22133, in the third column, the seventh full paragraph is amended by deleting the words, "North Central Alabama, and East Central Oklahoma."

Dated: June 15, 1976.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

[FR Doc.76-18209 Filed 6-22-76;8:45 am]

[Utah 33487]

UTAH

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Crest Oil Corporation has applied for a 3-inch welded joint natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 21 S., R. 23 E.,
Sec. 11, NW¼

The pipeline will convey gas from Grindstaff No. 9, located in Section 2, T. 21 S., R. 23 E., to the Northwest Pipeline Company's gas gathering system adjacent to the Vukosovich #22 well.

The purpose of this notice is to inform the public that the Bureau 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.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

JUNE 15, 1976.

[FR Doc.76-18270 Filed 6-22-76;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, July 17, 1976, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Maryland.
Mrs. Anthony C. Morella, Bethesda, Maryland.
Mr. Donald Frush, Hagerstown, Maryland.
Honorable Vladimir A. Wahbe, Baltimore, Maryland.
Mr. Anthony Abar, Annapolis, Maryland.
Mrs. John L. Melnick, Arlington, Virginia.
Mrs. Dorothy Grotos, Arlington, Virginia.
Mr. Burton C. English, Berkeley Springs, West Virginia.
Mr. Henry W. Miller, Jr., Paw Paw, West Virginia.
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Maryland.
Mrs. Mary Miltenberger, Cumburland, Maryland.
Dr. James H. Gilford, Frederick, Maryland.
Dr. Kenneth Bromfield, Frederick, Maryland.
Mr. Grant Conway, Brookmont, Maryland.
Mr. Edwin F. Wesely, Chevy Chase, Maryland.

Mr. John C. Frye, Gapland, Maryland.
Mr. Rome F. Schwagel, Keedysville, Maryland.

The matters to be discussed at this meeting include:

1. Watkins Island.
2. Great Falls Resource Analysis for Planning.
3. Interpretive Prospectus.
4. General Plan—Statement for Management.
5. Western Maryland Right-of-Way Study.
6. Preliminary Discussion: Commission Objectives.
7. Area and Superintendent Reports.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact 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 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.,

Dated: June 16, 1976.

RICHARD L. STANTON,
Acting Director,
National Capital Parks.

[FR Doc.76–18221 Filed 6–22–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

LOWER NORTH RIVER WATERSHED PROJECT, VA.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for a portion of the Lower North River Watershed Project, Rockingham County, Virginia.

Th environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. David H. Grimwood, State Conservationist, Soil Conservation Service, USDA, 400 North 8th Street, Room 9201, Richmond, Virginia 23240, has determined that the preparation and review of an environmental impact statement is not needed for this portion of 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 one single-purpose floodwater retarding structure.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 400 North 8th Street, Room 9201, Richmond, Virginia 23240. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until July 8, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 16, 1976.

JOSEPH W. HASS,
Deputy Administrator for Water Resources, Soil Conversation Service.

[FR Doc.76–18253 Filed 6–22–76;8:45 am]

TALLAHAGA CREEK WATERSHED, MISS.

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500.6e 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 a part of the Tallahaga Creek Watershed, Choctaw, Winston and Neshoba Counties, Mississippi.

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 this part of the project. As a result of these findings, Mr. William L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, 310 South Lamar Street, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed for this part of the project.

This part of the project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by this Notice of Availability of Negative Declaration includes only floodwater retarding structures Nos. 6, 7, and 10.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Room 590 Milner Building, 310 South Lamar Street, Jackson, Mississippi 39205.

Single copies of the Negative Declaration are available at the following address:

Soil Conservation Service, P.O. Box 610, Jackson, Mississippi 39205.

No administrative action on implementation of the proposal will be taken until July 18, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 16, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76–18254 Filed 6–22–76;8:45 am]

WET WALNUT CREEK WATERSHED PROJECTS, KANS.

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 20550, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Wet Walnut Creek Watershed projects, Scott, Lane, Ness, Pawnee, Rush, and Barton Counties, Kansas, USDA–SCS–EIS–WS–(ADM)–76–2(F)–KS.

The EIS concerns plans for four watershed projects for watershed protection, flood prevention, and recreation. The planned works of improvement provide for conservation land treatment, 44 flood-water retarding structures, 4 multipurpose reserviors with capacity for floodwater and recreation water, and 4 recreation developments.

The final EIS is being filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 760 South Broadway, P.O. Box 600, Salina, Kansas 67401.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 16, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76–18252 Filed 6–22–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

PRESIDENT'S EXPORT COUNCIL

Open Market

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C.,

App. I, (Supp IV, 1974), notice is hereby given that a meeting of the President's Export Council will be held on July 13, 1976 from 10:30 a.m. to 12:30 p.m. in Conference Room 4832 of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230.

The Export Council was established by Executive Order 11753 of December 20, 1973 (38 FR 34983) to advise the President, the Council on International Economic Policy (CIEP), and the President's Interagency Committee on Export Expansion (PICEE), through the Secretary of Commerce, on export trade. The Council consists of 22 members who are all chief executive officers of major U.S. firms.

The purpose of this meeting will be to discuss U.S. international trade policy with the members of the President's Interagency Committee on Export Expansion (PICEE). The PICEE membership consists of representatives of the 13 Federal agencies with significant roles in carrying out the Administration's programs and policies that affect the United States export performance, and is chaired by the Secretary of Commerce.

The public will be permitted to attend the meeting and approximately 20 seats will be available on a first-come, first-served basis. Inquiries may be addressed to Mr. Friedrich R. Crupe, Executive Secretary of the President's Export Council, U.S. Department of Commerce, Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-377-2373).

Copies of the minutes of the meeting will be available on request.

Any member of the public who wishes to file a written statement with the Council may do so before or after the meeting.

Dated: June 17, 1976.

ROBERT G. SHAW,
Deputy Director,
Bureau of International Commerce.

[FR Doc.76-18208 Filed 6-22-76;8:45 am]

National Oceanic and Atmospheric Administration

G. CARLETON RAY AND DOUGLAS WARTZOK

Issuance of Marine Mammal and Endangered Species Permit

On March 31, 1976, notice was published in the FEDERAL REGISTER (40 FR 13644) that G. Carleton Ray and Douglas Wartzok, Department of Pathobiology, The Johns Hopkins University, Baltimore, Maryland, 21205, had applied for a Scientific Research Permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), to take by marking eighty (80) cetaceans, ten (10) of each of the following species: blue whale (*Balaenoptera musculus*); fin whale (*Balaenoptera physalus*); humpback whale (*Megaptera novaeangliae*); black right whale (*Eubalaena glacialis*); gray whale (*Eschrichtis robustus*); and sperm whale (*Physeter catodon*).

On April 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 14204) that the above named Applicants had requested a Scientific Purposes Permit, for concurrent authority under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), to conduct the above described research, with respect to the endangered species involved (blue, fin, sei, humpback, black right, gray and sperm whales).

Notice is hereby given that, on June 15, 1976, the National Marine Fisheries Service issued a Permit, for Scientific Research as authorized by the Marine Mammal Protection Act of 1972, and for Scientific Purposes as authorized by the Endangered Species Act of 1973, to G. Carleton Ray and Douglas Wartzok for the above described taking, and subject to certain conditions set forth therein. Issuance of the Permit is based, as required by the Endangered Species Act of 1973, on a finding that such permit (1) was applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of the endangered species which are the subject of the permit application, and (3) will be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 15, 1976.

JACK W. GEHRINGER,
Deputy Director.
National Marine Fisheries Service.

[FR Doc.76-18220 Filed 6-22-76;8:45 am]

NORTHWEST FISHERIES CENTER

Issuance of Marine Mammal and Endangered Species Permit

On April 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 14204), that applications had been filed by the Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, for permits to take, by marking, eighty (80) endangered marine mammals, for the purpose of Scientific Research, under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and for Scientific Purposes, under the Endangered Species Act of 1973 (16 U.S..C 1531-1543). The application requested approval to radio-mark 80 cetaceans consisting of humpback whales (*Megaptera novaeangliae*), bowhead whales (*Balaena mysticetus*), sperm whales (*Physeter catadon*) and gray whales (*Eschrichtius robustus*).

Notice is hereby given that, on June 15, 1976, the National Marine Fisheries Service issued a permit, for Scientific Research as authorized by the Marine Mammal Protection Act of 1972, and for Scientific Purposes as authorized by the Endangered Species Act of 1973, to the Northwest Fisheries Center, National Marine Fisheries Service, for the above-described taking, and subject to certain conditions set forth therein. Issuance of the Permit is based, as required by the Endangered Species Act of 1973, on a finding that such permit (1) was applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of the endangered species which are the subject of the permit application, and (3) will be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Services, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;
Regional Director, National Marine Fisheries Services, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 15, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-18218 Filed 6-22-76;8:45 am]

WILLIAM A. WATKINS AND WILLIAM E. SCHEVILL

Issuance of Marine Mammal and Endangered Species Permit

On March 31, 1976, notice was published in the FEDERAL REGISTER (41 FR 13645) that William A. Watkins and William E. Schevill, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543, had applied for a Scientific Research Permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), to take, by marking a total of sixty (60) marine mammals,

consisting of the following species: black right whale (*Eubalaenaglacialis*); fin whale (*Balaenoptera physalus*); blue whale (*Balaenoptera musculus*); sei whale (*Balaenoptera borealis*); Bryde's whale (*Balaenoptera edeni*); humpback whale (*Megaptera novaeangliae*); and sperm whale (*Physeter catodon*).

On April 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 14206) that the above-named Applicants had requested a Scientific Purposes Permit, for concurrent authority under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), to conduct the above-described research, with respect to the endangered species involved (black right, fin, blue, sei, humpback and sperm whales).

Notice is hereby given that, on June 15, 1976, the National Marine Fisheries Service issued a Permit, for Scientific Research as authorized by the Marine Mammal Protection Act of 1972, and for Scientific Purposes as authorized by the Endangered Species Act of 1973, to W. A. Watkins and W. E. Schevill, for the above-described taking, and subject to certain conditions set forth therein. Issuance of the Permit is based, as required by the Endangered Species Act of 1973, on a finding that such permit (1) was applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of the endangered species which are the subject of the permit application, and (3) will be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 89109; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 15, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–18219 Filed 6–22–76;8:45 am]

WILLIAM A. WATKINS AND WILLIAM E. SCHEVILL

Issuance of Marine Mammal and Endangered Species Permit

On March 31, 1976, notice was published in the FEDERAL REGISTER (41 FR 13645) that William A. Watkins and William E. Schevill, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543, had applied for a Scientific Research Permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), to take, by marking a total of fifty (50) marine mammals, consisting of the following species: minke whale (*Balaenoptera acutorostrata*); pilot whale (*Globicephala* spp.); killer whale (*Orcinus orca*); false killer whale (*Pseudorca crassidens*); Risso's dolphin (*Grampus griseus*); bottlenosed dolphin (*Tursiops* spp.); common dolphin (*Delphinus delphis*); spinner and spotted dolphins (*Stenella* spp.); white-sided dolphins (*Lagenorhynchus* spp.); harbor porpoise (*Phocoena phocoena*); black right whale (*Balaena glacialis*); fin whale (*Balaenoptera physalus*); and humpback whale (*Megaptera novaeangliae*).

On April 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 14205) that the above named Applicants had requested a Scientific Purposes Permit, for concurrent authority under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), to conduct the above described research, with respect to the endangered species involved (black right, fin, and humpback whales).

Notice is hereby given that, on June 17, 1976, the National Marine Fisheries Service issued a Permit, for Scientific Research as authorized by the Marine Mammal Protection Act of 1972, and for Scientific Purposes as authorized by the Endangered Species Act of 1973, to W. A. Watkins and W. E. Schevill, for the above described taking, and subject to certain conditions set forth therein. Issuance of the Permit is based, as required by the Endangered Species Act of 1973, on a finding that such permit (1) was applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of the endangered species which are the subject of the permit application, and (3) will be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 17, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–18217 Filed 6–22–76;8:45 am]

Office of the Secretary

ECONOMIC ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Tuesday, August 3, 1976 from 9:30 a.m. to 3:30 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, N.W., 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 1977 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.

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.76–18277 Filed 6–22–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N–0210]

RECOMMENDATIONS CONCERNING MAMMOGRAPHY

Invitation to Submit Data, Information, and Views

Correction

In FR Doc. 76–16781 appearing at page 23447 in the FEDERAL REGISTER of Thursday, June 10, 1976, on page 23448, in the first column, sixth line, the date should read: "September 8, 1976."

Office of Education

ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463) that the third meeting of the Advisory Council on Environmental Education will be held on Thursday, July 22, and Friday, July 23 at the U.S. Office of Education, Demonstration Center, Room 1134, 400 Maryland Avenue, S.W., Washington, D.C.

On July 22, the meeting will begin at 9:00 a.m. in Room 1134, U.S. Office of Education. At 10:00 a.m. work groups of the Council will adjourn to assigned conference rooms. Meeting will reconvene in Room 1134 at 1:00 p.m. and end at 5:30 p.m. On July 23, meeting will begin at 9:00 a.m. and end at 5:30 p.m. in Room 1134.

The Advisory Council on Environmental Education is established under (20 U.S.C. 1532) Environmental Education, Pub. L. 91–516, section 3 (84 Stat. 1312), as amended by Pub. L. 93–278 (88 Stat. 121).

The Council shall:

(A) Advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operation of programs assisted under the Environmental Education Act;

(B) Make recommendations to the Office with respect to the allocation of funds appropriated pursuant to Section 7 among the purposes set forth in paragraph (2) of subsection (b) of the Environmental Education Act and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) Develop criteria for the review of applications and their disposition; and

(D) Evaluate programs and projects assisted under the Environmental Education Act and disseminate the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

1. Progress reports from the following work groups whose primary functions are:

(a) Evaluation and Contribution Work Group—to identify some main areas and projects and review in terms of stated goals in the Environmental Education Act.

(b) Proposal Evaluation Criteria Work Group—to review specific aspects of criteria already in the Environmental Education regulations.

(c) Program Priority Work Group—to review particular Environmental Education program components.

2. General Council Business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Advisory Council on Environmental Education located in Room 2025, Federal Office Building No. 6, 400 Maryland Avenue, S.W., Washington, D.C.

Signed at Washington, D.C., on June 21, 1976.

WALTER J. BOGAN, Jr.,
Director,
Office of Environmental Education.

[FR Doc.76–18397 Filed 6–22–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. IV–76–555]

DECARLO ESTATES

Hearing

In the matter of: DeCarlo Estates, Tract 77—76–104–IS OILSR No. 0–0325–35–2.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d). Notice is hereby given that:

1. DeCarlo Estates, Tract 77, Longwood Gardens, Joseph T. DeCarlo, President and DeCarlo Associates of New Jersey, Inc., Authorized Agent and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1710, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued April 23, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for DeCarlo Associates of New Jersey, Inc., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 10, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing wil be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on July 16, 1976 at 2:00 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 2, 1976.

6. The Respondent is hereby notified that failure to appear at the above schedued hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 13, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76–18273 Filed 6–22–76;8:45 am]

[Docket No. N–76–554]

DE CARLO ESTATES

Hearing

In the matter of: De Carlo Estates, Tract 77—76–104–IS OILSR No. 0–0325–35–2.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. DeCarlo Estates, Tract 77, Longwood Gardens, Joseph T. DeCarlo, President and DeCarlo Associates of New Jersey, Inc., Authorized Agent and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1710, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued April 23, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for DeCarlo Associates of New Jersey, Inc., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 10, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on July 16, 1976 at 2:00 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 2, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 13, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-18274 Filed 6-22-76;8:45 am]

[Docket No. N-76-553]

INDUSTRIAL LAND IMPROVEMENT CO.

Hearing

In the matter of: Industrial Land Improvement Company 76-111-IS—OILSR No. 0-1788-35-8.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Industrial Land Improvement Company, J & M Land Company and Joseph Lifshin, President, authorized agent and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710 *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued April 26, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Industrial Land Improvement Company, J & M Land Company and Joseph Lifshin, located in Atlantic County, New Jersey, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 18, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on July 21, 1976 at 2:00 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 30, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 20, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-18275 Filed 6-22-78;8:45 am]

[Docket No. N-76-552]

UNIVERSITY OAKS

Hearing

In the matter of: University Oaks—76-116-IS OILSR No. 0-2816-09-823.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. University Oaks, Lake Crescent Development Corp., Nortek Properties, Inc., and W. W. Holmes, Vice President, authorized agent and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued May 5, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for University Oaks located in Levy County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 18, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on July 29 1976 at 2:00 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before July 8, 1976.

6. Tre Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 21, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-18276; Filed 6-22-76;8:45 am]

CIVIL AERONAUTICS BOARD

ECONOMIC DEVELOPMENT ADMINISTRATION REGIONAL COMMISSIONS

Meeting

Notice is hereby given that a presentation will be made by representatives of the Economic Development Administration Regional Commissions on July 1, 1976, at 10:30 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., regarding service to small communities.

Dated at Washington, D.C., June 18, 1976.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-18263 Filed 6-22-76;8:45 am]

[Order 76-6-132; Dockets 25953, 22322]

FEDERAL EXPRESS CORP., ET AL.

Response to Application for Approval of Interlocking Relationships and Disclaimer Request of Jurisdiction

ORDER

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of June, 1976.

Federal Express Corporation and General Dynamics Corporation, control relationship; Lester Crown and Trans World Airlines, Inc. interlocking relationships.

By Order 75-3-42, March 13, 1975, the Board consolidated and set down for hearing the applications in two related dockets. The first, Docket 22322, involved the joint request of Mr. Lester Crown and Trans World Airlines (TWA) for an indefinite renewal of the Board's approval of the interlocking relationships resulting from Mr. Crown's position as a member of the Board of Directors of TWA, on the one hand, and his directorship and ownership interests in the General Dynamics Corporation, a business

engaged in a phase of aeronautics, on the other hand. The second application, in Docket 25953, requested disclaimer of jurisdiction in part and grant of an exemption or approval of the acquisition by General Dynamics and other investors of varying amounts of equity securities of Federal Express, an air taxi operator specializing in small cargo express service.[1]

In response to these applications, the Board (1) declined to approve without hearing the interlocking relationships involving Mr. Crown, (2) granted a disclaimer of jurisdiction over all the nonbanking investors in Federal Express holding interests of less than five percent, (3) denied the applicants' request that it disclaim jurisdiction over both the bank creditors holding less than five percent interest, and the Allstate and Prudential Insurance Companies whose substantial equity interest was held in "nonvoting" shares, and (4) denied the applicants' request for an exemption under section 408(a)(5) of the Act. In so doing, we stated, *inter alia*, that "the applicants' requests involve complex issues of fact, law, and Board policy relating to such matters as the involvement of a major aircraft manufacturer (General Dynamics) in the operations of an air carrier directly engaged in air transportation," and that "a renewal of the approval of the interlocking relationships of Mr. Lester Crown between TWA and General Dynamics should be reviewed in the hearing in the light of General Dynamics' relationship with Federal Express."

All the parties filed petitions for reconsideration concerning a number of issues and proposing various alternatives to a formal hearing of the scope set down by the Board. In response, in Order 75-12-5, December 1, 1975,[2] the Board narrowed the scope of the proceeding by disclaiming jurisdiction over Prudential and Allstate conditioned upon the filing of statements by the companies indicating that they would relinquish all remaining voting rights and seek prior Board approval of any transfer of securities of Federal Express in excess of five percent.[3] Additionally, we excused the bank creditors of Federal Express as formal parties upon the condition that any sale or transfer of their warrants to purchase stock in Federal Express be subject to prior Board approval. However, we denied the petitioners' request that the remaining matters be considered by nonhearing procedures. In particular we noted that Federal Express is very possibly the largest air taxi operator in the nation, and that the leading investor in financing this venture is General Dynamics, a business engaged in a phase of aeronautics and one of the country's 100 largest companies with annual sales in excess of $1 billion. We further observed that in the event of Board approval of all the applications, Mr. Lester Crown would be both a director of a certificated airline (TWA), and a director and major stockholder of a business engaged in a phase of aeronautics (General Dynamics) which is also in control of perhaps the largest air taxi operator in the nation (Federal Express).

Subsequently, the case was assigned to an Administrative Law Judge, a prehearing conference was scheduled, and the Bureau of Operating Rights circulated a Proposed Statement of Issues and Request for Evidence on January 6, 1976. However, prior to the date of the prehearing conference two months were received by the Board from the various parties, which resulted in an indefinite postponement of the conference.

On January 2, 1976, General Dynamics filed a motion for leave to be dismissed as a party. In support thereof, it states that its ownership and control interest in Federal Express had declined steadily subsequent to its decision not to exercise its option to purchase 80 percent of the voting stock of Federal Express. Thus, at the present time, General Dynamics owns a voting interest in Federal Express amounting to 6.5 percent. Furthermore, in order to divest itself of its remaining control interest, General Dynamics has entered into an agreement with Federal Express which states that within 30 days from a Board order dismissing General Dynamics from this case it will (1) relinquish all voting rights in Federal Express, (2) agree that any major transfer of the securities of Federal Express be subject to prior approval of the Board, and (3) cause the representative of General Dynamics on the Board of Federal Express to resign. According to the applicant, this agreement should put to rest any concern that General Dynamics still has an interest in influencing the affairs of Federal Express.

On January 6, 1976, Lester Crown and TWA filed a point motion for severance of Docket 22322 from the proceeding in order to facilitate nonhearing consideration of the application for approval of the interlocking relationships. In support of the motion, the parties cite the previously discussed agreement between General Dynamics and Federal Express. This, they contend, eliminates any connection with the matter of Federal Express and indeed any necessity for a formal hearing at all.

Upon careful review of these pleadings and all other facts of record, the Board has decided to grant the motions, exempt the acquisition of ownership and control of Federal Express and grant the requested renewal of the Board's approval of the interlocking relationships of Mr. Lester Crown for an indefinite period subject to continuation of previously imposed restrictions and reporting conditions.

Since the beginning of our consideration of this matter the Board's primary concern has been with the extensive involvement and financial commitment of General Dynamics in Federal Express. However, with the declining ownership interest of General Dynamics and now the above-described agreement to relinquish all further control, the potential anticompetitive impact of the relationship is no longer a serious one. As such, General Dynamics may be dismissed as a party to the proceeding, subject to its compliance with the terms of its December 18, 1975, agreement with Federal Express. With the relinquishment by General Dynamics of its voting rights, we have concluded that only five parties remain in control or potential control of Federal Express within the meaning of section 408(f) of the Act. These are New Court Securities Accounts, FNCB Capital Corp., First Capital Corporation of Chicago, the Heizer Corporation and the original owner, Frederick W. Smith.[4]

In the absence of any issues relating to the role of General Dynamics, and in light of the conditions previously imposed on various creditors and investors, the necessity for a formal evidentiary hearing has essentially been eliminated. Thus, upon reconsideration of the record in this proceeding, we have decided to grant an exemption to the persons acquiring control of Federal Express pursuant to section 408(a)(5) of the Act, effective upon the date of compliance by General Dynamics with the conditions proposed in its motion. In so doing we find that the control relationships resulting from the approved transactions are not adverse to the public interest, will not result in the creation of a monopoly or monopolies and thereby restrain competition or jeopardize any other air carrier, or otherwise leave the requirements of section 408 unfilled.

In light of the foregoing, there is no longer any reason to consolidated Dockets 22322 and 25953. Moreover, as with the other matters, there appears to be no compelling reason for a formal evidentiary hearing relating to the application of Mr. Crown and TWA. The nature and extent of the interlocking relationships of Mr. Crown are set forth in detail in Orders 71-11-92, November 24, 1971, and 75-3-42, March 13, 1975, and need not be repeated here. The major substantive change in circumstances since our original approval has been the elevation of Mr. Crown to the Board of Directors of General Dynamics. In the meantime, the business dealings between TWA and General Dynamics have declined, so that in calendar year 1975, TWA neither leased nor purchased equipment from General Dynamics in excess of $100,000.[5] TWA expects to complete the phasing out of its Convair 880 fleet during this year, which will further reduce its transactions with General Dynamics. Nevertheless, General Dynamics is still a manu-

[1] The pertinent facts are set forth in Order 75-3-42, March 13, 1975.

[2] As amended by Order 75-12-111, December 19, 1975.

[3] These statements were duly filed on December 31, 1975, in Docket 25953.

[4] Based upon letter of October 18, 1974, in Docket 25953 which sets forth the equity shareholdings.

[5] Letter of February 26, 1976, in Docket 22322.

facturer of aircraft and aircraft parts. As we found in our original approval of this relationship, it is possible that TWA may have or wish to acquire aircraft or parts manufactured by General Dynamics (in whole or in part) in the future. Therefore, certain conditions to our approval continue to be in the public interest.

First we will require TWA, its divisions, subsidiaries or affiliates, to file with the Board within ten days thereof a report of any transactions or negotiations that might lead to (a) the modification, in whole or in part, purchase, or lease of any aircraft manufactured, owned or modified by General Dynamics, or (b) the purchase, lease or modification of aircraft for which General Dynamics manufactures a component part or produces subassemblies. Secondly, we will require TWA and Lester Crown to file annually in this docket reports setting forth: (a) a description, including quantity and dollar amounts, of each type of product purchased by TWA from General Dynamics where such transactions in the aggregate exceed $250,000 per year, and (b) for each item so described a statement listing other suppliers of the same product (if any), the quantity and dollar amount of purchases by TWA from each, and the basis upon which each vendor was selected.

Accordingly, it is ordered that:

1. The motion of General Dynamics Corporation for leave to be dismissed as a party be and hereby is granted: *Provided that*, This dismissal shall not become effective unless, within 30 days of the effective date of this order, General Dynamics files a statement with the Board's Docket Section indicating that:

a. All voting rights which are now held or may be acquired in Federal Express have been relinquished;

b. Any transaction or series or transactions occurring within a one-year period which results in the transfer of five percent or more of the securities of Federal Express will be subject to prior approval of the Board; and

c. General Dynamics has withdrawn its designated representative on the Board of Directors of Federal Express and relinquished all future rights to appoint or participate in the appointment or election of Directors;

2. New Court Securities Accounts, Heizer Corporation, FNCB Corporation, and First Capital Corporation of Chicago be and they hereby are exempted pursuant to section 408(a)(5) from the requirements of section 408 to the extent necessary to permit their acquisition of control of Federal Express Corporation, *Provided that*, such exemption shall not be effective until General Dynamics has complied in full with paragraph 1, above;

3. The motion of Trans World Airlines and Lester Crown for severance and nonhearing consideration of section 409 issues pending in Docket 22322 be and hereby is granted;

4. Subject to conditions stated below and the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing as a result of the Crown interests' (including the Crown family and Lester Crown and Associates) control of General Dynamics, and the election of Lester Crown as a director of General Dynamics and an officer in various subsidiaries of General Dynamics, while also serving as a director of Trans World Airlines, be and they hereby are approved;

5. TWA[6] shall file with the Board within ten days thereof a report of any transactions or negotiations that might lead to (a) the modification, in whole or in part, purchase, or lease of any aircraft manufactures, owned or modified by General Dynamics,[7] or (b) the purchase, lease or modification of aircraft for which General Dynamics manufactures a component part or produces subassemblies;

6. TWA and Lester Crown shall file annually in Docket 22322 [8] reports setting forth:

a. A description, including quantity and dollar amounts, of each type of product purchased by TWA from General Dynamics, where such transactions in the aggregate exceed $250,000 per year;

b. For each item reported pursuant to paragraph 6(a) above, (i) the names of TWA's other suppliers and (ii) the quantity and dollar amount of purchases by TWA from each supplier;

(c) The basis upon which each vendor named in paragraphs 6(a) and (b) above was selected; and

d. In the event the item was purchased from General Dynamics because General Dynamics was the "sole source" for the supply of the item, a statement to that effect; and

7. Jurisdiction be and it hereby is retained in this proceeding for the purpose of amending or revoking the exemption or approval granted herein as may be required in the public interest.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-18264 Filed 6-22-76;8:45 am]

[Order 76-6-133; Docket 27813; Agreements C.A.B. 25837, 25840, R-1 and R-2, 25863, R-1 through R-3, 25872]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements on Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of June, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted either at an April 1976 New York Resolution 015 Meeting or by mail vote, have been assigned the above C.A.B. agreement numbers.

The agreements would: (1) impose an 8 percent currency-related surcharge on certain fares sold in Papua, New Guinea for transportation to points in the Western Hemisphere (C.A.B. 25837); (2) amend the resolution governing North Atlantic Advance Purchase Excursion (APEX) fares to make clear that even if a passenger upgrades an APEX fare to a 22/45-day excursion fare, the original nonrefundable amount is still not refundable in the event a passenger wishes a refund on his 22/45-day excursion fare ticket, and require certain entries on the new ticket to make this clear (C.A.B. 25840); (3) adjust North Atlantic, South Pacific, and North/Central Pacific proportional fares to reflect recent U.S./Canadian domestic and transborder fare increases (C.A.B. 25863); and (4) except certain fares for travel between various points in South/Central America and points in Europe over the Mid Atlantic from the construction principles in IATA Resolution 014a and extend by one day the maximum-stay period set forth in the resolution governing Mid Atlantic 14/45-day excursion fares for travel between Caracas and Lisbon/Madrid (C.A.B. 25872). We will approve the above agreements which adjust fares in a local currency to reflect present international market values, revise various proportional fares in line with recent domestic-fare increases, or make certain other technical and clarifying changes to existing resolutions.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement C.A.B.	*IATA resolution*
25837	JT31 (Mail 28) 022t.
Agreement C.A.B., 25840:	
R-1	JT12 (Mail 16) 071p.
R-2	JT12 (Mail 16 071q.

[6] As used in these conditions, includes any of its divisions, subsidiaries or affiliates.

[7] As used in these conditions, includes any of its divisions, subsidiaries or affiliates.

[8] The reports should be submitted by March 1 of each year covering the preceding calendar year.

Agreement CAB	IATA No.	Title	Application
25863:			
R-1	015	North American Proportional Fares—North Atlantic	1/2
R-2	015a	North American Proportional Fares—South Pacific	3/1
R-3	015b	North American Proportional Fares—North and Central Pacific	3/1

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25872 and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement C.A.B.:	*IATA resolution*
25872	JT12 (Mail 35) 002cc.

Accordingly, it is ordered that:

1. Agreements C.A.B. 25837, C.A.B. 25840, and C.A.B. 25863, set forth in finding paragraph one above, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Agreement C.A.B. 25872, set forth in finding paragraph 2 above and which has indirect application in air transportation as defined by the Act, be and hereby is approved; and

3. Tariffs implementing Agreement C.A.B. 25863 may be filed on not less than one day's notice for effectiveness not earlier than June 21, 1976. The short notice authority in this paragraph expires July 21, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-18265 Filed 6-22-76;8:45 am]

NATIONAL AIR CARRIER ASSOCIATION, INC.

Meeting

Notice is hereby given that a presentation will be made by the National Air Carrier Association, Inc., on Thursday, July 8, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., regarding international problems facing the supplemental air carrier industry.

Dated at Washington, D.C., June 18, 1976.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-18262 Filed 6-22-76;8:45 am]

[Docket 28655]

SEATTLE/PORTLAND-JAPAN SERVICE INVESTIGATION

Hearing

Correction

In FR Doc. 76-17693 appearing on page 24623 in the issue of Thursday, June 17, 1976, the headings should read as set forth above.

[Docket 28807]

TRANS INTERNATIONAL AIRLINES, INC.

Postponement of Hearing

Correction

In FR Doc. 76-17695 appearing on page 24623 in the issue of Thursday, June 17, 1976, the headings should read as set forth above.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 565-6]

IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1976 and May 31, 1976.

