AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.41—No.191
9–30–76

PAGES
43131–43380

federal register

THURSDAY, SEPTEMBER 30, 1976

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

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

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federal register

Area Code 202 Phone 523–5240

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

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

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PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Delegation of Authority To Approve Branch Applications

1. Section 303.11 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 303.11) provides for the delegation of authority from the Corporation's Board of Directors to the Director of the Corporation's Division of Bank Supervision and, where confirmed in writing by the Director of the Division of Bank Supervision, to the Corporation's Regional Directors, to act on certain applications and requests from insured State nonmember banks. Section 303.12 of the rules and regulations of the Federal Deposit Insurance Corporation places certain limitations on such delegated authority by precluding delegation where (1) a condition other than one agreed to in writing by the bank, or other than a time limitation, is to be prescribed in approving an application, or (2) all necessary approvals have not been made by the State authority (12 CFR 303.12 (a)).

The Board of Directors has decided to amend paragraph (a) of § 303.12 to modify the limitations on such delegated authority with respect to actions taken between September 22, 1976 and December 31, 1976, inclusive, on branch applications of insured State nonmember banks in Florida. Under the amendment, the Director of the Division of Bank Supervision, or, when confirmed in writing by said Director, the Regional Director for the Atlanta Region will be delegated the authority to approve (but not to deny) all such branch applications on the basis of notices of intent to approve such branches issued by the Commissioner of Banking of the State of Florida in lieu of final approval, and may, in addition to those conditions prescribed in paragraph (a)(1) of § 303.12, prescribe a condition providing that the Order granting approval will become effective only upon final approval of the branch by the Florida Commissioner of Banking.

2. In § 303.12, paragraph (a) is amended by adding a new subparagraph (3) to read as follows:

§ 303.12 Applications where authority is not delegated.

(a) * * *

(3) Notwithstanding the limitations in paragraphs (a)(1) and (2) of this section, the authority delegated in § 303.11(a)(7) may be exercised during the period of September 22, 1976 to December 31, 1976, inclusive, with respect to branch applications of insured State nonmember banks in Florida, on the basis of notices of intent to approve branches issued by the Commissioner of Banking of the State of Florida in lieu of final approval as required by subparagraph (2) of this paragraph, and in addition to those conditions referred to in subparagraph (1) of this paragraph, there may be imposed a condition providing that the approving Order will not become effective until the bank has received final approval from the Commissioner of Banking of the State of Florida to establish the branch and conduct banking business at that location.

(Sec. 9, 18(d), 64 Stat. 881–82, 891; (12 U.S.C. 1819, 1828(d)))

3. The rulemaking procedures set forth in the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)) and the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 302.1, 302.2, and 302.5) with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because they constitute rules of Corporation procedure and are not substantive in nature.

4. *Effective date.* This amendment shall become effective on September 22, 1976 and shall expire without further action or notice by the Board of Directors on January 1, 1977.

By Order of the Board of Directors, September 22, 1976.

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

[FR Doc.76-28701 Filed 9-29-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 129—SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) AND ACTIVE CORPS OF EXECUTIVES (ACE)—PAYMENT OF OUT-OF-POCKET EXPENSES

Pursuant to authority cited below, I hereby prescribe regulations which provide for the payment of certain necessary out-of-pocket and travel expenses incident to the provision of services by SCORE and ACE volunteers. Since these regulations were previously promulgated by ACTION (Part 1205, Chapter XII of Title 45 of the Code of Federal Regulations) and affect a limited class of persons, viz, SCORE/ACE volunteers, notice of proposed rulemaking pursuant to the Administrative Procedure Act, 5 U.S.C. 553(a) and public participation therein is not necessary.

For the same reasons, these regulations become effective on September 30, 1976.

In consideration of the foregoing, Chapter I of Title 13 of the Code of Federal Regulations is effective as follows:

Sec.
129.1 Introduction.
129.2 Reimbursement for expenses within 50 miles.
129.3 Reimbursement for expenses beyond 50 miles.
129.4 Meetings, conferences, and workshops.

AUTHORITY: Sec. 8(b)(1)(b) of the Small Business Act, as amended, Pub. L. 90–104, 81 Stat. 268; sec. 302(c)(2), Domestic Volunteer Service Act, Pub. L. 93–113, 87 Stat 404, Executive Order 11871 dated July 18, 1975.

§ 129.1 Introduction.

The Small Business Act, as amended, Pub. L. 90–104, and the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, authorize the reimbursement of volunteers of the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) for certain out-of-pocket and travel expenses. The out-of-pocket expenses must be incident to their provision of services under this Act. Travel expenses are authorized while the volunteers are providing services away from their home or regular place of business. Travel expenses include per diem in lieu of subsistence.

§ 129.2 Reimbursement of expenses within a 50-mile radius of home.

A volunteer will be reimbursed while performing services within a 50-mile radius of his home or regular place of business for the following expenses: Local phone calls, parking fees, public transportation, bus and train fares; local taxis; personal automobile mileage charges authorized by the Standardized Government Travel Regulations; highway tolls and related expenses necessary to the provision of volunteer services approved by the appropriate District or Regional Office.

§ 129.3 Reimbursement of expenses for services beyond 50 miles.

A volunteer may provide services beyond a radius of 50 miles from his home or regular place of business only with the prior approval of the appropriate SBA Regional or District Office. Upon receipt of such approval, he will be reimbursed only for the following expenses:

(a) Automobile travel, including personal automobile mileage charges authorized by Standardized Government

Travel Regulations, highway and related tolls; and parking fees.

(b) Other travel, including bus and rail, airplane (where specifically authorized by the appropriate SBA District or Regional Office official), local taxis, and public transportation.

(c) Per diem expenses in lieu of subsistence as authorized by the Standard Government Travel Regulations.

(d) Miscellaneous related expenses including local phone calls, approved by the appropriate SBA District or Regional Office.

§ 129.4 Meetings, conferences, and workshops.

With prior approval of the appropriate SBA District or Regional Office, an authorized delegate to SCORE and ACE national, regional, or district meetings, conferences, or workshops, is authorized to receive travel expenses and per diem as provided in §§ 129.2 and 129.3. Members of the National SCORE Council may also be reimbursed for necessary expenses to attend authorized meetings, conferences, and workshops in accordance with the provisions of §§ 129.2 and 129.3.

LOUIS F. LAUN,
Acting Administrator,
Small Business Administration.

[FR Doc.76-28738 Filed 9-29-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16144; Amdt. 39-2737]

PART 39—AIRWORTHINESS DIRECTIVES

Armstrong Whitworth Argosy Model AW-650 Series 101 Airplanes

There have been reports of failures of the main undercarriage auxiliary jack attach pin on Armstrong Whitworth Model AW-650 Series 101 airplanes that could result in failure of the main landing gear. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires periodic inspections and sets a life limit on the attach pin on Armstrong Whitworth Model AW-650 series 101 airplanes.

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

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

§ 39.13 [Amended]

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

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

Compliance is required as indicated.

To prevent failure of main landing gear due to cracks in the main undercarriage auxiliary jack attach pin, accomplish the following:

(a) For airplanes with attach pins which have accumulated more than 6,000 landings but less than 10,000 landings on the effective date of this AD, within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the last three calendar months, and thereafter at intervals not to exceed three calendar months from the last inspection, inspect the pin attaching the auxiliary jack to the drag stay for cracks, in accordance with Accomplishment Instructions 2A(1) through 2A (6) of Dowty Rotol Service Bulletin No. 32-50D, dated February 23, 1976, or an FAA-approved equivalent.

(b) If a crack is found as a result of any inspection required by this AD, before further flight, comply with paragraph (d) of this AD.

(c) For airplanes with attach pins which have accumulated 10,000 or more landings on the effective date of this AD, before further flight, except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base for the performance of the work required by this AD, and for other airplanes before the accumulation of 10,000 landings on the attach pin, comply with paragraph (d) of this AD.

(d) Remove the pin attaching the auxiliary jack to the drag stay, install a new attach pin. Dowty Rotol P/N 100402604 in place thereof, and thereafter inspect in accordance with the repetitive inspection cycle set forth in paragraph (a) of this AD upon the accumulation of 6,000 landings on the new attach pin.

This amendment becomes effective October 14, 1976.

Issued in Washington, D.C. on September 21, 1976.

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

[FR Doc.76-28414 Filed 9-29-76;8:45 am]

[Docket No. 76-NE-29; Amdt. 39-2734]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Model JT8D Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the second stage fan blade retaining strap for excessive taper wear, and the installation of blade bumpers to reduce strap taper wear was published in the FEDERAL REGISTER on August 2, 1976 (41 FR 32239).

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only objection received concerned the compliance date. The commentator requested that the compliance date be extended to June 30, 1979, to reduce the number of premature engine removals and minimize engine hardware disturbances due to the forced early disassembly of engines. The commentator also recommended that the AD include provisions for a time extension based on the submittal of substantiating data.

As discussed in the notice, the June 30, 1978, date was selected only after careful consideration of all pertinent factors, including safety considerations, parts availability, and the shop capability of the industry to effect the change. After additional review of this entire matter of compliance time, the agency still considers that the June 30, 1978, compliance date represents the most appropriate compliance period for this AD in terms of the needs of safety and the ability of industry to complete the requested change. Accordingly, the compliance time is being adopted as proposed.

The agency is in agreement with the comment to include provisions in the AD for a time extension based on the submittal of substantiating data. Accordingly, the AD has been revised to include this provision.

§ 39.13 [Amended]

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

PRATT AND WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT8D-1, -1A, -1B, -7, -7A, and -7B engines.

Compliance required prior to June 30, 1978, unless already accomplished. To preclude liberation of second stage fan blades:

A. Inspect the blade retaining strap for taper wear in accordance with Section 72-33-1 of Pratt & Whitney Aircraft JT8D Series Engine Manual P/N 481672, Revision 78, or later FAA approved revision or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region. Remove from service, second stage fan blades with taper wear in excess of .0025 inch before further flight.

B. Install second stage fan blade bumper, P/N 642409, in accordance with Pratt & Whitney Aircraft Service Bulletin 2406 or later FAA approved revision or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the compliance date in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's service bulletins identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at Federal Aviation Administration Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on

this AD which includes the incorporated material in full is maintained by the Federal Aviation Administration at its headquarters in Washington, D.C., and at the New England Regional Office in Burlington, Massachusetts.

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

Issued in Burlington, Massachusetts on September 20, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

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

[FR Doc.76-28410 Filed 9-20-76;8:45 am]

[Docket No. 76-NE-18; Amdt. 39-2731]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Aircraft JT9D Model Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a repetitive No. 3 bearing compartment breather temperature check and replacement of the steel breather tube on Pratt & Whitney JT9D turbofan engines to supersede Amendment 39-2109 (40 FR 8544), as amended by Amendment 39-2137 (40 FR 12773), was published in the FEDERAL REGISTER on May 20, 1976 (41 FR 20703).