Appendix I contains a listing of the draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agencies' regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursu-

ant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions and EPA comments referenced herein may be obtained by writing the Public Information Reference Unit (PM–213), Environmental Protection Agency, Room 2922, Watergate Mall SW., Washington, DC 20460, telephone 202/755–2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: June 11, 1976.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between May 1 and 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
D-COE-B36008-00	Fall River Harbor improvements, Fall and Providence Rivers dredging actions with ocean disposal at Browns Ledge, Fall River, Mass. and Providence, R.I.	ER-2	B
D-COE-C30001-NY	Fire Island Inlet, Montauk Point, beach erosion control and hurricane protection project, N.Y.	ER-2	C
D-COE-C30002-NY	Atlantic coast of New York City from Rockaway Inlet to Norton Point, Coney Island, N.Y.	LO-1	C
D-COE-C30003-NY	Staten Island, Fort Wadsworth to Arthur Kill, beach erosion control and hurricane protection, Richmond County, N.Y.	ER-2	C
D-COE-E35024-SC	Maintenance dredging of Port Royal Harbor, Beaufort County, S.C.	LO-2	E
DS-COE-F32014-MI	Monroe Harbor, Federal navigation channel, maintenance dredging, Michigan.	LO-2	F
D-COE-F32038-OH	Cleveland Harbor navigation project, Cleveland, Cuyahoga County, Ohio.	ER-2	F
D-COE-G34020-LA	Operation and maintenance, Calcasieu River and Pass salt water barrier, Coon Island, Devil's Elbow and Calcasieu River Basin, La.	LO-2	G
D-COE-G36047-TX	Flood damage prevention, Buffalo Bayou and tributaries, Upper White Oak Bayou, Harris Couhty, Tex.	LO-2	G
D-COE-H07003-NB	Omaha Public Power District's Nebraska City power station, unit No. 1, Nebraska City, Otero County, Nebr.	ER-3	H
D-COE-H36027-KS	Halstead local flood protection project, Harvey County, Kans.	ER-3	H
D-COE-K25003-CA	9-par sanitary landfill project regulatory permit application, San Jose, Santa Clara County, Calif.	ER-2	J
DS-COE-K32005-CA	Fisherman's Wharf area, breakwater study for light-draft navigation, San Francisco Harbor, San Francisco, Calif.	LO-1	J
D-COE-K32008-CA	Navigation channel improvements, Humboldt Harbor and Bay, Humboldt County, Calif.	LO-2	J
D-COE-K60004-CA	American Canyon sanitary landfill, operation regulatory permit application, Napa County, Calif.	ER-2	J
DS-COE-L36033-00	Lower Columbia River bank protection project, Wahkiakum, Cowlitz, and Clark Counties, Wash.; Clatsop, Columbia, and Multnomah Counties, Oreg.	LO-1	K
Department of Agriculture:			
D-AFS-E65010-00	Timber management plan, Cherokee National Forest (Tenn. and N.C.).	LO-2	E
D-AFS-G65013-AR	Management of Cossatot-Little Missouri, Ouachita National Forest, Polk, Montgomery, Howard, and Pike Counties, Ark.	LO-1	G
D-AFS-J65041-00	Sioux planning unit, Custer National Forest (S. Dak. and Mont.).	LO-1	I
D-AFS-J65042-00	Timber management plan, Black Hills National Forest (Wyo. and S. Dak.).	LO-2	I
D-AFS-K61010-CA	King unit land use plan, Klamath National Forest, Siskiyou County, Calif.	LO-1	J
D-AFS-K65012-NV	Mount Charleston planning unit, land use plan, Toyiabe National Forest, Clark County, Nev.	LO-1	J
D-AFS-K65013-AZ	Proposed woods land use plan, Coconino National Forest, Ariz. (USDA-FS-DES (ADM)-R3-76-04).	LO-2	J
D-AFS-K65014-AZ	Cooper Basin land exchange, Prescott, Coconino, and Apache-Sitgreaves National Forests, Coconino and Yavapai Counties, Ariz.	3	J
D-AFS-L61068-OR	Siuslaw National Forest, Mary's Peak planning unit, Benton and Polk Counties, Oreg. (USDA-FS-R6-DES-ADM-76-9).	LO-1	K
D-AFS-L61070-ID	Land use plan, Siwash planning unit, St. Joe National Forest, Shoshone County, Idaho.	LO-2	K
D-AFS-L61071-OR	Proposed management plan, Cascade Head Scenic and research area, Lincoln and Tillamook Counties, Oreg.	LO-1	K
D-ASC-A65123-00	Forestry incentives program (USDA-ASCS-(ADM)-76-1-D).	LO-2	A
D-SCS-E36034-KY	Donaldson Creek watershed, Caldwell and Crittenden Counties, Ky.	ER-2	E
D-SCS-E36036-00	Muddy Creek watershed project, channel portion, Tippah County, Miss., and Hardeman County, Tenn.	LO-2	E
D-SCS-E-36037-TN	Cane Creek improvement area, resource, conservation, and development measure, Putnam County, Tenn. (USDA-SCS-EIS-RC&D-76-1-D-TN).	LO-2	E
D-SCS-K36017-AZ	Harquahala Valley watershed, protection and flood prevention, Maricopa and Yuma Counties, Ariz.	LO-1	J
Department of Commerce:			
D-EDA-J28000-UT	Price River water improvement, Carbon County, Utah	LO-2	I
D-EDA-J39001-UT	Big Spring Water supply, Uintah and Ouray Indian Reservations, Roosevelt, Utah.	ER-2	I

Identifying No.	Title	General nature of comments	Source for copies of comments
D-EDA-K80004-CA	South Vallejo Industrial Park, Vallejo waterfront redevelopment project, city of Vallejo, Solano County, Calif. (EDA project, CA75-12).	ER-2	J
D-EDA-K80005-CA	Westside industrial area redevelopment, Long Beach, Los Angeles, County, Calif.	3	J
D-NOA-K90001-HI	Waimanu Valley proposed estuarine sanctuary, grant award, Hawaii County, Hawaii.	LO-1	J
Department of Defense:			
D-USN-K11008-CA	Sanitary landfill, outlease of 216 acres, naval air stations at North Island and Marimir, San Diego County, Calif.	ER-2	J
D-USN-L10001-WA	Naval torpedo station, Keyport, Indian Island Annex, Jefferson County, Wash.	LO-1	K
Department of the Interior:			
D-IBR-J34004-CO	Dallas Creek project, Colo. (INT DES 76-11)	ER-2	I
D-SFW-D84001-PA	Proposed National Fishery Research and Development Center, Wellsboro, Tioga County, Pa.	ER-2	D
Department of Transportation:			
D-FAA-D51004-PA	Saint Mary's Municipal Airport, Saint Mary's, Elk County, Pa.	ER-2	D
D-FAA-F51007-MI	Oakland-Pontiac Airport, runway 9R-27L, Oakland County, Mich.	LO-2	F
D-FHW-A42408-00	Pan American Highway, Daringao, Tocumen, Panama to Rio Leon, Columbia (FHWA-PA/COL-EIS-76-01-D).	LO-1	A
D-FHW-B40017-VT	U.S. 2, Milton and Colchester, Chittenden County, Vt.	LO-1	B
D-FHW-C40021-NY	Fredonia University access road, Bennett Road to central Avenue, Chautauqua County, N.Y.	LO-2	C
D-FHW-C40022-NY	Potsdam relief route, U.S. 11 and NY-56, St Lawrence County, N.Y.	LO-2	C
D-FHW-D40033-MD	Arundel Expressway, MD-648 to MD-100, Anne Arundel County, Md.	ER-2	D
D-FDW-E40072-NC	U.S. 64, Asheboro to Rainseur, Randolph County, N.C. (FHWA-NC-EIS-75-6-D).	ER-2	E
D-FHW-E40073-NC	U.S. 501, Duke Street to Roxboro Road, I-95 to Wellington Road, Durham County, N.C.	LO-2	E
D-FHW-E40075-FL	Highway connecting west gate of Pensacola Naval Air Station to I-10, Escambia County, Fla. (FHWA-FLA-EIS-75-05-D).	LO-2	E
D-FHW-E40076-FL	FL-828, Normandy Drive, Rue Versailles to FL-A1A, Dade County, Fla. (FHWA-FLA-EIS-75-5-D).	LO-2	E
D-FHW-E40077-TN	TN-29, TN-27 spur to TN-153, Appalachian Corridor J, Hamilton County, Tenn. (FHWA-TN-EIS-75-4-D).	LO-2	E
D-FHW-E40078-MS	I-55, Woodrow Wilson Drive to I-220, Jackson, Hinds, and Madison Counties, Miss. (FHWA-MS-EIS-76-01-D).	LO-2	E
D-FHW-F40055-IN	Route S-256, IN-3, Allen-De Kalb County Line to Kendallville, Noble, and De Kalb Counties, Ind. (FHWA-IND-EIS-76-02-D).	LO-2	F
D-FHW-F40057-IL	IL-420, Richmond-Waukegan Freeway to Wisconsin State Line, Lake and McHenry Counties, Ill. (FHWA-IL-EIS-76-01-D).	ER-2	F
D-FHW-F40059-MI	Proposed location of MI-275 freeway, I-96 north to MI-59, Oakland County, Mich.	ER-1	F
D-FHW-H40051-NB	Grand Island, U.S. 30, Hall County, Nebr. (FHWA-NEBR-EIS-76-1-D).	ER-2	H
D-FHW-L40031-ID	U.S. 95, Cox's Ranch to Goff Bridge, Idaho County, Idaho.	LO-2	K
General Services Administration:			
D-GSA-D09003-DC	Installation of Multifuel boilers, central heating and refrigeration plant, Washington, D.C.	LO-2	D
Department of Housing and Urban Development:			
D-HUD-D85005-MD	Pinehurst Harbor, title X, Anne Arundel County, Md.	LO-2	D
D-HUD-D85006-MD	Crofton Village subdivision, Title X, Anne Arundel County, Md.	LO-2	D
D-HUD-E28009-AL	Water distribution system (CDBG), area between Livingston and Gainesville, North Sumter County, Ala.	LO-2	E
D-HUD-E28011-AL	Waterworks improvements (CDBG), city of Thomasville, Clarke County, Ala.	LO-1	E
D-HUD-E85011-GA	Pepperidge subdivision, Augusta, Richmond County, Ga. (HUD-R04-EIS-76-05-D).	LO-2	E
D-HUD-F85009-OH	Crawford Heights project, Martins Ferry (CDBG), Belmont County, Ohio.	LO-2	F
D-HUD-H24000-IA	Guernsey's Orange View sanitary sewer outfall (CDBG), Waterloo, Black Hawk County, Iowa.	LO-2	H
D-HUD-H91002-IA	South Federal Avenue redevelopment project (CDBG), Mason City, Cerro Gordo County, Iowa.	LO-2	H
D-HUD-K89010-CA	Housing assistance plan, city of Soledad, Monterey County, Calif.	LO-2	J
D-HUD-K89011-CA	Daly City committee development and housing assistance (CDBG), San Mateo County, Calif.	LO-1	J
D-HUD-K89012-CA	Santa Barbara east side storm drain, rehabilitation and restoration, Santa Barbara County, Calif.	LO-1	J
D-HUD-K89013-CA	Residential development of Hunters Point redevelopment, phases 2 and 3, San Francisco County, Calif.	3	J
Nuclear Regulatory Commission:			
D-NRC-A06158-TN	Clinch River breeder reactor plant, Project Management Corp., and Tennessee Valley Authority, Roane County, Tenn., docket No. 50-537 (NUREG-0024).	ER-2	A
D-NRC-C06003-NY	Greene County nuclear powerplant, power authority of the State of New York, Docket No. 50-549, Greene County, N.Y. (NUREG-0045).	ER-2	C
U.S. Postal Service:			
D-UPS-C99002-NY	Manhattan postal service vehicle maintenance facility and Chelsea Morgan housing, Manhattan County, N.Y.	ER-2	C

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—LACK OF OBJECTION

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—ENVIRONMENTAL RESERVATIONS

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—ENVIRONMENTALLY UNSATISFACTORY

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

CATEGORY 1—ADEQUATE

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

CATEGORY 2—INSUFFICIENT INFORMATION

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

CATEGORY 3—INADEQUATE

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between May 1 and 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of commentts
Corps of Engineers:			
F-COE-A32456-AL	Black Warrior and Tombigbee Rivers, maintenance, Birmingham, Ala.	EPA's concerns were adequately addressed in the final EIS.	E
F-COE-A36377-CA	Fairfield vicinity streams channel work, Ledgewood, Pennsylvania Ave., Union Ave., Laurel and McCoy Creeks, Solano County, Calif.	do	J
F-COE-C36005-NY	Saw Mill River Basin flood control project, Elmsford to Greenburgh, Westchester County, N.Y.	do	C
F-COE-C36008-NY	Root Creek local flood protection project, Bolivar, N.Y.	do	C
F-COE-E35002-AL	Mobile Harbor, maintenance dredging, Mobile County, Ala.	EPA continues to have environmental reservations concerning this project. The final EIS does not discuss the problems associated with continued overboard disposal of materials in open waters of mobile bay and the effects of the project on water quality. EPA recommended that the COE develop a supplement to the final EIS to elaborate on this question.	E
F-COE-F32029-MI	St. Marys River and Straits of Mackinac, maintenance dredging of the Federal navigation channel, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F32031-MI	Detroit River, maintenance dredging of the Federal navigation channel, Michigan.	do	F
F-COE-F35014-OH	Diked disposal facility site No. 14, Lake Erie, Cleveland Harbor, Ohio.	EPA's comments were adequately addressed in the final EIS. EPA believes the project's impacts will be minimal as long as a monitoring program and appropriate mitigative measures are implemented during and after construction of the facility.	F
Department of Agriculture:			
F-AFS-J65017-WY	Big Piney planning unit, Bridge-Teton National Forest, Wyo. (USDA-FS-FES(ADM)-R4-75-21).	EPA's concerns were adequately addressed in the final EIS. EPA will work with the Forest Service to conduct nonpoint monitoring of several forest activities including timber harvesting.	I
F-AFS-K61005-CA	Land use plan, Shasta and Clair, Engle-Lewiston units, Whiskeytown, Shasta, and Trinity National Recreation Area, Shasta and Trinity Counties, Calif.	EPA's concerns were adequately addressed in the final EIS.	J
F-AFS-K60002-CA	Mineral King recreation development, Sequoia National Forest, Tulare County, Calif.	EPA's review of the final EIS indicates the statement to be unresponsive to our reservations expressed on the air quality impacts of the proposed project. Furthermore, EPA continues to have environmental reservations and recommends resolution of our concerns before proceeding with the proposed action.	J

Identifying No.	Title	General nature of comments	Source for copies of comments
F-AFS-L61024-WA	Chelan planning unit, Wenatchee and Snoqualmie National Forests, King, Snohomish, and Chelan Counties, Wash. (USDA-FS-FES (ADM)-R6-75-10).	EPA's concerns were adequately addressed in the final EIS. However, EPA requests the opportunity to review subsequent EAR's and EIS's dealing with our areas of concern.	K
F-DOA-C82001-00	Cooperative gypsy moth suppression and regulatory program, 1976 activities.	EPA's comments on the final EIS expressed no objections to the proposed program. However, EPA requested clarification of certain nonsubstantive, procedural questions.	C
Department of Commerce:			
F-NOA-L00001-WA	State of Washington coastal zone management program.	EPA's concerns were adequately addressed in the final EIS.	K
Department of Defense:			
FS-USN-A10040-WA	Trident support site, Bangor, Wash.	EPA had no objections to the supplemental information provided regarding project design changes and environmental impacts. However, EPA requested the Navy to provide progress reports and the final study on fisheries impacts upon completion.	K
Department of the Interior:			
F-BLM-A03052-00	Alaska natural gas transportation system.	EPA had serious environmental reservations concerning the Alaska Arctic Gas Co. proposal pending: (1) selection of a final proposal; (2) final routing within the chosen proposal; and (3) identification of the mitigating measures necessary to alleviate EPA's major concerns involving pipeline design criteria, construction procedures, and maintenance procedures.	A
F-BPA-L08017-00	Fiscal year 1977 proposed program (FES 76-7).	EPA's concerns were adequately addressed in the final EIS. EPA suggested an alternative means of notifying adjacent property owners of BPA's plans to apply herbicides in its right-of-way management program.	K
F-IBR-K32002-CA	San Felipe division, Central Valley project, California (FES 76-15).	EPA expressed serious environmental concerns over the project's expected adverse impacts on the Sacramento-San Joaquin Delta and source waters as well as adverse impacts on socio-economic structures, air quality, fish and wildlife, prime agricultural land, and resource requirements. In addition, EPA expressed concern over implementation of the project in view of unresolved water wheeling issues. EPA recommended further consideration of alternatives including the use of reclaimed waste waters from East Bay dischargers for agricultural purposes.	J
Department of Transportation:			
F-FHW-A41836-IN	Proposed relocation of IN-3 and IN-46, Greensburg, Decatur County, Ind.	Generally, EPA's concerns were adequately addressed in the final EIS.	F
D-FHW-D40017-MD.	MD-2 and MD-4, MD-264 to Patuxent River Bridge, Calvert County, Md.	EPA's concerns were adequately addressed in the final EIS.	D
F-FHW-D40019-VW.	Appalachian corridor H, Lorenz to Elkins, Upshur, Barbour, and Randolph Counties, W. Va.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested notification in the event that groundwater was found to be affected by the construction of the highway.	D
F-FHW-G40027-TX.	Beltway 8, north sec. 1, from I-45 to U.S. 59, Harris County, Tex.	EPA continues to have reservations concerning probable impacts to the natural and human environment which could result from expected project-induced increases in noise levels.	G
Federal Energy Administration:			
RF-FEA-A04031-00	Mandatory Canadian crude oil allocation regulations (FEA FES-76-1).	EPA continues to have environmental reservations with the FEA's mandatory Canadian crude oil regulations. This determination is based on the absence of an environmental criterion for the designation of priority refineries and, more specifically, on the less than complete assurance that potential environmental impacts in Puget Sound be effectively mitigated.	A
Federal Power Commission:			
F-FPC-A03003-00	Alaska natural gas transportation systems.	EPA expressed serious environmental reservations concerning the proposed El Paso-Alaska project and its alternatives pending: (1) Selection of a final proposal; (2) final routing within the chosen proposal; and (3) identification of the mitigating measures necessary to alleviate our major concerns involving, pipeline design criteria, construction procedures, and maintenance procedures in permafrost areas.	A
General Services Administration:			
F-GSA-E81009-FL	Federal building and courthouse, Panama City, Bay County, Fla. (EFL 76001).	EPA's concerns were adequately addressed in the final EIS.	E

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Housing and Urban Development:			
F-HUD-C85005-NY	New Elmira urban renewal project, Elmira, Chemung County, N.Y.	EPA's review of the final EIS concluded the statement to be unresponsive to EPA's concerns of the proposed project's environmental effects, particularly relating to air and noise pollution.	C
F-HUD-C85006-PR	Residencial Interamericana, Trujillo Alto, P.R.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA suggested that in the future HUD incorporate these recommendations in their decisionmaking process.	C
FS-HUD-C36017-NY	Nauraushaun Brook improvement project, Rockland County, N.Y.	EPA's concerns were adequately addressed in the final EIS.	C
F-HUD-D86017-WV	Central City urban renewal project, Parkersburg, Wood County, W. Va.	do	D
F-HUD-J85002-CO	7 Lakes, marketed as 7 Hill, Aurora, Arapahoe County, Colo.	EPA's review of the final EIS concluded the statement is unresponsive to EPA's request that the cumulative impacts of the individual subdivisions proposed near the periphery of the Denver area be addressed. Therefore, EPA cannot determine the environmental impacts from the individual subdivisions because of the lack of an overview analysis of the cumulative impact.	I

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between May 1 and 31, 1976*

Identifying No.	Title	Source of review
Corps of Engineers:		
F-COE-B07001-ME	Unit No. 4 addition, William F. Wyman Station, Yarmouth, Cumberland County, Maine.	B
F-COE-D35008-MD	Wicomico River East, operations an maintenance dredging, Wicomico County, Md.	D
F-COE-E35014-SC	Atlantic Intracoastal Waterway maintenance dredging, between Little River and Port Royal Sound, S.C.	E
F-COE-G34010-LA	Continued operation and maintenance, Lake Pontchartrain Basin, La.	G
F-COE-H34001-KS	Melvern Dam and Lake, Osage County, Kans	H
F-COE-H34007-MO	Operation and maintenance, Pomme de Terre Lake, Hickory and Polk Counties, Mo.	H
Department of Agriculture:		
F-AFS-E65004-AL	Timber management plan, Talladega National Forest, Ala. (USDA-FS-RS-FES-ADM-75-21).	E
F-AFS-E65005-NC	Nantahala unit No. 22, Nantahala National Forest, Macon, Clay, Swain, and Graham Counties, N.C.	E
F-AFS-E65006-MS	Delta unit plan, Delta National Forest, Sharkey, Issaquena, and Warren Counties, Miss.	E
F-AFS-J65020-MT	Bitterroot South land use plan unit, Bitterroot National Forest, Mont.	I
F-AFS-K65010-NV	Central Nevada land use plan, Toiyabe National Forest, Nev.	J
F-AFS-L61026-OR	Land use plan, Mount Bulter-Dry Creek planning unit, Curry County, Oreg. (USDA-FS-R6-FES-75-13).	K
F-AFS-L61058-ID	Mill Creek unit plan, Nezperce National Forest, Idaho County, Idaho (USDA-FS-FES (ADM)-R1-76-10).	K
F-AFS-L61059-ID	Land use plan, Meadows planning unit, Payette National Forest, McCall, Idaho.	K
F-AFS-L61065-ID	Red River planning unit, Nezperce National Forest, Idaho County, Idaho (USDA-FS-FES (ADM)-R1-76-11).	K
F-AFS-L65011-AK	Freshwater bay timber sale, Tongass National Forest, Alaska (USDA-FS-FES (ADM)-R10-75-09).	K
F-AFS-L82001-00	Cooperative western spruce budworm pest management plan, Spring and summer 1976, Oregon and Washington (USDA-FS-R6-FES(ADM)-76-7).	K
F-DOA-E81007-FL	Fleming Key Animal Import Center, Key West, Fla. (USAD-APHIS-ADM-75-2-F).	E
F-SCS-D36011-VA	Cedar Run watershed, Fauquier County, Va	D
F-SCS-E36021-00	Cypress Creek watershed project, Lauderdale County, Ala., and Wayne County, Tenn.	E
F-SCS-E36032-AL	Mud Creek watershed, water protection and flood prevention, Cullman County, Ala.	E
F-SCS-E36037-TN	Cane Creek improvement area resource, development and conservation measure, Putnam County, Tenn.	E
F-SCS-G36027-TX	South Laterals watershed, Concho and McCulloch Counties, Tex.	G
F-SCS-G36039-LA	Choctaw Bayou watershed, Point Coupee and Iberville Parishes, La.	G
F-SCS-K36011-CA	Newman watershed project and agricultural drainage, Newman, Stanislaus County, Calif. (USDA-SCS-EIS-WS (ADM)-75-2-F-CA).	J
F-SCS-K36015-CA	Carpinteria Valley watershed project, Santa Barbara County, Calif. (USDA-SCS-FS-WS-(ADM)-75-3-(F)-CA).	J
Department of the Interior:		
F-BOR-G61003-TX	Rio Grande national wild and scenic river system, Brewster and Terrell Counties, Tex.	G
RF-DOI-A01031-00	43 CFR pts. 23 and 3041, proposed surface management of federally owned coal resources, and 30 CFR pt. 211, coal mine operating regulations.	A
F-NPS-G65007-TX	Master plan, Guadalupe Mountains National Park, Tex	G
F-NPS-J08004-00	Underground transmission line, Greenhaven development, Glen Canyon National Recreation Area (Ariz. and Utah) (FES 76-20).	I
Department of Transportation:		
F-FAA-G51001-TX	Gaines County Airport, New Seminole, Tex	G
F-FAA-H51007-KS	Rush County Airport, La Crosse, Kansas	H
F-FHW-A42352-CT	CT-9, Cromwell, Hartford, and Middlesex Counties, Conn	B
F-FHW-E40042-MS	U.S. 45, from Tupelo to Corinth, Lee, Prentiss, and Alcorn Counties, Miss.	E
NF-FHW-E40055-SC	U.S. 17 and U.S. 21, Lobeco North to Pocotaligo, Beaufort County, S.C.	E
F-FHW-E40061-KY	Poplar Level Road, KY-864, Louisville, Ky. (FHWA-KY-EIS-71-17).	E
F-FHW-G40017-NM	NM-371, San Juan and McKinley Counties, N. Mex	G
F-FHW-G40034-OK	U.S. 62 and OK-82, Tahlequah, Cherokee County, Okla	G

Identifying No.	Title	Source of review
F-FHW-H40021-IA	U.S. 6, Pottawattamie County, Iowa	H
F-FHW-K40039-HI	Mud Lane, Waimea to Kawaihae Road, Hamakua and South Kohala Districts, Island of Hawaii, Hawaii (FHWA-HI-EIS-73-05-F).	J
Federal Power Commission:		
F-FPC-A03054-00	East Tennessee Natural Gas Co., natural gas curtailment plan, Docket No. RP75-28.	A
F-FPC-A03055-00	Algonquin Gas Transmission Co., natural gas curtailment plan, Docket No. RP71-131.	A
F-FPC-E03001-00	Zachary-Fort Lauderdale pipeline construction and conversion project, Florida Gas Transmission Co., Docket No. CP74-192, Louisiana, Alabama, and Florida.	E
F-FPC-E09003-00	United Gas Pipeline Co., natural gas curtailment plans, Docket No. RP71-29, 120.	A
F-FPC-E09004-00	Texas Eastern Transmission Corp., natural gas curtailment plan, Docket No. RP71-130.	A
General Services Administration:		
F-GSA-E81010-FL	Courthouse annex, Miami, Dade County, Fla. (EFL 76002)	
F-GSA-E81011-FL	Motor pool and vehicle maintenance facility, Miami, Dade County, Fla.	E
Department of Housing and Urban Development:		
F-HUD-E28008-AL	Stewartville community public water system (CDBG), Coosa and Talladega Counties, Ala.	E
F-HUD-G85010-AR	Springdale water and sewerage improvements, Washington and Benton Counties, Ark.	G
F-HUD-G85011-NM	Extension of water and sewer trunklines (CDBG), Hobbs, Lea County, N. Mex.	G
F-HUD-J85003-CO	Woodwest, a planned unit development, Colorado	I
F-HUD-K89007-CA	Low-Income, multiservice center (CDBG), Livermore, Alameda County, Calif.	J
Nuclear Regulatory Commission:		
F-AEC-A00108-WA	Waste management operations, Hanford Reservation, Richland, Wash. (ERDA-1538).	A

APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between May 1 and May 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of the Interior:			
R-BLM-A01034-00	43 CFR pt. 3520, competitive coal leasing, proposed procedures.	EPA expressed concern regarding the potential for lease tract selection occuring in areas which have not been scrutinized from an environmental perspective due to the regulations' lack of specificity. EPA was further concerned that the NEAP procedures outlined in the regulations might not be consistent with those established in 43 CFR pt. 3041. Other concerns related to consistency between management framework plans and NEPA procedures, prioritization schemes under the nominations process, and criteria to be utilized in the lease tract selection process.	A
A-BLM-A02096-CA	Potential oil and gas lease sale (OCS No. 48) in the outer continental shelf, off southern California.	EPA reemphasized concerns expressed following the review of the EIS for sale No. 35 particularly with respect to operations in deep waters or areas having a high geologic hazard potential or adjacent to areas of special biological significance. EPA also recommended avoidance of additional offerings in the Santa Barbara Channel area. Finally EPA reemphasized the need to coordinate the lease sale with State costal planning activities.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.76-18033 Filed 6-22-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

WYSE, ET AL.

Standard Broadcast Applications Available for Processing

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on July 26, 1976, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other applications on file by the close of business on July 25, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on July 25, 1976. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules. For example, those proposals listed for the deleted facilities of WVON, Cicero, Illinois, have been effectively "cut-off" by a previous application which was assigned a cut-off date of November 7, 1975.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: June 15, 1976.

Released: June 17, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX

BP-20,045 WYSE, Inverness, Fla.
Fleet & Fleet, Inc.
Has: 1560 kHz, 1 kW, day.
Req: 1560 kHz, 5 kW, day.

BP-20,068 WEQO, Whitney City, Ky.
Country Roads Broadcasting Corp.
Has: 1220 kHz, 500 W, day.
Req: 1220 kHz, 1 kW, day.

BP-20,098 NEW, Cambridge, Minn.
Isanti Broadcasting Co.
Req: 1070 kHz, 10 kW, DA, Day.

BP-20,105 KMCW, Augusta, Ark.
Service Communications, Inc.
Has: 1190 kHz, 250 W, day.
Req. 1190 kHz, 500 W, day.

BP-20,106 NEW, Inez, Ky.
Martin County Broadcasting Co., Inc.
Req: 1590 kHz, 1 kW, day.

BP-20,107 WFTW, Ft. Walton Beach, Fla.
Vacationland Broadcasting Co., Inc.
Has: 1260 kHz, 1 kW, day.
Req: 1260 kHz, 2.5 kW, day.

BP-20,109 KNFT, Bayard, N. Mex.
K.N.F.T., Inc. (NSL).
Has: 950 kHz, 1 kW, day.
Req: 950 kHz, 5 kW, day

BP-20,110 WDAT, Ormond Beach, Fla.
National Communications Industries, Inc.
Has: 1380 kHz, 1 kW, DA-N, U.
Req: 1380 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

BP-20,112 NEW, Enumclaw, Wash.
Robert J. Reverman.
Req: 1330 kHz, 500 W, day.
BP-20,114 KAHL, North Platte, Nebr.
Dahl Broadcasting, Inc.
Has: 1410 kHz, 500 W, 1 kW-LS, DA-N, U.
Req: 1410 kHz, 500 W, 5 kW-LS, DA-N, U.
BP-20,115 KMOO, Mineola, Tex.
A-C Corp.
Has: 1510 kHz, 250 W, day.
Req: 1510 kHz, 500 W, day.
BP-20,119 NEW, Lares, Puerto Rico.
Lares Broadcasters.
Req: 1200 kHz, 250 W, day.
BP-20,125 WABH, Churchville, Va.
Deerfield Broadcasting Co.
Has: 1150 kHz, 1 kW, day (Deerfield, Va.).
Req: 1150 kHz, 1 kW, day (Churchville, Va.).
BP-20,127 NEW, Cicero, Ill.
Migala Enterprises, Inc.
Req: 1450 kHz, 250 W, 1 kW-LS, U.
BP-20,129 NEW, Cicero, Ill.
Cicero Radio Partnership.
Req: 1450 kHz, 250 W, 1 kW-LS, U.
BP-20,131 NEW, Cicero, Ill.
The Board of Trustees of the University of Illinois.
Req: 1450 kHz, 250 W, 1 kW-LS, U.
BP-20,134 NEW, Cicero, Ill.
Metropolitan Broadcasting Co., Inc.
Req: 1450 kHz, 250 W, 1 kW-LS, U.
BP-20,135 NEW, Cicero, Ill.
Nationwide Broadcasting Co.
Req: 1450 kHz, 250 W, 1 kW-LS, U.
BP-20,137 NEW, Cicero, Ill.
Midway Broadcasting Corp.
Req: 1450 kHz, 250 W, 1 kW-LS, U.
BP-20,149 KODL, The Dalles, Oreg.
Larson Wynn, Inc.
Has: 1440 kHz, 1 kW, DA-N, U.
Req: 1440 kHz, 1 kW; 5 kW-LS, DA-N, U.
BP-20,160 KVAN, Vancouver, Wash.
The New Broadcasting Corp.
Has: 1480 kHz, 1 kW, day.
Req: 1480 kHz, 5 kW, 1 kW-LS, DA-N, U.
BP-20,196 NEW, Lewisburg, Pa.
Union Broadcasting Co.
Req: 1010 kHz, 250 W, day.
BP-20,219 NEW, Clinton, Ky.
Hickman County Broadcasting Co.
Req: 1130 kHz, 250 W, day.

[FR Doc.76-18229 Filed 6-22-76;8:45 am]

FEDERAL MARITIME COMMISSION

BARBER-BLUE SEA LINE JOINT SERVICE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 13, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Milton J. Levitt, Esquire, Palmer & Serles, Attorneys at Law, 120 Broadway, New York, New York 10005.

Agreement No. 10137-3, among the parties to the Barber-Blue Sea Line Joint Service, modifies the approved basic agreement by amending Article 1 and the Appendix thereof to permit the Barber-Blue Sea Line Joint Service to engage in intermodal service and to participate as a conference member in the Trans-Pacific Freight Conference of Japan/Korea Intermodal Tariff.

By Order of the Federal Maritime Commission.

Dated: June 17, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-18269 Filed 6-22-76;8:45 am]

FAR EAST CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 13, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq.,
Burlingham Underwood & Lord,
25 Broadway,
New York, New York 10004.

Agreement No. 17-35 has been entered into by the member lines of the Far East Conference for the purpose of strengthening the conference's self-policing system. In particular, principally Article 12 and various other articles of the conference agreement are being amended in order to broaden the power and authority of the neutral body. In addition thereto, Article 4 is being amended to permit absorptions to the extent specifically authorized by the provisions in the conference tariff.

By order of the Federal Maritime Commission.

Dated: June 17, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-18268 Filed 6-22-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ID-1789]

ALTON G. MARSHALL

Application

JUNE 15, 1976.

Take notice that on May 27, 1976, Alton G. Marshall (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, New York State Electric & Gas Corporation, Public Utility.
Director, Empire State Power Resources, Inc., Public Utility.

New York State Electric & Gas Corporation ("NYSEG") is a gas and electric corporation organized and existing under the Transportation Corporations Law of the State of New York. NYSEG provides electric service to approximately 612,000 industrial, commercial, and residential customers and gas service to approximately 126,000 customers in an area of approximately 17,000 square miles in the central, eastern and western parts of New York State including the cities of Binghamton, Ithaca and Elmira. The counties in the territory of NYSEG are Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware,

Dutchess, Erie, Essex, Franklin, Greene, Hamilton, Herkimer, Livingston, Madison, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Otsego, Putnam, Rensselaer, St. Lawrence, Saratoga, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Washington, Wayne, Westchester, Wyoming and Yates. NYSEG owns in common with Pennsylvania Electric Company two 600 megawatt steam generating units in Homer City, Pennsylvania. NYSEG has no subsidiaries.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York State to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, NYSEG, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereinafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18201 Filed 6-22-76;8:45 am]

[Project No. 2422]

BROWN-NEW HAMPSHIRE, INC.

Application for Approval of Revised Exhibits J, L, and M

JUNE 15, 1976.

Public notice is hereby given that an application for approval of revised exhibits J, L, and M for Project No. 2422 was filed on April 18, 1976, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by Brown-New Hampshire, Inc. (Correspondence to: Randolph E. Mores, Vice President, Brown-New Hampshire, 650 Main Street, Berlin, New Hampshire 03570).

The Applicant/Licensee has filed the revised exhibits to show that its power generating facilities (a powerhouse containing two 500 kW, one 400 kW, and one 800 kW generator unit) were removed from the project in January, 1968, because the operation of the project was economically marginal. The licensee intends to use the reservoir to maintain a water supply for the manufacturing facilities of Brown Company, and to maintain flowage control to benefit the Riverside Hydrostation of the licensee's Federal Power Commission Project No. 2423 downstream from this (Sawmill) project.

The energy previously generated was used in the licensee's chemical plant in Berlin, New Hampshire.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 1976, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1975). 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 and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader does not request the shortened procedure, 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.76-18191 Filed 6-22-76;8:45 am]

[Docket No. RP72-142 (PGA 76-5)]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 15, 1976.

Take notice that Cities Service Gas Company (Cities Service) on June 7, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that pursuant to the Purchased Gas Cost Rate Adjustment provision in Article 21 of its FPC Gas Tariff and Ordering Paragraph (D) of the Commission's Opinion No. 749–A, issued February 27, 1976, it proposes to increase its rates effective July 23, 1976, to reflect increased purchased gas costs. Cities Service states that such increased rates are reflected on two different revised tariff sheets PGA–1, as hereinafter described.

One of the two tariff sheets is Alternate Fifteenth Revised Sheet PGA–1 which reflects a current adjustment of 3.92¢ per Mcf. Such adjustment reflects small producer and emergency purchases at rates in excess of the rate established in Opinion Nos. 699–H, 742 and/or 749–A, as well as other purchased gas costs. Should the Commission suspend the effectiveness of Alternate Fifteenth Revised Sheet PGA–1 for one day to July 24, 1976, subject to refund, Cities Service has filed Fifteenth Revised Sheet PGA–1 to be effective on July 23, 1976. Such sheet reflects elimination of the "excess" portion of such rates and reflects a 3.52¢ per Mcf current adjustment.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72–142 and RP76–13.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 June 25, 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.76-18200 Filed 6-22-76;8:45 am]

[Docket No. CP76-280]

COLUMBIA GULF TRANSMISSION CO.

Informal Conference

JUNE 14, 1976.

Take notice that Columbia Gulf Transmission Company has filed an application under section 7(c) of the Natural Gas Act to construct and operate added facilities on the C–N–T pipeline to take additional volumes of natural gas from Eugene Island Area, offshore Louisiana.

Take further notice that an informal conference will be held at 10:00 A.M. (EDT) on June 22, 1976 in a conference room of the Federal Power Commission, 825 North Capitol Street NE., Washing-

ton, D.C. This conference is open to the public and all interested parties.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18190 Filed 6-22-76;8:45 am]

[Docket Nos. RP75-105 and RP75-106]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CO.

Certification of Settlement Agreement

JUNE 14, 1976.

Take notice that on June 4, 1976 the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the above referenced docket. This agreement settles all issues except for pipeline production in Appalachia, consolidated taxes and depreciation accrual rate for Columbia Gulf's offshore plant; all of which have been reserved for hearing by the agreement.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 9, 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.76-18189 Filed 6-22-76;8:45 am]

[Docket Nos. CP71-68, et al.]

COLUMBIA LNG CORP., ET AL.

Visit to Cove Point

JUNE 15, 1976.

On July 1, 1976, the Commissioners and Staff will visit the liquefied natural gas (LNG) receiving, storage and regasification facilities certificated in the above titled proceeding and under construction at Cove Point, Maryland. Any interested party is invited to attend but should make their own arrangements. There will be no discussion on the merits of the pending issue in regard to pricing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18195 Filed 6-22-76;8:45 am]

[Docket Nos. RP73-107, RP74-90 and RP75-91]

CONSOLIDATED GAS SUPPLY CORP.

Informal Conference

JUNE 14, 1976.

Take notice that an informal settlement conference for the purpose of resolving the issues in the referenced dockets will be convened at 10:30 A.M. (EDT) on June 23, 1976 in Room 3401, North Building, and at 10:00 A.M. (EDT) on June 24, 1976 in Room 8402, Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18188 Filed 6-22-76;8:45 am]

[Docket Nos. CP73-334, CP74-289, and CP75-360]

EL PASO NATURAL GAS CO.

Expedited Briefing Schedule

JUNE 15, 1976.

On June 8, 1976, El Paso Natural Gas Company (El Paso) filed a motion to shorten the period in which to file briefs on exceptions and briefs opposing exceptions to the Initial Decision issued June 7, 1976, in the above-designated proceeding. El Paso states that it has contacted all active parties and none opposes the proposed expedited briefing schedule.

Upon consideration, notice is hereby given that briefs on exceptions in the proceeding shall be filed on or before June 21, 1976, and briefs opposing exceptions shall be filed on or before July 6, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18196 Filed 6-22-76;8:45 am]

[Docket No. RP75-94]

GREAT LAKES GAS TRANSMISSION CO.

Extension of Time

JUNE 15, 1976.

On May 25, 1976, TransCanada Pipe Lines Limited filed a motion to extend the procedural dates fixed by order issued June 13, 1975, as most recently modified by notice issued April 20, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor, Testimony, June 25, 1976.
Service of Company Rebuttal, July 26, 1976.
Hearing, August 10, 1976 (10:00 A.M., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-18199 Filed 6-22-76;8:45 am]

[Docket No. E9446]

GREEN MOUNTAIN POWER CORP.

Filing of Proposed Settlement

JUNE 16, 1976.

Take notice that on June 8, 1976, Green Mountain Corporation (Green Mountain) tendered a settlement agreement as a resolution of all issues in the above-captioned proceeding. Green Mountain also filed a motion for approval of the settlement agreement by the Commission.

Green Mountain states that this proceeding was initiated when on May 15, 1975, Green Mountain tendered for filing an application for an increase in rates to its nine wholesale customers, including the Villages of Hardwick, Jacksonville, Morrisville, Northfield, Readsboro and Stowe, Vermont and the New Hampshire Electric Cooperative, the Vermont Electric Cooperative and the Washington Electric Cooperative. Based on the twelve months ending December 31, 1974, the rates proposed by Green Mountain would provide an increase in revenues from such customers of $955,956. By order issued June 13, 1975, the Commission accepted Green Mountain's application for filing, and suspended the proposed rates until September 16, 1975, at which time they became effective subject to refund. The Commission also ordered that a hearing be held with respect to Green Mountain's application.

According to Green Mountain, representatives of Green Mountain have entered into discussions with representatives of the intervening parties and the Commission staff which have resulted in settlement of all issues in this proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 30, 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.76-18203 Filed 6-22-76;8:45 am]

[Docket No. ID-1788]

JOHN G. HAEHL, JR.

Application

JUNE 15, 1976.