Interested persons have been afforded an opportunity to participate in the making of the amendment. During a June 10, 1976 meeting between the FAA, ATA member airlines and foreign airlines, objections were raised to the proposed inspection interval and the necessity for follow-on inspections of engines having greater than 20°C breather temperature margin. It also was proposed that engines incorporating honeycomb seals in the No. 3 bearing compartment be removed from the AD applicability. The agency has reviewed all data submitted to support the above referenced position. The rate of breather temperature margin deterioration for engines with margins of less than 10°C is such that the repetitive inspection interval for this category has been increased. Service experience of the honeycomb seals has demonstrated that they have a significant increase in rubbing tolerance, and therefore breather temperature margin, over the solid land design. Accordingly, the applicability paragraph of the AD has been changed to exclude engines incorporating honeycomb seals, in accordance with PWA Service Bulletins 4328, 4445, and 4499, from the AD. The data also shows that engines with breather temperature margin greater than 20°C do experience deterioration of the margin. Therefore, these engines cannot be excluded and the AD requires that engines having a margin greater than 10°C must be inspected every 1000 hours. Paragraph IC of the NPRM, which discontinues the repetitive breather temperature check, under certain circumstances, has been deleted from the final rule. Review of service experience has shown that engines may have a stabilized breather temperature margin for a considerable time and then experience deterioration of temperature margin.

As a result of the NPRM, data has been received which indicates a large variance in airline experience with respect to labyrinth seal deterioration. The compliance time for the AD has been established to reflect the lowest time in service prior to reaching labyrinth seal limits. However, in recognition of the variation in service data submitted by the airlines, requests for exemption from the requirements of this AD, supported by substantiating data, will be considered by the agency.

After issuing the NPRM it was determined that the delivery date of magnesium elbows would be unavoidable delayed. After careful consideration of all pertinent factors including safety, parts distribution and the airline capability to affect the change to the magnesium elbow, the compliance date, for installation, is extended 90 days.

A second meeting between FAA, ATA member airlines and foreign airlines was held on September 1, 1976. The airlines requested that the repetitive breather inspection intervals be further increased, and a paragraph be added to provide for minor adjustments in the repetitive interval to coincide with an operator's established inspection period.

Examination of all data presently available does not justify any change to the repetitive inspection interval.

In order to provide for flexibility in administering the AD, a paragraph has been added empowering the local FAA maintenance inspector to authorize, subject to prior approval of the Chief, Engineering and Manufacturing Branch, New England Region, reasonable adjustments in the repetitive inspection intervals specified to allow compliance at an established inspection period of the operator.

Paragraph I B 2 of the NPRM which describes the repetitive breather temperature check interval has been modified. The alternate initial compliance time has been increased from 100 hours to 200 hours. It will then be comparable to the minimum repetitive inspection interval.

The JT9D-7AH model engine was inadvertently omitted from the NPRM and has been added to the applicability paragraph of the final rule.

§ 39.13 [Amended]

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

PRATT AND WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Models JT9D-3A, -7, -7H, -7A, -7AH, -7F and -20 turbofan engines incorporating labyrinth solid land seals P/N's 589733, 589741, 647189 or 729774.

1. To prevent possible engine fires due to excessive No. 3 bearing compartment labyrinth seal clearances, accomplish the following:

A. Measure the breather air temperature in accordance with Pratt & Whitney Bulletin No. 4391, dated February 19, 1975, or later FAA approved revision, whenever any of the following major engine sections have been or are removed or replaced:

1. Intermediate case.

2. Rear compressor rotor and stator assembly.

3. Rear compressor drive turbine rotor assembly due to:

a. Turbine blade root fracture.

b. Multiple turbine blade airfoil fracture.

c. Failure that causes release of any other rotating part.

4. Front compressor drive turbine rotor assembly due to loss of complete blade.

5. Turbine exhaust case due to loose or missing tailcone.

6. Diffuser case.

B. Compare the measured breather air temperature with the limit defined by Pratt & Whitney, Curve 4391, dated February 14, 1975, and accomplish the following:

1. If the measured breather air temperature is above the limit, remove the engine from service prior to further flight.

2. If the measured breather air temperature is below the limit, accomplish a repetitive temperature check in accordance with the following schedule, or 200 hours after the effective date of this revision, whichever is later:

Temperature margin:	*Inspection interval (hours)*
Less than 5°C	200
5°C but less than 10°C	500
10°C or greater	1000

II. To improve the capability of promptly detecting compartment fires, replace main bearing breather tube steel elbow P/N 708237 with magnesium elbow P/N 613265 in accordance with Pratt & Whitney Service Bulletin 4560, dated March 9, 1976, or later FAA approved revision, no later than March 31, 1977.

Upon request of the operator, an equivalent method of compliance with the requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, New England Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA

at its headquarters in Washington, D.C., and at New England Region.

This supersedes Amendment 39-2109 (40 FR 8544), AD 75-05-16, as amended by Amendment 39-2137 (40 FR 12773).

This amendment becomes effective November 1, 1976.

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

Issued in Burlington, Massachusetts on September 15, 1976.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc.76-28412 Filed 9-29-76;8:45 am]

[Airspace Docket No. 76-NW-23]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to provide a normal airway width to the north alternate to V-298.

The width of V-298N was narrowed to 7 miles near Pasco, Wash., because a normal 8 mile airway would have overlapped a small portion of Restricted Area R-6715. Since Restricted Area R-6715 was recently revoked, there is no reason to continue a reduced width designation for any portion of V-298N.

This is a minor amendment upon which the public should have no particular reason to comment. Therefore, notice and public procedure thereon are deemed unnecessary.

§ 71.123 [Amended]

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt, November 4, 1976, as hereinafter set forth.

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

In V-298 ", 45 miles 8 miles wide, 13 miles 7 miles wide (3 miles N and 4 miles S of centerline)" and "The airspace within R-6715 is excluded." is deleted.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28411 Filed 9-29-76;8:45 am]

[Airspace Docket No. 76-EA-68]

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

Alteration of Transition Area

The Federal Aviation Administration is amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Chesterfield, Va., Transition Area (41 FR 468).

The new NDB Runway 33 instrument approach procedure has been developed for Chesterfield County Airport, Chesterfield, Va., predicated on the Happy Hill, Va., nonfederal radio beacon. A small amount of additional transition area airspace (approximately 1.5 square miles) is required to protect aircraft executing the new approach procedure.

The amount of additional airspace is minimal and does not pose a burden for any person. Therefore, notice and public procedure hereon are unnecessary.

§ 71.181 [Amended]

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt November 18, 1976, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Chesterfield, Va., Transition Area by adding the following:

"within 1.5 miles each side of a 322° bearing from the Happy Hill, Va. RBN (37°20'00" N., 77°27'15" W.), extending from the 5.5-mile radius area to 0.5 miles northwest of the RBN."

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the DOT Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on September 14, 1976.

WILLIAM E. MORGAN,
Director,
Eastern Region.

[FR Doc.76-28413 Filed 9-29-76;8:45 am]

[Airspace Docket No. 76-EA-35]

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

Correction of Docket

On page 33246 of the FEDERAL REGISTER for August 9, 1976, the FAA published Docket 76-EA-35 affecting the Baltimore, Md. (Glenn L. Martin State Airport) Control Zone and Baltimore, Md. Transition Area. The rule is effective 0901 November 4, 1976.

However a review indicates that the coordinates of the airport require correction. Since the corrections are of less than half a minute, the change is minor and does not impose an additional burden on any person. In view of the foregoing, Docket 76-EA-35 is amended effective upon publication in the FEDERAL REGISTER as follows:

1. Amend Items 2 and 3 by deleting the coordinates 39°19'45" N. 76°25'00" W. and inserting in lieu thereof 39°19'40" N. 76°24'57" W.

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

Issued in Jamaica, N.Y., on September 10, 1976.

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

[FR Doc.76-28415 Filed 9-29-76;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER VIII—SUSQUEHANNA RIVER BASIN COMMISSION

PART 803—REVIEW OF PROJECTS CONSUMPTIVE USES OF WATER

Standards for Review

The Commission is charged with the responsibility for overall management of the water and related resources of the Susquehanna River Basin. A Comprehensive Plan to coordinate, direct and review public and private planning, management, use and development of the water resources of the basin was issued as required by the Susquehanna River Basin Compact. The Plan identifies objectives and goals for all program areas of water use and management and is designed to provide for the optimum use or combination of uses of the basin's water resources in an effort to meet all foreseeable immediate and long-range demands in an efficient and timely manner.

Guidelines and criteria as presented in the Plan are management principles that the Commission had determined to be necessary to achieve optimum utilization of the water resources. The guidelines and criteria are included in the Plan to be used to evaluate proposed projects and programs. Review and approval of proposed projects in the basin by the Commission as required by Compact Section 3.10 will assure implementation of these water management principles.

The regulation amplifies one of these Guidelines—Guideline 13 which states that "Compensation shall be required for consumptive uses during periods of low flow". An understanding of the Commission's intention with respect to Guideline 13 will facilitate planning by future consumptive users.

On June 4, 1976, these proposed rules appeared in the FEDERAL REGISTER (41 FR 22598). Comments were received at four public hearings and by letters. The final date for submission of comments was August 16, 1976.

In consideration of the foregoing and all comments received, 18 CFR Part 803 is amended as follows:

1. By adding a new Subpart D to the Table of Contents to read as follows:

Subpart D—Standards for Review

Sec.
803.60 Purpose of this subpart.
803.61 Consumptive uses of water.

AUTHORITY: Sec. 3.4, 3.10 and 15.2, Pub. L. 91-575 (84 Stat. 1509 et seq.)

2. By revising paragraph (a)(2) of § 803.3 to read as follows:

§ 803.3 Projects requiring applications.

(a) * * *

(2) Any project involving either the consumptive use of water (as described in § 803.61), or the transfer of water into or from the basin.

* * * * *

3. By revising paragraph (a)(2) of § 803.4 to read as follows:

§ 803.4 Projects requiring review.

(a) * * *

(2) Any project involving either the consumptive use of water (as described in § 803.61), or the transfer of water into or from the basin.

* * * * *

4. By adding a new Subpart D to Part 803 to read as follows:

Subpart D—Standards for Review

§ 803.60 Purpose of this subpart.

The purpose of this subpart is to set forth standards that shall be used by the Commission to evaluate proposed projects pursuant to its authority detailed in §§ 803.1 to 803.6. This subpart does not identify all the aspects of a proposed project that will be evaluated. Nor should it be construed as a self-imposed limitation upon the Commission's authority and scope of review. These standards shall be used for review of projects in conjunction with and in addition to the Compact, Comprehensive Plan, Water Resources Program, and appropriate regulations.

§ 803.61 Consumptive uses of water.

(a) *Definitions.* For purposes of this section the words listed below are defined as follows:

(1) *Consumptive use.* Water withdrawn from its source, via a man-made conveyance system, but not directly returned thereto making it unavailable for other water users.

(2) *Dedicated augmentation.* Release from an upstream storage facility which is intended for another instream or withdrawal use.

(b) *Requirement.* (1) Compensation shall be required for consumptive uses of water during periods of low flow. Compensation is required during periods of low flow for the purposes of protection of public health; stream quality control; economic development; protection of fisheries; recreation; dilution and abatement of pollution; the prevention of undue salinity; protection of the Chesapeake Bay; and other purposes as determined by the Commission.

(2) Consumptive uses by a project not exceeding 20,000 gpd from a total withdrawal of less than 100,000 gpd from surface or groundwaters are exempt from the requirement unless such uses adversely affect the purposes outlined in paragraph (b)(1) of this section.

(c) *Method of compensation.* (1) Methods of compensation acceptable to the Commission will depend upon the character of the project's source of water supply and other factors noted below.

(i) *Stream source.* Compensation in an amount equal to the project's total consumptive use shall be required when the stream flow at the point of taking equals or is anticipated to equal the low flow criterion which is the 7-day 10-year low flow plus the project's total consumptive use and dedicated augmentation. The Commission reserves the right to apply a higher low flow criterion for a particular stream reach when it finds, as the result of evidence presented at a public hearing, that it is needed to serve the purposes outlined in paragraph (b)(1) of this section.

(ii) *Groundwater source.* Compensation shall be required for consumptive use from aquifers hydraulically related to stream flows when the stream flow is less than the applicable low flow criterion. For the purposes of implementing this regulation, withdrawals from limestone or unconsolidated alluvial aquifers shall be considered hydraulically related to surface stream flows.

(iii) The required amount of compensation shall be provided by the applicant or project sponsor at the point of taking or another appropriate site if satisfactory evidence is presented that the purposes outlined in paragraph (b)(1) of this section are not adversely affected thereby. If compensation is to be provided upstream from the point of taking such compensation shall maintain the flow downstream from the point of taking in the amount which would exist naturally, plus any other dedicated augmentation, were there no consumptive use by the project and no replacement therefor. Compensation may be provided by one, or a combination of the following:

(a) Construction or acquisition of storage facilities.

(b) Purchase of available water supply storage in existing public or private storage facilities, or in public or private facilities scheduled for completion prior to completion of the applicant's project.

(c) Purchase of water to be released as required from a water purveyor.

(d) Releases from an exisitng facility owned and operated by the applicant.

(e) Other alternatives.

(2) Alternatives to compensation may be appropriate such as discontinuance of that part of the project's operation that consumes water, imposition of conservation measures, or utilization of an alternative source that is unaffected by the compensation requirement.

(3) The Commission shall, in its sole discretion, determine the acceptable alternatives to or manner of compensation for consumptive uses by a project. Such a determination will be made after considering the project location, anticipated amount of consumptive use and its effect on the purposes set forth in paragraph (b)(1) of this section, and any other pertinent factors.

(d) *Quantity of consumptive use.* For purposes of evaluating a proposed project the Commission shall require estimates of anticipated consumptive use from the project sponsor.

The Commission, as part of the project review, shall evaluate the proposed methodology for monitoring consumptive losses and compensating flows including flow metering devices, stream gages, and other facilities used to measure the consumptive use of the project or the rate of streamflow. If the Commission determines that additional flow measuring devices are required these shall be provided at the expense of the applicant and shall be subject to inspection by the Commission at any time. When the project is operational, the project sponsor shall be responsible for determining when compensation is required and shall notify the Commission immediately when compensation releases commence and cease. The project sponsor shall provide the Commission with periodic reports in the time and manner as it requires showing actual consumptive uses associated with the project. The Commission may use this data to modify, as appropriate, the magnitude and timing of the compensating releases initially required when the project was approved.

(e) *Quality of Compensation Water.* The physical, chemical and biological quality of water used for compensation shall at all times meet the quality requirements for the purposes listed in paragraph (b)(1) of this section, as applicable.

(f) *Effective Date.* This section shall apply to all consumptive uses initiated since January 23, 1971. Any project that has initiated consumptive use after the effective date is subject to this requirement. Such users or projects which will begin consumptive uses in the near future must comply with the requirement within a time period to be set by the Commission for individual projects.

Dated: September 14, 1976.

ROBERT J. BIELO,
Executive Director, Susquehanna River Basin Commission.

[FR Doc.76-28605 Filed 9-29-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0080]

PART 310—NEW DRUGS

Labeling for Digoxin Products for Oral Use

The Food and Drug Administration (FDA) is revising the labeling for digoxin products for oral use, effective November 29, 1976.

On or after that date, any digoxin product for oral use whose labeling does not comply with the amended regulation under § 310.500(e) (21 CFR 310.500(e))

is subject to regulatory action in the enforcement of sections 502 and/or 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352, 355). The amendment was proposed in a notice published in the FEDERAL REGISTER of April 28, 1976 (41 FR 17755. Interested persons were invited to submit comments on the proposal on or before May 28, 1976.

As stated in the proposal, this amendment revising the labeling for digoxin products for oral use does not affect the stay drug the submission of abbreviated new drug applications published in the FEDERAL REGISTER of March 8, 1974 (39 FR 9184). It does, however, remove the stay insofar as it affects labeling requirements for digoxin products.

In response to the proposal, comments were received from one pharmaceutical firm and one clinical laboratory. They contained several specific requests for revisions or clarification of the regulation. A summary of the significant issues raised by the two comments and the conclusions of the Commissioner of Food and Drugs are as follows:

1. One comment complained of the failure of FDA to require the digoxin labeling to state that use of the drug must be monitored by serum digoxin levels. The comment noted that 25 percent of all hospitalized patients taking digoxin develop toxicity and, because of variation in bioavailability, absorption, and excretion, monitoring serum digoxin levels is the only reliable method of preventing digoxin toxicity. The comment added that the monitoring can be done inexpensively with the use of unsophisticated equipment available in any hospital laboratory.

The Commissioner disagrees with the comment's contention that serum digoxin levels are the only reliable method of preventing digoxin toxicity. In a recent article by J. A. Ingelfinger and P. Goldman, "The Serum Digitalis Concentration—Does It Diagnose Toxicity?", *New England Journal of Medicine*, 294:16, April 15, 1976, Drs. Ingelfinger and Goldman concluded, after a survey and analysis of 27 reports, that the usefulness of serum digoxin concentration as a test for toxicity has not been established. A copy of this article is on file in the office of the Hearing Clerk, Food and Drug Administration. The Commissioner believes that the medical question of whether a particular patient at a particular time needs more or less digoxin can be a very challenging one. Making the appropriate decision in this area requires that a physician, using his skill and expertise, weigh a number of clinical factors—e.g., cardiac disturbances and the presence of other diseases, among others.

Moreover, the authors point out, the value of using serum digoxin levels at this stage of our knowledge has not been firmly established. The Commissioner agrees with Ingelfinger and Goldman on this issue and concludes that, while the measurement of serum digoxin levels is a useful adjunct in appraising digitalis toxicity, it is premature to require such monitoring as part of drug labeling.

2. One comment stated that since new clinical information supporting the interaction of digoxin and antacids or antidiarrheal compounds in the gastrointestinal tract has been developed, the following statement should be included in the precaution section of the package insert: "Recent studies have confirmed the fact that some antacids and antidiarrheal drugs will decrease the absorption of oral digoxin. These agents appear either to adsorb the drug or to interfere with its transit across the intestinal mucosa through other mechanisms. It is therefore recommended that these substances not be given concomitantly with oral digoxin. Instead there should be a 4–6 hour interval between the ingestion of digoxin and the use of an antacid or antidiarrheal compound."

The Commissioner is aware that a number of compounds, including some antidiarrheal and antacid drugs and neomycin, have been reported to affect the rate and extent of absorption of oral digoxin. However, the dynamics of this phenomenon have not been adequately studied and may well be far more complex than the comment suggests. The Commissioner concludes that the available data are insufficient to justify revising the labeling to include the precaution statement suggested by the comment. New data are continually being generated in this area and, if data sufficient to support the position become available, the Commissioner will propose the appropriate changes in the labeling.

3. One comment said that the statement in the preamble to the proposal that "labeling now being used calls for dosages that, if followed literally, could result in serious, even lethal, overdosages," could cause undue harm. The comment contended that such language, particularly if quoted in the lay and medical press, could cause great confusion among physicians and the thousands of patients who are presently taking digoxin products and, indeed, could create a health hazard if patients, because of confusion, stop taking their medication.

The Commissioner believes the statement in the preamble to be accurate. While not intended to alarm physicians or patients, it is clear and compelling justification to revise without delay the official dosage recommendations for oral digoxin products. The Commissioner believes that physicians, because of their experience in using digoxin and their knowledge of reports in the medical literature, have already recognized that the dosage recommendations in the labeling in general use before the proposal was issued are not correct. Physicians familiar with digoxin have thus not been following the former dosage recommendations but rather have been prescribing the dosages proposed in the revised labeling. The Commissioner does not believe that physicians will be confused by the revised dosage recommendations or that patients should be concerned that the dosages prescribed by their physicians have not been in accordance with these proper dosages recommended in the revised labeling.

4. One comment stated that, because of conflicting medical opinion, the proposed labeling should be modified by deleting the statement regarding hypokalemia under the PRECAUTIONS section.

The Commissioner agrees that the effect of hypokalemia on the inotropic effect of digoxin is more complex than the proposed labeling indicated. Therefore, after reviewing the material submitted with the comment, the Commissioner is revising the labeling. The statement in the third paragraph of the PRECAUTIONS section, "Hypokalemia also tends to reduce the positive inotropic effect of digoxin" is changed to read "Hypokalemia may also alter the rate of onset and intensity of the positive inotropic effect of digoxin. Therefore, it is desirable to maintain normal serum potassium levels in patients being treated with digoxin." Consistent with this, in the fourth paragraph of the PRECAUTIONS section, the Commissioner is adding the following sentence: "In general, rapid changes in serum potassium or other electrolytes are to be avoided, and intravenous treatment with potassium should be reserved only for special circumstances as described below (see TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES section)."

5. One comment said that the statements under the DOSAGE AND ADMINISTRATION section of the proposed labeling dealing with patients with renal impairment need some clarification. The comment stated that: (1) Maintenance doses of the drug do indeed need reduction proportional to the degree of renal failure, and (2) the digitalizing dose needs to be reduced depending on the mode of digitalization and reduced with decreased renal function. The comment added that it is more accurate to say that blood levels of digoxin necessary to produce signs of toxicity may develop sooner in patients with decreased renal function. The comment stated further that the explanation for the delay in plateau of steady-state serum levels needs to be expanded because many physicians do not appreciate the pharmacokinetic principle involved, i.e., that the prolongation of serum half-life time occurs with decrease in renal function.