Take notice that on May 12, 1976, John H. Hael, 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, Chief Executive Officer and Director, Niagara Mohawk Power Corporation, Public Utility.
Director, Crouse-Hinds Company, Supplier of electrical equipment.
Director, Empire State Power Resources, Inc., Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with

the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18194 Filed 6-22-76;8:45 am]

MISSISSIPPI RIVER TRANSMISSION CORP., ET AL.

Submission of Refund Report

JUNE 14, 1976.

Take notice that on May 14, 1976, Mississippi, River Transmission Corporation (MRT) filed with the Commission a report of refunds made to certain of its resale customers as a result of refunds received by MRT from United Gas Pipe Line Company and Natural Gas Pipe Line Company of America in the above-captioned dockets. MRT states that such refunds to resale customers have been determined and distributed in accordance with the refund distribution plan set forth in MRT's September 4, 1974 letter to the Commission. The subject plan was approved by Commission order issued March 8, 1976, in the captioned dockets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 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.76-18186 Filed 6-22-76;8:45 am]

[Project No. 2767]

NUSHAGAK ELECTRIC COOPERATIVE, INC.

Application for a Preliminary Permit

JUNE 15, 1976.

Public notice is hereby given that an application for a preliminary permit (FPC Project No. 2767) was filed on March 18, 1976, under the Federal Power Act (16 U.S.C. §§ 791a-825r), by Nushagak Electric Cooperative, Inc. (Correspondence to: Nushagak Electric Cooperative, Inc., P.O. Box 197, Dillingham, Alaska 99576; Robert Retherford Associates, P.O. Box 6410, Anchorage, Alaska 99502) for the construction of a hydroelectric dam on Lake Elva and an unnamed stream located in the Third Judicial Division, State of Alaska, near Dillingham, Alaska.

According to the applicant, it proposes to construct: (1) a dam at the outlet of Lake Elva; (2) a spillway in bedrock adjacent to the dam; (3) a steel penstock approximately one mile in length; (4) a powerhouse on the shore of Lake Nerka with an installed capacity of 3,000 horsepower; (5) a transmission line approximately 28 miles in length to the applicant's system at Aleknagik; and (6) appurtenant facilities.

The power developed by the project would be used in the applicant's electrical distribution system in the Dillingham-Kanakanak-Aleknagik area.

A preliminary permit does not authorize construction of a project. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1976, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18192 Filed 6-22-76;8:45 am]

[Docket No. ID-1779]

R. E. DISBROW

Application

JUNE 15, 1976.

Take notice that on May 24, 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 position:

Director, Michigan Power Company, Electric & Gas Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18193 Filed 6-22-76;8:45 am]

[Docket No. ID-1636]

ROBERT E. MAGUIRE

Application

JUNE 15, 1976.

Take notice that on May 24, 1976, Robert E. Maguire (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:

Vice Chairman, Blackstone Valley Electric Company, Public Utility.
Vice Chairman, Brockton Edison Company, Public Utility.
Vice Chairman, Fall River Electric Light Company, Public Utility.

Blackstone Valley Electric Company ("Blackstone"), a Rhode Island corporation having its principal place of business on Washington Highway, Lincoln, Rhode Island, owns and operates facilities for the transmission and distribution of electric energy at retail in and around Pawtucket, Woonsocket, Central Falls, Cumberland, and Lincoln, Rhode Island. Most of the energy sold by Blackstone is purchased from Montaup Electric Company.

Brockton Edison Company ("Brockton"), a Massachusetts corporation having its principal place of business at 36 Main Street, Brockton, Massachusetts, owns and operates facilities for the transmission and distribution of electric energy at retail in the city of Brockton and 16 surrounding towns in Massachusetts. Most of the energy sold by Brockton is purchased from Montaup Electric Company.

Fall River Electric Light Company ("Fall River"), a Massachusetts Corporation having its principal place of business as 85 North Main Street, Fall River, Massachusetts, owns and operates facilities for the distribution of electric energy at retail in the city of Fall River and in Neighboring towns of Swansea, Somerset, the major part of Dighton, and a part of Westport, all in Massachusetts. Most of the energy sold by Fall River is purchased from Montaup Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 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 pro-

tests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-18197 Filed 6-22-76;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Informal Conference

JUNE 16, 1976.

Take notice that on June 28, 1976, an additional informal conference will be held commencing at 10:00 A.M., in Room 6200 of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be between Southern Natural Gas Company, the Commission Staff, and all interested persons and will be for the purpose of discussing the possibility of settlement of issues presented in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18204 Filed 6-22-76;8:45 am]

[Docket Nos. RP73-3 (PGA76-3) and RP72-99 (DCA76-2)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

JUNE 14, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 28, 1976 tendered for filing three revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 and are proposed to be effective July 1, 1976. These tariff sheets reflect the following:

1. A special PGA "tracking" rate increase of 2.5¢ per Mcf in the commodity or delivery charge of Transco's CD, G, OG, E, PS, S-2 and ACQ rate schedules pursuant to Ordering Paragraph (D) of Opinion No. 749-A.

2. A "tracking" rate decrease of 1.2¢ per Mcf in the commodity or delivery charge of Transco's CD, G, OG, E, PS, S-2 and X-20 Rate Schedules for curtailment related credits pursuant to Section 20 of the General Terms and Conditions of Transco's FPC Gas Tariff, First Revised Volume No. 1.

The Company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and 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 Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 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.76-18187 Filed 6-22-76;8:45 am]

[Docket Nos. RP73-3 (PGA76-2), RP73-69 and FP72-99 (EPGA76-3)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Submission of Information Required by Commission Orders

JUNE 15, 1976.

Take notice that on May 18, 1976 (as supplemented on May 28, 1976), Transcontinental Gas Pipe Line Corporation (Transco) submitted certain information concerning emergency purchases, as required by Commission orders issued in the captioned dockets on April 30, 1976. Transco states as follows:

The four 60-day emergency purchase transactions reflected in Transco's PGA tracking filing of March 31, 1976 were also reflected, among other 60-day emergency purchase transactions, in Transco's previous PGA filing (PGA76-1). The requested information regarding such 60-day emergency purchase transactions, other than the amount of gas purchased under each 60-day transaction during the appropriate time period, was previously furnished by Transco on March 29, 1976, in response to a similar directive of February 27, 1976 in Docket No. RP73-3, *et al.* (PGA76-1) and, accordingly, such response is incorporated herein by reference. With respect to the amount of emergency gas purchases reflected in Transco's PGA filing of March 31, 1976, the volumes for each 60-day emergency transaction are set forth in Column (8) on the attached schedule.

Copies of Transco's submittal are on file with the Commission and are available for public inspection. Any person desiring to comment on matters concerned therein should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 8, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18198 Filed 6-22-76;8:45 am]

[Docket No. RP76-109]

UTAH GAS SERVICE CO.

Rate Increase Filing

JUNE 15, 1976.

Take notice that Utah Gas Service Company (Utah Gas) on June 4, 1976, tendered for filing the Third Revised Sheet No. 18A superseding Second Revised Sheet No. 18A. Utah Gas states that the proposed changes would increase its revenues from jurisdictional sales by approximately $153,000.

Utah Gas requests that the Commission waive the 30-day notice requirement and permit the rate filing to become effective immediately.

Copies of the filing were served upon the company's jurisdictional customer, Northwest Pipeline Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 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.76-18202 Filed 6-22-76;8:45 am]

[Docket No. RP72-110 PGA76-9]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JUNE 16, 1976.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on May 27, 1976, tendered for filing Seventeenth Revised Sheet No. 10 and Revised Seventeenth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

These sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed to reflect alternative purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation on July 1, 1976.

The proposed effective date of the tariff sheets is July 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 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 June 22, 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.76-18245 Filed 6-22-76;8:45 am]

[Docket No. ER76-738]

CENTRAL MAINE POWER CO.

Tariff Change

JUNE 16, 1976.

Take notice that on June 9, 1976 Central Maine Power Company (Central Maine) tendered for filing proposed changes in its FPC Rate Schedule No. 33 providing transmission services over its 345 KV transmission lines. The proposed change would allow extension of the existing transmission rate schedule beyond June 30, 1975 for the transmission of power entitlements to New England electric utility participants from the New Brunswick Electric Power Commission and the Maine Electric Power Company, Inc. The proposed change does not include any increase in the existing basic rate.

The existing rate schedule is limited by its terms to providing transmission services for power from New Brunswick through a contract which has terminated. The proposed change to the rate schedule eliminates this limitation.

Copies of the filing have been served upon the New England electric utilities who have entitlements under the New Brunswick purchase and upon the Maine Public Utilities Commission.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 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.76-18247 Filed 6-22-76;8:45 am]

[Docket No. E-9547]

CENTRAL MAINE POWER CO.

Informal Conference

JUNE 16, 1976.

Take notice that on June 28, 1976, an informal conference will take place between representatives of Central Maine Power Company, Eastern Maine Electric Cooperative and the staff of the Federal Power Commission covering issues arising out of Eastern Maine's petition to intervene in F.P.C. Docket No. E-9547. This conference will be held in Room 8402, 825 North Capitol Street, Washington, D.C. 20426, at 9 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18248 Filed 6-22-76;8:45 am]

[Docket No. RP73-65 (PGA76-3)]

COLUMBIA GAS TRANSMISSION CORP.

Submittal of Information on 60-Day Purchases

JUNE 17, 1976.

Take notice that on April 27, 1976 Columbia Gas Transmission Corporation (Columbia) tendered for filing, pursuant to Ordering Paragraph (F) of the order issued February 27, 1976 in the referenced docket, information relating to emergency purchases which are reflected in the PGA amounts in this filing.

Any person desiring to be heard or to protest said notice of submittal of information on 60-day purchases should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 29, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18239 Filed 6-22-76;8:45 am]

[Docket No. ER76-320]

CONNECTICUT LIGHT AND POWER CO.

Order Deferring Ruling on Motions and Requiring Data

JUNE 17, 1976.

The Connecticut Light and Power Company (CL&P) tendered for filing on December 2, 1975 an amended tariff, R-3 Rate, to its FPC Rate Schedule No. 32.7. This filing was accepted and suspended by Commission order issued December 31, 1975. A Motion to Reject was filed by the Connecticut Municipal Group on May 5, 1976. A request for a longer suspension period was filed by Bozrah Light and Power (Bozrah) on May 11, 1976. CL&P filed a Response to the Motion to Reject on May 20, 1975. For the reasons herein stated, ruling on these motions will be deferred and CL&P will be required to submit certain data.

In the order issued December 31, 1975 in this docket, it was indicated that "CL&P's proposal would result in an increase of 20.4% in revenue . . . for the twelve month period ending December 31, 1976." The Connecticut Municipal Group states in its Motion that the amounts billed by CL&P for March, 1976 result in revenues ranging from 36% to 44% higher than would be collected under CL&P's previous rate, Rate R-2. Because of this divergence between what the December 31, 1975 order indicated would be the percentage increase and what the Connecticut Municipal Group alleges is the percentage increase on the basis of their bills, the Connecticut Municipal Group urges rejection of the filing as spurious in conception and as violative of the Federal Power Act and the regulations thereunder. The Municipal Group also states they are not adequately protected by the refund provisions because Connecticut state law allows them to change rates only once every three months. Chap. 101, Conn. Statutes, Sec. 7-222. Since they arranged to pass through the rate increase level indicated in the December 31, 1975 order, any increase above that level cannot be passed on for another three months, at least, and the members of the Municipal Group will have to absorb this loss. As part of this argument, the Municipal Group urges also a five-month suspension.

The request from Bozrah indicates that its "power cost" based on bills from CL&P was increased in March by 42% and in April by 54%, thus "creating emergency conditions." Bozrah requests reconsideration of the December 31, 1975 order and for "suspension effective retroactively to March 2, 1976."

CL&P's Response states that comparisions between the R-3 Rate and the R-2 "could not be meaningful because of the improper operation of the fuel adjustment clause in the R-2 Rate." CL&P also indicates that nothing has occurred since the Commission's prior order in this docket which would "provide a basis for reversals of such decisions." CL&P alleges that the Municipal Groups "manipulates and misuses figures" and that the amounts actually billed were lower than those estimated. CL&P contends also that the Municipal Group "attempts to mislead the Commission with respect to their ability to recover their increased costs from their own retail customers." CL&P contends that the Municipal Groups' Motion does not provide basis for rejecting CL&P's rate filing.

The Commission shall defer ruling on these motions at this time. Serious allegations have been raised by these motions as to the actual nature of the rate increase in this docket. Accordingly, CL&P will be required to file the actual bills and billing determinants for all its wholesale customers under Rate R-3 for March and April, 1976, together with the same two months computed at Rate R-2, CL&P will be required to submit any additional explanation for any difference between this information and that supplied in Exhibit (B-8) of its filing in this docket.[1] Upon receipt and review of the submittal by CL&P, the Commission shall rule upon the issues raised by the Motions of the Connecticut Municipal Group and Bozrah.

The Commission finds: Good cause exists to defer ruling upon the Motions

[1] For example, CI&P submitted in Exhibit (B-8) that the percentage increase to Groton for March, 1976 would be approximately 19.98%. The Connecticut Municipal Group alleges in its Motion that the percentage increase for Groton during March 1976 was actually 43%.

of the Connecticut Municipal Group and the Bozrah Light and Power Company until submittal of data and information by CL&P as hereinafter ordered.

The Commission orders: (A) Ruling upon the instant Motions is hereby deferred.

(B) CL&P is hereby required to submit within 15 days of the issuance of this order the actual bills and billing determinants for all its wholesale customers under Rate R–3 for March and April, 1976, together with the same two months computed at Rate R–2. CL&P is further required to submit explanations for any difference between this information and that supplied in Exhibit (B–8) of its filing in this docket.

(C) Connecticut Light and Power shall file monthly with the Commission the report on billing determinants and revenues computed under the rates in effect immediately prior to the date the proposed increased rates or charges became effective and under the proposed increased rates or charges that became effective after the suspension period, together with the differences in the revenues so computed.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–18238 Filed 6–22–76;8:45 am]

[Docket No. RP76–73]

DISTRIGAS OF MASSACHUSETTS CORP.

Compliance Filing

JUNE 17, 1976.

Take notice that, on May 10, 1976, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing Original Sheets Nos. PGA–1 and 34–B, and Substitute Tariff Sheets Nos. 4, 5, 17, 19, and 34 to its FPC Tariff, Original Volume No. 1. DOMAC states that this filing is intended to comply with the conditions imposed by the Commission upon acceptance of DOMAC's tariff in the Commission's order of April 16, 1976, in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 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.76–18241 Filed 6–22–76;8:45 am]

[Docket No. RI76–130]

ESTATE OF A. O. PHILLIPS

Petition for Special Relief

JUNE 17, 1976.

Take notice that on May 25, 1976, the Estate of A. O. Phillips, thru Cruy Management Service Co., 2501 Cedar Springs Road, Dallas, Texas 75201 (as Agent), filed a petition for special relief in Docket No. RI76–130, pursuant to FPC Order No. 481. Petitioner seeks authorization to charge $1.11 per Mcf for the sale of gas from the Frederickson-Drlick Unit, Englehart Field, Colorado County, Texas (Texas Gulf Coast) to Texas Eastern Transmission Company, Box 2561, Houston, Texas 77001. The petition is based upon the fact that an expensive workover has recently been performed on the subject well restoring it to production.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–18236 Filed 6–22–76;8:45 am]

[Docket No. ER76–609]

FLORIDA POWER & LIGHT CO.

Supplementary Filing

JUNE 16, 1976.

Take notice that on May 28, 1976, Florida Power & Light Company (FP&L) tendered for filing an executed Service Agreement and Exhibit A to the Company's FPC Electric Tariff, Original Volume No. 1, for service from FP&L to the City of Starke, Florida. FP&L requests that the executed Agreement and Exhibit be substituted for the unexecuted copies thereof which were filed with the Commission on April 12, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 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.76–18243 Filed 6–22–76;8:45 am]

[Docket No. G–2801, et al.]

GETTY OIL CO. (OPERATOR), ET AL.

Informal Settlement Conference

JUNE 17, 1976.

Take notice of the convening on June 23, 1976, of an informal settlement conference among the parties to the proceeding in Docket No. G–2801, *et al.*, including Commission staff.

Phillips Petroleum Company (Operator), *et al.* (Phillips), and Getty Oil Company (Operator), *et al.* (Getty), have each filed with the Commission applications[1] pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon their respective sales of natural gas from the Erath Field Unit in Louisiana to Columbia Gas Transmission Corporation (Columbia). Phillips and Getty claim that their respective contracts with Columbia have expired and that their gas from the Erath Field Unit is now committed to Trunkline Gas Company (Trunkline) and Transcontinental Gas Pipeline Corporation (Transco), respectively. Columbia has filed with the Commission its objection to the proposed abandonments.

By order issued April 29, 1976, the Commission consolidated these abandonment proceedings[2] and set the matter for formal hearing. Testimony in support of the abandonment applications has been filed by Getty, Phillips and Trunkline.

In an attempt to settle the issues raised by the applications of Phillips and Getty, an informal conference will convene at 10:00 a.m. on June 23, 1976, in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426. The conference is open to the public.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–18249 Filed 6–22–76;8:45 am]

[Docket No ID–1793]

JACK M. WYATT

Application

JUNE 17, 1976.

Take notice that on June 10, 1976, Jack M. Wyatt (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of

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[1] Notice of the application of Phillips in Docket No. G–10020 was published in the Federal Register on October 31, 1974 (39 FR 38419). Notice of the application of Getty in Docket No. G–2801 was published in the Federal Register on January 22, 1975 (40 FR 3511).

[2] The April 29, 1976, order also consolidates with the two abandonment proceedings the proceedings in Docket Nos. CI71–722 and CI72–50 in which Phillips and Getty, respectively, were granted certificates to sell gas to Trunkline and Transco.

the Federal Power Act, Applicant seeks authority to hold the following position:

(Director; New Orleans Public Service Inc.: Public Utility)

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18237 Filed 6-22-76;8:45 am]

[Docket No. ER76-726]

KANSAS POWER AND LIGHT CO.

Renewal Contract

JUNE 17, 1976.

Take notice that on June 1, 1976, The Kansas Power and Light Company (KPL) tendered for filing a renewal contract, dated March 29, 1976, with the City of Sterling (Sterling), for wholesale electric service. KPL states that this contract renews the contract dated March 15, 1965 and designated KPL Schedule FPC No. 81. KPL further states that the contract increases capacity available to Sterling from 1,500 KVA to 5,000 KVA and raises the annual minimum charge from $4,000 to $23,500.

The effective date of the contract is requested to be on the date facilities providing such capacity are completed, but in any event, not later than July 1, 1976.

KPL states that copies of the filing have been mailed to the City Clerk of Sterling, Kansas and the 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 Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18233 Filed 6-22-76;8:45 am]

[Docket No. RP76-93]

KENTUCKY WEST VIRGINIA GAS CO.

Extension of Time

JUNE 17, 1976.

On June 7, 1976, the City of Prestonburg, Kentucky, filed a motion to extend the date for filing protests in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing of protests and petitions to intervene is extended to and including July 7, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18234 Filed 6-22-76;8:45 am]

[Docket No. ER76-732]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Initial Rate Schedule and Request for Waiver

JUNE 16, 1976.

Take notice that on June 7, 1976, Southern California Edison Company (Edison) tendered for filing a May 25, 1976, Agreement with the City of Anaheim providing for the transmission by Edison on an interruptible basis of power purchased by Anaheim from Nevada Power Company, also on a non-firm basis. Edison will charge Anaheim for transmission, dispatching, and scheduling services, and for losses between the Point of Attachment to Nevada Power and Point of Delivery to Anaheim.

Edison states that Anaheim requests that service be initiated on July 1, 1976 under this Agreement, and for that reason Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective no later than July 1, 1976.

Copies of this filing were served upon the City of Anaheim, California, and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.0 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 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.76-18242 Filed 6-22-76;8:45 am]

NATIONAL GAS SURVEY

Supply—Technical Advisory Task Force—Regulatory Aspects of Substitute Gas Study Subgroup IV: Other Substitute Gas; Meeting and Agenda

Conference Room 5200, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, July 12, 1976 9:30 a.m.

Presiding: Mr. Michael C. Bachman, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to Order—Mr. Michael C. Bachman.

2. Discussion of Subgroup Report Outline—Dr. Richard Hellman, University of Rhode Island, Subgroup Chairman.

a. Regulation of Bioconvertible Gas Production in Historical Perspective.

b. Current Regulatory Profile.

c. Incipient Impact of Other Substitute Gas Production on the Gas Shortage.

d. Recommendations.

3. Other Business.

4. Adjournment—Mr. Michael C. Bachman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18251 Filed 6-22-76;8:45 am]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JUNE 17, 1976.

Take notice that Texas Eastern Transmission Corporation on June 14, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Substitute Twentieth Revised Sheet No. 14
Substitute Twentieth Revised Sheet No. 14A
Substitute Twentieth Revised Sheet No. 14B
Substitute Twentieth Revised Sheet No. 14C
Substitute Twentieth Revised Sheet No. 14D
Substitute Revised Twentieth Revised Sheet No. 14
Substitute Revised Twentieth Revised Sheet No. 14A
Substitute Revised Twentieth Revised Sheet No. 14B
Substitute Revised Twentieth Revised Sheet No. 14C
Substitute Revised Twentieth Revised Sheet No. 14D

Texas Eastern is reducing its rates due to repayment of advanced payments for gas pursuant to Article V of the Stipulation and Agreement under Docket No. RP74-41. The above tariff sheets are companion to and are proposed to become effective on the same date as Texas Eastern's filing of May 17, 1976 (Purchased Gas Costs Adjustment and DCA Commodity Surcharge). This filing was inadvertently delayed and does not comply with the thirty day filing requirement under the above mentioned Stipulation and Agreement, therefore Texas

Eastern requests waiver of all applicable rules and regulations to permit the effective date of these tariff sheets to be in accordance with the Commission's determination of the effectiveness of the tariff sheets filed on May 17, 1976, i.e. July 1, 1976 and July 2, 1976.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 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 July 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18240 Filed 6-22-76;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Interim Settlement Agreement

JUNE 16, 1976.

Take notice that on June 10, 1976, Texas Gas Transmission Corporation (Texas Gas) submitted a proposed interim settlement agreement, together with implementing tariff sheets contained in the Appendices thereto and supporting testimony, which was admitted into evidence at a hearing convened and concluded on that date. This settlement agreement, which is proposed to be effective for the period April 1, 1976 through March 31, 1981, is a result of discussions among Texas Gas, the Commission staff, and interested parties in the above-entitled proceeding. Authorization for Texas Gas' currently effective tariff provisions relating to priority of service during periods of curtailment expired on March 31, 1976.

The proposed interim agreement, among other things, provides for: (1) Continuation of the currently effective curtailment procedures reflecting priorities of service prescribed in the Commission's Statement of Policy, Order No. 467-B, 49 FPC 583, for the aforesaid five-year period; (2) extension of the provisions pertaining to an Index of Quantity Entitlements, emergency situation relief, overrun penalty charges, demand charge adjustments, and arrangements between customers for the period ending March 31, 1981; (3) overrun penalty provisions in Section 10.4 of the General Terms and Conditions of Texas Gas' FPC Gas Tariff imposing a penalty of $10 per Mcf for customer takes in excess of 102 percent of authorized volumes during periods of both seasonal and daily curtailment; and (4) a prohibition against any party to the agreement filing a pleading or motion with the Commission or with the courts seeking a change in the end-use data used for computing curtailments on the Texas Gas system attached as Appendix D to the agreement.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said filing of settlement agreement should file on or before June 24, 1976, such comments or petitions to intervene with the Federal Power Commission, Washington, D.C. 20426, 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 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. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18244 Filed 6-22-76;8:45 am]

[Docket No. RP76-108]

TRUNKLINE GAS CO.

Change in Rates

JUNE 16, 1976.

Take notice that on May 27, 1976 Trunkline Gas Company (Trunkline) tendered for filing Tenth Revised Sheet No. 37 of its FPC Gas Tariff, Original Volume No. 2. This revised sheet applies to Trunkline's Rate Schedule F-2. Trunkline also tendered for filing Eighth Revised Sheet No. 104 of its FPC Gas Tariff, Original Volume No. 2. This revised sheet applies to Trunkline's Rate Schedule F-5.

Trunkline states that the rate changes reflect the July 1, 1976 rate increase as prescribed by ordering paragraph (A) of Opinion No. 749, Docket No. R-478 and in accordance with the provisions of Rate Schedules F-2 and F-5.

Trunkline requests an effective date of July 1, 1976 for these revised sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve t 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.76-18246 Filed 6-22-76;8:45 am]

UTAH POWER & LIGHT CO.

Application

[Docket No. E-9561]

JUNE 17, 1976.

Take notice that on June 8, 1976, Utah Power & Light Company, a Maine corporation, and Utah Power & Light Company, a Utah corporation (Applicants jointly) filed an application with the Federal Power Commission seeking an order pursuant to Section 203(a) of the Federal Power Act authorizing the merger of the Applicants into a single corporation with the Utah corporation as the surviving corporation.

The Applicants propose to merge, pursuant to a Plan of Merger which has been approved by the Board of Directors and stockholders of each company. The proposed merger is sought solely for the purpose of changing the state of incorporation of Utah Power & Light Company from Maine to Utah. The Articles of Incorporation and By-Laws of the Utah corporation, taken together, are identical in all material respects with the Composite Certificate of Organization and By-Laws, taken together, of the Maine corporation, except as to differences in form of the Articles of Incorporation which are required to comply with the provisions of the Utah Business Corporation Act. The Utah corporation is a wholly-owned subsidiary of the Maine corporation and was organized for the sole purpose of enabling the proposed merger. The Utah corporation, prior to the merger, will not have any significant assets or liabilities. Following the merger, the Utah corporation will succeed to all of the rights, assets and properties, and assume all of the obligations and liabilities of the Maine corporation and will continue to conduct the electric utility business in all respects in the same manner as such business is now being conducted by the Maine corporation.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 9, 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 par-

ticipate 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 Commisison and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-18235 Filed 6-22-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR TEMPORARY REG. F-395]

COMMUNICATION PROCEEDINGS

Revocation of Delegations of Authority

1. Purpose: This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in communication proceedings which have been terminated.

2. Effective date: This regulation is effective immediately.

3. Expiration date: This regulation expires June 30, 1976.

4. Revocation: This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No., Date, and Subject

F-144; April 3, 1972; Delegation of authority to the Secretary of Defense—Regulatory Proceeding.

F-300; September 6, 1974; Delegation of authority to the Secretary of Defense—Regulatory Proceeding.

F-313; December 9, 1974; Delegation of authority to the Secretary of Defense—Regulatory Proceeding.

F-380; April 2, 1976; Delegation of authority to the Secretary of Defense—Regulatory Proceeding.

Dated: June 15, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-18257 Filed 6-22-76;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 2, July 15, 1976, from 9:00 AM, to 4:30 PM, Room 2408, U.S. Customs Court and Federal Office Building, 26 Federal Plaza, New York, New York. The meeting will be concerned with the review of the conceptual design for the Federal Correctional Institute for Adults—Otisville, New York. Frank and open critical analysis of the proposed design is essential to insure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public."

Dated: June 14, 1976.

GERALD J. TURETSKY,
Regional Administrator.

[FR Doc.76-18258 Filed 6-22-76;8:45 am]

LEGAL SERVICES CORPORATION

UTAH LEGAL SERVICES

Application for Grant

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act fo 1974. Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-20061. Section 1007(f) provides:

> At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby initiated, of such grant, contract or project. * * *

The Legal Services Corporation hereby announces publicly that it is considering an application for a grant submitted by Utah Legal Services, Salt Lake City, Utah.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, NW., Suite 700, Washington, D.C. 20005.

Dated: June 18, 1976.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-18302 Filed 6-22-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

JUNE 18, 1976.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two-day meeting on Monday and Tuesday, July 19-20, 1976. The sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C., beginning at 9:00 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The agenda will include the following topics:

July 19, 1976, 9:00 a.m.—5:00 p.m.

Morning:

Swearing-in and welcome of new members.
Briefing on Federal Ocean Program, Atmospheric Sciences, Meteorological Sciences and Supporting Research.
Legislative Branch Ocean Affairs Studies.

Afternoon:

Review of NACOA reports and activities.
Plans for the future.

July 20, 1976, 9:00 a.m.–1:00 p.m.

Briefing on State Department activities in ocean affairs; Ambasador Frederick Irving, Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State.
Plans for the future (continued).

Adjournment at approximately 1:00 p.m.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.76-18290 Filed 6-22-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-184]

CAROLINA WHOLESALE FLORISTS, INC.

Notice of Order for Hearing on Application for Exemption

JUNE 16, 1976.

Notice is hereby given that Carolina Wholesale Florists, Inc. (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "Act") for an order exempting the Applicant from the provisions of Section 12(g) of the Act.

Section 12(g) of the Act requires the registration of the securities of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million

and a class of equity securities held of record by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, proxy solicitation and other requirements of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states in part:

1. The Applicant is a North Carolina corporation whose total assets first exceeded $1,00,0000 as of January 31, 1975, the end of its last fiscal year, when its assets amounted to $1,046,414. As of January 31, 1976, Applicant's total assets amounted to $1,064,059 and it had a total of 638 stockholders, 458 of which held 250 shares or less of the company's stock.

2. There has been limited trading in its stock since at least October 1, 1974.

3. The preparation and filing of a registration statement under Section 12(g) and compliance with the reporting and proxy solicitation requirements of the Act would involve an increase in costs which would seriously impair Applicant's ability to cope and operate with a profit.

4. Applicant's total assets exceeded the $1,000,000 test approximately for four and a half months early in 1975 until it sold property which reduced its net assets to $845,732. Its assets again exceeded $1,000,000 as of January 31, 1976.

5. Applicant is making an effort to acquire outstanding shares in order to reduce the number of shareholders to a figure below 300.

It is ordered pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of Carolina Wholesale Florists, Inc. for an exemption from the provisions of Section 12(g) of that Act be held July 6, 1976 at 10:00 a.m., at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Room 776, Washington, D.C. An Administrative Law Judge will be designated to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request as provided for by Rule 9(c) of the Commission's Rules of Practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration in this proceeding:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in the Applicant's securities justify the requested exemption;

2. Whether information which is or may be available to investors concerning the Applicant is adequate to justify the requested exemption;

3. Whether representations by the Applicant provide adequate investors protection to justify the requested exemption; and

4. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered that the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by certified mail to Carolina Wholesale Florists, Inc. and its attorney and that notice to all other persons be given by publication of this Notice and Order in the Federal Register, and that a general release of this Commission in respect to this Notice and Order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-18227 Filed 6-22-76;8:45 am]

[File No. 81-207]

MILLMASTER ONYX CORP.

Notice of Application and Opportunity for Hearing

JUNE 16, 1976.

Notice is hereby given that Millmaster Onyx Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act") for exemption from filing a Form 10-K required by the provisions of Sections 13 and 15(d) of the 1934 Act.

Section 13 provides that each issuer of a security which is registered pursuant to Section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, certain annual, current, and quarterly reports.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to Section 13 of the 1934 Act in respect of a security registered pursuant to Section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, and proxy solicitation provisions under Sections 12, 13 and 14 of the 1934 Act and to grant exemptions from the insider reporting and trading provisions of Section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Application states, in part:

1. At the end of its fiscal year on March 31, 1975, Applicant, a New York corporation, had outstanding one class of securities registered pursuant to Section 12(b) of the 1934 Act.

2. As a result of a cash tender offer in March and April of 1975 and subsequent purchases in the over-the-counter market, Kewanee Industries, Inc. ("Kewanee"), a Delaware Corporation, acquired approximately 99.25% of Applicant's outstanding Common Stock.

3. Applicant's Common Stock was delisted and deregistered from the American Stock Exchange, and on April 28, 1975, said stock was deemed registered under Section 12(g)(1) of the 1934 Act.

4. On January 30, 1976, Applicant was merged into Kewanee and the remaining public shareholders of Applicant were given cash upon surrender of their shares.

5. As a result of the merger, all of Applicant's issued and outstanding shares of Common Stock are owned by Kewanee.

6. On February 12, 1976, Applicant filed Certification pursuant to Section 12(g)(4) of the 1934 Act indicating that it had less than 300 shareholders of record.

In the absence of an exemption, Applicant would be required to file a report on Form 10-K for the period from April 1, 1975, through December 31, 1975, as required by the provisions of Sections 13(a) and 15(d) of the 1934 Act.

Applicant argues that no useful purpose would be served in filing said report.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 12, 1976 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues

of fact and law raised by the application which he desires to controvert.

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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-18226 Filed 6-22-76;8:45 am]

[Release No. 12550]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 17, 1976.

On April 13, 1976, the New York Stock Exchange, 55 Water Street, New York, New York (SR-NYSE-76-25), filed with the Commission pursuant to Section 19 (b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change.

The proposed rule change amends Exchange Rules 409, 416, 417, 418 and 440 in order to conform such rules to the requirements of Rule 17a-5 as amended by the Commission on December 17, 1975.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12416, (May 7, 1976)) and by publication in the Federal Register (41 Fed. Reg. 20035 (May 14, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Sections 6, and 17 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 13, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEOGRE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-18225 Filed 6-22-76;8:45 am]

[24A-2283]

TAXPAYERS AID SOCIETY, INC.

Order Suspending Exemption; Statement of Reasons, and Notice of Opportunity for Hearing

JUNE 16, 1976.

I

On December 23, 1975, Taxpayers Aid Society, Inc. (the "issuer"), a North Carolina corporation with offices at 107 N. Vance Street, Pembroke, North Carolina 28372, filed with Atlanta Regional Office of the Securities and Exchange Commission a notification, offering circular and related exhibits for a proposed offering of $500,000 (aggregate) of short-term promissory notes in order to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to Section 3(b) thereof and Regulation A promulgated thereunder. No amendments have been filed and a commencement date for the offering has not been established.

II

The Commission has reasonable cause to believe, on the basis of information reported to it by its staff, that:

A. The notification, offering circular and other sales literature contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, in particular with respect to:

1. The failure to disclose in the notification and offering circular that the issuer had commenced the offering of its short-term promissory notes prior to the filing of the notification and the issuer's sales of securities in violation of Section 5(a) of the Securities Act of 1933 within one year prior to the filing of the notification.

2. The failure to disclose in the offering circular that the issuer's "guaranteed" notes were, in fact, unsecured.

3. The failure to disclose adequately in the offering circular the nature of the issuer's business operations;

4. The failure to provide in the offering circular the financial statements required by Regulation A prepared in accordance with generally accepted accounting principles; and

5. The inclusion in the offering circular of an inadequate and misleading accountant's report on the financial statements furnished.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The offering, if allowed to commence, would exceed the ceiling restrictions imposed by Rule 254; and

2. An injunction was issued by the United States District Court for the Eastern District of North Carolina against the issuer and a director, officer, principal shareholder and promoter presently connected with the issuer after the Regulation A which would have rendered the Regulation A exemption unavailable if it had occurred prior to such filing; and

3. The failure to provide in the offering circular the financial statements required by Regulation A prepared in accordance with generally accepted accounting principles.

C. The offering, if commenced, would be in violation of Section 17 of the Securities Act of 1933, as amended.

III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after the receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commisison for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-18223 Filed 6-22-76;8:45 am]

[File No. 500-1]

VIKING GENERAL CORP.

Suspension of Trading

JUNE 17, 1976.

It appearing to the Securities and Exchange Comission that the summary suspension of trading in the securities of Viking General Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 4:10 p.m. (EDT) on June 17, 1976 through June 26, 1976.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-18224 Filed 6-22-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. AB-1 (Sub-No. 43) et al]

ABANDONMENT APPLICATIONS

Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Com-

merce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this Federal Register publication (7-30-76) unless the instructions set forth in the notices are followed.