The Commissioner believes that this comment is essentially correct since pharmacokinetics is a branch of pharmacology with which many physicians are not familiar. However, the requested change in the labeling regarding blood levels and signs of digoxin toxicity has the effect of giving blood levels more prominence than they deserve. As pointed out in response to the first comment, the nature of the relationship between serum levels and digoxin toxicity has not been clearly established. The Commissioner agrees that further explanation for the delay in steady-state serum levels is needed and is revising the eighth paragraph under DOSAGE AND ADMINISTRATION to read as follows: "In patients with renal impairment, digoxin excretion is impaired and serum half-life is prolonged (see ACTION section). Digitalizing and main-

tenance doses are lower than those recommended for patients with normal renal function. Signs of digoxin toxicity develop sooner in patients with renal impairment, and it takes longer for toxic signs and symptoms to disappear. Because of the prolonged half-life, a longer period of time is required to achieve an initial or new steady-state plateau in patients with renal impairment than in patients with normal renal function."

6. The comment from a manufacturer stated that, after discussions with FDA, it had revised its package insert before the publication of the proposal. The comment stated further that the company's revised insert differed only in insignificant respects from that proposed by FDA and that the company would like to use the present insert until stocks are exhausted in the fall of 1976.

In the preamble to the proposal, the Commissioner encouraged manufacturers to revise their labeling before publication of the final regulation. However, he pointed out that those manufacturers who do so might have to revise their labeling in accordance with the final regulation within 60 days after a final regulation is issued if the labeling in the final regulation differs from that proposed. The Commissioner advises that, because manufacturers have had ample notice on this matter and because of the potential public health hazard involved, no exemptions from the labeling requirements will be granted. Whether a particular manufacturer's labeling comports with the labeling requirements is outside the scope of this notice.

7. In the preamble to the April 28, 1976 proposal, the paragraph dealing with the WARNINGS section concerning the use of digoxin in the treatment of obesity was described and printed as a boxed warning. However, due to an oversight, where the warning appeared in the proposed labeling under § 310.500 (e), it was not enclosed in a box. The Commissioner advises that the oversight has been corrected in the final regulation and, accordingly, the first paragraph of the WARNINGS section of the labeling appears as a boxed warning as originally intended.

8. The Commissioner, on his own initiative, has revised a statement in the pediatric DOSAGE AND ADMINISTRATION section of the labeling. This statement as proposed reads: "Children, over 10 years of age, require adult proportions by body weight." The Commissioner has concluded that this statement is not clear. Therefore, to clarify that the statement refers to dosages, he has revised the statement in the final regulation to read: "Children over 10 years of age require adult dosages in proportion to their body weight."

9. The TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES section of the labeling states that other agents that have been approved for the treatment of digoxin intoxication include procainamide, lidocaine, and beta adrenergic blocking agents. The only beta adrenergic blocking agent that has been approved for the treatment of digoxin intoxication is propranolol. Therefore, the Commissioner has revised the labeling to substitute "propranolol" for "beta adrenergic blocking agent."

(Secs. 201(p), 502, 505, 701(a); 52 Stat. 1041–1042, 1049–1053, 1055 (21 U.S.C. 321(p), 352, 355, 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))

Part 310 of Title 21 of the Code of Federal Regulations is amended by revising § 310.500(e) to read as follows:

§ 310.500 Digoxin products for oral use; conditions for marketing.

* * * * *

(e) Parts of the digoxin product labeling indicated below shall be as follows:

DIGOXIN LABELING GUIDELINES

(ADULT AND PEDIATRIC)

DESCRIPTION

Digoxin is one of the cardiac (or digitalis) glycosides, a closely related group of drugs having in common specific and powerful effects on the myocardium. These drugs are found in a number of plants. The term "digitalis" is used to designate the whole group. Typically, the glycosides are composed of three portions: a steroid nucleus, a lactone ring, and a sugar (hence "glycosides").

(This section should include a chemical and physical description of digoxin and the same quantitative ingredient information as that required on the label.)

ACTION

The digitalis glycosides have qualitatively the same therapeutic effects on the heart. They (1) increase the force of myocardial contraction, (2) increase the refractory period of the atrioventricular (A–V) node, and (3) to a lesser degree, affect the sinoatrial (S–A) node and conduction system via the parasympathetic and sympathetic nervous systems.

Gastrointestinal absorption of digoxin is a passive process. About 50–75 percent of digoxin in tablet form is absorbed. Digoxin is only 20–25 percent bound to plasma proteins and is predominantly excreted by the kidneys unmetabolized unless there is significant renal failure. Renal excretion of digoxin is proportional to glomerular filtration rate and is largely independent of urine flow. Digoxin is not effectively removed from the body by dialysis, exchange transfusion, or during cardiopulmonary bypass, presumably because of tissue binding. In subjects with normal renal function, digoxin is excreted exponentially with an average half-life of 36 hours, resulting in the loss of 35–40 percent of the body stores daily.

Serum levels and pharmacokinetics are essentially unchanged by massive weight loss, suggesting that lean body mass should be used in dosage calculations. The peak blood level from oral dosing with tablets occurs 1–3 hours after administration. The onset of therapeutic action of digoxin after oral tablets is 1–2 hours, with the peak therapeutic effect occurring 6–8 hours after dosing.

INDICATIONS

1. Congestive heart failure, all degrees, is the primary indication. The increased cardiac output due to digoxin results in diuresis and general amelioration of the disturbances characteristic of right (venous congestion, edema) and left (dyspnea, orthopnea, cardiac asthma) heart failure.

Digoxin, generally, is most effective in "low output" failure and less effective in "high output" (bronchopulmonary insufficiency, infection, hyperthyroidism) heart failure.

Digoxin should be continued after heart failure is abolished unless some known precipitating factor is corrected.

2. Atrial fibrillation, especially when the ventricular rate is elevated. Digoxin rapidly reduces ventricular rates and eliminates the pulse deficit. Palpitation, precordial distress or weakness are relieved and any concomitant congestive failure ameliorated.

Digoxin should be continued in doses necessary to maintain the desired ventricular rate and other clinical effects.

3. Atrial flutter. Digoxin slows the heart and regular sinus rhythm may appear. Frequently the flutter is converted to atrial fibrillation with a slow ventricular rate. Stopping digoxin at this point may be followed by restoration of sinus rhythm, especially if the flutter was of the paroxysmal type. It is preferable, however, to continue digoxin if failure ensues or if atrial flutter is a frequent occurrence.

4. Paroxysmal atrial tachycardia. Oral digoxin may be used, especially if the condition is resistant to lesser measures. Depending on the urgency, a more rapid acting parenteral preparation may be preferable to initiate digitalization, although if heart failure has ensued or paroxysms recur frequently, digoxin should be maintained by oral administration.

Digoxin is not indicated in sinus tachycardia unless due to heart failure.

5. Cardiogenic shock. The drug is often employed, especially when the condition is accompanied by pulmonary edema. Digoxin seems to affect adversely shock due to septicemia from gram negative bacteria.

CONTRAINDICATIONS

The presence of toxic effects (See ADVERSE REACTIONS section) induced by any digitalis preparation is a contraindication to all of the gylcosides.

Allergy, though rare, does occur. It may not extend to all preparations, and another may be tried.

Ventricular fibrillation.

WARNINGS

> Digitalis alone or with other drugs has been promoted for use in the treatment of obesity. This use of digoxin or other digitalis glycosides is unwarranted. Moreover, since they may cause potentially fatal arrhythmias or other adverse effects, the use of these drugs in the treatment of obesity is dangerous.

Many of the arrhythmias for which digoxin is advised closely resemble those reflecting digoxin intoxication. If the possibility of digoxin intoxication cannot be excluded, cardiac glycosides should be temporarily withheld if permitted by the clinical situation.

The patient with congestive heart failure may complain of nausea and vomiting. These symptoms may also be indications on digoxin intoxication. A clinical determination of the cause of these symptoms must be attempted before further drug administration.

Patients with renal insufficiency require smaller than usual doses of digoxin. See ACTION section for mechanism.

PRECAUTIONS

Atrial arrhythmias associated with hypermetabolic states are particularly resistant to digoxin treatment. Care must be taken to avoid digoxin toxicity if digoxin is used to help the arrhythmia.

Digoxin is not indicated for the treatment of ventricular tachycardia unless congestive heart failure supervenes after a protracted episode not itself due to digoxin.

Potassium depletion sensitizes the myocardium to digoxin, and toxicity may develop

even with usual dosage. Hypokalemia may also alter the rate of onset and intensity of the positive inotropic effect of digoxin. Therefore, it is desirable to maintain normal serum potassium levels in patients being treated with digoxin.

Potassium wastage may result from diuretic or corticosteroid therapy, hemodialysis, and from suction of gastrointestinal secretions. It may accompany malnutrition, diarrhea, prolonged vomiting, old age, and long-standing congestive heart failure. In general, rapid changes in serum potassium or other electrolytes are to be avoided, and intravenous treatment with potassium should be reserved only for special circumstances as described below (see TREATMENT of ARRHYTHMIAS PRODUCED BY OVERDOSAGES section).

Patients with acute myocardial infarction, severe pulmonary disease, or far advanced heart failure may be more sensitive to digoxin and more prone to disturbances of rhythm.

Calcium affects contractility and excitability of the heart in a manner similar to that of digoxin. Calcium may produce serious arrhythmias in digitalized patients.

In myxedema the digoxin requirements are less because excretion rate is decreased and blood levels are significantly higher.

In incomplete A–V block, especially in patients subject to Stokes-Adams attacks, advanced or complete heart block may develop if digoxin is given. Heart failure in these patients can usually be controlled by other measures and by increasing the heart rate.

Patients with chronic constructive pericarditis may respond unfavorably to digoxin.

Patients with idiopathic hypertrophic subaortic stenosis must be managed extremely carefully. Unless cardiac failure is severe, it is doubtful whether digoxin should be employed.

Renal insufficiency delays the excretion of digoxin, and dosage must be adjusted accordingly in patients with renal disease. NOTE: This applies also to potassium administration should it become necessary.

Electrical conversion of arrhythmias may require reduction of digoxin dosage.

ADVERSE REACTIONS

Gynecomastia, uncommon.

Overdosage or toxic effects.

Gastrointestinal: Anorexia, nausea, vomiting, diarrhea are the most common early symptoms of overdosages in the adult (but rarely conspicuous in infants). Uncontrolled heart failure may also produce such symptoms.

Central nervous system: Visual disturbances (blurred vision, yellow vision), headache, weakness, apathy.

Cardiac disturbances (arrhythmias): Ventricular premature beats are the most common, except in infants and young children. Paroxysmal and nonparoxysmal nodal rhythms, atrioventricular (interference) dissociation and paroxysmal atrial tachycardia (PAT) with block are also common arrhythmias due to digoxin overdosage. Conduction disturbances: Excessive slowing of the pulse is a clinical sign of digoxin overdosage. Atrioventricular block of increasing degree may proceed to complete heart block. Note: The electrocardiogram is fundamental in determining the presence and nature of these cardiac toxic disturbances. Digoxin may also induce other changes (as of the ST segment), but these provide no measure of the degree of digitalization.

TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES

Digoxin should be discontinued until all signs of toxicity are abolished. Discontinuation may be all that is necessary if toxic manifestations are not severe and appear after the time for peak effect of the drug.

Potassium salts are commonly used. Potassium chloride in divided oral doses totaling 4–6 grams for adults (see PEDIATRIC INFORMATION section for pediatric dosage) may be given provided renal function is adequate.

When correction of the arrhythmia is urgent and the serum potassium level is low or normal, potassium should be administered intravenously in a solution of 5 percent dextrose in water. A total of 40–100 milliequivalents (30 milliequivalents per 500 milliequivalents) is given at the rate of 20 milliequivalents per 500 milliliters) is given at the rate of 20 milliequivalents per hour unless limited by pain due to local irritation.

Additional amounts may be given if the arrhythmia is uncontrolled and the potassium well tolerated.

Continuous electrocardiographic monitoring should be performed to watch for any evidence of potassium toxicity, e.g., peaking of T waves, and to observe the effect on the arrhythmia so that the infusion may be promptly stopped when the desired effect is achieved.

CAUTION: Potassium should not be used and may be dangerous for severe or complete heart block due to digoxin and not related to any tachycardia.

Other agents that have been approved for the treatment of digoxin intoxication include procainamide, lidocaine, and propranolol.

DOSAGE AND ADMINISTRATION

Oral digoxin is administered slowly or rapidly as required until the desired therapeutic effect is obtained without symptoms of overdosage. The amount can be predicted approximately from the lean body mass of the patient with allowances made for excretion during the time taken to induce digitalization.

Subsequent maintenance dosage is also determined tentatively by the amount necessary to sustain the desired therapeutic effect.

Recommended dosages are practical average figures that may require considerable modification as dictated by individual sensitivity or associated conditions. Diminished renal function is the most important factor requiring modification of recommended or average doses. (See WARNINGS and PRECAUTIONS sections.)

The average amount of digoxin that patients must accumulate to be digitalized with digoxin tablets is 1.0–1.5 milligrams. Digitalization may be accomplished by any of several approaches that vary in dosage and frequency of administration, but reach the same endpoint in terms of total amount accumulated.

In previously undigitalized patients, a single loading dose of 0.5–0.75 milligram orally usually produces a detectable effect in 1–2 hours that becomes maximal in 6–8 hours. Additional doses of 0.25–0.5 milligram may be given cautiously at 6–8 hour intervals to full digitalization.

In previously undigitalized patients, institution of daily maintenance therapy (0.125–0.5 milligram, see next paragraph) without a loading dose results in development of steady-state plateau concentrations in about 7 days in patients with normal renal function.

The average daily oral maintenance dose is 0.125–0.5 milligram, usually 0.25 milligram. In the elderly patient, 0.125–0.25 milligram should be considered the average maintenance dose.

In patients with renal impairment, digoxin excretion is impaired and serum half-life is prolonged (see ACTION section). Digitalizing and maintenance doses are lower than those recommended for patients with normal renal functions. Signs of digoxin toxicity develop sooner in patients with renal impairment, and it takes longer for toxic signs and symptoms to disappear. Because of the prolonged half-life, a longer period of time is required to achieve an initial or new steady-state plateau in patients with renal impairment than in patients with normal renal function.

It cannot be overemphasized that the values given are averages and substantial individual variation can be expected.

(If pediatric dosage is available, the labeling sections above should be expanded to include the following information.)

PEDIATRIC INFORMATION

WARNINGS

Newborn infants display considerable variability in their tolerance to digoxin, depending on their degree of maturity.

Premature and immature infants are particularly sensitive, and dosage must be reduced and digitalization should be even more individualized and cautiously approached than in more mature infants. Impaired renal function must also be carefully taken into consideration.

Congestive heart failure accompanying actue glomerulonephritis requires extreme care in digitalization. A relatively low total dose administered in divided doses and concomitant use of antihypertensive drugs has been recommended. ECG monitoring is essential. Digoxin should be discontinued as soon as possible.

Patients with idiopathic hypertrophic subaortic stenosis must be managed extremely carefully. Unless cardiac failure is severe, it is doubtful whether digoxin should be employed.

Patients with rheumatic carditis, especially when severe, are unusually sensitive to digoxin and prone to disturbances of rhythm. If heart failure develops, digitalization may be initiated with relatively low doses; then it can be cautiously increased until a beneficial effect is obtained. If a therapeutic trial does not result in improvement, the drug should be considered ineffective and be discontinued.

NOTE: Digitalis glycosides are an important cause of accidental poisoning in children.

PRECAUTIONS

Dosage must be carefully titrated and differences in the bioavailability of parenteral preparations, elixirs, and tablets should be taken into account when switching patients from one preparation to another.

Electrocardiographic monitoring may be necessary to avoid intoxication.

Premonitory signs of toxicity in the newborn are undue slowing of the sinus rate, sinoatrial arrest, and prolongation of PR interval.

ADVERSE REACTIONS

Toxic signs differ from the adult in a number of respects. Cardiac arrhythmias are the more reliable and frequent signs of toxicity.

Vomiting and diarrhea, neurologic and visual disturbances are rare as initial signs.

Premature ventricular systoles are rarely seen; nodal and atrial systoles are more frequent.

Atrial arrhythmias, atrial ectopic rhythms, and paroxysmal atrial tachycardia with A–V

block particularly are more common manifestations of toxicity in children.

Ventricular arrhythmias are rare.

TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES

(See adult section for other recommendations for the treatment of arrhythmias produced by overdosages and for additional recommendations and cautions regarding the use of potassium.) Potassium preparations may be given orally in divided doses totaling 1–1.5 milliequivalents/kilogram (1 gram K contains 13.4 milliequivalents). When correction of the arrhythmia is urgent, approximately 0.5 milliequivalents/kilogram of potassium per hour may be given, with careful electrocardiographic monitoring, as a solution of 20 milliequivalents or less per 500 milliliters in 5 percent dextrose in water. The total dose should generally not exceed 2 milliequivalents of potassium/kilogram.

DOSAGE AND ADMINISTRATION

Digitalization must be individualized. Generally, premature and immature infants are particularly sensitive, requiring reduced dosage that must be determined by careful titration.

Oral Dosage. Beyond the immediate newborn period, children require proportionally greater doses than adults on the basis of body weight or surface area. The recommended oral digitalizing dosages in children with normal renal function are:

Newborn infants (normal), up to 1 month, require 40–60 micrograms/kilogram.

Infants, 1 month to 2 years, require approximately 60–80 micrograms/kilogram.

Children, 2 years to 10 years, require 40–60 micrograms/kilogram.

Children, over 10 years of age, require adult dosages in proportion to their body weight.

Maintenance therapy is 20–30 percent of the digitalizing dose administered each day.

Long term use of digoxin is indicated in almost all infants who have been digitalized for acute congestive heart failure unless the cause is transient. Many favor maintaining digoxin until at least 2 years of age in all infants with paroxysmal atrial tachycardia or in those who show either definite or latent failure.

Many children with severe inoperable congenital defects need digoxin throughout childhood and often for life.

Effective date: This regulation shall become effective on November 29, 1976.

(Secs. 201(p), 502, 505, 701(a); 52 Stat. 1041–1042, 1049–1053, 1055 (21 U.S.C. 321(p), 352, 355, 371(a)).)

Dated: September 23, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-28559 Filed 9-29-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Federal Participation in the Cost of Truck Weighing Station Construction Items

• *Purpose.* The purpose of this document is to set forth policies and procedures for Federal-aid participation in the cost of providing truck weighing stations on the Federal-aid highway systems. •

The Federal Highway Administration is amending Chapter I of title 23, CFR Part 630 by adding a new Subpart I. This new subpart codifies material formerly contained in Policy and Procedure Memorandum 50–8 and now contained in Volume 6, Chapter 3, Section 2, Subsection 11 of the Federal-Aid Highway Program Manual.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. § 553(a)(2); therefore, general notice of proposed rulemaking is not required.

Effective date: September 23, 1976.

Issued on: September 21, 1976.

H. A. LINDBERG,
Acting Federal Highway Administrator.

The following Subpart I of Part 630 is added to 23 CFR Chapter I:

Subpart I—Federal Participation in the Cost of Truck Weighing Station Construction Items

Sec.
630.901 Purpose.
630.903 Determination of Federal-Aid Participation.

AUTHORITY: 23 U.S.C. 101(a), 307(c), 315, and 49 CFR 1.48(b).

Subpart I—Federal Participation in the Cost of Truck Weighing Station Construction Items

§ 630.901 Purpose.

The purpose of this regulation is to set forth policies and procedures for Federal-aid participation in the cost of providing truck weighing stations on the Federal-aid highway systems.

§ 630.903 Determination of Federal-Aid Participation.

(a) *Federal-aid Construction Funds.* (1) Federal-aid highway construction funds may participate in the components of weighing stations which can be classed as falling within the definition of the terms "highway" and "construction" as established in 23 U.S.C. 101. Since the scale housing and its service facilities, scale pit and scale, and the installation of these components cannot be classed as falling within the definition of the terms "highway" and "construction," their costs are not eligible for participation from Federal-aid highway construction funds.

(2) Federal-aid Interstate construction funds may participate in the cost of construction of a truck weighing station on the Interstate System provided the number of complete weighing stations either for enforcement purposes, for planning and research purposes, or both, should not exceed an average of one complete station per 100 miles of Interstate highway (exclusive of toll highways) except that there be no more than 15 complete stations in any one State. A greater number of stations may be allowed by FHWA if justified.

(b) *Highway Planning and Research Funds.* Highway planning and research (HP&R) funds authorized by 23 U.S.C. 307(c) may participate in the cost of the purchase and installation of the scale, scale pit, scale house, and service facilities for those stations operated for planning and research purposes in accordance with the State's established truck weighing program. HP&R fund participation will be limited to a pro-rata of the cost based on the time the station is used for planning and research purposes to the total time the station is in operation. This pro-rata should be established based on the previous two years of permanent pit scale operations at a similar location(s) on the same functional system.

[FR Doc.76-28607 Filed 9-29-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-358]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Reservations of Contract Authority

On Tuesday, January 6, 1976, (41 FR 1168), the Department adopted final regulations for a revised Section 235 program with respect to mortgage insurance and assistance payments for home ownership and project rehabilitation. The regulations as adopted provide eligibility criteria and contract benefits for mortgages approved for insurance on or after January 5, 1976, which differ from those for mortgages approved for insurance before January 5, 1976. Uncertainty exists as to whether mortgages insured after January 5, 1976, pursuant to a preliminary reservation of Section 235 contract authority in effect on and before January 5, 1976, were approved for insurance before January 5, 1976. The purpose of the proposed amendment is to make it clear that the eligibility criteria and contract benefits applicable to mortgages approved for insurance prior to January 5, 1976, are applicable to mortgages insured pursuant to Section 235 contract authority in effect on and before January 5, 1976.