[No. AB-1 (Sub-No. 43)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN WATERVILLE AND MORRISTOWN, IN LE SEUR AND RICE COUNTIES, MINNESOTA

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C.1a(6)(a)) that by an Initial Decision served May 17, 1976, to which no exceptions were filed, it was found that, subject to the conditions for protection of railway employees prescribed by the Commission in *Chicago, P. & Q.R. Co., Abandonment* 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by The Chicago and North Western Transportation Company permitting abandonment of a line of railroad beginning at mile post 29.2 at or near Waterville, Le Seur County, Minnesota, and extending in an northeasterly direction to mile post 35.3 at or near Morristown, Rice, County, Minnesota, a distance of 6.1 miles. A certificate of abandonment will be issued to The Chicago and North Western Transportation Company, based on the above-described finding, 30 days after publication of this notice, unless within 30 days from the date of publication the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested parties are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-26 (Sub-No. 8)]

LIVE OAK, PERRY AND SOUTH GEORGIA RAILWAY COMPANY ABANDONMENT OF OPERATIONS BETWEEN FOLEY JUNCTION AND LIVE OAK, IN TAYLOR, LAFAYETTE, AND SUWANNEE COUNTIES, FLORIDA

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 4, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment,* 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Live Oak, Perry and South Georgia Railway Company of its operations over the line of railroad extending from Foley Junction to Live Oak, Florida, a distance of 39.54 miles. A certificate of abandonment will be issued to the Live Oak, Perry and South Georgia Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension, or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-37 (Sub-No. 2)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY AND UNION PACIFIC RAILROAD COMPANY ABANDONMENT PORTION BROGAN BRANCH BETWEEN VALE AND JAMIESON IN MALHEUR COUNTY, OREGON

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 3, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B & Q. R. Co., Abandonment,* 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Oregon-Washington Railroad and Navigation Company, and abandonment of operation by Union Pacific Railroad Company, over a portion of the Brogan Branch of Oregon-Washington Railroad and Navigation Company extending from railroad Milepost 0.10 near Vale, Oregon, in a northwesterly direction to railroad Milepost 17.68 at Jamieson, Oregon, a distance of 17.58 miles in Malheur County, Oregon. A certificate of abandonment will be issued to the Oregon-Washington Railroad and Navigation Company and Union Pacific Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisi-

tion and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–108]

TEXAS EXPORT RAILROAD COMPANY ABANDONMENT OF OPERATIONS BETWEEN BRIDGEPORT AND GRAHAM, IN WISE, JACK, AND YOUNG COUNTIES, TEXAS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 3, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment,* 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment of operation by the Texas Export Railroad Company over its entire leased line of railroad, extending from railroad Milepost 3+249.8 near Bridgeport, Texas, in a westerly direction to railroad Milepost 3+304.14 at Graham, Texas, a distance of 54.34 miles in Wise, Jack and Young Counties, Texas. A certificate of abandonment will be issued to the Texas Export Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases", published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-18281 Filed 6-22-76;8:45 am]

[Notice No. 75]

ASSIGNMENT OF HEARINGS

JUNE 18, 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 133478 (Sub 18), Hearing Transportation, Inc. now being assigned July 23, 1976 (1 day) at San Francisco, California and will be held at the U.S. Tax Court Room, Federal Building and Courthouse, 450 Golden Gate Avenue.

MC 141713, Vince Venuti, DBA Vince's Service Center, now assigned July 21, 1976, at New Orleans, La., is canceled and transferred to Modified Procedure.

AB 1 (Sub 9), Chicago and Northwestern Transportation Company Abandonment Between Wren, Iowa and Iroquois, South Dakota in Sioux and Plymouth Counties, Iowa and Union, Lincoln, Turner McCook, Miner and Kingsbury Counties, South Dakota now assigned July 7, 1976 at Sioux Falls, South Dakota and will be held in the Community Room, 2nd Floor, Minnehaha County Court House, 6th & Dakota Avenue, July 12, 1976 at Hawarden, Iowa and will be held at City Hall, Council Chamber, 725 Central Avenue, July 13, 1976 at Beresford, South Dakota and will be held at the V.F.W. Legion Meeting Room and July 15, 1976 at Salem, South Dakota and will be held at the Community Room, McCook County National Bank.

MC 134765 (Sub 18), Specialty Transport, Inc. now being assigned September 23, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-18280 Filed 6-22-76;8:45 am]

[Notice No. 76]

ASSIGNMENT OF HEARINGS

Correction

JUNE 18, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 141045 (Sub No. 1), Park City Coach Service, Inc. now assigned July 26, 1976 in Hartford, Connecticut and will be held in Room 134, Federal Office Building, 450 Main Street instead of Room 134, Federal Office Building, 150 Main Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-18284 Filed 6-22-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 18, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 43183—*Beet or Cane Sugar from Billings and Sidney, Montana.* Filed by Trans-Continental Freight Bureau, Agent, (No. 504), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk or in packages, in carloads, as described in the application, from Billings and Sidney, Montana, to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin.

Grounds for relief—Returned shipments and rate relationship.

Tariff—Supplement 400 to Trans-Continental Freight Bureau, Agent, tariff 14–P, I.C.C. No. 1785. Rates are published to become effective on July 15, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-18286 Filed 6-22-76;8:45 am]

[Notice No. 280]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 23, 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 July 13, 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–76106. By order entered June 16, 1976 the Motor Carrier Board approved the transfer to B–Line Trucking, Inc., Newark, N.J., of that portion of the operating rights set forth in Certificate No. MC–123226, issued June 22, 1964, to T & P Transportation, Inc., Newark, N.J., authorizing the transportation of advertising displays, asbestos, chemicals (except vegetable oils), and paint pigments, between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey within 40 miles of City Hall, New York, N.Y.; and fertilizer between New York, N.Y., on the one hand, and, on the other, Philadelphia and Lansdale, Pa., Camden, N.J., and points in New Jersey within 40 miles of City Hall, New York, N.Y. John R. Sims, 425 13th Street, N.W., Washington, D.C. 20004, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–18285 Filed 6–22–76;8:45 am]

(Notice No. 76)

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 21, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 114045 (Sub-No. 439TA), filed June 11, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compounds, tree or weed killing (herbicides); insecticides or fungicides, agricultural; fertilizing compounds*, dry or liquid; *polychlor, agricultural insecticides or fungicides; agricultural insecticides*, NOI; *insecticides* other than agricultural; chelating compounds and chemicals, NOI, from Cranston, R.I., and Toms River, N.J., to points in Texas and California, for 180 days. Supporting shipper: Ciba-Geigy Corporation, 444 Saw Mill River Road, Ardsley, N.Y. 10502. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 114533 (Sub-No. 344TA), filed June 11, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens and reports*, between Columbus, Ohio, on the one hand, and, on the other, points in Indiana, for 180 days. Supporting shipper: Diamond Shamrock Health Sciences, Inc., Thomas R. Jones, Sales-Marketing, 3728B Olentangy River Road, Columbus, Ohio 43214. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386 Chicago, Ill. 60604.

No. MC 115322 (Sub-No. 117TA), filed June 9, 1976. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except commodities in bulk), from Marysville, Pa., to points in North Carolina, South Carolina, and Florida, for 180 days. Supporting shipper: Specialty Ladyfingers, Inc., 450 S. State Road, Maryville, Pa. 17053. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 124230 (Sub-No. 26TA), filed June 7, 1976. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gold and silver ore*, in bulk, from the minesites and facilities of Free Gold Mines, Inc., near Winston (Sierra County), N. Mex., to El Paso, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Free Gold Mines, Inc., 6303 Indian School Road, N.E. Albuquerque, N. Mex. 87110. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 128527 (Sub-No. 62TA), filed June 10, 1976. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. 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: *Frozen pies*, from the plantsite of Mrs. Smith's Pie Company, at or near McMinnville, Ore., to Salt Lake City, Murray, Ogden, Granger, Utah; Idaho Falls, Boise, Pocatello, and Twin Falls, Idaho; Missoula, Billings, Butte, Great Falls and Helena, Mont.; Basin, Rawlins, and Sheridan, Wyo.; Spokane, Kennewick, Walla Walla, and Yakima, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mrs. Smith's Pie Company, 2803 Orchard Ave., McMinnville, Ore. 97128. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 138635 (Sub-No. 24TA) (Correction), filed May 20, 1976, published in the FEDERAL REGISTER issue of June 10, 1976, republished as corrected this issue. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass*, from West Shelby, N.C., Amsterdam, N.Y., and Graham, Tex., Seattle, Wash., and

points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Durkin Chemicals, Inc., Box 655, Kirkland, Wash. 98033. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205. The purpose of this republication is to change the applicant's name, Carolina-Western Express, Inc., in lieu of Del R. and Western Express, Inc., which was previously published in error.

No. MC 141708 (Sub-No. 1TA), filed June 9, 1976. Applicant: CONSOLIDATED EXPRESS, INC., 60 Kellogg St., Jersey City, N.J. 07305. Applicant's representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. 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 those receiving special equipment), between points in the New York Commercial Zone, restricted to import and export shipments having a prior or subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J.

No. MC 141927 TA (Amendment) filed April 6, 1976, published in the FEDERAL REGISTER issue of April 23, 1976, and republished as amended this issue. Applicant: SCHMIDT FURNITURE & MOVING CO., INC., 3356 North Green Bay Ave., Milwaukee, Wis. 53212. Applicant's representative: David F. Gerlach, 140 North Ave., Hartland, Wis. 53029. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant intends to tack its existing authority with MC 29163, for 180 days. Supporting shipper: Elliott Van & Storage Company, Inc., West Allis, Wis. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203. The purpose of this republication is to amend the territorial description in this proceeding.

No. MC 141953 (Sub-No. 1TA), filed June 11, 1976. Applicant: R & L INC., Rural Route 2, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients and animal health products*, from the facilities of Con Agra, at or near Sioux City, Iowa, to Sherman, Hamilton, Merrick, Hall, Adams, Buffalo, and Kearney Counties, Nebr., under a continuing contract with Hartman Feeds, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D. Hartman, Hartman Feeds, Inc., P.O. Box 1181, Grand Island, Nebr. 68801. Send protests to: Max Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Bldg., & U.S. Courthouse, 110 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 142113 TA, filed June 2, 1976. Applicant: CHESTER A. RICHMOND, doing business as RICHMOND CARTAGE, P.O. Box 337, Craigsville, W. Va. 26205. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Charleston, W. Va., and Marlinton, W. Va.: From Charleston, W. Va., over U.S. Highway 119 to junction with Interstate Highway 79, thence over Interstate Highway 79 to junction with U.S. Highway 19 at Sutton, W. Va., thence over U.S. Highway 19 to junction with West Virginia Highway 41, thence over West Virginia Highway 41 to junction with West Virginia Highway 20, thence over West Virginia Highway 20 to junction with West Virginia Highway 39, thence over West Virginia Highway 39 to junction with U.S. Highway 219, thence over U.S. Highway 219 to Marlinton, W. Va., and return over the same routes, serving all intermediate and off-route points, on and in connection with above described routes, all points on the designated highways between Sutton, W. Va. (except Sutton and Marlinton, W. Va., and points in Greenbrier, Nicholas, Pocahontas, and Webster Counties, and those in Randolph County on and south of U.S. Highway 33, for 180 days. Supporting shipper: There are approximately 24 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 142118 (Sub-No. 1TA), filed June 10, 1976. Applicant: VALLEY TRUCKING, INC., R.R. #2, Box 55, Fargo, N. Dak. 58102. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from West Fargo and Fargo, N. Dak., to points in Illinois and Indiana within the Chicago, Ill., commercial zone, Aurora, Elgin, North Aurora, and Rockford, Ill.; Greensburg and Indianapolis, Ind.; Fort Madison, Iowa; Detroit, Mich., and its commercial zone; Austin, Golden Valley, Hopkins, Minneapolis, St. Paul, and Stillwater, Minn.; Cincinnati, Cleveland, Columbus, Salem, and West Richfield, Ohio; and Butler, Eau Claire, Green Bay, Jefferson, Kenosha, Madison, and Milwaukee, Wis. Restriction: Restricted to a transportation service performed under a continuing contract or contracts with Flavorland Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, Inc., 1911 Cunningham Drive, Sioux City, Iowa 51107. Send protests to: District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142135 TA, filed June 9, 1976. Applicant: PRIORITY DISPATCH, INC., 1217 Dalton St., Cincinnati, Ohio 45203. Applicant's representative: Michael Spurlock, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding one hundred (100) pounds in weight, moving as shipments not exceeding five hundred (500) pounds in weight, from one consignor to one consignee in a single day, between the Cincinnati, Ohio, Commercial Zone, on the one hand, and, on the other, the Louisville, Ky., Commercial Zone, restricted to shipments moving on bills of lading issued by American Delivery Systems, Inc., Detroit, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Al Wasserman, President, American Delivery Systems, Inc., 300 Seven Mile Road, Detroit, Mich. 48203. Send protests to: Paul J. Lowry, District Supervisor, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 142136 TA, filed June 9, 1976. Applicant: DONALD M. FORSTER, doing business as D & E TRAILER TRANSPORT, 777 Temescal St., Space 120, Corona, Calif. 91720. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, not exceeding eight feet in width, designed to be drawn by

light pickup trucks, from points in Orange and San Bernardino Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alfa Leisure, Inc., 5163 G St., Chino, Calif. 91710. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142143 TA, filed June 11, 1976. Applicant: LARRY N. HARPER, Rural Route, Edson, Kans. 67733. Applicant's representative: Erle W. Francis, Suite 619, 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingedients*, from the plantsite of Cargill, Inc., McCook, Nebr., to points in Kansas on and west of U.S. Highway 183 and to points in Colorado on and north of U.S. Highway 50, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., Nutrena Feed Division, Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Bldg., Topeka, Kans. 66603.

PASSENGER APPLICATION

No. MC 142144 TA, filed June 11, 1976. Applicant: JELCO BUSES, INC., P.O. Box 54, Pewaukee, Wis. 53072. Applicant's representative: Anthony E. Young, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in charter operations, from Brown, Clark, Crawford, Dane, Dunn, Kenosha, Marathon, Marinnette, Monroe, Racine, Rock, Washburn, Waukesha, and Wood Counties, Wis., to Marriot Corporation's Great America, located at or near Gurnee, Ill., and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 36 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-18287 Filed 6-22-76;8:45 am]

[Notice 132]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or Certificate or permit	Date of action
D.b.a. Reliance Van Co., MC-21436 Sub-1	MC-21436	May 27, 1976
Devine & Son Trucking Co., MC-28599 Sub-7	MC-28599 Sub-9	June 4, 1976
Atlanta Motor Lines, Inc., MC-58885 Sub-27	MC-58885 Sub-28	Do.
A. J. Metler Hauling & Rigging, Inc., MC-108676 Sub-84	MC-108676 Sub-86	June 9, 1976
Purolator Courier Corp., MC-111729 Sub-549	MC-111729 Sub-556	June 7, 1976
Purolator Courier Corp., MC-111729 Sub-551	do	Do.
Purolator Courier Corp., MC-111729 Sub-553	do	Do.
Purolator Courier Corp., MC-111729 Sub-558	MC-111729 Sub-567	Do.
Purolator Courier Corp., MC-111729 Sub-559	MC-111729 Sub-563	Do.
Purolator Courier Corp., MC-111729 Sub-562	MC-111729 Sub-570	Do.
Purolator Courier Corp., MC-111729 Sub-566	MC-111729 Sub-567	Do.
Purolator Courier Corp., MC-111729 Sub-569	MC-111729 Sub-570	Do.
Benmar Transport & MC-112016 Sub-8	MC-112016 Sub-9	June 8, 1976
Oliver Trucking Co., Inc., MC-116014 Sub-70	MC-116014 Sub-73	June 9, 1976
Oliver Trucking Co., Inc., MC-116014 Sub-71	do	Do.
D & L Transport, Inc., MC-116273 Sub-190	MC-116273 Sub-189	Do.
D & L Transport, Inc., MC-116273 Sub-190	do	Do.
J & M Carriers Corp., MC-116858 Sub-13	MC-116858 Sub-14	June 2, 1976
Hahn Truck Line, Inc., MC-117765 Sub-178	MC-117765 Sub-181	June 7, 1976
Hahn Truck Line, Inc., MC-117765 Sub-184	do	Do.
Central Transport, Inc., MC-118831 Sub-117	MC-118831 Sub-118	May 27, 1976
L. C. L. Transit Co., MC-119974 Sub-50	MC-119974 Sub-47	June 2, 1976
Hofer, Inc., MC-128007 Sub-70	MC-128007 Sub-72	June 9, 1976
Al Johnson Trucking, Inc., MC-128235 Sub-14	MC-128235 Sub-16	June 4, 1976
Al Johnson Trucking, Inc., MC-128235 Sub-15	do	Do.
D.b.a. Bob Dittrich Trucking, MC-128951 Sub-12	MC-128951 Sub-13	June 8, 1976
Page Trucking Co., Inc., MC-129486 Sub-8	MC-129486 Sub-9	May 25, 1976
Hubbard Cartage, Inc., MC-133602 Sub-1	MC-133602	Mar. 30, 1976
B-D-R- Transport, Inc., MC-134806 Sub-33	MC-134806 Sub-34	June 8, 1976
Perrysburg Trucking Co, Inc., MC-135616 Sub-5	MC-135616 Sub-4	May 27, 1976
Hopkins Trucking Service, Inc., MC-136115 Sub-3	MC-136115 Sub-4	Do.
E. K. Motor Service, Inc., MC-138741 Sub-12	MC-138741 Sub-9	Do.
E. K. Motor Service, Inc., MC-138741 Sub-15	MC-138741 Sub-10	Do.
Condor Corp., MC-138884 Sub-2	MC-138884 Sub-3	June 4, 1976
D.b.a. Lietz Farms, MC-139785	MC-139785 Sub-1	June 9, 1976
Amstan Trucking, Inc., MC-139858 Sub-3	MC-139858 Sub-2	May 27, 1976
Transport Service, Inc., MC-140379 Sub-1	MC-140379 Sub-2	June 8, 1976
E. R. Comber & Son, Inc., MC-140708	MC-140708 Sub-1	June 2, 1976
Alvin V. Green, MC-140780 Sub-1	MC-140780 Sub-2	June 8, 1976
Valley Transport, Inc., MC-140968 Sub-1	MC-140968 Sub-2	Do.
D.b.a. Dwight Martin, Trucking Service, MC-141035 Sub-1	MC-141035 Sub-2	Do.
Pittsfield Freight Lines, Inc., MC-141085	MC-141085 Sub-1	June 9, 1976

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-18283 Filed 6-22-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 18, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 6, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 22675 (Sub-No. E1), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50-18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Essex County, N.J., Springfield, Mo., and Independence, Kans., and points within 50 miles thereof.

No. MC 22675 (Sub-No. E2), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50-18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Highway

309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, Independence, Kans. and points within 50 miles thereof. The purpose of this filing is to eliminate the gateways of Essex County, N.J. and Joplin, Mo.

No. MC 22675 (Sub-No. E3), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E5), filed June 4, 1974. Applicant: ALLSTATE VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E6), filed June 4, 1974. Applicant: ALLSTATE VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E9), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E10), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and south of U.S. Highway 22, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E11), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and south of U.S. Highway 22, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E12), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E22), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, Independence, Kans., and points within 50 miles thereof. The purpose of this filing is to eliminate the gateways of Essex County, N.J. and Joplin, Mo.

No. MC 22675 (Sub-No. E25), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other points in Georgia. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E26), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E27), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and Independence, Kans.

No. MC 22675 (Sub-No. E28), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C.

20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Texas north and west of a line beginning at the Texas-Louisiana State line and extending along Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 103, thence along Texas Highway 103 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Joplin, Mo., Independence, Kas., and points within 50 miles thereof, and Pontotoc County, Okla.

No. MC 22675 (Sub-No. E29), filed June 3, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey north of a line beginning at the Pennsylvania-New Jersey State line and extending along Secondary New Jersey Highway 518 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction Secondary New Jersey 520, thence along Secondary New Jersey Highway 520 to the Atlantic Ocean, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Joplin, Mo., Independence, Kans., and points within 50 miles thereof, and Pontotoc County, Okla.

No. MC 22675 (Sub-No. E30), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, Independence, Kans., and points within 50 miles thereof. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 22675 (Sub-No. E31), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey north of a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 46 to junction New Jersey Highway 24, thence along New Jersey Highway 24 to junction New Jersey Secondary Highway 510, thence along New Jersey Secondary Highway 510 to junction U.S. Highway 1, thence along U.S. Highway 1 to the New Jersey-New York State line, on the one hand, and, on the other, Texarkana, Ark. The purpose of this filing is to eliminate the gateways of Joplin, Mo., Independence, Kans., and points within 50 miles thereof, and Pontotoc County, Okla.

No. MC 22675 (Sub-No. E32), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Independence, Kans., and points within 50 miles thereof, on the one hand, and, on the other, points in Arkansas on and south of Arkansas Highway 8. The purpose of this filing is to eliminate the gateway of Pontotoc County, Okla.

No. MC 22675 (Sub-No. E33), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Independence, Kans., and points within 50 miles thereof, on the one hand, and, on the other, points in Texas on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Pontotoc County, Okla.

No. MC 22675 (Sub-No. E34), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, Suffolk and Nassau Counties, N.Y., on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Joplin, Mo., Independence, Kans., and points within 50 miles thereof, and Pontotoc County, Okla.

No. MC 22675 (Sub-No. E36), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at the United States-Canada border and extending along Interstate Highway 87 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 97, thence along New York Highway 97 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E44), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east and south of a line beginning at the Canadian-United States border and extending along New York Highway 374 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 73, thence along New York Highway 73 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to Thomas Dewey Thruway, to U.S. Highway 209, thence along U.S. Highway 209 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E45), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at the Canadian-United States border and extending along New York Highway 374 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 73, thence along New York Highway 73 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to the Thomas Dewey Thruway, to junction U.S. Highway 209, thence along U.S. Highway 209 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E46), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at the United States-Canadian border and extending along New York Highway 374 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 73, thence along New York Highway 73 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to the Thomas Dewey Thruway, to junction U.S. Highway 9W, thence along U.S. Highway 9W to the New York-New Jersey State line, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Essex County, N.J., Joplin Mo., Independence, Kans. and points within 50 miles thereof, and Pentotoc County, Okla.

No. MC 41406 (Sub-No. E64), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lackawanna and Hamburg Townships, Erie County, N.Y., to points in Wisconsin north and west of a line made by the northern boundaries of Crawford, Richland, Sauk, Columbia, Dodge Counties, extending along the western boundaries of Fon du Lac and Winnebago Counties and thence along the northern boundaries of Winnebago, Calumet, and Manitowac Counties. The purpose of this filing is to eliminate the gateways of Sturgis, Mich., Gary, Ind., and plant site of Jones & Laughlin Steel Corporation, in Putnam County, Ill. (Hennepin, Ill.).

No. MC 41406 (Sub-No. E79), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Zanesville, Ohio to points in Wisconsin, on and west and north of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 51 to junction with northern boundary of Columbia County, thence along the northern and western boundaries of Columbia, Sauk, Richland, and Crawford Counties, to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateways of Middletown, Ohio and plantsite of Jones & Laughlin Steel Corporation in Putnam County, Ill. (Hennepin, Ill.)

No. MC 41406 (Sub-No. E82), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cincinnati, Ohio, to points in Wisconsin, on, west, and north of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 45 to Wisconsin Highway 52, thence along Wisconsin Highway 52 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction with the north boundary of Columbia County, extending along the northern and western boundaries of Columbia, Sauk, Richland, and Crawford Counties to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateways of Middletown, Ohio, and plantsite of Jones & Laughlin Steel Corporation, Putnam County, Ill. (Hennepin, Ill.)

No. MC 41406 (Sub-No. E112), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Cincinnati, Ohio, to points in that part of Iowa on, west, and south of a line beginning at the Iowa-Wisconsin State line extending along Iowa Highway 13 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 34, thence along U.S. Highway 34 to Van Buren County line, extending along the northern and western boundaries of Van Buren County to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateways of Middletown, Ohio, and plant site of Jones & Laughlin Steel Corporation, Putnam County, Ill. (Hennepin, Ill.)

No. MC 41406 (Sub-No. E114), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Mansfield, Ohio, to points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line, extending along Iowa Highway 76 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 51, thence along Iowa Highway 51 to junction U.S. Highway 18, thence along U.S. Highway 18 to Iowa Highway 150, thence along Iowa Highway 150 extending along U.S. Highway 218, thence extending along U.S. Highway 218 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 15, thence along Iowa Highway 15 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateways of Middletown, Ohio, and plantsite of Jones & Laughlin Steel Corporation, Putnam County, Ill. (Hennepin, Ill.)

No. MC 92983 (Sub-No. E33) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER March 10, 1976, and republished, this issue, as corrected. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (X) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (4) from points in Missouri located on and bounded by a line extending from the Missouri-Illinois State line along U.S. Highway 36 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 291, thence along Missouri Highway 291 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction Missouri Highway 42, thence along Missouri Highway 42 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to the Mississippi River, thence along the Mississippi River to point of origin to points in Kansas located on and west of a line extending from the Kansas-Nebraska State line along Kansas Highway 28 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the following gateways: (X) Olathe, Kans., a point in the Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.). The purpose of this correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E43) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER March 10, 1976, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (K) *Acids and chemicals*, in bulk, in tank or hopper vehicles, . . . (2) from points in Ohio located south of a line extending from the Ohio-Indiana State line along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, to points in Oklahoma located on, north and west of a line extending from the Oklahoma-Texas State line along U.S. Highway 271 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line; . . . The purpose of this filing is to eliminate the gateways of: (K) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone; . . . The purpose of this correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E45) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER March 10, 1976, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (D) *Soybean oil*, in bulk, from points in Delaware to points in Nevada on and west of a line beginning at the California-Nevada State line and extending along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Alternate Highway 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction Nevada Highway 3, thence along Nevada Highway 3 to intersection with the western boundary of Lyon County, thence along the western boundary of Lyon County to the California-Nevada State line. The purpose of this filing is to eliminate the gateways of: (D) Memphis, Tenn., Evadale, Ark., Carthage, Mo., Redfield, Iowa, and Nebraska, . . . The purpose of this correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E66), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT COMPANY, 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *acids and chemicals*, in bulk, in tank vehicles; from points in Nevada located in Elko County to Dallas, Tex.; (B) *such polyvinyl acetate, linseed oil, linseed oil blends, and linseed oil products and paint materials*, as are embraced within chemicals, in bulk, in tank vehicles, from points in Nevada located in Elko, Pershing, Humboldt, and Washoe Counties, to Houston, Tex.; (C) *acids and chemicals*, in bulk, from points in Nevada to points in Kentucky, North Carolina, Ohio, and South Carolina; (D) *trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, and mixtures thereof*, in bulk, in tank vehicles, (1) from points in Clark County, Nev., to points in Alabama located in and north of Choctaw, Marengo, Wilcox, Conecuh, and Covington Counties (except Fox); (2) from points in Nevada (except those located in Clark County), to points in Alabama (except Fox); (E) *chemicals*, in bulk, from points in Nevada to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (F) *chemicals* (except derivatives of petroleum and petroleum products and synthetic resins and varnish), in bulk, in tank vehicles; (1) from points in Nevada located in Elko County to points in Minnesota located in and east of Freeborn, Steele, Rice, Dakota, that portion of Hennepin located on and east of Interstate Highway 35W, including the Minneapolis Commercial Zone, Ramsey, Washington, and Chisago Counties; (2) from points in Nevada (except those located in Elko, Clark, and Esmerelda Counties, and points in Nye County located south of U.S. Highway 95), to points in Minnesota located in and east of Martin, Watonwan, Blue Earth, Nicollet, Sibley, McLeod, Meeker, Wright, Sherburne, Isanti, Kanarec, Pine, Carlton, and those points in St. Louis County located on and east of Wisconsin Highway 73 from the southern boundary of St. Louis County through Hibbing to junction with U.S. Highway 53, thence along U.S. Highway 53 to the Canadian Border; (3) from Clark and Esmerelda Counties, Nev., and points in Nye County, Nev., located on and south of U.S. Highway 95 to points in Minnesota located in and east of Nobles, Murray, Lyon, Yellow Medicine, Chippewa, Swift, Pope, Douglas, Otter Tail, Wadena, Hubbard, Beltrami, and Lake of the Woods Counties.

(G) *Phosphoric acid*, in bulk, in tank vehicles, (1) from points in Nevada located in Clark County, to points in Alabama located in, north and east of Lamar, Fayette, Tuscaloosa, Bibb, Perry, Dallas, Lowndes, Butler, and Covington Counties; (2) from points in Nevada (except Clark County), to points in Alabama; (H) *acids and chemicals*, in bulk, from points in Nevada located in Clark County to points in South Dakota located in Union and Clay Counties; (I) *acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Nevada located in and south of Mineral, Nye and White Pine Counties, to points in Oklahoma located in, north, and east of Washington, Rogers, Mayes, Cherokee, and Sequoyah Counties; (2) from points in Nevada located in, north, and west of Lyon, Churchill, Lander, Eureca, and Elko Counties, to points in Oklahoma located in and east of Kay, Noble, Logan, Oklahoma, Cleveland, Pottawatomie, Pontotoc, Coal, Atoka, Pushmataha, and those portions of Choctaw County located on and east of U.S. Highway 271 including the Hugo Commercial Zone; (3) from points in Nevada located in Nye, Mineral, Esmeralda, Douglas, Carson City, Lyon, Storey, and Churchill Counties, and those points in Washoe County located on and south of U.S. Highway 40, including the Reno Commercial Zone, to points in Nebraska located in Douglas, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, and those parts of Gage County located on and east of U.S. Highway 77 including Beatrice Commercial Zone; (4) from points in Nevada located in Clark County to points in Nebraska located in and east of Gage, Lancaster, Saunders, Douglas, and Washington Counties and those portions of Burt, Thurston, and Dakota Counties located on and east of U.S. Highway 73 including the Blair Commercial Zone; (5) from points in Nevada located in Humboldt, Elko, White Pine, Eureca, Lander, Pershing, and Churchill Counties, and those portions of Washoe County located on and north of U.S. Highway 40 to points in Iowa located in and east of Winnebago, Hancock, Humboldt, Webster, Greene, Audubon, Cass, Montgomery, and Freemont Counties; (6) from points in Nevada located in and south of Lincoln, Nye, Mineral, Lyon, Storey, and that portion of Washoe on and south of U.S. Highway 40 including the Reno Commercial Zone, to points in in Iowa (except those located in Woodbury, Plymouth, Sioux, O'Brien, Lyon, Osceola, and Dickinson Counties); (7) from points in Nevada located in Clark County to points in Iowa located in Woodbury, Plymouth, Sioux, O'Brien, Lyon, Osceola, and Dickinson Counties; (8) from points in Nevada to points in Illinois, and Missouri; (9) from points in Nevada to points in Kansas located in and east of Nemaha, Pottawatomie, Riley, Geary, Dickinson, Marion, Butler, and Elk and Chautauqua Counties; (10) from points in Nevada located in Washoe, Humboldt, Pershing, Churchill, Storey, Lyon, Ormsby, Douglas, Mineral, and Esmeralda Counties, to the points in Kansas located in Clay, Ottawa, Salina, McPherson, Harvey, Sedgwick, and Cowley Counties; (11) from points in Nevada located in Clark County to points in Arkansas located in, north, and east of Sebastian, Logan, Yell, Garland, Hot Springs, Dallas, Calhoun, Bradley, Ashley, and Chicot Counties; (12) from points in Nevada (except those located in Clark County), to points in Arkansas.

(J) *Acids and liquid chemicals* (except those derived from petroleum and petroleum products), in bulk, in tank vehicles, from points in Nevada located in Elko County, to points in Texas located in, east, and north of Grayson, Collin, Rockwall, Kaveman, Henderson, Anderson, Houston, Trinty, Polk, and Hardin Counties except Jefferson and Orange Counties; (K) *caustic soda*, in bulk, in

tank vehicles, from points in Nevada located in Elko, Pershing, Humboldt, and Washoe Counties, to Houston, Tex.; (L) *liquid chemicals*, in bulk, in tank vehicles, from points in Nevada to points in Rhode Island; (M) *such fats and grease* as are embraced within chemical, in bulk, in tank vehicles, from points in Nevada to points in Maine, Masachusetts, New Jersey, and Vermont; (N) *such fats, oils, blends, and products thereof*, as are embraced within chemicals (except fats, oils, blends, and products thereof derived from petroleum, products, and paint), in bulk, in tank vehicles, from points in Nevada to points in Florida; (O) *acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Nevada to points in Michigan (except Baraga, Gogebic, Ontonagon, Houghton, and Keweenaw Counties); (2) from points in Nevada (except Elko, Humboldt, Pershing, Lander, Eureka, and White Pine Counties, and points north of U.S. Highway 40 in Washoe County), to points in Michigan located in Baraga, Gogebic, Ontonagon, Houghton, and Keweenaw Counties; (3) from points in Nevada to points in Massachusetts; (4) from points in Nevada to points in Wisconsin located in, south, and east of Vermon, Monroe, Juneau, Wood, Marathon, Langlade, and Forest Counties; (5) from points in Nevada located in Washoe County on and south of U.S. Highway 40 including the Reno Commercial Zone, Churchill, Storey, Lyon, Carson City, Douglas, Mineral, Esmeralda, Clarke, and those portions of Nye and Lincoln County located on and south of a line extending from the northern boundary of Nye Couty along Nevada Highway 8A to its junction with U.S. Highway 6, then east along U.S. Highway 6 to its junction with Nevada Highway 25 at Warmsprings, then east along Nevada Highway 25 to its junction with U.S. Highway 93, thence east along U.S. Highway 93 to its junction with Nevada Highway 25 at Panaca, then east along Nevada Highway 25 to the Utah border, to points in Wisconsin located in Vilas, Oneida, Lincoln, those portions of Price County located on and east of Wisconsin Highway 13 including the Phillips Commercial Zone, Taylor, Clark, Jackson, Chippewa, Eau Claire, Dunn, Pepin, Pierce, Buffalo, Trempealeau, and La Crosse Counties; (6) from points in Nevada located in Clark County to points in Wisconsin located in, north, and west of Iron, Ashland, those portions of Price County on and west of Wisconsin Highway 13 including the Phillips Commercial Zone, Rusk, Barron, Polk, and St. Croix Counties; (P) *agricultural insecticide*, in bulk, in hopper vehicles and *arsenic acid*, in bulk, in tank vehicles, from points in Nevada to points in Alabama (except Bay Minette).

(Q) *Acids and chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Nevada located in Mineral, Churchill, Lyon, Douglas, Carson City, Storey, and those portions of Washoe on and south of U.S. Highway 40 including the Reno Commercial Zone, to points in Wisconsin located in Villas, Price, Oneida, Forest, Florence, Taylor, Lincoln, and Langlade Counties, and those portions of Eau Clarie County located on and east of Wisconsin Highway 93 beginning at the southern boundary, proceeding north to junction with U.S. Highway 53 then north along U.S. Highway 53 to intersection with the northern boundary including the Eau Clarie Commercial Zone; (2) from points in Nevada (except Clark County), to points in Wisconsin located in and south of Buffalo, Trempealeau, Jackson, Clark, Marathon, Menominee, Coconto, and Marinette Counties; (3) from points in Nevada located in Clark County to points in Minnesota located in St. Louis, Lake, and Cook Counties; (4) from points in Nevada to points in Tennessee; (5) from points in Nevada located in Esmeralda, Nye, Lincoln, and Clark Counties to points in Mississippi located in, north, and east of Washington, Sharkey, Yazoo, Madison, Scott, Newton, and Lauderdale Counties; (6) from points in Nevada (except those located in Esmeralda, Nye, Lincoln, and Clark Counties), to points in Mississippi; (R) *anhydrous ammonia*, in bulk, in tank vehicles, from points in Nevada to points in Alabama; (S) *acetic acid*, in bulk, in tank vehicles, from points in Nevada to points in Alabama, (T) *acids and chemicals*, in bulk, (1) from points in Nevada (except those located in Clark and Lincoln Counties), to points in Louisiana; (2) from points in Clark and Lincoln Counties, to points in Louisiana located in Washington and St. Tammany Parishes; (U) *chemicals* (except cryogenic liquids), in bulk, in tank or hopper vehicles, from points in Nevada located in Esmeralda, Nye, Lincoln, and Clark Counties, to points in Minnesota; (V) *chemicals*, in bulk, from points in Nevada, to points in Connecticut and Indiana; (W) *chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, from points in Nevada, to points in Georgia; and (X) *liquid chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Nevada located in Elko County, to points in Texas located in and east of Red River, Franklin, Camp, Upshur, Smith, Cherokee, Angelina, Polk, Hardin, and Jefferson Counties; (2) from points in Nevada (except those located in Clark, Lincoln, Nye, Esmeralda, Mineral, and Elko Counties), to points in Texas located in Bowie and Cass Counties.

The purpose of this filing is to eliminate the gateways of (A), (B), and (C) Kansas City, Mo.; (D) Kansas City, Mo., and Marshall County, Ky.; (E), (F) Kansas City, Mo.; (G) Kansas City, Mo., Saginaw, Mo., and Columbia, Tenn.; (H) Kansas City, Mo.-Kansas City, Kans., Commercial Zone; (I) the Olathe, Kansas and Kansas City, Mo.-Kansas City, Kans., Commercial Zones; (J) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, and Laurence, Kans.; (K) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones and Tulsa, Okla.; (L) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, and Muscatine, Iowa; (M) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones and Dubuque, Iowa; (N) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, and points in Arkansas within the Memphis, Tenn., Commercial Zone; (O) (1)–(2) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, and the plantsite of Blockson Chemical Co., at or near Joliet, Ill.; (O) (3) the Olathe, Kans., and the Kansas, Mo.-Kansas City, Kans., Commercial Zones, and Tulsa, Okla.; (O) (4) the Olathe, Kans., and the Kansas City, Mo., Kansas City, Kans., Commercial Zone and Muscatine, Iowa; (P) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones and points in Arkansas within the Memphis, Tenn., Commercial Zones; (Q) (1)–(2) Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, and Burlington, Iowa; (Q) (3) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, and the plantsite of Iowa-Guttenberg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa; (Q) (4) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, and Saginaw, Mo.; (R) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, Saginaw, Mo., and Woodstock, Tenn.; (S) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, Saginaw, Mo., and Memphis, Tenn.; (T) Kansas City, Mo.; (U) the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zones and Fremont, Nebr.; (V), (W) Kansas City, Mo.; and (X) the Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., Commercial Zones and Verona, Mo.

No. MC 92983 (Sub-No. E68), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Corp Syrup*, in bulk, in tank vehicles (1) from points in Utah to points in New York; (2) from points in San Juan County, Utah, to points in Tennessee located in and east of Montgomery, Dickson, Williamson, Maury, Marshall, and Lincoln Counties; (3) from points in Utah (except those located in San Juan County) to points in Tennessee; (4) from points in Utah located in and north of Tooele, Salt Lake, Summit, and Grand Counties to points in Alabama; (5) from points in Utah located in and west and north of Washington, Iron, Beaver, Sevier, San Pete, Utah, Wasatch, Duchesne, and Summit Counties to points in Georgia; (6) from points in Utah located in and north of Tooele, Salt Lake, Summit, and Grand Counties to points in Florida. (B) *Molasses*, in bulk, in tank vehicles (1) from points in Utah (except San Juan County) to points in Illinois; (2) from points in Utah to

points in Wisconsin; (3) from points in Utah located in and south of Juab, San Pete, Carbon, and Grand Counties to points in Minnesota located in and east of Freeborn, Steele, Rice, Scott, Hennepin, Anoka, Isanti, Kanabec, Pine, Charlton, and St. Louis Counties; (4) from points in Utah north of Juab, San Pete, Carbon, and Grand Counties to points in Minnesota located in and east of Goodhue, Dodge and Mower Counties; (C) *Sugars* and *syrups* and *blends* thereof, for use as feed, in bulk (1) from points in Utah to points in Wisconsin; (2) from points in Utah to points in Minnesota located in and east of Jackson, Cottonwood, Brown, Renville, Kandiyohi, Stearns, Todd, Wadena, Hubbard, Beltrami, and Lake of the Woods Counties; (D) *Corp syrup*, in bulk in tank vehicles (1) from points in Utah located in and north of Box Elder, Davis, Salt Lake, Summit, and Daggett Counties to Dallas, Tex.; (2) from points in Utah located in Cache and Rich Counties to Ft. Worth, Tex.;

(E) *Dry Sugar*, in bulk from points in Utah to St. Bernard, Ohio; (F) *Corn Syrup*, in bulk in tank vehicles (1) from points in Utah to points in Mississippi; (2) from points in Utah south of Millard, Sievier, Emery, and Grand Counties to points in Louisiana located in and east of Bossier, Bienville, Winn, Grant, Rapides, Evangeline, St. Landry, Lafayette, and Iberia Parishes; (3) from points in Utah located in and north of Millard, Sievier, Emery, and Grand Counties to points in Louisiana; (4) from points in Utah west of Washington County to points in Minnesota located in Winona, Fillmore, and Houston Counties; (5) from points in Utah located in and east of Washington, Iron, Piute, Sevier, San Pete, Carbon, Duchesne, and Daggett Counties to points in Minnesota located in and east of Martin, Watonwan, Brown, Nicollet, Sibley, McLeod, Meeker, Stearns, Morrison, Crow Wing, Aitkin, Itasca, and Kooching Counties; (6) from points in Utah located in Box Elder, Cache, Weber, and Rich Counties to points in Texas located in and east of Grayson, Collin, Dallas, Ellis, Navarro, Limestone, Robertson, Brazos, Grimes, Waller, Fort Bend, and Matagorda Counties except Dallas, Texas; (7) from points in Utah to points in Arkansas; (8) from points in Utah to points in Kansas located in and east of Marshall, Riley, Geary, Morris, Chase, Greenwood, Elk, and Chautaqua Counties; (9) from points in Utah located in and south of Millard, San Pete, Carbon, and Grand Counties (except Iron and Washington Counties) to points in Nebraska located in Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties; (10) from points in Utah located in Iron and Washington Counties to points in Nebraska located in Washington, Douglas, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties; (11) from points in Utah south of Tooele, Salt Lake, Summit, and Daggett Counties to points in Oklahoma located in and east of Washington, Rogers, Wagoner, Muskogee, Haskell, Latimer, Le Flore, and McCurtain Counties; and (12) from points in Utah located in and north of Tooele, Salt Lake, Summit, and Daggett Counties to points in Oklahoma located in and east of Kay, Noble, Payne, Lincoln, Pottawatomie, Pontotoc, Johnson, and Marshall Counties. The purpose of this filing is to eliminate the gateways of: (A) (1)–(3) Clinton, Iowa; (4)–(5) Clinton, Iowa, and Memphis, Tenn.; (6) Clinton, Iowa, Memphis, Tenn., and Birmingham, Ala.; (B) (1) Muscatine, Iowa; (2) Dubuque, Iowa; (C) Mason City, Iowa; (D) Kansas City, Mo.; (E) points in Iowa within the Omaha, Neb., commercial zone; and (F) North Kansas City, Mo.

No. MC 92983 (Sub-No. E69), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave. P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Such Polyvinyl Acetate*, linseed oils, blends, products thereof and paint materials, in bulk, in tank vehicles, as are embraced within chemicals, from points in Utah located in and north of the counties of Tooele, Salt Lake, Summit, and Daggett to Houston, Tex.; (B) *Acids and Chemicals*, in bulk from points in Utah to points in Kentucky, North Carolina, Ohio, and South Carolina; (C) *Trichloromonofluoromethane, Dichlorodifluoromethane, Monochlorodifluoromethane, Trichlorotrifluoroethane, Dichlorothetrafluorethane* and mixtures, in bulk, tank vehicles from points in Utah to points in Alabama (except Fox); (D) *Chemicals*, in bulk, from points in Utah to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia;

(E) *Acids and Chemicals* (except those derived from petroleum or petroleum products, synthetic resins and varnish), in bulk, in tank or hopper vehicles (1) from points in Utah located in and south of Beaver, Sevier, Emery, and Grand Counties to points in Minnesota located on and east of a line extending from the Minnesota-Iowa state line along U.S. 71 to the southern border of Wadena County, including the Sauk Centre, Minnesota, commercial zone and points in Wadena, Cass, Itasca, and Kooching Counties; (2) from points in Utah north of Beaver to points in Minnesota located in Winona, Fillmore, and Houston Counties; (F) *Anhydrous Ammonia*, in bulk, in tank vehicles from points in Utah to points in Alabama within 400 miles of Wookstock, Tennessee; (G) *Phosphoric Acid*, in bulk, in tank vehicles from points in Utah to points in Alabama; (H) *Acetic Acid*, in bulk, in tank vehicles from points in Utah to points in Alabama;

(I) *Acids and Chemicals*, in bulk, in tank or hopper vehicles (1) from points in Utah to points in Arkansas; (2) from points in Utah to points in Illinois and Missouri; (3) from points in Utah north of Beaver to points in Iowa located in and east of Howard, Floyd, Butler, Hardin, Story, Polk, Madison, Union, and Ringgold Counties; (4) from points in Utah located in and south of Beaver, Sevier, Emery, and Grand Counties to points in Iowa located in and east of Kossuth, Humboldt, Pocahontas, Calhoun, Carroll, Audubon, Cass, Montgomery, and Fremont Counties; (5) from points in Utah to points in Kansas located on and east of a line extending from the Kansas-Oklahoma state line along Kansas Highway 99, through Sedan, Emporia, and the Emporia commercial zone and Wamego, Kans., to the junction of Kansas Highway 16, thence along Kansas Highway 16 to the junction of United States Highway 75, through Fairview, Kans., to the Kansas-Nebraska state line; (6) from points in Utah located in and south of Beaver, Sevier, Emery, and Grand Counties to points in Nebraska located on and east of a line extending from the Nebraska-Kansas state line along Nebraska Highway 65 to the junction of Nebraska Highway 4, thence along Nebraska Highway 4 to the junction of Nebraska Highway 50, thence along Nebraska Highway 50 to the junction of United States Highway 34, thence along United States Highway 34, through Mynard, Nebr., to the Platte River; (7) from points in Utah located in and north of Tooele, Salt Lake, Summit, and Daggett Counties to points in Oklahoma located in and east of Kay, Noble, Payne, Lincoln, Pottawatomie, Pontotoc, Johnston, and Marshall Counties; (8) from points in Utah located in and north of Millard, Sevier, Emery, and Grand Counties to points in Oklahoma located in and east of Osage, Tulsa, Okmulgee, McIntosh, Haswell, Latimer, Le Flore, and McCurtain Counties;

(J) *Acids and Liquid Chemicals* (except those derived from petroleum and petroleum products), in bulk, in tank vehicles; from points in Utah located in and north of Tooele, Salt Lake, Summit, and Grand Counties to points in Texas located in and east of Fannin, Hunt, Van Zandt, Henderson, Anderson, Houston, Walker, Montgomery, Harris, and Galveston Counties (except Harris, Jefferson, and Orange Counties); (K) *Caustic Soda*, in bulk, in tank vehicles, from points in Utah located in and north of Tooele County on and north of a line extending from the Nevada-Utah state line along Interstate Highway 80 to the junction of Utah Highway 138, thence along Utah Highway 138 to the junction of Utah Highway 112, thence along Utah Highway 112 to the junction of Utah Highway 36, including the Toole, Utah, commercial zone, thence along Utah Highway 36 to the junction of Interstate 80, thence along Interstate 80 to Salt Lake County and points in Salt Lake, Summit, and Daggett Counties to Houston, Tex.; (L) *Liquid Chemicals*, in bulk, in tank vehicles, from points in Utah to points in Rhode Island; (M) *Such Fats and Grease* (as are embraced within), in bulk, in tank vehicles, from points in Utah to points in Maine, New Hampshire, and Vermont; (N) *Such Fats* and *Oils* and blends and products thereof (as are embraced within) (except fats, oils,

blends, and products thereof derived from petroleum, soap products, and paints) in bulk, in tank vehicles, from points in Utah to points in Florida;

(O) *Acids* and *Chemicals*, in bulk, in tank or hopper vehicles from points in Utah to points in the upper peninsula of Michigan located in and east and south of a line extending from the Michigan-Wisconsin state line along Michigan Highway 95, including the Iron Mountain, Mich., commercial zone, to the junction of unnumbered highway at Sagola, Mich., thence along unnumbered highway, through Ralph, Mich., to the junction of Missouri Highway 35, thence along Michigan Highway 35 to the junction of unnumbered highway at Forsyth, Mich., thence along unnumbered highway through Carlshend, Mich., to the junction of United States Highway 41, thence along United States Highway 41 to the western border of Alger County; (P) *Chemicals*, in bulk, in tank or hopper vehicles from points in Utah to points in Massachusetts. (Q) *Arsenic Acid*, in bulk, in tank vehicles and *Agricultulral Insecticide*, in bulk, in hopper vehicles from points in Utah to points in Alabama (except Bay Minette); (R) *Acids* and *Chemicals*, in bulk, in tank or hopper vehicles (1) from points in Utah located in and south of Juab, Utah, Wasatch, Duchesne, and Uintah Counties to points in Wisconsin located in and east and south of Vernon, Monroe, and Juneau Counties on a line extending from the Mississippi River along Wisconsin Highway 56 to the junction of Wisconsin Highway 82, thence along Wisconsin Highway 82 to the junction of Wisconsin Highway 131, thence along Wisconsin Highway 131 to the junction of Wisconsin Highway P, thence along Wisconsin Highway P to the junction of Wisconsin Highway W, thence along Wisconsin Highway W to the junction of Wisconsin Highway A, thence along Wisconsin Highway A to the junction of Wisconsin Highway H, thence along Wisconsin Highway H to the junction of Wisconsin Highway 173 and the western border of Juneau County and points in Wood, Portage, Shawano, Menominee, Octonto, and Marinette Counties; (2) from points in Utah located in and south of Beaver, Sevier, Emery, and Grand Counties to points in Wisconsin located in and north of La Crosse, Jackson, Clark, Marathon, Langlade, Forrest and Florence Counties (except from Pierce, St. Croix, Polk, Barrow, Burnett, Washburn, and Douglas Counties); (3) from points in Utah located in and south of Beaver, Sevier, Emery, and Grand Counties to points in Minnesota located in and east of unnumbered highway in Mower County which passes through Dexter, Adams, and Johnsburg, Minn., and Olmstead and Wabasha Counties; (4) from points in Utah to points in Mississippi and Tennessee;

(S) *Liquid Chemicals*, in bulk, in tank or hopper vehicles from points in Utah located in and north of Tooele, Salt Lake, Summit, and Grand Counties to points in Texas located in and east of Lamar, Delta, Hopkins, Wood, Smith, Cherokee, Angelina, Tyler, Hardin, and Jefferson Counties; (T) *Acids* and *Chemicals*, in bulk (1) from points in Utah south of Millard, Sevier, Emery, and Grand Counties to points in Louisiana located in and east of Bossier, Bienville, Winn, Grant, Rapides, Evangeline, St. Landry, Lafayette, and Iberia Parishes; (2) from points in Utah located in and north of Millard, Sevier, Emery, and Grand Counties to points in Louisiana; (U) *Acids* and *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen to Georgia) in bulk from points in Utah to points in Connecticut, Georgia, and Indiana; (V) *Sugars* and *Syrups and blends* thereof, for use as feed, in bulk from points in Utah to points in Illinois; and (W) *Malt Syrup* for use as feed, in bulk, in tank vehicles (1) from points in Utah to points in Indiana (except those located west of United States Highway 41 from the Ohio River to the Wabash River but not including the Evansville or Vincennes, in commercial zones) Michigan and Ohio; (2) from points in Utah (except Iron and Washington Counties) to points in Wisconsin located in and east and south of Crawford, Richland, Sauk, Juneau, Monroe, Wood, Marathon, Lincoln, Oneida, and Vilas Counties; (3) from points in Utah located in Iron and Washington Counties to points in Wisconsin located in and east and south of Trempealeau, Eau Claire, Chippewa, Rusk, Washburn, and Douglas Counties. The purpose of this filing is to eliminate the gateways of: (A) Kansas City, Kans.-Kansas City, Mo., commercial zone; (B) Kansas City, Kans-Kansas City, Mo., commercial zone (point formerly known as Turner, Kans.); (C) Kansas City, Kans.-Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.), and Marshall County, Ky.; (D), (E) Kansas City, Kans.-Kansas City, Mo., commercial zone a point formerly known as Turner, Kans.);

(F) Kansas City, Kansas-Missouri commercial zone (Turner, Kans., has been annexed by Kansas City, Kans.), Saginaw, Mo., and points within 15 miles thereof and Woodstock, Tenn.; (G) Kansas City, Kansas-Missouri, commercial zone (Turner, Kans., was annexed by Kansas City, Kans.), and points within 15 miles thereof, and Columbia, Tenn.; (H) Kansas City, Kansas-Missouri, commercial zone (Turner, Kans., was annexed by Kansas City, Kans.), and points within 15 miles thereof, and Memphis, Tenn.; (I) Points in the Olathe, Kans., and Kansas City, Kans.-Kansas City, Mo., commercial zone (Turner, Kans., has been annexed by Kansas City, Kans.); (J) Points in the Olathe, Kans., and Kansas City, Kans.-Kansas City, Mo., commercial zone (Turner, Kans., has been annexed by Kansas City, Kans.) and Lawrence, Kans.); (K) Points in the Olathe, Kans., and Kansas City, Kans.-Kansas City, Mo., commercial zone (Turner, Kans., has been annexed by Kansas City, Kan.) and Tulsa, Okla.; (L) Points in the Olathe, Kans., and Kansas City, Kans.-Kansas City, Mo., commercial zone (Turner, Kans., has been annexed by Kansas City, Kans.) and Muscatine, Iowa; (M) Points in the Olathe, Kans., and Kansas City, Kans.-Kansas City, Mo., commercial zone (Turner, Kans., has been annexed by Kansas City, Kans.) and Dubuque, Iowa; (N) Points in both the Olathe, Kans., and Kansas City, Kans.-Kansas City, Mo., commercial zone (Turner, Kans., has been annexed by Kansas City, Kans.) and points in Arkansas that are in Memphis, Tenn., commercial zone; (O) Points in Olathe, Kans., and Kansas City, Kans., commercial zone (Turner, Kans., was annexed by Kansas City, Kans.) and plantsite of Blockson Chemical Co. at or near Joliet, Ill.; (P) Points in Olathe, Kans., and Kansas City, Kans., commercial zones (Turner, Kans., was annexed by Kansas City, Kans.), and Tulsa, Okla.;

(Q) Points in Olathe, Kans., and Kansas City, Kans., commercial zones (Turner, Kans., has been annexed by Kansas City, Kans.) and points in Arkansas that are within the Memphis, Tenn., commercial zone; (R) (1)–(2) Points in Olathe, Kans., and Kansas City, Kans., commercial zones (Turner, Kans., has been annexed by Kansas City, Kans.), and Burlington, Iowa; (3) Olathe, Kans., Kansas City, Kans., commercial zone (Turner, Kans., has been annexed by Kansas City, Kans.) and plantsite of Iowa-Guttenburg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa; (4) Olathe, Kans., and Kansas City, Kans., commercial zones (a point formerly known as Turner, Kans.), and Saginaw, Mo., and points within 15 miles thereof; (S) Olathe, Kans., and Kansas City, Kans., commercial zone (Turner, Kans., has been annexed by Kansas City, Kans.) and Verona, Mo.; (T), (U) Kansas City, Kans.-Missouri, commercial zone (Turner, Kans., was annexed by Kansas City, Kans.); (V) Plantsite of Protein Blenders, Inc., at or near Iowa City, Iowa; and (W) Plantsite of Protein Blenders, Inc., near Iowa City, Iowa, and Villa Park, Ill.

No. MC 92983 (Sub-No. E72) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 3, 1976, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids and chemicals*, in bulk, in tank vehicles, from points in Oregon to Dallas, Tex.; * * * The purpose of this correction is to correct the Sub-No. E62 to read as E72 instead. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E74), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids and chemicals* (except chemical fertilizer solutions) in bulk, in tank vehicles: from points in Idaho to

Dallas, Tex.; (B) *such chemicals* embraced within polyvinyl acetate, linseed oil, blends and products thereof, in bulk, in tank vehicles: from points in Idaho to Houston, Tex.; (C) Such paint materials, as are embraced within chemicals, in bulk, in tank vehicles: from points in Idaho to Houston, Tex.; (D) *acids and chemicals*, (except chemical fertilizer solutions), in bulk: from points in Idaho to points in Kentucky, North Carolina, Ohio, and South Carolina; (E) *trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoremethane, trichlorotrifluoroethane, dichlorothetrafluorethane and mixtures thereof*, in bulk, in tank vehicles: from points in Idaho to points in Alabama (except Fox); (F) *chemicals*, (except chemical fertilizer solutions), in bulk: from points in Idaho to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (G) *anhydrous ammonia*, in bulk, in tank vehicles: from points in Idaho to points in Alabama within 400 miles of Woodstock, Tenn.

(H) Phosphoric acid, in bulk, in tank vehicles: from points in Idaho to points in Alabama; (I) *Acids and chemicals* (except chemical fertilizer solutions), in bulk, in tank or hopper vehicles: (1) from points in Idaho to points in Arkansas and Illinois; (2) from points in Idaho located in and south of Idaho County to points in Kansas located in and east of Marshall, Riley, Geary, Morris, Marion, and points on and east of a line extending from the northern boundary of Harvey County along Kansas Highway 15 to the junction of Interstate Highway 35W, thence along Interstate Highway 35W to the junction of Interstate Highway 235, thence along Interstate Highway 235 to the junction of Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line; (3) from points in Idaho located in Boundary, Bonner, and Kootenai Counties to points in Nebraska located in Nemaha, Richardson, and Pawnee Counties; (4) from points in Idaho located in and south of Idaho County to points in Oklahoma located in and east of Kay, Noble, Payne, Lincoln, Pottawatomie, Dontotoc, Murray, Carter, and Love Counties; (5) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Oklahoma located in and east of Alfalfa, Major, Blaine, Caddo, Commanche, and Cotton Counties; (6) from points in Idaho located in and east of Clark, Butte, Blaine, Minidoka, and Cassia Counties to points in Missouri (except Atchison County); (7) from points in Idaho located in and west and north of Lemhi, Custer, Boise, Elmore, Camas, Lincoln, Jerome, and Twin Falls Counties to Atchison County, Mo.; (8) from points in Idaho to points in Iowa located in and south of Ringgold, Clarke, Lucas, Marion, Mahaska, Poweshiek, Iowa, Linn, Jones, and Dubuque Counties; (J) *acids and liquid chemicals* (except chemical fertilizer solution and petroleum chemicals), in bulk, in tank vehicles: (1) from points in Idaho located in and south of Idaho County to points in Texas located in and east of Grayson, Collin, Dallas, Ellis, Nevarro, Limestone, Robertson, Brazos, Washington, Austin, Wharton, and Matagorda Counties (except Harris, Jefferson, and Orange Counties); (2) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Texas located in and east of Wichita, Archer, Young, Stephens, Eastland, Commanche, Mills, San Sabra, LLano, Blanco, Kendall, Bexar, Atascosa, McMullen, Duval, Brooks, and Hidalgo Counties (except Harris, Jefferson and Orange Counties).

(K) *Caustic soda*, in bulk, in tank vehicles: from points in Idaho to Houston, Tex.; (L) *liquid chemicals* (except chemical fertilizer solutions), in bulk, in tank vehicles: from points in Idaho to points in Rhode Island; (M) *such chemicals as are embraced within fats and greases*, in bulk, in tank vehicles: from points in Idaho to points in Maine, Massachusetts, New Hampshire and Vermont; (N) *such chemicals*, as are embraced within oils, blends, and products thereof (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles: from points in Idaho to points in Florida; (O) *acids and chemicals* (except chemical fertilizer solutions), in bulk, in tank or hopper vehicles: (1) from points in Idaho located in Fremont, Madison, Teton, Bonneville, Bingham, Bannock, and Oneida Counties to points in the Lower Peninsula of Michigan located on and south of a line extending from Cross Village on Lake Michigan along Michigan Highway C66 to Cheboygan on Lake Huron; (2) from points in Idaho located in, west, and north of Clark, Jefferson, Butte, Blaine, Power, and Cassia Counties to points in Michigan located on and south and east of a line extending from Lake Michigan along unnumbered highway, 1 mile south of Onekama through Kaleva to the junction of U.S. Highway 55, 3 miles west of Wellston, thence along U.S. Highway 55 to the junction of Michigan Highway 115, thence along Michigan Highway 115 to the junction of U.S. Highway 10, thence along U.S. Highway 10 to the western border of Tuscola County, including the Clare, Midland, and Bay City Commercial Zone, thence along the western border of Tuscola County to Saginaw Bay; (P) *acids and chemicals* (except chemical fertilizer solution), in bulk, in tank or hopper vehicles: (1) from points in Idaho located in and south of Adams, Valley, and Lemhi Counties to points in Massachusetts; (2) from points in Idaho located in and north of Idaho County to points in Massachusetts located on and east of a line extending from the Massachusetts-New Hampshire State line south along unnumbered highway through Townsend Harbor to the junction of Massachusetts Highway 225, thence along Massachusetts Highway 225 to junction of unnumbered highway at West Groton, thence along unnumbered highway through north Shirley and Shirley Center to the junction of U.S. Highway 13, thence along U.S. Highway 13 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to the Massachusetts-Connecticut State line; (3) from points in Idaho located in and south of Adams, Valley, Custer, Butte, Bingham, and Bonneville Counties to points in Wisconsin located in Milwaukee, Racine, and Kenosha Counties; (4) from points in Idaho to points in Mississippi and Tennessee.

(Q) *Acetic acid*, in bulk, in tank or hopper vehicles: from points in Idaho to points in Alabama; (R) *arsenic acid*, in bulk, in tank vehicles and *agricultural insecticides*, in bulk, in hopper vehicles: from points in Idaho to points in Alabama (except Bay Minette, Ala.); (S) *liquid chemicals* (except fertilizer solutions), in bulk, in tank or hopper vehicles: (1) from points in Idaho located in and south of Idaho County to points in Texas located in and east of Fannin, Hunt, Van Zandt, Henderson, Anderson, Houston, Walker, San Jacinto, Polk, Hardin, and Jefferson Counties; (2) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Texas located in and east of Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Caldwell, Guadalupe, Gonzales, Karnes, Bee, San Patricio, Nueces, Kleberg, Kenedy, Willacy, and Cameron Counties (except Brazoria, Fort Bend, Galveston, Harris, Montgomery, Liberty, and Chambers Counties); (T) *acids and chemicals* (except chemical fertilizer solutions), in bulk, from points in Idaho to points in Louisiana; (U) *acids and chemicals* (except chemical fertilizer solutions, liquid hydrogen, liquid oxygen, and liquid nitrogen) in bulk, from points in Idaho to points in Georgia; (V) *acids and chemicals* (except chemical fertilizer solutions), in bulk, from points in Idaho to points in Connecticut and Indiana; (W) *sugar, syrups and blends* thereof for use as feed, in bulk, from points in Idaho to points in Illinois.

(X) *Malt syrup used as feed*, in bulk, in tank vehicles: (1) from points in Idaho to points in Indiana and Ohio; (2) from points in Idaho (except Ada, Canyon, and Payette Counties) to points in the Lower Peninsula of Michigan located on and south of a line extending from Cross Village on Lake Michigan along Michigan Highway C66 to Cheboygan on Lake Huron; (3) from points in Idaho located in Ada, Canyon, and Payette Counties to points in Michigan located on and east of a line extending from L'anse on Lake Superior along U.S. Highway 41 to the junction of U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line; (4) from points in Idaho (except Ada, Canyon, and Payette Counties) to points in Wisconsin located in and south of Iowa, Dane, Columbia, Greenlake, Winnebago, Calumet, Brown, Kewaunee, and Door Counties and points in Grant County on and south of a line extending from the Wisconsin-Illinois State line along U.S. Highway 61 to the junction of Wisconsin Highway A at Lancaster, thence along Wisconsin Highway A to the western

border of Iowa County; (5) from points in Idaho located in Ada, Canyon, and Payette to points in Wisconsin located in and east and south of Vernon, Monroe, Juneau, Wood, and Marathon Counties and points on and east of a line extending from the northern border of Marathon County along U.S. Highway 51 to the junction of Michigan Highway 70, thence along Michigan Highway 70 to the junction of U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line; (Y) *corn syrup*, in bulk, in tank vehicles: (1) from points in Idaho to points in New York and Tennessee; (2) from points in Idaho located in and north of Canyon, Ada, Boise, Valley, and Lemhi Counties to points in Kentucky located in and south of Fulton, Hickman, Graves, Calloway, Trigg, Christian, Todd, Logan, Warren, Barren, Metcalfe, Adair, Russell, Pulaski, Laurel, Clay, Perry, Knott, and Pike Counties; (3) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Kentucky except those located in and north of Jefferson, Shelby, Franklin, Scott, Bourbon, Nicholas, Fleming, Lewis, Carter, and Boyd Counties; (4) from points in Idaho to points in Alabama and Georgia; and (5) from points in Idaho to points in Florida. The purpose of this filing is to eliminate the gateways of: (A), (B), (C), (D) Kansas City, Mo.-Kansas City, Kansas., commercial zone (point formerly known as Turner, Kansas.); (E) Kansas City, Mo.-Kansas City, Kans. commercial zone (point formerly known as Turner, Kans.) and Marshall County, Ky.

(F) Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans.); (G) Kansas City, Mo.-Kansas City, Kans., commercial zone (Turner, Kans. has been annexed by Kansas City, Kans.) Saginaw, Mo., and points within 15 miles, Woodstock, Tenn.; (H) Kansas City, Mo.-Kansas City, Kans. commercial zone (Turner, Kans.), Saginaw, Mo., and points within 15 miles thereof, and Columbia, Tenn.; (I) Olathe, Kans., and Kansas City, Mo.-Kansas City, commercial zones (Turner, Kans.); (J) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.), and Lawrence, Kans.; (K) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.), and Tulsa, Okla.; (L) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.), and Muscatine, Iowa; (M) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.), and Dubuque, Iowa; (N) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.), and points in Arkansas that are within the Memphis, Tenn., commercial zone; (O) Olathe, Kans., and Kansas City, Kans., commercial zones (Turner, Kans.) and plantsite of the Bolckson Chemical Co., at or near Joliet, Ill.; (P)(1)–(2) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.), and Tulsa, Okla.; (P)(3) Kansas City, Kans., Olathe, Kans., Kansas City, Kans., commercial zones (Turner, Kans.), and plantsite of Iowa-Guttenberg Terminal Inc. located approximately two miles south of Guttenberg, Iowa; (P)(4) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.) and points within 15 miles of Saginaw, Mo.; (Q), (R), Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.) and points within 15 miles of Saginaw, Mo., and Memphis, Tenn.; (S) Olathe, Kans., and Kansas City, Kans., commercial zones, (Turner, Kans.) and Verona, Mo.; (T), (U), (V) Kansas City, Mo.-Kansas City, Kans., commercial zones (Turner, Kans.); (W) Plantsite of Protein Blenders, Inc., near Iowa City, Iowa; (X) Plantsite of Protein Blenders, Inc. near Iowa City, Iowa and Villa Park, Ill.; (Y)(1) Clinton, Iowa; (Y)(2)–(4) Clinton, Iowa, and Memphis, Tenn.; and (Y)(5) Clinton, Iowa, Memphis, Tenn., and Birmingham, Ala.

No. MC 92983 (Sub-No. E75), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Molasses*, in bulk, in tank vehicles: (1) from points in Indiana to points in Illinois; (2) from points in Indiana except Ada, Canyon, and Payette Counties to points in Wisconsin located in and south and east of Buffalo, Eau Claire, Clark, Taylor, and Lincoln and points on and east of a line extending from the northern border of Lincoln County along U.S. Highway 8 to the junction of Michigan Highway 17, including the Rhinelander Commercial Zone, thence along Michigan Highway 17 to the junction of U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line; (3) from points in Idaho (except Ada, Canyon, and Payette Counties) to points in Minnesota located in Wabasha, Olmsted, Winona, Mower, Filimore, and Houston Counties; (4) from points in Idaho located in Ada, Canyon, and Payette Counties to points in Minnesota located in and east of Goodhue, Dodge and Mower Counties; (B) *sugar, syrups and blends thereof* for use as feed, in bulk: (1) from points in Idaho to points in Wisconsin; (2) from points in Idaho (except Ada, Canyon, and Payette Counties) to points in Minnesota located in and east of Jackson, Watonwan, Brown, Nicollet, Sibley, Carver, Hennepin, Onoka, Isanti, and Pine Counties; (3) from points in Idaho located in Ada, Canyon, and Payette Counties to points in Minnesota located in and east of Rock, Pipestone, Lyon, Redwood, Renville, Chippewa, Kandiyohi, Stearns, Todd, Cass, and Itasca Counties and points in Kooching County located on and east of a line extending from the northern border of Itasca County along Minnesota Highway 65 to the junction of Minnesota Highway 217, thence along Minnesota Highway 217 to the junction of U.S. Highway 53, thence along U.S. Highway 53 to the Rainy River; (C) *corn syrup*, in bulk, in tank vehicles: (1) from points in Idaho to Dallas, Tex.; (2) from points in Idaho (except Caribou, Bear Lake, Franklin, and Oneida Counties) to Fort Worth, Tex.

(D) *Dry sugar*, in bulk: from points in Idaho to St. Bernard, Ohio; (E) *corn syrup*, in bulk, in tank vehicles: (1) from points in Indiana to points in Louisiana and Mississippi; (2) from points in Idaho to points in Texas located in and east of Collin, Rockwall, Kaufman, Henderson, Anderson, Houston, Walker, Montgomery, Harris, and Galveston Counties and points in Grayson County located on and east of a line extending from the Texas-Oklahoma State line along U.S. Highway 69 to the junction of U.S. Highway 82, including the Sherman Commercial Zone, thence along U.S. Highway 82 to the junction of Texas Highway 289, thence along Texas Highway 289 to the northern border of Collin County; (3) from points in Indiana located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Texas located in and east of Wilbarger, Baylor, Throckmorton, Stephens, Eastland, Brown, San Sabra, Llano, Blanco, Comal, Wilson, Karnes, Live Oak, Jim Wells, Kelberg, Kenedy, Willacy, and Cameron Counties and points in Bexar County located on and east of a line extending from the southern border of Comal County along U.S. Highway 281 to the junction of Interstate Highway 410, thence along Interstate Highway 410 to the junction of U.S. Highway 181, including the San Antonio Commercial Zone, thence along U.S. Highway 181 to the western border of Wilson County; (4) from points in Idaho located in Ada, Canyon, and Payette Counties to points in Minnesota located in Winona, Filimore, and Houston Counties; (5) from points in Idaho to points in Arkansas; (6) from points in Idaho located in and south of Idaho County to points in Oklahoma located in and east of Kay, Noble, Payne, Lincoln, Pottawatomie, Pontotac, Johnston, and Marshall Counties; (7) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater to points in Oklahoma located in and east of Woods, Major, Dewey, Custer, Wahita, Kiowa, and Tillman Counties; (8) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Nebraska located in Otoe, Johnson, Nemaha, Gage, Pawnee, and Richardson Counties; (9) from points in Idaho to points in Kansas located in and east of Marshall, Riley, Geary, Morris, Chase, Butler, and Cowley Counties; (10) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Kansas located in and east of Washington, Clay, Ottawa, Saline, McPherson, Reno, Kingman, and Harper Counties.

(F) *Vegetable Oils*, in bulk, in tank ve-

(F) *Vegetable Oils*, in bulk, in tank vehicles: (1) from points in Idaho to St. Louis, Mo.; (2) from points in Idaho to points in Ohio; (3) from points in Idaho

to points in Illinois (except Rock Island, Whiteside, Carroll, Ogle, Jo Daviess, Stephenson, Winnebago, Boone, and McHenry Counties and points in Lake County located north of Illinois Highway 22 and Champaign and Jacksonville); (G) *fats, oils, blends and products thereof,* (except those derived from petroleum, soap products, and paint), in bulk, in tank vehicles: from points in Idaho to Memphis, Tenn.; (H) *cottonseed oil, soybean oil, blends and products thereof,* in bulk, in tank vehicles: from points in Idaho to Macon, Ga., and Jackson, Miss.; (I) *vegetable oils and vegetable oil products* (except soap products and paint), in bulk, in tank vehicles: (1) from points in Idaho to points in Alabama, Georgia (except Macon), and Mississippi (except Jackson); (2) from points in Idaho located in Caribou, Bear Lake, and Franklin Counties to points in Louisiana except Caddo and De Soto Parishes and points in Sabine Parish located north of Louisiana Highway 6; (3) from points in Idaho (except Ada, Canyon, and Payette Counties) to points in Pennsylvania located in and south of Cumberland, York, Lancaster, Lebanon, Berks, Lehigh, and Northampton Counties and points in Franklin County located west of U.S. Highway 11, excluding the Chambersburg Commercial Zone; (4) from points in Idaho located in Ada, Canyon, and Payette Counties to points in Pennsylvania (except Erie County and points in Crawford County located north of a line extending from the Pennsylvania-Ohio State line along Pennsylvania Highway 285 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the junction of Pennsylvania Highway 7, excluding the Meadville Commercial Zone, thence along Pennsylvania Highway 77 to the western border of Crawford County); (57) from points in Idaho (except Ada, Canyon, and Payette) to points in New York located in and south of Orange and Dutchess Counties; (6) from points in Idaho located in Ada, Canyon, and Payette Counties to points in New York; (J) *vegetable and animal fats and oils,* in bulk, in tank vehicles: from points in Idaho to points in Louisiana, Mississippi, and Tennessee.