Notice is hereby given that the Secretary of Housing and Urban Development hereby amends Subpart A of 24 CFR Part 235 entitled "Eligibility Requirements—Homes for lower income families" by adding a new paragraph (h) to § 235.38 by which mortgages insured pursuant to Section 235 contract authority in effect on and before January 5, 1976, will be subject to eligibility criteria and contract benefits applicable to mortgages approved for insurance before January 5, 1976.

The Department has determined that this amendment will not have an environmental impact, as defined in HUD Handbook 1390.1. The finding of inapplicability may be inspected during regular business hours in the Office of Rule Docket Clerk, Office of the Secretary,

Room 10141 Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

In consideration of the foregoing and pursuant to the authority contained in Section 211 of the National Housing Act, 12 U.S.C. 1715b, we amend Subpart A of 24 CFR Part 235 by adding a new paragraph (h) to § 235.38 as follows:

§ 235.38 Reservations of contract authority.

* * * * *

(h) For purposes of this part, a mortgage shall be deemed approved for insurance prior to January 5, 1976, if a preliminary reservation of contract authority with respect to such mortgage was in effect on and before January 5, 1976.

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular H–107.

Effective date: This amendment is effective on September 30, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.76–28577 Filed 9–29–76;8:45 am]

[Docket No. R–76–420]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Interim Regulations

Interim regulations are hereby promulgated to amend 24 CFR Chapter II by amending §§ 235.2 and 235.35.

This interim rule will have the effect of reducing the minimum downpayments required of home purchasers assisted pursuant to section 235 of the National Housing Act, as amended, to the level required of home purchasers under HUD–FHA's unsubsidized single-family home mortgage insurance program administered pursuant to section 203 of the National Housing Act, as amended. This equivalency has been achieved by deleting the requirement that a home buyer whose mortgage is insured pursuant to section 235 must pay 6 percent of the total acquisition cost, if such cost would result in a higher downpayment than would result through application of the section 203 loan-to-value ratio. The result of the reduction in the minimum downpayment required under the section 235 program will be to make participation in programs possible for many eligible families which cannot meet the current downpayment requirements.

The Department has determined that this change in the section 235 program should be available to the public as soon as possible and that it is therefore impracticable and contrary to the public interest to provide for comment and public participation before making this amendment effective. Good cause also exists for providing that §§ 235.2 and 235.35, as amended, will become effective upon publication.

Interested persons may participate in this rulemaking by submitting written data, views or arguments to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Each person submitting a comment should include his name and address and refer to the document by the docket number indicated in the heading and give reasons for any recommendations. Comments received by November 1, 1976 will be considered before final action is taken on these interim regulations. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. This interim rule will be adopted as final, revoked or amended at the end of the stated comment period.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection at the above address.

NOTE: It is hereby certified that the economic and inflationary impacts of this interim rule have been carefully evaluated in accordance with OMB Circular A–107.

In consideration of the foregoing, 24 CFR Chapter II is amended as follows:

1. In § 235.2, paragraph (d) is revised to read as follows:

§ 235.2 Basic program outline.

* * * * *

(d) The mortgagor must have paid in cash or its equivalent at least 3 percent of the first $25,000 of acquisition cost plus 10 percent of the acquisition cost in excess of $25,000.

* * * * *

2. Section 235.35 is amended as follows: Paragraph (a) is deleted and reserved, and paragraph (b) is revised.

§ 235.35 Mortgagor's investment.

(a) [Reserved]

(b) The mortgagor shall have paid, at the time the mortgage is insured, on account of the property, in cash or its equivalent, at least 3 percent of the first $25,000 of the Secretary's estimate of the cost of acquisition plus 10 percent of such estimate in excess of $25,000.

* * * * *

Authority: Sec. 221(a)(6), Pub. L. 93–383, 88 Stat. 633, (12 U.S.C. 1715z); Sec. 101(c)(4), Pub. L. 90–448, 82 Stat. 476, 484, (12 U.S.C. 1707–1715y).

Effective date: This interim rule is effective September 24, 1976.

Issued at Washington, D.C.

JAMES L. YOUNG,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.76–28734 Filed 9–29–76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–2134]

PART 1916—HOUSING AND URBAN DEVELOPMENT

Changes Made in Determinations of Port Arthur, Texas, Base Flood Elevations

On June 25, 1976, at 41 FR 26417, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Port Arthur, Texas.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Port Arthur. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916. For rating purposes, the new community number is 485499B, and must be used for all new policies and renewals.

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

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

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

Mr. Earl Whelply, Director, Inspection & Urban Development Department, City of Port Arthur, P.O. Box 1089, Port Arthur, Texas 77640.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in

the based flood elevations on the Port Arthur Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Port Arthur map.

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

Issued: September 16, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28681 Filed 9-29-76;8:45 am]

[Docket No. FI-2023]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Athens, Bradford County, Pennsylvania

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Secretary's office, Borough Hall, 2 South River Street, Athens, Pennsylvania.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Tioga St. (extended)	760		40
	Hopkins St. (extended)	760		40
	Susquehanna St.	760		30
	Perry St. (extended)	761		40
	Walnut St. (extended)	762		80
	Cooper St. (extended)	762		150
	East Vanderbilt St. (extended)	763		740
	East Frederick St. (extended)	763		650
Chemung River	Tioga St. (extended)	761	40	
	Harris St. (extended)	762	160	
	ConRail	764	30	
	U.S. 220 Bypass	766	20	
	Upstream corporate limits	768	800	

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

Issued September 16, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-28682 Filed 9-29-76;8:45 am]

Title 26—Internal Revenue

CHAPTER 1—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7435]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Intercompany Pricing Rules for DISC's

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Wednesday, July 16, 1975 (40 FR 29871), amendments to the Income Tax Regulations (26 CFR Part 1) under certain provisions of sections 993 and 994 of the Internal Revenue Code of 1954 were proposed in order to provide certain intercompany pricing rules for DISC's. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made and the proposed amendments of the regulations under section 994, subject to such changes, are adopted by this document. Such changes made by this document may be summarized as follows:

1. The rule proposed in § 1.994-1(c)(6)(v) with respect to determination of combined taxable income has been slightly modified to avoid any inference that the transfer at a discount of an account receivable can result in a deductible loss. If a related supplier transfers an account receivable to its DISC at a discount, the amount of such discount will, in effect, be excluded from combined taxable income. It is understood that the discounts described in such provision which arise on the transfer of accounts receivable by a related supplier to a DISC may be grouped in the same manner that the transactions to which such accounts receivable relate are grouped by the taxpayer pursuant to § 1.994-1(c)(7).

2. Section 1.994-1(e)(3)(i) has been modified in order to make clear that it is a reasonable estimate, of the transfer price or sales commission actually charged, which must be paid no later than 60 days following the close of the taxable year of the DISC during which the transaction occurred.

3. Section 1.994-1(e)(3)(ii) has been expanded in order to make obvious the relationship between the form of a commission payment to a DISC and the 95 percent qualified export assets test. A commission payment to a DISC need not take the form of a qualified export asset. However, the 95 percent test of section 992(a)(1)(B) (relating to qualified export assets) will apply to the DISC as of the close of its taxable year.

4. Section 1.994-1(e)(3)(iii) in the notice provided that an account receivable arising upon the failure to pay, or the payment of an unreasonably small estimate of, a transfer price or commission will be deemed to arise as of the date the transaction occurred which gave rise to the account receivable. In response to public comment this document also provides that, if the transaction occurred in a taxable year of the DISC ending on or before August 15, 1975, at the taxpayer's option, the receivable will be deemed to arise as of the date by which payment was required. A similar change was made in § 1.994-1(e)(5)(iii) and the examples in § 1.994-1(e)(6) were conformed to such change.

5. Section 1.994-1(e)(3)(iv) has been expanded by the addition of a rule providing, in the case of incomplete transactions which were initiated during a taxable year ending after August 15, 1975, when an amount paid by a DISC to a related supplier in respect of property transferred to a DISC shall be deemed to be a reasonable estimate of the transfer price for such property. If any one of the three tests set forth is satisfied, the amount actually paid shall be deemed to meet the requirements of § 1.994-1(e)(3) with respect to the incomplete transaction.

6. Section 1.994-1(e)(5)(i) has been modified to make clear that an account receivable (not described in § 1.994-1(e)(5)(iii)) representing the difference in

amount between the transfer price (or commission) determined and the sum previously paid and received shall be treated as an asset as of the end of the taxable year of the DISC in which the transaction occurred which gave rise to the indebtedness. Such account receivable will be treated as a trade receivable (and, therefore, as a qualified export asset) only if it is paid within 90 days after the date it is established.

7. Section 1.994–1(e)(5)(v) has been added to make clear the nature of the adjustment procedures (provided by paragraph (e)(5)) with respect to incomplete transactions.

The amendments to the regulations under § 1.993–2(d) (2) and (3) proposed in paragraph 1 of the appendix to the notice of proposed rule making are not adopted by this document but do remain outstanding. It is anticipated that such amendments will be adopted at the time a Treasury decision providing the regulations under section 993 generally is published.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On Wednesday, July 16, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 29871) in order to conform the Income Tax Regulations (26 CFR Part 1) to certain provisions of sections 993 and 994 of the Internal Revenue Code of 1954. After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the amendments of the regulations under section 994 as proposed in paragraph 2 of the appendix to such notice are hereby adopted, subject to the changes set forth below:

The amendments to § 1.994–1, as set forth in paragraph 2 of the notice of proposed rule making, are revised by amending paragraph (c)(6)(v), by amending subdivisions (i), (ii), (iii), and (iv) of paragraph (e)(3), by amending subdivisions (i) and (iii) of paragraph (e)(5), by adding a new subdivision (v) to paragraph (e)(5), and by amending paragraph (e)(6). The amended and added provisions read as follows:

§ 1.994–1 Intercompany pricing rules for DISC's.

* * * * *

(c) *Transfer price for sales of export property.* * * *

(6) *Combined taxable income.* * * *

(v) If an account receivable arising with respect to a sale of export property is transferred by the related supplier to a DISC which is a member of the same controlled group within the meaning of § 1.993–1(k) for an amount reflecting a discount from the selling price taken into account in computing (without regard to this subdivision) combined taxable income of the DISC and its related supplier, then the combined taxable income from such sale shall be reduced by the amount of the discount.

* * * * *

(e) *Methods of applying paragraphs (c) and (d) of this section.* * * *

(3) *Initial payment of transfer price or commission.* (i) The amount of a transfer price (or reasonable estimate thereof) actually charged by a related supplier to a DISC, or a sales commission (or reasonable estimate thereof) actually charged by a DISC to a related supplier, in a transaction to which section 994 applies must be paid no later than 60 days following the close of the taxable year of the DISC during which the transaction occurred.