(K) *Vegetable and animal fats and oils,* in bulk, in tank vehicles: (1) from points in Idaho to points in Indiana located on and south of U.S. Highway 50 including the Bedford Commercial Zone; (2) from points in Idaho to points in Illinois located in and south of Franklin, Hamilton, and White Counties and points in Jackson County on and south of a line extending from the southern border along Illinois Highway 3 to the junction of Illinois Highway 149, thence along Illinois Highway 149 to the eastern border of Jackson County; (3) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Illinois located in and south of Randolph, Washington, Jefferson, Wayne, Richland, and Lawrence Counties; (4) from points in Idaho south of Nez Perce, Lewis, and Clearwater Counties to points in Missouri located in and south of Howell, Oregon, Carter, Wayne, Madison, and Perry Counties; (5) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Missouri located in and south of Taney, Douglas, Texas, Dent, Iron, Washington, and Jefferson Counties; (6) from points in Idaho south of Nez Perce, Lewis, and Clearwater Counties to points in Arkansas located in and east of Marion, Van Buren, Conway, Perry, Carland, Hot Springs, Clark, Nevada, and Lafayette Counties and points in Searcy County located on and east of a line extending from the western border of Searcy County along U.S. Highway 65 to the junction of Arkansas Highway 27, thence along Arkansas Highway 27 to the southern border of Searcy County; (7) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Arkansas (except Benton, Carroll, Washington, Madison, and Crawford Counties); (8) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Texas located in and east of Lamar, Delta, Hopkins, Wood, Smith, Cherokee, Angelina, Trinity, San Jacinto, Liberty, Chambers and Galveston Counties; (9) from points in Idaho (except Ada, Canyon, and Payette Counties) to points in Ohio located in and south of Hamilton, Clermont, Brown, Highland, Ross, Vinton, Athens, and Washington, Counties; (10) from points in Idaho located in Ada, Canyon, and Payette Counties to points in Ohio located in and south of Preble, Montgomery, Clark, Madison, Delaware, Knox, Holmes, Stark, and Mahoning Counties; (11) from points in Idaho to points in Delaware, Florida, Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Virginia, and West Virginia.

(L) *Animal oils and fats* (except lard), in bulk, in tank vehicles: from points in Idaho to points in Arkansas; (M) *fats and oils* (except petroleum, petroleum products, and molasses), in bulk, in tank vehicles: from points in Idaho to points in Iowa and Wisconsin; (N) *crude soybean oil, inedible fats, tallows, and grease,* in bulk, in tank vehicles: (1) from points in Idaho to points in Chicago, Chicago Heights, Decatur, East St. Louis, and Rockford, Ill.; (2) from points in Idaho to Sherman, Tex.; (3) from points in Idaho to Port Ivory and New York City, N.Y., and Cincinnati and Ivorydale, Ohio; (4) from points in Idaho to Faribault, Minneapolis, and St. Paul, Minn.; (5) from points in Idaho to Kansas City and St. Louis, Mo.; (O) *soybean oil, corn and salad oils* (except crude soybean oil to New York City, Port Ivory, N.Y., and Memphis, Tenn., in bulk, in tank vehicles: from points in Idaho to points in New York and Tennessee; (P) *soybean oil, corn oil, and salad oils,* in bulk, in tank vehicles: from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Texas located in Bowie, Cass, Marion, Harrison, Panola, Shelby, San Augustine, Sabine, Jasper, Newton, Orange, and Jefferson Counties and points in Morris County on and east of U.S. Highway 259, including the Lone Star Commercial zone; (Q) *soybean oil and corn oil,* in bulk, in tank vehicles: (1) from points in Idaho to points in Missouri located in and east of Clark, Lewis, Marion, Ralls, Pike, Montgomery, Warren, Franklin, Crawford, Iron, Reynolds, and Ripley Counties and points in Carter County located on and east of a line extending from the southerin border of Reynolds County along Missouri Highway D, thence along Missouri Highway D to the junction of U.S. Highway 60, thence along U.S. Highway 60 to the junction of Missouri Highway C, thence along Missouri Highway C to the northern border of Ripley County; (2) from points in Idaho located in and north of Nez Perce, Lewis, and Clearwater Counties to points in Missouri located in and east and south of Putnam, Sullivan, Grundy, Livingston, Carroll, Lafayette, Johnson, Henry, St. Clair, Cedar, and Barton Counties.

(R) *Soybean oil,* in bulk, in tank vehicles: (1) from points in Idaho north of Payette, Gem, Boise, Blaine, Butte, and Bonneville Counties to points in the Lower Peninsula of Michigan located on and south of a line extending from Cross Village on Lake Michigan along Michigan Highway C66 to Cheboygan on Lake Huron; (2) from points in Idaho located in and south of Payette, Gem, Boise, Blaine, Butte, and Bonneville Counties to points in Michigan; (S) *lard and animal oils, fats, grease, and tallows,* in bulk, in tank vehicles: (1) from points in Idaho to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois except Chicago, Chicago Heights, Decatur, East St. Louis and Rockford; Indiana, Kentucky, Maine, Massachusetts, New Hampshire, New Jersey, New York, except New York City and Port Ivory; North Carolina, Ohio, except Cincinnati and Ivorydale; Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; (2) from points in Idaho south of Canyon, Ada, Boise, Valley, and Lemhi Counties to points in Mississippi located in and east and north of Bolivar, Sunflower, Humphreys, Yazoo, Hinds, Simpson, Lawrence, Pearl River, and Hancock Counties; (3) from points in Idaho located in and north of Canyon, Ada, Boise, Valley, and Lemhi Counties to points in Mississippi; (4) from points in Idaho north of Payette, Gem, Boise, Blaine, Butte, and Bonneville Counties to points in Michigan except Gogebic, Ontonawon, Houghton, Keweenaw, Baraca, Iron, and Marquette Counties and points in Alger County located west of a line extending from the southern border of Alger County along U.S. Highway 41 to the junction of Michigan Highway 67, thence along Michigan Highway 67 to the junction of Michigan Highway 94, thence along Michigan Highway 94 to Lake Superior, excluding the Munising Commercial Zone; and (5) from points in Idaho located in and south of Payette, Gem, Boise, Blaine, Butte, and Bonneville Counties to points in Michigan; (T) *chemicals,* in bulk, in tank vehicles, from points in Tennessee to points in Washington.

The purpose of this filing is to eliminate the gateways of: (A) (1) Muscatine, Iowa; (A) (2) Dubuque, Iowa; (B) Mason City, Iowa; (C) Kansas City, Mo.; (D) points in Iowa within the Omaha, Nebr., Commercial Zone; (E) North Kansas City, Mo.; (F) (1) Kansas City, Kans.; (F) (2) Kansas City, Kans., and points that are in both the St. Louis, Mo., and Dupo, Ill., Commercial Zones; (F) (3) Kansas, and points that are in both the St. Louis, Mo., and Dupo, Ill., Commercial Zones; (G) Kansas; (H), (I) Kansas and Memphis, Tenn.; (J) Kansas City, Kans.; (K) Kansas City, Kans., and Memphis, Tenn.; (L) Kansas City, Kans.; (M) Nebraska; (N) Nebraska and Iowa; (O), (P), (Q) Nebraska and Clinton, Iowa; (R) Nebraska and Muscatine, Iowa; (S) Nebraska and Dubuque, Iowa; and (T) Kansas City, Mo.

No. MC 92983 (Sub-No. E76), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids and chemicals*, in bulk, in tank or hopper vehicles: from points on Montana to Dallas, Tex.; (B) *Polyvinyl acetate, linseed oil blends and products* thereof *and paint materials* which are embraced within chemicals in bulk, in tank vehicles: from points in Montana to Houston, Tex.; (C) *Acids and chemicals*, in bulk: (1) from points in Montana to points in Kentucky, North Carolina and South Carolina; (2) from points in Montana north and east of Hill, Chouteau, Fergus, Petroleum, Rosebud, Custer, and Carter Counties to points in Ohio located in and south of Darke, Shelby, Champaign, Union, Delaware, Knox, Holmes, Tuscarawas, Carroll, and Columbiana Counties; (3) from points in Montana located in and south and west of Hill Chouteau, Fergus, Petroleum, Rosebud, Custer, and Carter Counties to points in Ohio located in and north of Mercer, Auglaize, Logan, Hardin, Marion, Morrow, Richland, Ashland Wayne Stark, and Mahoning Counties; (D) *Trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoromethane, trichlorotrifluoroethane, dichlorothetrafluorethane and mixtures thereof*, in bulk, in tank vehicles: from points in Montana to points in Alabama (except Fox); (E) *Chemicals*, in bulk: (1) from points in Montana to points in Delaware, District of Columbia, Maryland, New Jersey, Virginia, and West Virginia; (2) from points in Montana to points in New York except those located in Niagara, Erie, Chautauqua, and Cattaraugus counties and to points in Pennsylvania except those located in Erie, Crawford, Mercer, Lawrence, Venango, Forest, and Warren counties; (3) from points in Montana except those located in Daniels, Sheridan, Roosevelt, Richland, Dawson, and Winbaux Counties to points in New York located in Niagara, Erie, Chautauqua, and Cattaraugus counties and to points in Pennsylvania located in Erie, Crawford, Mercer, Lawrence, Venango, Forest, and Warren Counties;

(F) *Anhydrous ammonia*, in bulk, in tank vehicles: from points in Montana to points in Alabama within 400 miles of Woodstock, Tenn.; (G) *Acetic acid*, in bulk, in tank vehicles: from points in Montana to points in Alabama; (H) *Phosphoric acid*, in bulk, in tank vehicles: from points in Montana to points in Alabama; (I) *Acids and chemicals*, in bulk, in tank or hopper vehicles: (1) from points in Montana to points in Arkansas; (2) from points in Montana to points in Oklahoma located in and east of Kay, Noble, Logan, Oklahoma, Cleveland, McClain, Garvin, Carter, and Love Counties; (3) from points in Montana located in and north of Ravalli, Granite, Deer Lodge, Silver Bow, Jefferson, Broadwater, Meagher, Wheatland, Golden Valley, Fergus, Petroleum, Garfield, McCone, Dawson, and Wibaux Counties to points in Oklahoma located in Grant, Garfield, Kingfisher, Blaine, Canadian, Caddo, Grady, Commanche, Stephens, Cotton, and Jefferson Counties; (4) from points in Montana to points in Missouri except Atchison, Holt, Nodaway, and Worth Counties; (5) from points in Montana located in and west of Hill, Chouteau, Cascade, Lewis and Clark, Jefferson, Silver Bow, Deer Lodge, Granite, and Ravalli Counties to points in Missouri and points in Nebraska located in Richardson County; (6) from points in Montana to points in Iowa on and south of a line beginning at the Iowa-Missouri State line and extending north along Iowa Highway 81 to junction of Iowa Highway 2, thence along Iowa Highway 2 to junction of U.S. Highway 218, thence along U.S. Highway 218 to junction of U.S. Highway 61, thence along U.S. Highway 61 to junction of unnumbered highway 2 miles south of Montrose, Iowa, thence along unnumbered highway through Montrose, Iowa, to Galland, Iowa, on the Mississippi River; (7) from points in Montana located in and west of Toole, Pondera, Teton, Lewis and Clark, Powell, Deer Lodge, Silver Bow, and Beaverhead Counties to points in Iowa located in and south of Page, Taylor, Union, Clarke, Lucas, Monroe, Mahaska, Keokuk, Washington, Louisa, Muscatine, and Scott Counties as described in (6) above; (8) from points in Montana to points in Kansas located in and east of Doniphan, Atchison, Jackson, Pottawatomie, Wabaunsee, Morris, Chase, Butler, and Cowley Counties; (9) from points in Montana located in and west of Hill, Chouteau, Cascade, Lewis and Clark, Jefferson, Silver Bow, Deer Lodge, Granite, and Ravalli Counties to points in Kansas located in Clay, Dickinson, Saline, McPherson, Reno, Kingman, Harper, Sumner, Sedgwick, Harvey, Marion, Ceary, Riley, Marshall, Nemaha, and Brown Counties;

(J) *Acids and liquid chemicals* (except those derived from petroleum and petroleum products) in bulk, in tank vehicles: (1) from points in Montana to points in Texas located in and east of Cooke, Denton, Tarrant, Johnson, Hill, McLennan, Bell, Williamson, Travis, Caldwell, Guadalupe, Gonzales, Karnes, Live Oak, Jim Wells, Brooks, and Hidalgo Counties except Harris, Jefferson, and Orange Counties and Dallas; (2) from points in Montana located in and north of Ravalli, Granite, Deer Lodge, Silver Bow, Jefferson, Broadwater, Meagher, Golden Valley, Fergus, Petroleum, Garfield, McCone, Dawson, and Wibaux Counties to points in Texas located in an area in and bounded by Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Lampass, Burnet, Blanco, Hays, Comal, Bexar, Wilson, Atascosa, McMullen, Duval, Jim Hogg, Starr, Zapata, Webb, La Salle, Frior, Medina, Bandera, Kendall, Gillespie, Mason, Llano, San Saba, Brown, Eastland, Stephens, Young, Archer, Wichita and Clay Counties; (K) *Caustic soda*, in bulk in tank vehicles: from points in Montana to Houston, Tex.; (L) *Liquid chemicals*, in bulk, in tank vehicles; from points in Montana to points in Rhode Island; (M) *Such fats and grease* as are embraced within chemicals in bulk, in tank vehicles; (1) from points in Montana to points in Maine located in Aroostock, Piscataquis, Penobscot, Hancock, and Washington Counties; (2) from points in Montana located in and west of Hill, Chouteau, Fergus, Petroleum, Rosebud, Custer, and Carter Counties to points in Maine except those located in Aroostock, Piscataquis, Penobscot, Hancock, and Washington Counties to points in Maine, New Hampshire, and Vermont; (N) *Such fats, oils, blends and products* thereof as are embraced within chemicals (except fats, oils, blends and products thereof derived from petroleum products and paint) in bulk, in tank vehicles: from points in Montana to points in Florida; (O) *Acids and chemicals*, in bulk, in tank or hopper vehicles: (1) from points in Montana located in and west of Toole, Pondera, Chouteau, Fergus, Musselshell, Yellowstone, Treasure, Big Horn, and Powder River Counties to points in Michigan located in St. Clair, Macomb, Wayne, Washtenaw, Montoe, and Lenawee Counties; (2) from points in Montana located in Ravalli, Granite, Deer Lodge, Silver Bow, and Madison Counties to points in Michigan located in and south of Manistee, Wexford, Oscola, Clare, Isabella, Midland, Bay, Tuscola, and Huron Counties except St. Clair, Macomb, Wayne, Washtenaw, Monroe, and Lenawee Counties;

(P) *Arsenic acid*, in bulk, in tank vehicles, and *agricultural insecticide* in bulk, in tank vehicles: from points in Montana to points in Alabama (except Bay Minette); (Q) *Acids and chemicals*, in bulk, in tank or hopper vehicles: from points in Montana to points in Mississippi and Tennessee; (R) *Liquid chemicals*, in bulk, in tank or hopper vehicles: (1) from points in Montana to points in Texas located in and east of Grayson, Collin, Rockwall, Kaufman, Navarro, Linestone, Robertson, Burleson, Washington, Fayette, Lavaca, Victoria, Calhoun, and Aransas Counties except Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, and Montgomery Coun-

ties; (2) from points in Montana located in and north of Ravalli, Granite, Deer Lodge, Silver Bow, Jefferson, Broadwater, Meagher, Wheatland, Golden Valley, Fergus, Petroleum, Garfield, McCone, Dawson, and Wibaux Counties to points in Texas located in an area in and bounded by Denton, Tarrant, Dallas, Johnson, Ellis, Bosque, Coryell, Bell, Williamson, Travis, Hays, Comal, Bexar, Atascosa, McMullen, Duval, Jim Hogg, Zapata, Starr, Hidalgo, Cameron, Willacy, Kennedy, Kleberg, Nueces, San Patricio, Refugio, Goliad, De Witt, Gonzales, Caldwell, Bastrop, Lee, Milan, Falls, McLennan, and Hill Counties; (S) *Acids and chemicals*, in bulk: (1) from points in Montana to points in Louisiana and Connecticut; (T) *Acids and chemicals*, in bulk (except liquid hydrogen, liquid oxygen, and liquid nitrogen): from points in Montana to points in Georgia;

(U) *Chemicals*, in bulk: (1) from points in Montana to points in Indiana; (2) from points in Montana located in and west of Glacier, Pondera, Teton, Cascade Judith, Basin, Wheatland, Golden Valley, Yellowstone, and Carbon Counties to points in Wisconsin located in and south of Sheboygan, Washington, Dodge, Dane, Green, and Lafayette Counties; (3) from points in Montana to points in Illinois (except Jo Daviess County); (4) from points in Montana located in and west of Valley, Garfield, Rosebud, and Powder River Counties to points in Jo Daviess County, Ill; (5) from points in Montana to points in Iowa located in and south of Jackson, Clinton, Cedar, Johnson, Washington, Jefferson, Wapello, and Appanoose Counties; (6) from points in Montana located in and west of Hill, Chouteau, Cascade, Lewis and Clark, Jefferson, Silver Bow, Deer Lodge, Granite, and Ravalli Counties to points in Iowa located in Dubuque, Jones, Linn, Iowa, Poweshiek, Keokuk, Mahaska, Marion, Monroe, Lucas, Clarke, Wayne, and Decatur Counties; (V) *Liquid chemicals*, in bulk, in tank vehicles: from points in Montana to points in Pennsylvania; (W) *Chemicals*, in bulk: (1) from points in Montana to points in Ohio; (2) from points in Montana to points in Michigan located in and south of Mason, Lake, Osceola, Isabella, Midland, Bay, Tuscola, and Huron Counties; (3) from points in Montana located in and south of Mineral, Missoula, Powell, Jefferson, Broadwater, Gallatin, Park, Sweet Grass, Stillwater, Yellowstone, and Big Horn Counties to points in Michigan located in Manistee, Benzie, Leelanau, Wexford, Grand Traverse, Missaukee, Kalkaska, Antrim, Clare, Gladwin, Roscommon, Crawford, Otsego, Arenac, Ogemaw, Oscoda, Montmorency, Iosco, and Alcona Counties and points on and south of Michigan Highway 32 in Alpena County; and (X) *Vegetable Oils*, in bulk, in tank vehicles: from points in Montana, to St. Louis, Mo.

The purpose of this filing is to eliminate the gateways of: (A), (B), (C) Kansas City, Mo.; (D) Kansas City, Mo., and Marshall County, Ky.; (E) Kansas City, Mo.; (F) Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof, and Woodstock, Tenn.; (G) Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof and Memphis, Tenn.; (H) Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof and Columbia, Tenn.; (I) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones; (J) Olathe, Kans., and Kansas City, Kans., commercial zone and Lawrence, Kans.; (K) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones; and Tulsa, Okla.; (L) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones, and Muscatine, Iowa; (M) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones, and Dubuque, Iowa; (N) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones, and points in Arkansas that are within the Memphis, Tenn., commercial zone; (O) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones, and the plantsite of Blockson Chemical Co., at or near Joliet, Ill.; (P) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones, and Memphis, Tenn.; (Q) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones, and Saginaw, Mo., and points within 15 miles thereof; (R) Olathe, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zones, and Verona, Mo.; (S), (T) Kansas City, Mo.; (U) Burlington, Iowa, and points within 10 miles thereof; (V) Burlington, Iowa, and Muscatine, Iowa; (W) Burlington, Iowa, and the plantsite of Blockson Chemical Co., at or near Joliet, Ill., and (X) Kansas City, Kans.

No. MC 92983 (Sub-No. E77), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vegetable oils* (except those used as ingredients in feed), in bulk, in tank vehicles: (1) from points in Montana located in and east of Liberty, Hill, Blaine, Phillips, Garfield, Rosebud, Custer, and Carter Counties to points in Ohio located in and south of Darke, Miami, Champaign, Madison, Franklin, Licking, Coshocton, Guernsey, Harrison, and Jefferson Counties; (2) from points in Montana located in and west of Toole, Pondera, Chouteau, Fergus, Petroleum, Musselshell, Yellowstone, Treasure, Big Horn, and Powder River Counties to points in Ohio; (B) *Vegetable oils*, in bulk, in tank vehicles: (1) from points in Montana located in and east of Beaverhead, Madison, Jefferson, Broadwater, Meagher, Cascade, Chouteau, and Liberty Counties to points in Illinois located in and south of Calhoun, Greene, Macoupin, Montgomery, Christina, Shelby, Moultrie, Douglas, and Vermillion Counties; (2) from points in Montana located in and west of Ravalli, Granite, Deer Lake, Silver Bow, Powell, Lewis and Clark, Teton, Pondera, and Toole Counties to points in Illinois located in and south of Kankakee, Livingston, Woodford, Tazewell, and Fulton Counties and points in McDonough and Hancock Counties located on, south, and east of a line extending from Hamilton on the Mississippi River along U.S. Highway 136 to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the northern border of McDonough County (except Champaign and Jacksonville); (C) *Fats, oils, blends and products* thereof (except those derived from petroleum, soap products, and paint), in bulk, in tank vehicles: from points in Montana to Memphis, Tenn.;

(D) *Cottonseed oil, soybean oil, blends and products* thereof, in bulk, in tank vehicles: from points in Montana to Macon, Ga., and Jackson, Miss.; (E) *Vegetable oil and vegetable oil products* (except soap products and paint) in bulk, in tank vehicles: (1) from points in Montana to points in Alabama, Georgia (except Macon), Louisiana, and Mississippi (except Jackson); (2) from points in Montana located in Ravalli, Granite, Deer Lodge, and Silver Bow Counties to points on and south of a line beginning at the Pennsylvania-Delaware Border, thence along Interstate Highway 95 to its junction with Pennsylvania Highway 320 to its junction with U.S. Highway 1 to the Pennsylvania-New Jersey State line; (F) *Vegetable and animal fats and oils*, in bulk, in tank vehicles: from points in Montana to points in Louisiana, Mississippi, and Tennessee; (G) *Vegetable and animal fats and oils*, in bulk, in tank vehicles: (1) from points in Montana located in Ravalli, Granite, Deer Lodge and Silver Bow Counties to points in Ohio located on and south of a line extending from Ripley on the Ohio River along U.S. Highway 62 to the junction of Ohio Highway 353, thence along Ohio Highway 353 to the junction of Ohio Highway 125, thence along Ohio Highway 125 to the junction of Ohio Highway 348, thence along Ohio Highway 348 to the junction of Ohio Highway 139, thence along Ohio Highway 139 to the junction of Ohio Highway 279, thence along Ohio Highway 279 to the junction of U.S. Highway 35 to the Ohio River; (2) from points in Montana located east of Toole, Pondera, Teton, Cascade, Meagher, and Park Counties to points in Kentucky located in and south of Crittenden, Caldwell, Hopkins, Muhlenberg, Butler, Warren, Barren, Metcalfe, Cumberland, Russell, Wayne, McCreary, Whitley, and Bell Counties; (3) from points in Montana located in and west of Toole, Pondera, Teton, Cascade, Meagher, and Park Counties to points in Indiana located on and south of a line extending from the Wabash River along Indiana Highway 64 to the junction of Interstate Highway 64, thence along Interstate Highway 64 to the Ohio River, including the Princeton Commercial Zone and to points in Kentucky located in and south of Jefferson, Shelby, Anderson, Woodford, Fayette, Clark, Montgomery, Menifee, Morgan, Elliott, and Lawrence Counties; (4) from points in Montana to points in Missouri located in Ripley, Butler, Stoddard, Scott, Cape Girardeau, Mississippi, Dunklin, New Madrid, and Pemiscot Counties;

(5) From points in Montana located in and west of Mill, Chouteau, Cascade, Lewis and Clark, Jefferson, Silver Bow, Deer Lodge, Granite, and Ravalli Counties to points in Missouri located in Perry, Madison, Bollinger, Wayne, Carter, and Oregon and Howell Counties; (6) from points in Montana to points in North Carolina, South Carolina, and points in Virginia located in Lee, Scott, Washington, Smyth, Grayson, Carroll, Patrick, Henry, Pittsylvania, Halifax, Mecklenburg, Brunswick, Greensville, Southampton, and Nansemond Counties and Norfolk City; (7) from points in Montana located on and west of a line extending from the Montana-Wyoming State line along U.S. Highway 87 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to the junction of U.S. Highway 89, thence along U.S. Highway 89 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to the junction of U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada Border, including the Shelby, Great Falls, and Billings Commercial Zones to points in Virginia located in and north of Wise, Russell, Tazewell, Bland, Wythe, Pulaski, Floyd, Franklin, Bedford, Champbell, Charlette, Lunenburg, Nottoway, Dinwiddie, Sussex, Surry, and Isle of Wight Counties except Shenandoah, Page, Frederick, Warren, Rappahannock, Clarke, Fauquier, Loudoun, Prince William, Fairfax, and Arlington Counties and to points in West Virginia located in and south of Cabell, Putnam, Kanawha, Clay, Nicholas, Webster, and Pocahontas Counties; (8) from points in Montana located in Ravalli, Granite, Deer Lodge, and Silver Bow Counties to points in Delaware, points in Maryland except Garrett, Alleghany, and Washington Counties, points in New Jersey located in and south of Monmouth, Ocean, and Burlington Counties, points in Virginia located in and north of Shenandoah, Page, Rappahannock, Fauquier, and Prince William Counties and to points in West Virginia located in Mason, Jackson, Wirt, Roane, Calhoun, Gilmer, Braxton, Lewis, Upshur, Barbour, Randolph, Tucker, Pendleton, Grant, Mineral Hardy, Hampshire, Morgan, Berkeley, and Jefferson Counties; (9) from points in Montana to points in Illinois located in Union, Johnson, Alexander, Pulaski, Massac, Pope, and Hardin Counties; (10) from points in Montana located in and west of Toole, Pondera, Teton, Lewis and Clark, Jefferson, and Madison Counties to points in Illinois located in Randolph, Perry, Jefferson, Hamilton, Edwards, Wabash, White, Gallatin, Saline, Franklin, Williamson, and Jackson Counties; (11) from points in Montana to points in Arkansas located in and east of Fulton, Izard, Stone, Cleburne, Faulkner, Pulaski, Saline, Hot Spring, Clark, Nevada, and Lafayette Counties; (12) from points in Montana located in Lincoln, Flathead, Glacier, and Toole Counties to points in Arkansas located in and west of Baxter, Searcy, Van Buren, Conway, Perry, Garland, Montgomery, Pike, Hempstead, and Miller Counties except Benton, Carroll, Washington, Madison, and Crawford Counties and to points in Texas located in and east of Red River, Franklin, Wood, Smith, Cherokee, Houston, Trinity, San Jacinto, Montgomery, Harris, and Brazoria Counties;

(H) *Animal oils and fats* (except lard), in bulk, in tank vehicles: from points in Montana to points in Arkansas; (I) *Fats and oils* (except petroleum, petroleum products, and molasses), in bulk, in tank vehicles: (1) from points in Montana located in and east of Liberty, Hill, Blaine, Phillips, Garfield, Rosebud, Custer, and Carter Counties to points in Wisconsin located in and south of Crawford, Grant, Iowa, Dane, Jefferson, Waukesha, and Milwaukee Counties; (2) from points in Montana located west of Liberty, Hill Blaine, Phillips, Garfield, Rosebud, Custer, and Carter Counties except those located in and west of Lincoln, Sanders, Lake, Missoula, Powell, Jefferson, Gallatin, and Park Counties to points in Wisconsin located in and south of Buffalo, Trempealeau, Jackson, Wood, Portage, Shawano, and Menominee Counties and points in Oconto and Marinette Counties located on and south of a line extending from the northern border of Menominee County along Wisconsin Highway W to the junction of U.S. Highway 141, thence along U.S. Highway 141 to the junction of Wisconsin Highway 180, thence along Wisconsin Highway 180 to the Menominee River about 10 miles west of McAllister; (3) from points in Montana located in and west of Lincoln, Sanders, Lake, Missoula, Powell, Jefferson, Gallatin, and Park Counties to points in Wisconsin located in and south and east of Polk, Barron, Rusk, Price, Oneida, and Forest Counties; (4) from points in Montana to points in Iowa (except Lyon and Osceola Counties); (5) from points in Montana located on, west, and north of a line extending from the Montana-North Dakota State line along Montana Highway 23 to the junction of Montana Highway 16, thence along Montana Highway 16 to the junction of U.S. Highway 10, thence along U.S. Highway 10 to the junction of unnumbered highway at Glendive, thence along unnumbered highway to the junction of Interstate Highway 94 at Fallon, thence along Interstate Highway 94 to the junction of unnumbered highway 3 miles west of Rosebud, thence along unnumbered highways through Lame Deer and Birney to the Montana-Wyoming State line at Becker to points in Iowa located in Lyon and Osceola Counties;

(J) *Crude soybean oil, inedible fats, tallows and grease*, in bulk, in tank vehicles: (1) from points in Montana to Kansas City and St. Louis, Mo., and Sherman, Tex.; (2) from points in Montana located on and west of a line extending from the United States-Canada Border along unnumbered highway to the junction of U.S. Highway 89, at Browning, thence along U.S. Highway 89 to the junction of U.S. Highway 287, thence along U.S. Highway 287 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to the junction of unnumbered highway about 6 miles east of Billings, thence along unnumbered highways through Pryor and Shriver to the Montana-Wyoming State line, including the Browning, Helena, and Billings Commercial Zone to Faribault, Minneapolis, and St. Paul, Minn.; (3) from points in Montana to points in Chicago, Chicago Heights, Decatur, East St. Louis, and Rockford, Ill., Port Ivory and New York City, N.Y., and Cincinnati and Ivorydale, Ohio; (K) *Soybean oil, corn and salad oils* (except crude soybean oil to New York City, Port Ivory, N.Y., and Memphis, Tenn.), in bulk, in tank vehicles; from points in Montana to points in New York and Tennessee; (L) *Soybean oil and corn oil*, in bulk, in tank vehicles: (1) from points in Montana located in and east of Beaverhead, Madison, Jefferson, Broadwater, Meagher, Cascade, Chouteau, and Liberty Counties to points in Missouri located in and east of Scotland, Knox, Shelby, Monroe, Audrain, Callaway, Osage, Marines, Pulaski, Texas, and Howell Counties; (2) from points in Montana located west of Beaverhead, Madison, Jefferson, Broadwater, Meagher, Cascade, Chouteau, and Liberty Counties to points in Missouri located in and east of Putnam, Sullivan, Linn, Chariton, Saline, Pettis, Benton, Hickory, Polk, Greene, Christian, and Stone Counties; (M) *Soybean oil*, in bulk, in tank vehicles: (1) from points in Montana except those located in Ravalli, Granite, Deer Lodge, and Silver Bow Counties) to points in Michigan located in and south of Mason, Lake, Mecosta, Isabella, Midland, Bay, Tuscola, and Huron Counties; (2) from points in Montana located in Ravalli, Granite, Deer Lodge, and Silver Bow Counties to points in the Lower Peninsula of Michigan; and

(N) *Lard and animal oils, fats, grease and tallows*, in bulk, in tank vehicles: (1) from points in Montana to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois (except Chicago, Chicago Heights, Decatur, East St. Louis, and Rockford), Indiana, Kentucky, Maine, Maryland, Mississippi, Maine, New Hampshire, New Jersey, New York (except New York City and Port Ivory), North Carolina, Ohio (except Cincinnati and Ivorydale), Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; (2) from points in Montana to points in Michigan located in and south of Mason, Lake, Mecosta, Isabella, Midland, Bay, Tuscola, and Huron Counties; (3) from points in Montana located on and west of a line extending from the United States-Canada Border along U.S. Highway 93 to the junction of U.S. Highway 12,

thence along U.S. Highway 12 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to the junction of U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line, including the Kalispell, Missoula, Helena, Billings, and Broadus Commercial Zones to Points in the Lower Peninsula of Michigan located in and north of Manistee, Wexford, Osceola, Clare, Gladwin, and Arenac Counties. The purpose of this filing is to eliminate the gateways of: (A), (B) Kansas and points that are in both the Dupo, Ill., and St. Louis, Mo., comercial zones; (C) Kansas; (D), (E) Kansas and Memphis, Tenn.; (F) Kansas City, Kans.; (G) Kansas City, Kans., and Memphis, Tenn.; (H) Kansas City, Kans.; (I) Nebraska; (J) Nebraska and Iowa; (K) Nebraska, Iowa, and Clinton, Iowa; (L) Nebraska and Clinton, Iowa; (M) Nebraska and Muscatine, Iowa; (N) Nebraska and Dubuque, Iowa.

No. MC 107515 (Sub-No. E207) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER October 3, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tetlebaum, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in packages, from Gulfport, Miss. to the District of Columbia and points in Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, those parts of New York and Pennsylvania on and east of Interstate Highway 81, and that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 15 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of (1) Forest Park, Ga., and (2) Gatesville, N.C. The purpose of this correction is to correct the territorial description.

No. MC 108119 (Sub-No. E40), filed May 19, 1974. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Mark E. Moser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight, require special handling or the use of special equipment, related parts, materials, and supplies (not requiring special handling or the use of special equipment) when the transportation of such items is incidental to the transportation of commodities which, by reason of size or weight, require special handling or the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, restricted to the transportation of commodities which are transported on trailers, from points in the Upper Peninsula of Michigan to points in Missouri on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Minnesota.

No. MC 103341 (Sub-No. E4) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER May 19, 1976, and republished, as corrected, this issue. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials* (except stone, marble, granite, and slate), restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, and commodities which, because of size or weight, do not require the use of special equipment when transported as part of the same shipment with commodities which, because of size or weight, require the use of special equipment, . . . (4) Between points in and south of Brevard, Lake, Orange, Pasco, and Sumter Counties, Fla., on the one hand, and, on the other, points in that part of Tennessee east of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line; . . . The purpose of this filing is to eliminate the gateway of Plasteico, Virginia. The purpose of this correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 112070 (Sub-No. E1), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1255 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and north of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction Arkansas Highway 124, thence along Arkansas Highway 124 to junction Arkansas Highway 36, thence along Arkansas Highway 36 to junction Arkansas Highway 33, thence along Arkansas Highway 33 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, on the one hand, and, on the other, points in Dallam and Hartley Counties, Tex. The purpose of this filing is to eliminate the gateway of points in Kansas located within 90 miles of Enid; Okla.; and points in Colorado.

No. MC 112070 (Sub-No. E2), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1255 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on, north, and east of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 62 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 92, thence along Arkansas Highway 92 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in El Paso County, Tex. The purpose of this filing is to eliminate the gateways of points in Kansas located within 90 miles of Enid, Okla.; and points in Colorado.

No. MC 112070 (Sub-No. E3), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1255 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and north of a line beginning at the Oklahoma-Arkansas State line and extending along U.S. Highway 62 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Tennessee State line, on the one hand, and, on the other, points in San Juan County, N. Mex. The purpose of this filing is to eliminate the gateways of points within 90 miles of Enid, Okla., and points within 10 miles of Denver, Colo.

No. MC 112070 (Sub-No. E4), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1255 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Utah, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Enid, Okla., and points within 90 miles; and Denver, Colo., and points within 10 miles.

No. MC 112070 (Sub-No. E5), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1255 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Utah, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Enid, Okla., and points within 90 miles, and Denver, Colo., and points within 10 miles.

No. MC 112070 (Sub-No. E6), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1255 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Enid, Okla., and points within 90 miles, and Denver, Colo.

No. MC 114019 (Sub-No. E423) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER November 13, 1974, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). 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 I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), in mechanically refrigerated vehicles (except commodities in bulk, in tank vehicles), from the plant site of Swift and Company, at or near Grand Island, Nebr., to Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich., Nashville, Tenn., Bowling Green, Ky., and points in that part of Kentucky on and east of Kentucky Highway 61, restricted to the transportation of the commodities described above when moving from, to, or between warehouses, and other facilities of retail food business houses. The purpose of this filing is to eliminate the gateways of points in Indiana, Chicago, Ill., Louisville, Ky., and Evansville, Ind. The purpose of this correction is to correct the territorial description.

No. MC 114019 (Sub-No. E440), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration; (1) from points in Rock Island, Henry, and Whiteside Counties, Ill., to points in that part of Michigan on, north, and east of a line beginning at Lake Huron and extending along Michigan Highway 53, to its junction with Michigan Highway 59, thence along Michigan Highway 59 to U.S. Highway 24, thence along U.S. Highway 24 to the Michigan-Ohio State line; (2) from points in that part of Illinois on and south of Illinois Highway 9 to points in Michigan. The purpose of this filing is to eliminate the gateway of LaFayette, Ind.

No. MC 114019 (Sub-No. E442), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen* when transported in the same vehicle with frozen food in vehicles equipped with mechanical refrigeration, from points in the Upper Peninsula of Michigan, to points in West Virginia, Maryland, Delaware, New Jersey (except points in New York, N.Y. and Philadelphia, Pa., Commercial Zones as defined by the Commission).

No. MC 114019 (Sub-No. E443), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, in vehicles equipped with mechanical refrigeration, (A) from Detroit, Mich., to points in Indiana and Illinois (except Chicago) (points in Ohio, or Chicago)*; (B) from Detroit, Mich., to points in New York and Pennsylvania and those in New Jersey within the New York, N.Y. and Philadelphia, Pa., Commercial Zones, as defined by the Commission (points in Ohio)*; (C) from Detroit, Mich., to points in Maryland, Delaware, New Jersey (except points in the New York, N.Y. and Philadelphia, Pa. Commercial Zones, as defined by the Commission), Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, the District of Columbia, and Virginia (Cleveland, Ohio)*; (D) from Detroit, Mich., to points in Iowa, Nebraska, North Dakota, and South Dakota (Chicago, Ill.)*, (E) from Detroit, Mich., to points in Minnesota and Missouri, and those in that part of Wisconsin, on and north of a line beginning at the Minnesota-Wisconsin State line thence along U.S. Highway 16 to its junction with U.S. Highway 51, to the Wisconsin-Michigan State line (points in Ohio and Lafayette, Ind.)*. Restriction: The authority described above is restricted to the transportation commodities described therein, when moving from, to, or between warehouses and wholesale, retail or chain outlets of food business houses, or when moving from, to, or between food processing plants or warehouses or other facilities of such plants.

No. MC 114019 (Sub-No. E444), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (a) from points in Illinois, Indiana, and points in that part of Ohio, points on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction with U.S. Highway 23, to Ohio-West Virginia State line, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island; (b) from points in New York and points in that part of Pennsylvania, on and north of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 422 to its junction with U.S. Highway 219 to Pennsylvania-Maryland State line, to points in Michigan; (c) from points in New York to points in that part of Kentucky on and west of U.S. Highway 75; (d) (1) from points in that part of Illinois on and north of U.S. Highway 50, to points in New Jersey and (2) from points in that part of Illinois on and north of U.S. Highway 24, to points in Maryland; (e) from points in that part of New York on and west of a line beginning at Lake Ontario and extending along New York Highway 269 to its junction with New York Highway 104, thence along New York Highway 140 to its junction with New York Highway 271, thence along New York Highway 271 to its junction with New York Highway 239, thence along New York Highway 239 to junction with New York Highway 78, thence along New York Highway 78 to junction with New York Highway 98, thence along New York Highway 98 to junction with New York Highway 16, thence along New York Highway 16 to the New York-Pennsylvania State line, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Kentucky, West Virginia, Virginia, Virginia, Maryland, Delaware, and the District of Columbia.

(f) From points in that part of New York on and west of U.S. Highway 11, to points in Connecticut, West Virginia, and points in that part of Maryland on and west of a line beginning at the Pennsylvania-Maryland State line, thence along Maryland Highway 47 to its junction with Maryland Highway 36, thence along Maryland Highway 36 to junction with Maryland Highway 46, thence along Maryland Highway 46 to its junction with U.S. Highway 220 to the Maryland-Virginia State line, points in that part of Virginia on and west of a line beginning at the Virginia-Maryland State line, thence along U.S. Highway 11 to its junction with Virginia Highway 56, thence along Virginia Highway 56 to junction with the Blue Ridge Parkway, thence along the Blue Ridge Parkway to its junction with Virginia Highway 122, thence along Virginia Highway 122 to its junction with U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; (g) from points in that part of New York on and west of a line beginning at Lake Ontario and Windsor Beach and extending along New York Highway 18 to its junction with U.S. Highway 15, thence along U.S. Highway 15 to its junction with New York Highway 21, thence along New York Highway 21 to the New York-Pennsylvania State line, to points in Kentucky, West Virginia, Virginia, and points in that part of Maryland on and west and south of a line beginning at the Pennsylvania-Maryland State line and

extending along U.S. Highway 15 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with Maryland Highway 586, thence along Maryland Highway 586 to its junction with U.S. Highway 495, thence along U.S. Highway 495 to its junction with Maryland Highway 450, thence along Maryland Highway 450 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Maryland Highway 404, thence along Maryland Highway 404 to its junction with the Delaware-Maryland State line, and points in that part of Delaware on and south of a line beginning at the Maryland-Delaware State line and extending along Delaware Highway 404 to its junction with Delaware Highway 18, thence along Delaware Highway 18 to the Delaware River, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Erie County, Pa., or Chautauqua County, N.Y.

No. MC 123407 (Sub.-No. E244), filed November 30, 1975. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), providing through direct service from the shipping points of Chicago, Ill., to points in Ohio in and south of the counties of Butler, Warren, Greene, Madison, Franklin, Fairfield, Perry, Muskingum, Guernsey, and Belmont. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub.-No. E245), filed November 30, 1975. Applicant: SAWYER TRANSPORT INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated Steel Roofing* and fabricated steel building materials (except commodities in bulk) from the plantsite of Certain-Teed Products Corp., at East St. Louis, Ill., to points in Florida; points in Alabama in and south of the counties of Sumter, Greene, Hale, Perry, Dallas, Autauga, Elmore, Macon, and Lee; points in Georgia in and south of the counties of Harris, Talbot, Taylor, Peach, Houston, Pulaski, Dodge, Wheeler, Montgomery, Toombs, Tattnall, Evans, Bryan, and Chatham; and points in Louisiana in and south of the parishes of Vernon, Allen, Evangeline, St. Landry, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington. The purpose of this filing is to eliminate the gateway at the plantsite and warehouse facilities of Henderson Steel Corp. located at Lauderdale County, Miss.

No. MC 123407 (Sub-No. E246), filed November 30, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel* (except in bulk) from the plantsite and warehouse facilities of Henderson Steel Corporation located in Lauderdale County, Miss., to points in Michigan, Wisconsin, North Dakota, points in Minnesota (except those points in Pipestone, Murray, Cottonwood, Rock, Nobles, Jackson, Martin, and Faribault Counties, Minn.), and points in South Dakota (except in and south of the counties of Fall River, Shannon, Washabaugh, Mellette, Jones, Lyman, Buffalo, Jerauld, Sanborn, Miner, Lake, and Moody Counties S. Dak.). The purpose of this filing is to eliminate the gateway of Kokomo, Ind.

No. MC 123407 (Sub-No. E296), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from East St. Louis, Ill., to points in Minnesota, South Dakota, Upper Michigan, Lower Michigan, in the counties of Emmet, Cheboygan (Presque Isle), Charlevoix, Otsego, Montmorency, and Alpena. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E297), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Iron and steel articles as are building materials*, from McDonough County, Ill., to points in North Carolina in the counties of Brunswick, New Hanover, Pasquotank, Camden, and Currituck. The purpose of this filing is to eliminate the gateways at Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E298), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Iron and steel articles* as are building materials, from Ogle County, Ill., to all points in Georgia, North Carolina, and South Carolina, points in Texas in the counties of Bee, Refugio, and Lyecar, points in Alabama in the counties of Chambers, Lee, Macon, Russell, Pike, Barbour, Coffee, Dale, Henry, Geneva, and Houston. The purpose of this filing is to eliminate the gateways at Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E299), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Chicago, Ill., to points in Ohio in and south of the counties of Butler, Warren, Greene, Madison, Franklin, Fairfield, Perry, Muskingum, Guernsey, and Belmont. The purpose of this filing is to eliminate the gateway at Brookville, Ind.

No. MC 123407 (Sub-No. E300), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel windows and doors* from Dubuque, Iowa, to points in Georgia, restricted against the transportation of commodities which because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway at New Castle, Ind.

No. MC 123407 (Sub-No. E301), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Iron and steel* articles as are building materials, from points of L'Anse, Mich., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Arkansas (except Benton, Carroll, Boone, Marion, and Baxter Counties) and Texas (except Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, and Hemphill Counties). The purpose of this filing is to eliminate the gateway at New Castle, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-18282 Filed 6-22-76;8:45 am]

[Notice No. 75]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 18, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in

the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30487 (Sub-No. 6TA), filed June 4, 1976. Applicant: DEARMAN MOVING AND STORAGE CO., P.O. Box 1, 466 State Route 314 North, Ontario, Ohio 44862. Applicant's representative: Robert L. Baker, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting. (1) *Equipment, materials, and supplies* used in the manufacture and installation of telecommunications, equipment, and parts (except commodities in bulk and commodities requiring special equipment), from points in the United States (except Alaska and Hawaii), to points in Washington County, Tenn., and Ohio; and (2) *Telecommunications equipment, materials, parts, and supplies* (except commodities in bulk and commodities requiring special equipment); (a) between points in Washington County, Tenn., on the one hand, and, on the other, points in North Carolina, Georgia, California, Washington, Oregon, Alabama, Texas, Nebraska, Kansas, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Connecticut, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, New Jersey, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (b) between points in Ohio, on the one hand, and, on the other, points in North Carolina, Georgia, California, Washington, Oregon, Alabama, Texas, Nebraska, and Kansas, restricted to shipments moving for the account of North Electric Company, for 180 days. Supporting shipper: North Electric Company, 553 South Market St., Galion, Ohio 44833. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 34564 (Sub-No. 24TA), filed June 1, 1976. Applicant: ADOLPH J. DAROSKA, 23 Concord Hill, Pittsfield, N.H. 03263. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Lyndonville, Vt., and East Providence, R.I., to Scarborough, Gorham, Berwick, Paris, Norway, Lewiston, Gardiner, and Augusta, Maine, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Old Fox Chemical, Inc., 66 Valley St., East Providence, R.I. 02914. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 42405 (Sub-No. 34TA), filed June 11, 1976. Applicant: MISTLETOE EXPRESS SERVICE, doing business as MISTLETOE EXPRESS, 111 N. Harrison, Oklahoma City, Okla. 73125. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives) moving in express service, serving Big Hollow, Pettit Bay, Elk Creek, Flintridge, Cookson, Cookson Bend, Buncomb Creek, Texhoma Lodge, Catfish Bay, Westport Marina, Keystone Yamaha, Indian Hills Electric Co-op, Drummond, Freedom, Fox, Graham, Tatliff City, County Line, Tatums, and Velma, Okla., as off-route points in connection with applicant's regular route operations. Applicant intends to tack its existing authority with MC 42405 and Subs. Applicant also intends to interline at Dallas, Tex., Tulsa and Woodward, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 40 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., of copies thereof which may be examined at the field office named below. Send protests to: Janice Farmer, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. 3rd St., Oklahoma City, Okla. 73102.

No. MC 52460 (Sub-No. 181TA), filed June 3, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., Tulsa, Okla. 74107. Applicant's representative: Albert E. Romain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, wines, and cordials*, (1) from Bardstown, Ky., and Lynchburg, Tenn., to Houston, Tex.; (2) from Lynchburg, Tenn., to Dallas, Tex.; and (3) from Lynchburg, Tenn., Lawrenceburg, Ind., and Louisville, Ky., to Fort Worth, Tex., for 180 days. Supporting shippers: White Rose Distributing Co., 3125 W. Bolt St., Fort Worth, Tex. 76110; Julius Schepps Wholesale Liquors, 2305 Canton St., Dallas, Tex. 75226; and Quality Beverage Co., Inc., 5956 Osborn, P.O. Box 14569, Houston, Tex. 77021. Send protests to: Janice Farmer, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 52579 (Sub-No. 154TA), filed June 10, 1976. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Arlington, Tex., to points in Kansas City, Mo., and Kansas City, Kans., Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Montgomery Ward & Co., Inc., 393 Fashion Ave., New York, N.Y. 10001. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 95376 (Sub-No. 11TA), filed June 2, 1976. Applicant: McVEY TRUCKING, INC., Rural Route 1, Oakwood, Ill. 61858. Applicant's representative: Clyde Meachum, 41 On The Mall, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds* (dry), in bags; *insecticides and fungicides* (dry), in bags; and *boxed, hand operated fertilizer spreaders*, from Danville, Ill., to points in Indiana, Kentucky, Ohio, Michigan, and Wisconsin, restricted to shipments originating at the plant site of Lebanon Chemical Corporation (formerly Agrico Chemical Co.) at Danville, Ill., for 180 days. Supporting shipper: Lebanon Chemical Corporation. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 98952 (Sub-No. 33TA), filed June 1, 1976. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford St., Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 E. Capitol Ave., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in conduct of such business (except commodities in

bulk and foodstuffs), from the facilities of Consolidated Sales Corp., at or near Indianapolis, Ind., to the facilities of Jewel Food Stores, Division of Jewel Companies, Inc., at or near Franklin Park, Ill., restricted to traffic originating at named origin and destined to named destinations, for 180 days. Supporting shipper: Milton L. Erlandson, Traffic Manager, Jewel Food Stores, Division of Jewel Companies, Inc., 1955 West North Ave., Melrose Park, Ill. 60160. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 103993 (Sub-No. 870TA), filed June 8, 1976. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority souugh to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gunite and asphalt placers*, mounted on wheeled undercarriages, from Troy, Mich., to points in the United States, for 180 days. Applicant has also field an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Foundry Sand Company, 2719 Elliott, Troy, Mich. 48084. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 106398 (Sub-No. 743TA), filed June 1, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, paperboard and paperboard articles*, from Lynchburg, Va., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: Weyerhaeuser Company, 201 Dexter St. West, Chesapeake, Va. 23324. Send protests to: Janice Farmer, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 108449 (Sub-No. 393TA), filed May 27, 1976. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Superior, Wis., to points in Minnesota and Michigan, for 180 days. Supporting shipper: Murphy Oil Corporation. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 111310 (Sub-No. 21TA), filed June 10, 1976. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, Wis. 54615. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., 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 (a) Bottled Beverage, Inc., at Sparta, Wis.; (b) LaCrosse Distributing Co., Inc., at LaCrosse, Wis.; (c) Gusto Distributing, Inc., at Eau Claire, Wis.; (d) C & H Inc., of Reedsburg, at Reedsburg, Wis.; and (e) Erdman Distributing Co., Inc., at Wausau, Wis.; and (2) *Rejected shipments and the return of empty malt beverage containers*, from the warehouse facilities named in part (1) above, to Minneapolis and St. Paul, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Bottled Beverage, Inc., 204 Milwaukee St., Sparta, Wis. 54656. (2) LaCrosse Distributing Co., Inc., 2008 Oak St., LaCrosse, Wis. 54601. (3) Gusto Distributing, Inc., 525 Parkridge Drive, Eau Claire, Wis. 54701. (4) C & H Inc., of Reedsburg, 225 Railroad St., Reedsburg, Wis. 53959. And (5) Erdman Distributing Co., Inc., 415 Washington St., Wausau, Wis. 54401. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 660TA), filed June 11, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small live animals: fish, bird, rodents, reptiles, and mammals;* in packages not to exceed 125 pounds from one consignor to one consignee on any one day, and restricted to the transportation of shipments having an immediately prior movement by air (a) from Phoenix Airport, Ariz., to points in Arizona; (b) from Little Rock Airport, Ark., to points in Arkansas; (c) from Atlanta International Airport, Ga., to points in Georgia; (d) from New Orleans Airport, La., to points in Louisiana; (e) from Minneapolis/St. Paul International Airport, Minn., to points in Minnesota; (f) from Kansas City International Airport, Mo., to points in Kansas; (g) from Lambert Field, St. Louis, Mo., to points in Missouri; (h) from Fargo Airport, N. Dak., to points in North Dakota; (i) from Sioux Falls Airport, S. Dak., to points in South Dakota; (j) from Dallas/Fort Worth Airport, Houston International Airport, and San Antonio Airport, Tex., to points in Texas; (k) from Salt Lake City Airport, Utah, to points in Utah; and (l) from Casper Airport and Cheyenne Airport, Wyo., to points in Wyoming, for 180 days. Supporting shipper: Roberts Fish Farm, 6911 S.W. 99 Ave., Miami, Fla. 33165. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114552 (Sub-No. 116TA), filed June 10, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Box 333, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paperboard, and paperboard products*, from Lynchburg, Va., to points in Arkansas, Oklahoma, Louisiana, Texas, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Minneapolis, Iowa, Missouri, Wisconsin, Illinois, Indiana, Kentucky, Ohio, West Virginia, and Michigan, for 180 days. Supporting shippers: Weyerhaeuser Company, 201 Sexter St., West, Chesapeake, Va. 23324 and The Mead Corporation, 118 W. First St., Dayton, Ohio 45402. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 116073 (Sub-No. 324TA), filed June 9, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from Owatonna, Minn., to points in Montana, North Dakota, South Dakota, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: DeRose Industries, Inc. Send protests to: District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 118495 (Sub-No. 4TA), filed June 3, 1976. Applicant: COPPER FREIGHT LINES, INC., 3025 Rampart Drive, Anchorage, Alaska 99503. Applicant's representative: Richard D. Thaler, 509 West Third Avenue, Anchorage, Alaska 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, livestock, and articles of unusual value), between points within 170 air miles of Anchorage,

Alaska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Copper Valley Construction; Glennallen Lumber & Hardware, Inc.; Copper Valley Fuel; and Automotive Parts & Equipment. Send protests to: Hugh H. Chaffee, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Alaska 99510.

No. MC 119988 (Sub-No. 93TA), filed June 9, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, 2340 Fidelity, Dallas, Tex. 75201. Applicant's representative: Paul D. Angenend, 1806 Rio Grande, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Henryetta, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610, Houston, Tex. 77002.

No. MC 120737 (Sub-No. 38TA), filed June 4, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South Fourth Avenue, Canton, Ill. 61520. 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: (1) *Agricultural machinery and implements, grain headers and corn heads;* and (2) *tractors* (except truck tractors) and *parts and attachments* for agricultural machinery, agricultural implements, and tractors, when moving in mixed loads with the commodities named in (1) above, from the plant sites and facilities utilized by International Harvester Company at East Moline, Moline and Rock Island, Ill., to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), restricted to traffic originating at the above-named origins and destined to the above-named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Harvester Company. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 124170 (Sub-No. 56TA), filed June 4, 1976. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation when moving in mixed shipments with bananas, from Charleston, S.C., to Chicago, Milan, and Peoria, Ill.; Fort Wayne, Indianapolis, Lafayette and Terre Haute, Ind.; Bellefontaine, Cincinnati, Akron, Canton, Cleveland, Columbus, Springfield, and Toledo, Ohio; Detroit, Grand Rapids, Decatur, and Saginaw, Mich.; McKeesport, Philadelphia, and Pittsburgh, Pa.; New York and Lynbrook, N.Y.; Dry Ridge and Louisville, Ky.; Charleston, W. Va.; and Nashville, Tenn., and the Commercial Zone of the respectivley named destination cities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Chiquita Brands, Inc., and Del Monte Banana Co. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 126276 (Sub-No. 151TA), filed June 3, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and closures*, from St. Louis, Mo., to Louisville, Ky., and Evansville and Fort Wayne, Ind., and from Cincinnati, Ohio to Indianapolis, Ind., under a continuing contract with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., Richard Dwyer, Regional Manager-Traffic & Distribution, P.O. Box 41026, Cincinnati, Ohio 45241. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 133846 (Sub-No. 7TA), filed June 2, 1976. Applicant: ELITE LINE SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Henry U. Snavely, 410 Pine St., Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Misplaced, misrouted, or delayed airline passengers' baggage* having an immediately prior movement by air, and (2) *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), restricted in (2) above, (a) to the transportation of traffic having an immediately prior or subsequent movement by air and (b) against the transportation of any package or article weighing more than 50 pounds, between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, and those points in that portion of Pennsylvania on and east of U.S. Highway 15. Applicant intends to interline at Philadelphia International Airport, for 180 days. Supporting shippers: United Airlines, Inc.; Northwest Orient Airlines, Inc.; Eastern Air Lines, Inc.; Pan American World Airways; and American Air Lines, Inc., Philadelphia International Airport, Philadelphia, Pa. 19153. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 133937 (Sub-No. 17TA), filed June 2, 1976. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 1075, Greenville, S.C. 29651. Applicant's representative: Henry P. Willimon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, motor vehicles), restricted to traffic having a prior or subsequent movement by air or substituted for air service, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 134349 (Sub-No. 19TA), filed May 26, 1976. Applicant: B. L. T. CORPORATION, 405 Third Ave., Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, by, or used in the operation of retail department stores, between North Bergen, N.J., and New York, N.Y., on the one hand, and, on the other, Dallas, San Antonio, and Houston, Tex., under a continuing contract with Allied Stores Marketing Corporation, for 180 days. Supporting shipper: Allied Stores Marketing Corporation, 1114 Avenue of the Americas, New York, N.Y. 10036. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135082 (Sub-No. 29TA), filed June 11, 1976. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, N.E., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, fire clay, furnace or kiln lining, refractory products, and commodities* incidental to the installation thereof (except commodities in bulk moving in tank vehicles), between Au-

drain and Callaway Counties, Mo., on the one hand, and, points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: A. P. Green Refractories Co., Mexico, Mo. 65265. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 135425 (Sub-No. 17TA), filed June 1, 1976. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of drugs and medicines, from Hatboro, Pa., to Vernon, San Francisco, and Oakland, Calif.; Portland, Oreg.; Arlington, Tex.; Denver, Colo.; and Kansas City, Mo., under a continuing contract with Vick Manufacturing Division of Richardson-Merrell, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vick Manufacturing Division of Richardson-Merrell, Inc., P.O. Box 8155, Philadelphia, Pa. 19101. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 13808 (Sub-No. 5TA), filed June 7, 1976. Applicant: EDWARD R. WOLFE, doing business as WOLFE TRUCKING, 103 Ahha Lane, Bend, Oreg. 97701. Applicant's representative: Edward R. Wolfe (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pumice aggregate* in bulk, between Deschutes County, Oreg. and Yakima, Wash., under a continuing contract or contracts with Yakima Cement Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Yakima Cement Products, Inc. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139148 (Sub-No. 3TA), filed June 11, 1976. Applicant: BULK HAULERS, INC., 717 S. 12th St., St. Louis, Mo. 63102. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica flour and silica sand*, in bulk, from St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Kansas and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pennsylvania Glass Sand Corporation, East Highway 66, Pacific, Mo. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, 210 N. 12th St., Room 1465, St. Louis, Mo.

No. MC 139381 (Sub-No. 2TA), filed June 11, 1976. Applicant: SPIRIT OF 76 OVERLAND EXPRESS, INC., 6726 Mohican Trail, Fort Wayne, Ind. 46804. Applicant's representative: Joseph Fazio, 6069 Maywood Avenue, Huntington Park, Calif. 90255. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty products*, from Reading, Pa., to Beaumont, Dallas, and Houston, Tex.; Belmont, El Cajon, and Los Angeles County, Calif., under a continuing contract with Carpenter Technology Corporation, for 180 days. Supporting shipper: Carpenter Technology Corporation, P.O. Box 662, Reading, Pa. 19603. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 139381 (Sub-No. 3TA), filed June 11, 1976. Applicant: SPIRIT OF 76 OVERLAND EXPRESS, INC., 6726 Mohican Trail, Fort Wayne, Ind. 46804. Applicant's representative: Joseph Fazio, 6069 Maywood Ave., Huntington Park, Calif. 90255. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass panels*, from Los Angeles, Calif., to New Orleans, La.; Cleveland, Ohio; Seattle and Tacoma, Wash., under a continuing contract with Ornyte Fiberglass Panels, for 180 days. Supporting shipper: Ornyte Fiberglass Panels, 711 Olympic Blvd., Santa Monica, Calif. 90401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne, St., Room 204, Fort Wayne, Ind. 46802.

No. MC 139468 (Sub-No. 18TA), filed June 2, 1976. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: Kenneth R. Hoffman, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete and in sections;* (2) *building sections and building panels;* (3) *parts and accessories*, used in the installation and completion of the commodities in (1) and (2) above, and (4) *prefabricated structural components and panels and accessories*, used in the installation and completion thereof, from Terre Haute, Ind., and Houston, Tex., to points in Alaska, restricted to traffic originating at the plantsites and facilities utilized by National Steel Products Company, Inc., and to traffic under a continuing contract with National Steel Products Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Steel Products Company, Inc., P.O. Box 40490, Houston, Tex. 77040. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610, Houston, Tex. 77002.

No. MC 139482 (Sub-No. 6TA), filed June 2, 1976. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, Minn. 56073. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wallboard, insulating board, ceiling tile and accessories relating thereto and materials and supplies* used in the installation thereof, from Macon, Ga., to points in Minnesota, North Dakota, South Dakota, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armstrong Cork Company, Lancaster, Pa. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139600 (Sub-No. 9TA), filed June 8, 1976. Applicant: La CRESTA, INC., doing business as CALIFORNIA BULK EXPRESS, Escondido, Calif. 92025. Applicant's representative: Lois A. Caldwell, 414 North Hale Ave., Escondido, Calif. 92025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizers*, from El Centro, Bena, and Helm, Calif. to points in Oregon, Washington, Nevada, and Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Valley Nitrogen Producers, Inc. Send protests to: Philip Yallowitz, Bureau of Operations, District Supervisor, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 140026 (Sub-No. 4TA), filed June 1, 1976. Applicant: ELDEN LYNN, JR. AND VIRGIL NEWELL, doing business as LYNN & NEWELL TRANSPORTATION, Route #1, DeSoto, Kans. 66018. Applicant's representative: John L. Richeson, P.O. Box 7, Ottawa, Kans. 66067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete, components* used in prestressed concrete and equipment for the handling of prestressed concrete products, from the plantsite of Rocky Mountain Prestress, Inc., at or near Edwardsville, Kans., to all points within the St. Louis, Mo., and Ft. Leonard Wood, Mo., commercial zone, under a continuing contract with Rocky Mountain Prestress, Inc., for 180 days. Supporting shipper: Rocky Mountain Prestress, Inc., 8905 Kaw Drive, Kansas City, Kans. 66111. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 140648 (Sub-No. 5TA), filed June 4, 1976. Applicant: FRANKS &

SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Ice cream wafers, biscuits, paper products, bread sticks, maple syrup products, reject steel casings, coating pipe, custom machinery, and dies* used in fabricating and assembling pipe, pipe supplies, wooden products, plastic products, crated new furniture, and such items that originate outside the United States with bill of lading traveling bonded through the United States, from the International Border, located at or near Trout River, N.Y., to points in Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Montana, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin, for 180 days. Supporting shippers: Viau Limitee; Excel Paper Limited; Grissol Foods Limited; The Canada Starch Co. Limited; Pipe & Piling Supplies Ltd. and Seabridge International Shipping Ltd. Send protests to: Janice Farmer, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 141033 (Sub-No. 13TA), filed June 9, 1976. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: Richard A. Peterson, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Burial cases, caskets, coffins, and casket shells*, from Memphis, Tenn. to points in the United States (except Alaska and Hawaii); (2) *returned shipments* of burial cases, caskets, coffins and casket shells and *materials, equipment, and supplies* used in the manufacture and distribution of these commodities, from the above-described destinations to the above-described origin; and (3) *burial cases, caskets, coffins, and casket shells*, from Chicago, Ill., and Cloverdale, Calif. to Memphis, Tenn., for 180 days. Supporting shipper: Major Casket Co., Inc., 1445 Warford St., Memphis, Tenn. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141853 (Sub-No. 1TA), filed June 3, 976. Applicant: M. A. CREEKMORE AND JASPER V. BENNETT, doing business as C-B-C TRANSPORT COMPANY, P.O. Box 743, 845 Percy Street, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission and commodities which because of size, weight, or value require the use of special equipment), (1) between points in Washington and Bolivar Counties, Miss.; (2) between points in Washington and Bolivar Counties, Miss., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highways 80 and I-20 and on and west of U.S. Highways 51 and I-55; and (3) between Belzoni, Rolling Fork, and Yazoo City, Miss., on the one hand, and, on the other, Jackson and Vicksburg, Miss., restricted to the transportation of traffic having a prior or subsequent movement by rail, water, or motor vehicle, for 180 days. Supporting shippers: There are approximately 38 statements of support attached to the applicant which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 141980 (Sub-No. 1TA) (Correction), filed April 26, 1976, published in the FEDERAL REGISTER issue of May 7, 1976, republished as corrected this issue. Applicant: ROBERT BOUCHE, 603 Buchanan St., Algoma, Wis. 54201. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid manure spreaders and pumps*, from Algoma, Wis., to Sumner, Lester, Underwood, Jefferson, Council Bluffs, and Monticello, Iowa, Eureka, Prairie City, and Effingham, Ill., and Shelbyville and Brookston, Ind., under a continuing contract with The Calumet Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Calumet Company, Inc., 340 N. Water St., Algoma, Wis. 54201. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203. The purpose of this republication is to include the destination cities of Jefferson, Council Bluffs, and Monticello, Iowa and Eureka, Ill., in this proceeding, which was omitted in the previous publication.

No. MC 142066 TA, filed May 17, 1976. Applicant: LAWRENCE SCHLEGEL AND DIANA GAYLE SCHLEGAL, doing business as CENTRAL PACKFIC FREIGHT LINES, Oak & USH 101, Brookings, Oreg. 97415. Applicant's representative: John G. McLaughlin, 200 Market Bldg., Suite 1440, 200 S.W. Market St., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting (1) *General commodities* (except commodities in bulk, household goods, and commodities requiring special equipment), (I) Regular route: (a) between North Bend and Brookings, Oreg., over U.S. Highway Route 101; (b) between Coos Bay and Coquille, Oreg., over State Highway Route 42; (c) between Coquille and Bandon, Oreg. over State Highway Route 42S; and (d) between Coos Bay and Charleston, Oreg., over Various Coos Co. Roads; and (2) *general commodities* (except commodities in bulk, household goods and commodities requiring special equipment), (II) Irregular routes: Between points in Curry County, Oreg., for 180 days. Supporting shipper: There are approximately 18 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field name below. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 142074 (Sub-No. 1TA), filed June 3, 1976. Applicant: PRICE HEAVY HAULING, INC., 128 Nelson Court, Barboursville, W. Va. 25504. Applicant's representative: Gordon Price (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mine machinery, continuous coal cutting machines, shuttle cars, mine cars, and parts thereof* used in the production of coal, between the plant site of Joy Manufacturing Company, located in Franklin, Pa., on the one hand, and, on the other, points in Bell, Boyd, Breckinridge, Breathitt, Butler, Caldwell, Carter, Clay, Crittenden Davies, Elliott, Floyd, Grayson, Hardin, Harlan, Henderson, Hopkins, Jackson, Johnson, Knott, Knox, Lawrence, Leslie, Letcher, Magoffin, Martin, Morgan, Marshall, Muhlenberg, McCraken, Ohio, Owsley, Perry, Pike, Trigg, Union, Webster, and Whitley Counties, Ky.; Athens, Belmont, Carroll, Harrison, Jefferson, Meigs, Monroe, Morgan, Noble, and Washington Counties, Ohio; Bland, Buchanan, Dickerson, Grayson, Lee, Russell, Scott, Tazewell, Washington, Wise, and Wythe Counties, Va.; Barbour, Boone, Cabell, Doddridge, Fayette, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mercer, Mingo, Monongalia, Nicholas, McDowell, Preston, Raleigh, Upshur, Wayne, Wetzell, and Wyoming Counties, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Joy Manufacturing Company. Send protests to: H. R. Rhite, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 142097 (Sub-No. 1TA), filed June 4, 1976. Applicant: GRAVEL PRODUCTS, INC., 115 N.E. 1st Street, Ontario, Oreg. 97914. Applicant's representative: H. C. Fields, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, (1) from the plantsite and/or storage facilities of Ontario, Malheau Co., located in Oregon, to DeLamar Mine Site, Owyhee Co., Idaho; and (2)

from the plantsite and/or storage facilities of Ontario, Malheau Co., located in Oregon, to McCall, Calley Co., Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flynn Sand & Gravel, Inc. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission Box 07, 550 West Fort Street Boise, Idaho 83724.

No. MC 142116 (Sub-No. 1TA), filed June 1, 1976. Applicant: COLLINS AND MAY TRUCKING CO., INC., Box 584, West Liberty, Ky. 41472. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., Box 464, Frankford, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Morgan County, Ky. to Lawrence County, Ohio, under a continuing contract with Collins and May Mining Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Collins and May Mining Co., Inc. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 216 Bakhaus Bldg., 1500 West Main Street, Lexington, Ky. 40505.

No. MC 142119 (Sub-No. 1TA), filed June 10, 1976. Applicant: COMMERCIAL TRAFFIC SERVICES, INC., 2001 West 12th St., Erie, Pa. 16005. Applicant's representative: John A. Pillar, 205 Ross St., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic granules or powder and chemicals* (except in bulk), from Roosevelt, N.Y., and West Haven, Conn., to Erie and Millcreek, Twp., Pa.; (2) *Plastic fencing*, from Erie or Millcreek Twp., Pa., to Boston, Mass.; Mountain Grove, Mo.; New York, N.Y., and Providence, R.I.; and (3) *Wooden Fencing*, from Mountain Grove, Mo., to Erie and Millcreek Twp., Pa. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Fordick Corporation of Kansas City, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fordick Corporation, 2030 Grand Ave., Kansas City, Mo. 64108. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 142122 TA, filed June 4, 1976. Applicant: PASCUZZO & HONEYMAN TRUCKING, INC., 2750 S. Alameda St., Los Angeles, Calif. 90058. Applicant's representative: Paul Pascuzzo (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chicoite*, in boxes, bags, cartons, or bulk, from the plantsite of Ex-Cel Mineral Corporation approximately 16.9 miles north of McKittrick, Calif. and from Taft, Calif., to points in Flagstaff, Glendale, Ocotillo, Phoenix, Sahuarita, Tempe, Tucson, and Williams, Ariz.; Denver and Grand Junction, Colo.; Las Vegas, Reno, and Sparks, Nev.; Clackamas, Eugene, Klamath Falls, Medford, Milwaukie, Portland, Roseburg, and Salem, Oreg.; Geneva, Layton, Ogden, and Salt Lake City, Utah; Auburn, Bellingham, Ferndale, Kent., Pasco, Seattle, Spokane, Tacoma, Vancouver, and Yakima, Wash. and return of broken,damaged, refused, empty bags, or pallet material, under a continuing contract with Ex-Cel Mineral Co., for 180 days. Supporting shipper: Ex-Cel Mineral Co. Send protests to: Philip Yallowitz, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142124 TA, filed June 4, 1976. Applicant: PACKAGE DELIVERY, INC., 421 West Tremont Avenue, Charlotte, N.C. 28203. Applicant's representative: Joseph T. Bambrick, Jr., 217 Old Airport Road, Douglassville, Pa. 19518. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual parcels, packages, and other items not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, restricted to operations conducted exclusively in two axle vehicles, (1) between Franklin and Richmond Counties, Ga.; (2) between Alamance, Alexander, Anson, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Franklin, Gaston, Granville, Greene, Guilford, Harnett, Henderson, Hoke, Oredell, Johnston, Lee, Lenoir, Lincoln, McDowell, Mecklenburg, Montgomery, Moore, Nash, Orange, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Union, Vance, Wake, Wayne, and Wilson Counties, N.C.; (3) between Aiken, Anderson, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Darlington, Dillon, Fairfield, Florence, Greenville, Kershaw, Lancaster, Laurens, Lee, Lexington, Marlboro, Newberry, Orangeburg, Richland, Spartanburg, Sumter, and Union Counties, S.C.; and (4) between Pittsylvania County Va. restricted to shipments having a prior or subsequent movement by air, motor, rail and/or water carrier, for 180 days. Supporting shippers: There are approximately 33 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office name below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, N.C. 28205.

PASSENGER APPLICATIONS

No. MC 94742 (Sub-No. 38TA), filed May 26, 1976. Applicant: MICHAUD BUS LINES, INC., 61-63 Jefferson Ave., Salem, Mass. 01970. Applicant's representative: J. Alex Michaud (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip special operations, in sightseeing and pleasure tours, offering door to door service, from and to outlying areas to convenient central point of departure, Massachusetts; Commercial Zone of Boston as defined by the Commission (except the City of Boston) and the additional cities and towns: Reading, Wilmington, Winchester, Burlington, Belmont, Stoneham, Lexington, Lincoln, Concord, Waltham, Bedford, Arlington Melrose, Woburn, Dover, Westwood, Norwood, Weymouth, Braintree, Wellesley, Canton, Stoughton, Framingham, and Natick; New Hampshire Counties of Rockingham, Strafford, Merrimack, and Hillsboro; Maine County of York; all points in the United States. Applicant intends to tack authority applied for to authority presently held, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 36 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 116248 (Sub-No. 9TA), filed June 2, 1976. Applicant: TRI-STATE BUS LINES, INC., 301 North Fourth St., P.O. Box 947, Paducah, Ky. 42001. Applicant's representative: Charles Carter Baker, Jr., 18th Floor, Third National Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage; express and newspapers* when transported on the same vehicle with passengers between Leitchfield, Ky., and Louisville, Ky., serving all intermediate points; from Leitchfield, Ky., over U.S. Highway 62, and/or the Western Kentucky Parkway and/or Interstate 65 to Louisville, Ky., and return over the same routes. Restrictions: No passenger shall be handled from Elizabethtown to Louisville or from Louisville to Elizabethtown; and further restricted against the rendition of charter service originating at Louisville, Ky., and its suburban area and at Ft. Knox, Ky., between St. Charles, Ky., and Nortonville, Ky., serving all intermediate points, from St. Charles, Ky., via Kentucky Highway 112 to Earlington and to Nortonville via U.S. Highway 41 and/or U.S. Alternate 41 serving all intermediate points, between Madisonville, Ky., and Nortonville, Ky., via U.S. Highway 41 and/or U.S. Alternate 41 serving all intermediate points.