(ii) Payment must be in the form of money, property (including accounts receivable from sales by or through the DISC), a written obligation which qualifies as debt under the safe harbor rule of § 1.992–1(d)(2)(ii), or an accounting entry offsetting the account receivable against an existing debt owed by the person in whose favor the account receivable was established to the person with whom it engaged in the transaction. The form of the payment to a DISC need not be a qualified export asset under § 1.993–2. However, for the requirement that the adjusted basis of the qualified export assets of the DISC at the close of its taxable year must equal or exceed 95 percent of the sum of the adjusted bases of all assets of the DISC at the close of its taxable year, see section 992(a)(1)(B).

(iii) If the district director can demonstrate, based upon the data available as of the 60th day after the close of such taxable year, that the amount actually paid did not represent a reasonable estimate of the transfer price or commission (as the case may be) to be determined under section 994 and this section, an indebtedness will be deemed to arise, from the person required to make the payment in favor of the person to whom the payment is required to be made, in an amount equal to the difference between the amount of the transfer price or commission determined under section 994 and this section and the amount (if any) actually paid and recevied. Such indebtedness will be deemed to arise as of the date the transaction occurred which gave rise to the indebtedness, except that, if such transaction occurred in a taxable year of the DISC ending on or before August 15, 1975, at the taxpayer's option, the indebtedness will be deemed to arise as of the date by which payment was required under subdivision (i) of this paragraph (e)(3). Such indebtedness owed to a DISC shall be treated as an asset but shall not be treated as a trade receivable or other qualified export asset (see § 1.993–2(d)(3)) as of the end of the taxable year of the DISC in which the indebtedness is deemed to arise.

(iv)(*a*) Except with respect to incomplete transactions to which paragraph (c)(5)(i)(*b*) of this section applies, if the amount actually paid results in the DISC realizing at least 50 percent of the DISC's taxable income from the transaction as reported in its tax return for the taxable year the transaction is completed, then the amount actually paid shall be deemed to be a reasonable estimate of such transfer price or commission.

(*b*) With respect to incomplete transactions to which paragraph (c)(5)(i)(*b*) of this section applies and which were initiated during a taxable year ending after August 15, 1975, the amount actually paid shall be deemed to be a reasonable estimate of such transfer price if any one of the following three tests is met:

(*1*) The amount actually paid by the DISC to the related supplier in respect of the property does not exceed the related supplier's cost of goods sold (see paragraph (c)(6)(ii) of this section) with respect to the property.

(*2*) If the transaction is completed by the date on which the DISC's return is required to be filed for the year in which the transaction was initiated, the amount actually paid by the DISC to the related supplier in respect of the property results in the DISC realizing at least 50 percent of the DISC's taxable income from the transaction when completed.

(*3*) The percentage that (*i*) an amount equal to (*a*) the amount actually paid by the DISC to the related supplier in respect of the property minus (*b*) the related supplier's cost of goods sold with respect to the property, bears to (*ii*) the related supplier's cost of goods sold in respect of the property, is not greater than 50 percent of the percentage that (*iii*) the combined taxable income for completed transactions of the same group as the property during the DISC's taxable year in which the incomplete transaction was initiated, bears to (*iv*) the cost of goods sold of the related supplier and DISC with respect to such transactions.

(*c*) For purposes of this subdivision (iv), whether the transfer price or commission actually paid is deemed a reasonable estimate may be determined on the basis for grouping transactions chosen by the taxpayer under paragraph (c)(5) and (7) of this section.

* * * * *

(5) *Procedure for adjustments to transfer price or commission.* (i) (*a*) If the transfer price (or commission) for a transaction determined under section 994 is different from the price (or commission) actually charged, the person who received too small a transfer price (or commission) or paid too large a transfer price (or commission) shall establish (or be deemed to have established), at the date of the determination or redetermination under subparagraph (4) of this paragraph of the transfer price (or commission) under section 994, an account receivable from the person with whom it engaged in the transaction equal to the difference in amount between the transfer price (or commission) so determined and the transfer price (or commission) previously paid and received. If the account receivable is paid within 90 days after the date it is established (or deemed established), then as of the end of the taxable year of the DISC in which the transaction occurred which gave rise to the indebted-

ness, the account receivable shall be treated as an asset and, under § 1.993–2 (d) (3) as a trade receivable, and thus as a qualified export asset.

(b) If, for example, during 1972, a DISC which uses the calendar year as its taxable year sold a product which it purchased that year from its related supplier and paid a price of $10,000 which price is a reasonable estimate under subparagraph (3) (iii) of this paragraph but is later determined under section 994 to be $8,000 immediately before the DISC filed its return for 1972, the DISC must be paid $2,000 (i.e., $10,000—$8,000) by its related supplier or establish an account receivable from its related supplier of $2,000. The account receivable may be paid without tax consequences, provided that such account receivable is paid within 90 days after the date it is established (or deemed established). Such account receivable paid within such 90 days will be considered to relate to the taxable year in which the transaction occurred which gave rise thereto rather than the taxable year during which it is established or paid.

* * * * *

(iii) If an account receivable of a DISC described in subdivision (i) of this paragraph (e) (5) is not paid within 90 days of the date it is established (or deemed established), then, as of the end of the taxable year of the DISC in which the transaction occurred which gives rise to the indebtedness, the account receivable shall be treated as an asset except that, if the account receivable is established (or deemed established) in a taxable year of the DISC ending on or before August 15, 1975, at the taxpayer's option, the account receivable shall be treated as an asset as of the end of such taxable year. However, under § 1.993–2 (d) (3), an account receivable referred to in the preceding sentence shall not be treated as a trade receivable or other qualified export assets.

* * * * *

(v) The procedure for adjustments to transfer price provided by this subparagraph does not apply to incomplete transactions described in paragraph (c) (5) (i) (b) of this section. Such procedure will, however, be applied to any such transaction with respect to the taxable year in which the transaction is completed.

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) During 1975, a DISC which uses the calendar year as its taxable year purchased a product from its related supplier and made an initial payment of $8,500. If the $8,500 were determined to be the transfer price under section 994, the DISC's taxable income from the transaction would be $1,000. Immediately before the DISC filed its return for 1975, under section 994 it is determined that the transfer price is $8,000 and the DISC's taxable income is $1,500. Thus, the requirement of a reasonable estimate under subparagraph (3) of this paragraph was met because the amount ($8,500) actually paid resulted in the DISC realizing taxable income of $1,000 which is not less than 50 percent of the DISC's taxable income ($1,500) from the transaction as determined under section 994.

(ii) Pursuant to subparagraph (5) of this paragraph, an account receivable due the DISC for $500, i.e., $8,500–$8,000, is established on September 15, 1976, the date the DISC files its return for 1975, and is paid on December 1, 1976. The account receivable for $500 will be considered to relate to the taxable year (1975) in which the transaction occurred which gave rise thereto and will be a qualified export asset under § 1.993–2(d) (3) for the last day of such year.

Example (2). Assume the same facts as in example (1) except that the account receivable for $500 is paid on January 1, 1977. The account receivable for $500 will still be considered to relate to the taxable year (1975) in which the transaction occurred which gave rise thereto. However, such account receivable will be treated as an asset which is not a qualified export asset under § 1.993–2(d) (3) for the last day of such year.

* * * * *

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 20, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76-28503 Filed 9-29-76;8:45 am]

Title 36—Parks, Forest, and Public Property

CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PART 902—FREEDOM OF INFORMATION ACT

Revision and Adoption of Regulations

The Pennsylvania Avenue Development Corporation published notice of proposed rulemaking in 41 FR 14536 (April 6, 1976), concerning its implementation of the Freedom of Information Act, (5 U.S.C. 552, as amended, Pub. L. 93–502 (88 Stat. 1561) November 19, 1975). The Corporation until this time did not have regulations which implemented that Act, although it had complied with the spirit of the Act.

Specifically the proposal recited the Corporation's policy toward availability of records in its possession, and gave public notice of the procedures by which identified records could be obtained.

Interested persons were invited to submit written comments, suggestions and objections regarding the proposed regulations to the Corporation. No comments, suggestions, or objections were received.

In its internal review of the proposal, the Corporation, in order to clarify its policies and simplify the language of the proposed rules, has drafted several editorial changes which have been incorporated into final publication of these regulations.

The Corporation has rearranged certain subparts to clarify the order and applicability of those subparts. It has added a uniform statement of hours of operation of the Corporation when a request may be acted on. Changes have also been made to restate with more clarity the Corporation's policy concerning deletion of nondiscloseable information. Confusion existed in the draft rules as to the Corporation's position on release of information when that information was intertwined in nondiscloseable material supported by a statutory exemption. The Corporation has now stated that if the separation of discloseable and nondiscloseable material would be difficult, and the discloseable material is available from other known sources, the Corporation is under no duty to make available the discloseable portions of the record in question. The Corporation must make the other sources known to the requester, however.

Accordingly, 36 CFR Part 902 is revised and adopted by the Corporation as set forth below. Comments are always welcome, and will be considered by the Corporation in subsequent amendment to these regulations.

Effective date: This regulation shall become effective on October 4, 1976.

Adopted by the Pennsylvania Avenue Development Corporation at its office in Washington, D.C., September 13, 1976.

JOHN M. WOODBRIDGE,
Executive Director.

Subpart A—Applicability and Policy

Sec.
902.01 Purpose and applicability.
902.02 Statement of policy.
902.03 Definitions.

Subpart B—General Administration

902.10 Delegation of administration of this part.
902.11 How records may be requested.
902.12 Maintenance of statistics; annual report to Congress.
902.13 Indexes of Corporation records.
902.14 Deletion of nondisclosable information.
902.15 Protection of records.

Subpart C—Publication in the FEDERAL REGISTER

902.20 Applicability.
902.21 Publication in the FEDERAL REGISTER shall be constructive notice of information that affects the public.

Subpart D—Availability of Records Not Published in the FEDERAL REGISTER

902.30 Applicability.
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AUTHORITY: 5 U.S.C. 552, as amended, Pub. L. 93-502, November 11, 1974.

Subpart A—Applicability and Policy

§ 902.01 Purpose and applicability.

This part contains regulations of the Corporation implementing 5 U.S.C. 552, as amended. It informs the public about where and how the Corporation's records may be obtained. The following provisions are applicable to all records of the Corporation in existence at the time a request for records is made. The regulations establish fee schedules applicable to the search and copying of requested records. This part identifies the officials having authority to act on requests and prescribes the procedures to appeal decisions which initially deny disclosure. Indexes maintained to reflect all records subject to this part are available for public inspection and copying as provided herein.

§ 902.02 Statement of policy.