Applicant intends to tack its existing authority with MC 116248, and interline with other carriers at Paducah, Madisonville, Central City, Beaver Dam, and Leitchfield and Louisville, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 24 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Suite 2006, 100 North Main St., Memphis, Tenn. 38103.

No. MC 138146 (Sub-No. 4TA), filed June 2, 1976. Applicant: OLYMPIC TRAILS US CO., INC., 403 Scott Court, Union, N.J. 07083. Applicant's representative: John T. Hildemann, P.O. Box D, Newark, N.J. 07105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, in 49 or 51 passenger buses equipped with air conditioning and lavatory facilities, from Newark, N.J.; to Waterbury, Conn.; Washington, D.C.; Orlando, Fla.; Atlanta, Ga.; Boston, Mass.; Bear Mt., Champlain, New York, and Niagara Falls, N.Y.; Charlotte, N.C.; Lancaster City and Philadelphia, Pa.; Dallas, Tex.; and Richmond, Va., for 180 days. Supporting shipper: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 142121 TA, filed June 3, 1976. Applicant: LEWES TOURS, INC., P.O. Box 511, Lewes, Del. 19958. Applicant's representative: H. James Conaway, Jr., 1401 Market Tower, Wilmington, Del. 19899. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers with baggage* in the same vehicle, and ship stores, and *equipment, material, supplies, and parts* used aboard ship, in the same vehicle with passengers transported in special operations, between Lewes and Slaughter Beach, Del.; Marcus Hook, Morrisville, Chester, and Philadelphia, Pa. (except Philadelphia Airport); Westville, Paulsboro, Camden, Cape May, Deepwater, and Newark, N.J.; Baltimore, Chesapeake City, and Baltimore-Washington International Airport, Md.; Norfolk, Washington National Airport, and Dulles Airport, Va.; and La Guardia Airport and Kennedy Airport, N.Y., for 180 days. Supporting shippers: John E. O'Connor & Sons, Inc.; U.S. Customs Service; Delaware Bay Launch Service, Inc.; and The Pilots' Association for the Bay & River Delaware. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 142131 TA, filed June 7, 1976. Applicant: JOHN WENGRAF, doing business as TENT TOURS, 11423 North Cave Creek Road, Phoenix, Ariz. 85020. Applicant's representative: John Wengraf (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage* in special and character operations in round trip sightseeing tours limited to the transportation of not more than 12 passengers in any one vehicle, not precluding use of a separate support vehicle when necessary, with overnight accommodations in tents, beginning and ending in Coconino, Maricopa, and Yavapai Counties, Ariz., with service points at Phoenix, Flagstaff, and Sedona, Ariz., to points in Coconino, Maricopa, Mohave, and Yavapai Counties, Ariz., and Garfield, Iron, Kane, and Washington Counties, Utah, and return for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 16 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office name below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.76–18288 Filed 6–22–76;8:45 am]

federal register

WEDNESDAY, JUNE 23, 1976

PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 565–4]

PART 422—THE PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

Subpart D—The Defluorinated Phosphate Rock Subcategory

Subpart E—The Defluorinated Phosphoric Acid Subcategory

Subpart F—The Sodium Phosphates Subcategory

On January 27, 1975 notice was published in the FEDERAL REGISTER (40 FR 4102 and 4110) establishing interim final effluent limitations and guidelines for existing sources, proposing standards of performance for new sources and proposing pretreatment standards for existing and new sources for the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F) of the Phosphate Manufacturing Point Source Category (Part 422 to Chapter 40 of the Code of Federal Regulations 39 FR 6580).

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance for new sources in this segment of the phosphate manufacturing category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 422 by adding thereto the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F). Sections 422.41, 422.42, 422.43, 422.45, 422.51, 422.52, 422.53 and 422.55 applicable to defluorinated phosphate rock manufacture and to defluorinated phosphoric acid manufacture have been modified because of continuing studies and discussions with representatives of the industry. The sodium phosphate subcategory is promulgated in final form as it appeared in the interim final form except that a pH limitation of 6.0 to 9.5 is set for BPT, BAT and new source in the promulgated form. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92–500.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of interim final rulemaking and the notice of proposed rulemaking for the defluorinated phosphate rock subcategory, the defluorinated phosphoric acid subcategory and the sodium phosphates subcategory. In addition, the regulation as proposed was supported by two other documents: (1) the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Other Non-Fertilizer Phosphate Chemicals Segment of the Phosphate Manufacturing Point Source Category" January, 1975 and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Non-Fertilizer Phosphate Manufacturing Industry," September, 1974. Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the January 27, 1975 notice.

The Agency is not promulgating pretreatment standards at this time pending resolution of certain important policy issues. The agency is undertaking an intensive review of pretreatment policy, and expects to arrive at an overall approach to the pretreatment question within the near future. As soon as the policy and technical issues are resolved, new source pretreatment standards for this industry will be promulgated.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties was described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows:

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: Olin Chemicals.

Each of the comments made by Olin was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) A suggestion was made to increase the area of the "within the impoundment" definition for both existing ponds and for ponds constructed on or after the date of this regulation.

EPA has conducted extensive discussions with representatives of the fertilizer phosphate and the phosphate manufacturing industries concerning regulation of ponds and has gathered additional information on pond problems. EPA considered the special problems of use of ponds by producers of defluorinated phosphate rock and defluorinated phosphoric acid, including a review of the similarities and differences of the various pond requirements by category and subcategory. These final regulations provide relief to the problem through allowance for discharge of treated effluent in periods of heavy rainfall.

(2) The suggestion was made that consideration be given to long periods of sustained rainfall, as well as to maximum expected rainfall for one day.

These final regulations allow discharges for periods of excessive rainfall.

(3) The suggestion was made that EPA consider the exception being discussed for the fertilizer phosphate industry which allows certain discharges of "contaminated non-process waste water."

EPA has added this definition and has allowed a controlled discharge under this definition.

(4) The ability of double liming to meet the proposed phosphorus, fluoride and suspended solids concentrations was challenged.

EPA has carried out some additional studies which led to increased discharge allowances for phosphate, fluoride and suspended solids, and to a broader pH range. The regulations reflect the best judgment of EPA based on available technical data.

(b) Amendment of the proposed regulations prior to promulgation.

As a result of public comments, discussions with representatives of industry and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

A new definition, "contaminated non-process wastewater" has been added to the regulation. This deals with the handling of pollution from accidental spills, spills caused by failure of process equipment, discharges from safety showers and related personnel safety equipment, washing for the purpose of entry, inspection and maintenance and precipitation runoff. The major volume of "contaminated non-process wastewater" is cooling water that is not normally contaminated. This was added as a result of extensive discussion with industrial representatives on the problems.

The final regulation thereby includes a provision allowing a discharge of treated effluent which results from incidental leaks and spills which may occur throughout the manufacturing process as well as a provision for process wastewater. Industry has argued vigorously that it is impossible to operate a facility of this type without having occasional equipment failures which result in leakage into non-process wastewater. The Agency concurs with this general premise, but believes that any allowance for leaks and spills must be closely controlled to require a maximum management effort to minimize the possibilities of pollution caused by unnecessary leaks and spills or leaks which are otherwise left unattended. For this reason, the leaks and spills portion of the regulation contains restrictive clauses requiring prompt management attention to and correction of leaks and spills which may occur. The "contaminated non-process wastewater" allowance is made only where effluent limitations are on a concentration basis. No suspended solids limitation was placed on contaminated nonprocess wastewater because the major volume is cooling water without a significant suspended solids content.

Specifications for recirculation and reuse ponds were changed as a result of extensive discussions with industrial rep-

resentatives. Discharge of lime treated effluent in periods of catastrophic rainfall was permitted as a result of these discussions.

The permissible concentrations of fluoride, phosphorus and suspended solids in treated discharges was criticized as being too low. EPA made further studies of this problem. Higher concentrations of phosphate, fluoride, suspended solids and a broader pH range were permitted.

EPA has decided as a result of extensive studies and discussions with representatives of industry to promulgate pond freeboard capacity requirements and rainfall discharge allowances identical to those of the fertilizer phosphate industry. This arrangement permits discharge of both treated process wastewater and treated "contaminated non-process wastewater" from rock defluorination and acid defluorination manufacturing by the treatment established for wet phosphoric acid manufacture.

(c) Economic and inflationary impact.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. The Administrator has directed that all regulatory actions which are likely to result in (1) annualized costs of $100 million, (2) additional costs of production of more than 5% of the selling price, or (3) an energy consumption increase equivalent to 25,000 barrels of oil a day will require a certified inflationary impact statement. The Agency's analysis indicates that the annualized cost is $6.1 million and the increase in energy consumption is small, but the unit cost of treatment may be as high as 5.6% of selling price. Therefore, the following economic and inflationary impact statement is certified by the Administrator.

The economic impact remains the same as for those regulations issued on January 27, 1975, since the recommended technology remains the same. The results of the economic analysis is summarized below. Internal costs given in 1976 dollars are defined as investment and annual cost, where annual cost is composed of operating costs, maintenance cost, the cost of capital, and depreciation. External cost deals with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

The defluorinated phosphate rock subcategory will incur an investment cost of $5.3 million and an annual cost of $1.0 million to achieve the 1977 effluent limitations. An additional $0.2 million investment and an additional $0.1 million in annual costs are required in 1983. The unit costs range from 1.6% of selling price for the larger plants to 5.5% for the smaller plants, with an increase of 0.1% in 1983. These costs reflect that all four of the plants in this subcategory currently have ponds that may be modified to meet the standards. No decreases are expected in production, employment, or industry growth. The overall economic impact is expected to be small.

The defluorinated acid producers would have an investment of $7.7 million and an annual cost of $3.8 million to achieve the 1977 standards. An additional $1.4 million investment and an additional $0.1 million in annual costs are require in 1983. The unit costs range from 2.3% of the selling price for larger plants to 3.9% for the smaller plants, with an increase of 0.1% in 1983. Three of the eleven plants in this subcategory do not have a pond currently in place. It is expected that the high capital costs that are necessary to build the ponds may force the closure of one of these three plants. The other two plants have negative cash flows under the 1973 baseline conditions and are expected to close for reasons other than investment in pollution treatment equipment. These plants account for approximately 16% of industry capacity, but no significant reduction in industry supply is likely to occur since the other plants have some excess capacity. An estimated 39 jobs may be lost due to these closures, but these plants are in fairly large trade areas where the loss of jobs would not create a severe community impact.

The sodium tripolyphosphate subcategory consists of only one plant. This plant does not have a containment pond and would incur the full costs of the treatment system. The investment required is $400,000 with an annual operating cost of $1,100,000. No additional expense would be incurred in meeting the 1983 standards. The unit cost of pollution treatment is 4.4% of selling price. It is possible that this plant will close, causing a loss of 120,000 tons per year of production and approximately 21 jobs. The STPP plant accounts for about 12 percent of STPP production, and existing capacity in the remaining plants should be sufficient to offset any reduction in the output of STPP. It is expected that the displaced workers would be absorbed into the labor force in their community.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the other nonfertilizer phosphate segment of the phosphate manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Other Non-Fertilizer Phosphate Chemicals Segment of the Phosphate Manufacturing Point Source Category" January, 1975. It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Effluent Guidelines for the Other Non-Fertilizer Phosphate Segment of the PHOSPHATE MANUFACTURING INDUSTRY" March 1976. Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the other non-fertilizer phosphate segment of the phosphate manufacturing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Standards of Performance for the Other Non-Fertilizer Phosphate Chemicals Segment of the Phosphate Manufacturing Point Source Category," will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, VA 22151.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 422, Phosphate Manufacturing Point Source Category, is hereby amended by revising Subparts D, E and F to read as set forth below.

The final regulation promulgated below establishing the best practicable control technology currently available, the best available technology economically achievable and the standards of performance for new sources shall become effective July 23, 1976.

Dated: June 15, 1976.

RUSSELL E. TRAIN,
Administrator.

Subpart D—Defluorinated Phosphate Rock Subcategory

Sec.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307 (c) of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317 (c)); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart D—Defluorinated Phosphate Rock Subcategory

§ 422.40 Applicability; description of the defluorinated phosphate rock subcategory.

The provisions of this subpart are applicable to discharges resulting from the defluorination of phosphate rock by application of high temperature treatment along with wet process phosphoric acid, silica and other reagents.

§ 422.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "process waste water" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. The term "process waste water" does not include contaminated non-process waste water, as defined below.

(c) The term "contaminated non-process wastewater" shall mean any water including precipitation runoff, which during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of (1) precipitation runoff, (2) accidental spills, (3) accidental leaks caused by the failure of process equipment and which are repaired or the discharge of pollutants therefrom contained or terminated within the shortest reasonable time which shall not exceed 24 hours after discovery or when discovery should reasonably have been made, whichever is earliest, and (4) discharges from safety showers and related personal safety equipment, and from equipment washings for the purpose of safe entry, inspection and maintenance; provided that all reasonable measures have been taken to prevent, reduce, eliminate and control to the maximum extent feasible such contact and provided further that all reasonable measures have been taken that will mitigate the effects of such contact once it has occurred.

(d) The term "ten year 24 hour rainfall event" shall mean the maximum precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service in technical paper no. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

(e) The term "25 year 24 hour rainfall event" shall mean the maximum precipitation event with a probable recurrence interval of once in 25 years as defined by the National Weather Service in technical paper no. 40, "Rainfall Frequency Atlas of the United States," May, 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

§ 422.42 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process wastewater pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 10-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the mid point of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
pH	Within the range 6.0 to 9.5.	

§ 422.43 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to

maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the mid point of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
pH	Within the range 6.0 to 9.5.	

§ 422.44 [Reserved]

§ 422.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of standards of performance for new sources: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the mid point of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
pH	Within the range 6.0 to 9.5.	

§ 422.46 [Reserved]

Subpart E—Defluorinated Phosphoric Acid Subcategory

§ 422.50 Applicability; description of the defluorinated phosphoric acid subcategory.

The provisions of this subpart are applicable to discharges resulting from the defluorination of phosphoric acid. Wet process phosphoric acid is dehydrated by application of heat and other processing aids such as vacuum and air stripping. The acid is concentrated up to 70–73% P_2O_5 in the defluorination process.

§ 422.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "process waste water" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. The term "process waste water" does not include contaminated non-process waste water, as defined below.

(c) The term "contaminated non-process wastewater" shall mean any water including precipitation runoff, which during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of (1) precipitation runoff, (2) accidental spills, (3) accidental leaks caused by the failure of process equipment and which are repaired or the discharge of pollutants therefrom contained or terminated within the shortest reasonable time which shall not exceed 24 hours after discovery or when discovery should reasonably have been made, whichever is earliest, and (4) discharges from safety showers and related personal safety equipment, and from equipment washings for the purpose of safe entry, inspection and maintenance; provided that all reasonable measures have been taken to prevent, reduce, eliminate and control to the maximum extent feasible such contact and provided further that all reasonable measures have been taken that will mitigate the effects of such contact once it has occurred.

(d) The term "ten year 24 hour rainfall event" shall mean the maximum precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service in technical paper no. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

(e) The term "25 year 24 hour rainfall event" shall mean the maximum precipitation event with a probable recurrence interval of once in 25 years as defined by the National Weather Service in technical paper no. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

§ 422.52 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section,

the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 10-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the mid point of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
pH	Within the range 6.0 to 9.5.	

§ 422.53 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the mid point of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
pH	Within the range 6.0 to 9.5.	

§ 422.54 [Reserved]

§ 422.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of standards of performance for new sources: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the mid point of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

[Milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P).	105	35
Fluoride (as F)	75	25
pH	Within the range 6.0 to 9.5.	

§ 422.56 [Reserved]

Subpart F—Sodium Phosphates Subcategory

§ 422.60 Applicability; description of the sodium phosphates subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of purified sodium phosphates from wet process phosphoric acid.

§ 422.61 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 422.62 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	0.50	0.25
Total phosphorus (as P).	0.80	0.40
Fluoride (as F)	0.30	0.15
pH	Within the range 6.0 to 9.5.	

§ 422.63 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Metric units, kg/kkg of product; [English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	0.35	0.18
Total phosphorus (as P).	0.56	0.28
Fluoride (as F)	0.21	0.11
pH	Within the range 6.0 to 9.5.	

§ 422.64 [Reserved]

§ 422.65 Standards of performance for new sources.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the standards of performance for new sources:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	0.35	0.18
Total phosphorus (as P).	0.56	0.28
Fluoride (as F)	0.21	0.11
pH	Within the range 6.0 to 9.5.	

§ 422.66 [Reserved]

[FR Doc.76-17910 Filed 6-22-76;8:45 am]

federal register

WEDNESDAY, JUNE 23, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

HOUSING ASSISTANCE APPLICATIONS REVIEW

Supplemental Allocations; Closing Date for Submission of Requests

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-401]

PART 891—REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE; ALLOCATION OF HOUSING ASSISTANCE FUNDS

Supplemental Allocations Based Upon Areawide Housing Opportunity Plans

On April 19, 1976, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER at page 16542 a proposed amendment to Chapter VIII of Title 24 of the Code of Federal Regulations by adding to Part 886 a new Subpart C, "Supplemental Allocations Based Upon Areawide Housing Opportunity Plans." The proposed Subpart C of Part 886 has been placed in Subpart E of Part 891 as a more appropriate place.

Subpart E describes the policies and procedures governing supplemental allocations of housing assistance funds for use in jurisdictions covered by a HAP and participating in an approved Areawide Housing Opportunity Plan (Plan). The Plan, developed by an Areawide Planning Organization (APO), shall promote greater choice of housing opportunities for lower income households outside of areas containing undue concentrations of low income households.

HUD received over 30 responses to the April 19, 1976, publication. All of these comments have been carefully considered, and certain changes have been made in the regulations as a result of these comments and other pertinent considerations. The following is a discussion of the principal comments and changes.

1. The Regulations have been amended to allow supplemental housing assistance allocations under any of the programs identified in Sec. 891.101(a). Therefore, specific references limiting supplemental allocations to the Section 8 program have been deleted. The Regulations now provide that HUD will announce, through a Notice in the FEDERAL REGISTER, the amount of supplemental housing assistance funds available during any fiscal year; the program(s) for which supplemental allocations will be made; and any additional or special criteria which would be applied to specific housing programs. In addition, information relating to the closing date and the manner of submission of request for supplemental allocations has been deleted from the Regulations and will be published as a separate Notice in the FEDERAL REGISTER. The Notice for fiscal year 1976 is being published simultaneously with this rule.

2. In response to a request for clarification of the role of the APO in this program, § 891.501(a) has been amended to define an APO, as well as its role.

3. Clarification was requested as to whether county governments or units of county government can be Participating Jurisdictions. Accordingly, § 891.501(a) has been expanded to clarify that any county or other local government can be a Participating Jurisdiction.

4. It was requested that § 891.502(a)(1) specify the time period to be covered by the assessment of housing assistance needs of lower income households on an areawide basis and for each jurisdiction within the area served by the APO. This recommendation has not been accepted because of the diversity of data available for making the assessment. As a minimum, the time period covered by the assessment must be sufficient to allow the establishment of numerical goals on an annual basis as required by § 891.502(a)(2).

5. It was recommended that § 891.502(a)(1) include an additional requirement for a survey of housing conditions or an indication that such a survey is a prerequisite for an assessment of housing needs. This was not considered a reasonable requirement at this time because of the high cost of these surveys. However, to ensure that the Plan does address the basis on which the assessment was made, § 891.504 has been amended to require, as part of the Plan, a discussion of the methodology used in making the assessment of areawide housing assistance needs.

6. Several comments objected to the requirement under § 891.502(a)(1) for a detailed assessment of housing assistance needs for each jurisdiction within the area served by the APO because of the difficulties in obtaining data in the detail required for the various categories of need cited in this section. After careful consideration, this requirement has been retained because of the importance of this data in establishing the numerical goals under § 891.502(a)(2). In response to these comments, however, § 891.502(a)(1) has been clarified to indicate that, with regard to the data for that portion of the assessment pertaining to households expected to reside and to areawide and individual jurisdictional needs by household type, present form of housing tenure, female heads-of-household and minority households, the Plan can include a work plan acceptable to HUD for the preparation of that portion of the assessment, with a specific timetable for its completion.

7. A number of comments questioned whether each Participating Jurisdiction is required to have a Housing Assistance Plan (HAP) or actually participate in housing assistance programs in order to qualify as a Participating Jurisdiction. In this regard, § 891.502(a)(2) has been clarified to indicate that the reference to the consistency of the numerical goals with the needs identified in any HAP, pertain only to those Participating Jurisdictions which are covered by a HAP. However, it should be noted that the supplemental assistance can only be used in jurisdictions that are covered by HAPs.

8. Many comments requested clarification of the nature and form of the evidence of agreement between the APO and each Participating Jurisdiction on numerical goals and on the implementation of the Plan. Sec. 891.502(a)(3) has been amended to provide examples of acceptable assurances of agreement. The form of the agreement will not in itself be a basis for disqualification of a Plan which is otherwise acceptable.

9. A definition of an adequate housing allocation procedure under § 891.502(a)(4) and a clarification as to whether it is the APO or the Participating Jurisdiction which is responsible for the development of the procedure was requested. It is both difficult and undesirable to establish a specific allocation procedure in these Regulations because of the potential diversity of approaches in different areas as a result of geographical, political, or other considerations. Generally, however, a procedure will be considered satisfactory if it allocates housing assistance in a reasonable manner in accordance with the objectives of the Plan. Under the new language of the Regulations defining the role of the APO (See paragraph 2, above), it is clear that the APO is responsible for the development of the Plan and the housing allocation procedure.

10. Many comments objected to the requirement for the Plan to apply to and include as Participating Jurisdictions at least 80 percent of the jurisdictions in the area served by the APO, wherein Participating Jurisdictions represent at least 75 percent of the population of the area. The objections were based on the fact that there are substantial differences in the nature of the areas served by various types of APOs; some APOs serve numerous small communities which comprise a disproportionately small percentage of the area's population. There were a number of recommendations for alternate percentages for the required number of Participating Jurisdictions. After careful consideration of these comments and the potentially inequitable effect of the existing percentage on certain types of APOs, § 891.502(b)(1) has been revised to require participation by 50 percent of the jurisdictions in the area served by the APO which represent at least 75 percent of the population of the area. However, a new priority criterion has been added in § 891.503 for those areas where more than 50 percent of the jurisdictions participate in the Plan.

11. Several comments requested clarification of the requirement for adequate enabling legislation in all Participating Jurisdictions in which the Plan proposes the use of the Section 8 Existing Housing Program. The Regulation has been amended to delete this as a distinct condition for an acceptable Plan. The assurance of implementability with respect to programs requiring the participation of a PHA is addressed by § 891.502(b)(3).

12. Many comments questioned the ability of an APO to determine and demonstrate that Participating Jurisdictions do not have zoning or other ordinances which prohibited or otherwise restricted the provision of lower income housing. After consideration of these comments, this requirement has been deleted from the Regulation as a distinct requirement for an acceptable Plan.

However, § 891.502(b)(3) has been amended to require a demonstration that there is adequate zoning as one assurance of the Plan's implementability in those Participating Jurisdictions in which the Plan proposes the use of rehabilitated or newly-constructed housing.

13. A number of comments objected to the priority factors under § 891.503 on the basis that these factors excluded participation in the program in areas which did not meet one of these factors. It should be noted that these factors are not required for a Plan to be acceptable; they are intended to recognize those Plans which have made exceptional progress in achieving the objectives of the program established under this Subpart.

14. One comment noted that § 891.503 (a)(2) was an impossible criterion for many APOs because they lack the legal authority to actively administer and operate programs. This objection is based on a misunderstanding of the criterion, since it is not necessary for an APO to qualify for this preference. Section 891.503(a)(2) has been revised to clarify that the nature of the counseling referred to under this section is primarily that of information and referrals.

15. Sec. 891.505(d) has been revised to incorporate the suggestion that the Regulation specifically indicate that HUD will determine the distribution and program mix of units on the basis of the Plan.

16. In response to numerous comments, the deadline for submission of Plans for fiscal year 1976 has been extended from May 21, 1976, to the date stated in the Notice in the FEDERAL REGISTER.

17. Several comments suggested alternative uses for the housing assistance funds to be provided by the program described under this Subpart. It is the view of the Department that support of strategies developed on a regional level is an effective and desirable means of furthering its efforts to promote greater choice of housing opportunities for lower income households and to avoid undue concentrations of assisted persons in accordance with the mandate in Section 101(c)(6) of the Housing and Community Development Act of 1974.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A finding that this regulation is not subject to inflation impact statement requirements has also been made in accordance with HUD procedures. A copy of these findings will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Accordingly, Title 24 is amended as follows: A new Part 891, Subpart E is added to Chapter VIII to read as set forth hereinafter.

Subpart E—Supplemental Allocations Based Upon Areawide Housing Opportunity Plans

Sec.

Subpart E—Supplemental Allocations Based Upon Areawide Housing Opportunity Plans

AUTHORITY: Sec. 7(d) of the Department of HUD Act, (42 U.S.C. 3535(d)).

§ 891.501 Applicability and Scope.

(a) This Subpart describes the policies and procedures governing supplemental allocations of contract authority for the housing assistance programs identified in § 891.101(a) for use in jurisdictions covered by a HAP and participating in an approved Areawide Housing Opportunity Plan (Plan). The Plan, developed by an Areawide Planning Organization (APO), shall provide for the promotion of a greater choice of housing opportunities for lower income households outside of areas containing undue concentration of low income households.

(1) For the purposes of this Subpart, an APO is defined as an organization authorized by law or local agreement to undertake planning for a multi-county area (including county-municipality combinations) under Title IV of the Housing and Community Development Act of 1974 and/or OMB Circular A-95. Each jurisdiction, whether or not it is covered by a HAP (including counties and other local governments), with which the APO has reached agreement on numerical goals for the distribution of lower income housing assistance and on the implementation of the Plan is called a "Participating Jurisdiction".

(2) The role of the APO under the provisions of this Subpart includes, but need not be limited to, (i) development of the Plan and the allocation procedure as described in § 891.502, and (ii) submission of requests to the Secretary for supplemental allocations in accordance with § 891.504. The participation of the APO will provide a determination of the housing assistance needs on an areawide basis as well as the development of numerical goals for assisted housing in Participating Jurisdictions.

(b) The Secretary, after considering all the pertinent factors under section 213(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5301), will determine the amount of housing assistance to be used for supplemental allocations as well as the housing assistance program(s) available in any fiscal year for which such allocations will be made.

(c) The amount of the supplemental allocation provided on the basis of any approved Plan shall not be less than 20 percent nor more than 50 percent of the housing assistance allocation for the applicable housing assistance program otherwise made during the same fiscal year to Participating Jurisdictions in accordance with Part 891, Subpart D.

(d) The Secretary shall announce, through a notice in the FEDERAL REGISTER, the amount of housing assistance to be made available for supplemental allocations during any fiscal year; the housing assistance program(s) under which these allocations shall be made; any additional or special criteria which may be established for specific housing assistance programs; and the closing date and address for submission of requests for the supplemental allocations.

(e) In order to be approved as a basis for a supplemental allocation under this Subpart, a Plan must meet the criteria for acceptability set forth in § 891.502. If, however, the number of Plans meeting the acceptability criteria would require supplemental allocations in excess of the amount made available by the Secretary, priority shall be given to those Plans which also meet the criteria set forth in § 891.503.

§ 891.502 General criteria for acceptable plans.

(a) In addition to any special criteria in the Notice published pursuant to § 891.501(d), a Plan, to be acceptable, shall be a system for allocating housing assistance which provides for greater housing opportunities for lower income households outside areas of undue concentrations of low income households. The Plan shall contain, but need not be limited to, the following elements:

(1) An assessment of the housing assistance needs of lower income households on an areawide basis and for each jurisdiction within the area served by the APO (whether or not it is a Participating Jurisdiction), including households displaced or to be displaced by governmental action and an estimate of households expected to reside in each jurisdiction as a result of existing or planned employment facilities pursuant to section 570.303(c)(2) of the Community Development Block Grant regulations (24 CFR Part 570). This assessment shall indicate housing assistance needs by (i) household type (lower income households which are elderly or handicapped; large families; and other families), (ii) present form of housing tenure (owner and renter), (iii) female heads-of-households and (iv) minority households. If the Plan does not include such assessment for households expected to reside or for any of the elements specified under (i), (ii), (iii), or (iv) of this subparagraph, it shall include a work plan acceptable to the Secretary for the preparation of that portion of the assessment, with a specific timetable for its completion.

(2) Numerical goals, on an annual basis, for the distribution of lower income housing assistance to each Participating Jurisdiction which reflect the needs identified in § 891.502(a)(1). These numerical goals and the needs identified in any

HAPs applicable to Participating Jurisdictions must be generally consistent.

(3) Evidence of agreement between the APO and each Participating Jurisdiction on numerical goals for the distribution of lower income housing assistance and on the implementation of the Plan. This agreement shall be evidenced by (i) individual written agreements or other confirmation from the Executive Officer or Local Government of the Participating Jurisdiction, (ii) support of the Plan in the HAPs of Participating Jurisdictions covered by HAPs; or (iii) an equivalent provision acceptable to the Secretary.

(4) A procedure for allocating housing assistance in a reasonable manner which is in accordance with the objectives of the Plan and this Subpart.

(5) Provision for the Plan to be used in A–95 review of applications for community development and housing assistance programs.

(b) The Plan shall also meet the following conditions:

(1) The Plan shall apply to and include as Participating Jurisdictions at least 50 percent of the jurisdictions in the area served by the APO, wherein Participating Jurisdictions represent at least 75 percent of the population of the area.

(2) The Plan shall have been approved by the executive board of the APO.

(3) The APO shall demonstrate that the Plan can be implemented and that an additional allocation of housing assistance can be committed within a reasonable time within the Participating Jurisdictions consistent with the Plan. Satisfactory assurances of implementation include, but are not limited to, (i) the availability of sites which meet all applicable program standards and criteria (including adequate zoning and water and sewer capacity) in those Participating Jurisdictions in which the Plan proposes the use of newly-constructed or rehabilitated housing under the programs specified in § 891.101(a), and developer/sponsor-owner interest (e.g. as evidenced by responses to recent invitations for housing applications under these programs); (ii) the willingness and ability of established PHAs to administer or otherwise participate in the program in those Participating Jurisdictions in which the Plan proposes the use of a program specified in § 891.101(a) which requires the participation of a PHA, or actions taken by such Participating Jurisdictions to establish PHAs or to negotiate agreements with existing PHAs to perform this function; and (iii) housing assistance funds currently allocated to Participating Jurisdictions have been committed or satisfactory progress has been made in committing such funds.

(4) The data used in making the assessment of housing assistance needs in § 891.502(a)(1) is available for use by Participating Jurisdictions in preparing their HAPs.

§ 891.503 Criteria for priority plans.

(a) In order for an Acceptable Plan to qualify for priority consideration, it must meet one or more of the following criteria:

(1) The APO has completed all elements of the assessment required in § 891.502(a)(1).

(2) The APO presently administers or takes part in a program which provides housing information and referrals or related counseling and assistance to lower income and minority households desiring housing assistance outside areas which contain undue concentrations of low income or minority households.

(3) To the extent that the Section 8 Existing Housing Program is used by Participating Jurisdictions, eligible families currently are permitted to use their Section 8 Certificates of Family Participation in all Participating Jurisdictions (e.g., through use of an areawide, regional, or state public housing agency, or through cooperation or other local agreements.)

(4) The APO has endorsed and/or has become involved in the development of a voluntary areawide affirmative fair housing marketing plan which is currently operative.

(b) If the number of Plans meeting the priority criteria will require supplemental allocations in excess of the amount available, preference shall be given to those Plans which apply to and include as Participating Jurisdictions the greatest percent of the jurisdictions in the area served by the APO.

§ 891.504 Contents of requests for Supplemental allocations.

Each request for supplemental allocation shall consist of (a) a letter of transmittal; (b) an index of all materials submitted with the request, including graphs, maps, or other illustrative material; (c) a list of all jurisdictions within the area served by the APO, identification of Participating Jurisdictions and identification of Participating Jurisdictons covered by HAPs; (d) a copy of the Plan; (e) a statement with specific references to the Plan, where appropriate, which responds to each of the acceptability criteria contained in § 891.502 and the priority criteria contained in § 891.503, and discusses how the Plan conforms to these criteria; (f) a discussion of the methodology used in assessing areawide housing assistance needs under § 891.502(a)(1); (g) a description of the housing allocation procedure required under § 891.502(a)(4) and the extent to which this procedure promotes greater housing opportunities for lower income households outside areas containing undue concentration of low income households; and (h) a tentative plan, showing type of households to be assisted and type of housing proposed for the Participating Jurisdiction covered by a HAP, for using supplemental allocations of 20%, 30%, 40%, and 50% of housing assistance for the applicable program(s) otherwise allocated to Participating Jurisdictions for the current fiscal year in accordance with Part 891, Subpart D.

§ 891.505 Review and selection of plans.

(a) The Secretary shall review all Plans submitted to identify (1) Acceptable Plans under § 891.502 and (2) Priority Plans under § 891.503. Field Office Directors and Regional Administrators shall be consulted in this evaluation.

(b) On the basis of the evaluation conducted in accordance with paragraph (a) of this section, and in accordance with § 891.501, the Secretary shall select, from among all Acceptable Plans, those Plans on the basis of which supplemental allocations shall be awarded.

(c) The amount of the supplemental allocation for each of the selected Plans shall be determined by the Secretary after considering the following factors:

(1) The overall quality of the Plan with respect to each of the criteria in § 891.502 and § 891.503.

(2) The type of households (lower income households which are elderly or handicapped; large families; and other families and type of housing (new, substantial rehabilitation, or existing) proposed to be assisted with the supplemental allocation.

(3) The amount of housing assistance available for supplemental allocations and the number of Plans selected.

(4) The amount of housing assistance currently allocated to Participating Jurisdictions that is committed.

(d) After the total amount of the supplemental allocations for all the selected Plans is determined, the allocations will be distributed to the appropriate Field Office Directors for reallocation among Participating Jurisdictions covered by a HAP. The Field Office Directors will consult with APOs to determine the actual distribution and program mix of units on the basis of the Plan and other applicable administrative or statutory requirements.

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.)

Effective date: This regulation shall be effective June 23, 1976.

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

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N-76-551]

SUPPLEMENTAL SECTION 8 ALLOCATIONS

Closing Date for Submission of Requests for Supplemental Allocations Based Upon Areawide Housing Opportunity Plans

Notice is hereby given that in accordance with 24 CFR Part 891, Subpart E, requests are being accepted from Areawide Planning Organizations (APO's) for supplemental housing assistance allocations. Supplemental allocations shall be made on the basis of approved Areawide Housing Opportunity Plans (Plan) to Participating Jurisdictions covered by HAPs. For fiscal year 1976, supplemental allocations shall be limited to $20 million of housing assistance under Section 8 (including new construction, substantial rehabilitation and existing) of the United States Housing Act of 1937 (42 U.S.C. 1437). The amount of the supplemental allocation granted by HUD shall not be less than 20 percent nor more than 50 percent of the Section 8 housing assistance funds otherwise allocated by HUD for fiscal year 1976 to Participating Jurisdictions in accordance with the factors specified in section 213(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5301).

In order to receive consideration for supplemental allocations pursuant to this Notice, three copies of each request must be received by the Assistant Secretary for Housing Production and Mortgage Credit by 5 p.m., Washington, D.C., time, July 12, 1976. The request shall be addressed to:

Assistant Secretary for Housing Production and Mortgage Credit, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 6100, Washington, D.C. 20410.

In addition, three copies of the request shall be addressed to the Administrator of the HUD Regional Office serving the APO Participating Jurisdictions.

Those APO's which may already have submitted requests on the basis of the Notice of Proposed Rulemaking appearing on April 19, 1976, in the FEDERAL REGISTER (pp. 16542-16543) may, at their option, submit amendments or new requests by July 12, 1976, in the manner prescribed in this Notice.

Dated: June 11, 1976.

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

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