In keeping with the spirit of the Freedom of Information Act, 5 U.S.C. 552, the policy of the Corporation is one of full and responsible disclosure of its records to the public. Therefore, all records of the Corporation, unless otherwise exempted under Subpart F of this part, are declared to be available for public inspection and copying. Each officer and employee of the Corporation is directed to cooperate to this end and shall make records available to the public with reasonable promptness. A record may not be withheld from the public solely because its release might suggest administrative error or embarrass an officer or employee of the Corporation.

§ 902.03 Definitions.

As used in this part—

(a) "Act" means section 552 of Title 5, United States Code, as amended, Pub. L. 90-23, 81 Stat. 54, June 5, 1967; as amended, Pub. L. 93-502, 88 Stat. 1561, November 11, 1974. Pub. L. 90-23 repealed and superseded Pub. L. 89-487, 80 Stat. 250, July 4, 1966, sometimes referred to as the "Freedom of Information Act" or "Public Information Act".

(b) "Corporation" means the Pennsylvania Avenue Development Corporation, including the Board of Directors, Executive Officers, Corporation staff, and any subordinate organizational units operating under the Pennsylvania Avenue Development Corporation Act of 1972, Pub. L. 92-578, 86 Stat. 1266 (40 U.S.C. 871 et seq.), as amended.

(c) "Chairman" means the Chairman of the Corporation's Board of Directors and President of the Corporation.

(d) "Person" means "person" as defined in 5 U.S.C. 551(2).

(e) "Records" means any and all writing, drawings, maps, recordings, tapes, films, slides, photographs, or other documentary materials by which information is preserved.

(f) "Workday" means a calendar day excluding Saturday, Sunday and Federal holidays, office hours being 9 a.m. to 5 p.m.

Subpart B—General Administration

§ 902.10 Delegation of administration of this part.

Except as provided in Subpart H of this part, authority to administer this part is delegated to the Public Information Officer, who shall act upon all requests for access to records which are received by the Corporation from any person citing the Act.

§ 902.11 How records may be requested.

In accordance with § 902.41 of Subpart E of this part all requests for records shall be made to the Public Information Officer, Pennsylvania Avenue Development Corporation, Suite 1148, Pennsylvania Building, 425 Thirteenth Street, Northwest, Washington, D.C. 20004.

§ 902.12 Maintenance of statistics; annual report to Congress.

(a) The Public Information Officer shall maintain records of:

(1) The fees collected by the Corporation for making records available under this part;

(2) The number of denials of requests for records made under this part, and the reasons for each denial;

(3) The number of appeals arising from denials, the result of each appeal, and the reasons for the action upon each appeal that results in a denial of information;

(4) The names and titles or positions of each person responsible for each denial of records requested under this part, and the number of instances of participation for each person;

(5) The results of each proceeding conducted pursuant to subsection 552(a)(4)(f) of Title 5, United States Code, including a report of the disciplinary action against the official or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(6) Every rule made by the Corporation affecting or implementing the Act;

(7) The fee schedule listing fees for search and duplication of records pursuant to requests under the Act, and

(8) All other information which indicates efforts to administer fully the letter and spirit of the Act.

(b) The Public Information Officer shall annually prepare a report accounting for each item in paragraph (a) of this section for the prior calendar year. On or before March 1st of each year, the report shall be submitted to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of Congress.

§ 902.13 Indexes of Corporation records.

(a) The Public Information Officer shall be responsible for maintenance, publication, distribution and availability for inspection and copying of the current indexes and supplements which are required by 5 U.S.C. (a)(2). Such indexes shall be published promptly on a quarterly basis unless the Chairman determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impractical.

(b) The index of materials under this subpart covers all materials issued, adopted, or promulgated after July 4, 1967 by the Corporation. However, earlier materials may be included in the index to the extent practicable. Each index contains instruction for its use.

§ 902.14 Deletion of nondiscloseable information from requested records.

Whenever a requested record contains information which falls within one of the exempted categories of Subpart F of this part, identifying details shall be deleted from the record before it is made available for public inspection and copying. When a requested record contains both discloseable and nondiscloseable information, only that portion which is reasonably segregable after deletion of the nondiscloseable portions, will be released. If the information in the discloseable portion is readily available from another source and that source is made known to the person making the request, the Corporation need not disclose the requested record. In all cases where a deletion is made, an explanation of the deletion shall be attached to the record made available for inspection, distribution, or copying. Appeal of deletions shall be made in accordance with Subpart H of this part.

§ 902.15 Protection of records.

(a) No person may, without permission of the Public Information Officer, remove from the Corporation's offices any record made available to him for inspection or copying. In addition, no person may steal, alter, mutilate, obliterate, or destroy, in whole or in part, such a record.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

(1) Whoever * * * steals, purloins, knowingly converts to his use or the use of any other or without authority sells, conveys or disposes of any record * * * or thing of value shall be fined not more than $10,000 or imprisoned not more than 10 years or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year or both. * * *

(c) Section 2071 of Title 18 of the United States Code provides, in pertinent part, as follows:

(1) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or with intent to do so takes and carries away any record, proceeding, map, book, paper document, or other thing, filed or deposited * * * in any public office, or with any * * * public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both.

Subpart C—Publication in the FEDERAL REGISTER

§ 902.20 Applicability.

Subject to the exemptions in Subpart F of this part, the Corporation, for the guidance of the public, shall submit to the Director of the FEDERAL REGISTER for publication—

(a) Descriptions of the Corporation's organization and functional responsibilities and the designation of places at which the public may secure information, obtain forms and applications, make submittals or requests, or obtain decisions;

(b) Statements of the general course and method by which the Corporation's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure, descriptions of forms available, and instructions as to the scope and contents of all papers, reports, or examinations;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability; and,

(e) Each amendment, revision, or repeal of the foregoing.

§ 902.21 Publication in the FEDERAL REGISTER shall be constructive notice of information that affects the public.

(a) All material described in § 902.20 shall be published in the FEDERAL REGISTER. For the purpose of this section, material that is reasonably availble to the class of persons affected by it is considered to be published in the FEDERAL REGISTER when it is incorporated by reference with the approval of the Director of the FEDERAL REGISTER.

(b) Publication in the FEDERAL REGISTER of all relevant information shall be considered constructive notice of information that affects the public, except that no person shall be required to resort to or be adversely affected by any matter which is required to be published in the FEDERAL REGISTER and is not so published unless such person has actual and timely notice of the terms of the unpublished matter.

Subpart D—Availability of Records Not Published in the FEDERAL REGISTER

§ 902.30 Applicability.

(a) This subpart implements section 552(a)(2) of Title 5, United States Code, as amended by 88 Stat. 1561 (1974). It prescribes the rules governing the availability for public inspection and copying of the following:

(1) Final opinions or orders (including concurring and dissenting opinions, if any) made in the adjudication of cases;

(2) Statements of policy or interpretations which have been adopted under the authority of the Corporation's enabling act, including statements of policy or interpretation concerning a particular factual situation. If they can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation, and have not been published in the FEDERAL REGISTER.

(3) Administrative staff manuals or instructions to the staff of the Corporation which affects any member of the public. Included within this category are manuals or instructions which prescribe the manner or performance of any activity by any person. Excepted from this category are staff manuals or instructions to staff concerning internal operating rules, practices, guidelines and procedures for Corporation negotiators and inspectors, the release of which would substantially impair the effective performance of their duties.

(4) Documents and materials offered for sale under the auspices of the Corporation.

(5) Any index of materials which is required to be maintained by the Corporation under § 902.13.

(b) Records listed in paragraph (a) of this section, which the Corporation does not make available for public inspection and copying, or that are not indexed as required by § 902.13, may not be cited, relied upon, or used as a precedent by the Corporation to adversely affect any person, unless the person against whom it is cited, relied upon, or used, has had actual and timely notice of that material.

(c) This subpart shall not apply to information published in the FEDERAL REGISTER or that is a reasonably described record covered by Subpart E of this part.

§ 902.31 Access, inspection and copying.

(a) Records listed in § 902.30(a), are available for inspection and copying by any person at the Corporation's office, Suite 1148, 425 13th Street, N.W., Washington, D.C. 20004. Facilities for inspection and copying shall be open to the public every workday.

(b) Records listed in § 902.30(a), that are published and offered for sale, shall be indexed as required under § 902.13, and shall be available for public inspection. Records offered for sale will not be copied by the Corporation for the requester without the approval of the Public Information Officer.

(c) Records listed in § 902.30(a) are subject to Subpart F of this part and access may be restricted by the Corporation in accordance with that subpart. A refusal to disclose may be appealed by the requester under the provisions of Subpart H of this part.

Subpart E—Availability of Reasonably Described Records

§ 902.40 Applicability.

This subpart implements section 552(a)(3) of title 5, United States Code, as amended, and prescribes regulations governing public inspection and copying of reasonably described records in the Corporation's custody. This subpart shall not apply to material which is covered by Subparts C and D of this part, and records exempted under Subpart F of this part.

§ 902.41 Public access to reasonably described records.

(a) Any person desiring access to a record covered by this subpart may make request for records and copies either in person on any workday at the Corporation's office, or by written request. In either instance, the requester must comply with the following provisions:

(1) A written request must be made for the record;

(2) The request must indicate that it is being made under the Freedom of Information Act (section 552 of title 5, United States Code); and

(3) The request must be addressed to the attention of the Public Information Officer, as provided in § 902.11.

(b) Each request for a record should reasonably describe the particular record sought. The request should specify, to the extent possible, the subject matter of the record, the date when it was made, the place where it was made and the person who made it. If the description is insufficient to process the request, the Public Information offices shall promptly notify the person making the request and solicit further information. The Public Information Officer may assist the person in perfecting the request.

(c) Requests made in person at the Corporation's office during regular working hours (9 a.m. to 5 p.m., Monday through Friday, except Federal holidays) shall be processed as provided in Subpart G of this part. The Corporation shall provide adequate inspection and copying facilities. Original records may be copied, but may not be released from the custody of the Corporation. Upon payment of the appropriate fee, copies will be provided to the requester by mail or in person.

(d) Every effort will be made to make a record in use by the staff of the Corporation available when requested, and availability may be deferred only to the extent necessary to avoid serious interference with the business of the Corporation.

(e) Notwithstanding paragraphs (a) through (d) of this section, informational materials and services, such as press releases, and similar materials prepared by the Corporation, shall be made available upon written or oral request. These services are considered as part of any informational program of the Government and are readily made available to the public. There is no fee for individual copies of such materials as long as they

are in supply. In addition, the Corporation will continue to respond, without charge, to routine oral or written inquiries that do not involve direct access to records of the Corporation.

§ 902.42 Request for records of concern to more than one government organization.

(a) If the release of a record covered by this subpart would be of concern to both the Corporation and another Federal agency, the record will be made available only after consultation with the other agency concerned. Records of another agency in the Corporation's possession will not be disclosed without the approval of the other agency.

(b) If the release of a record covered by this subpart would be of concern to both the Corporation and to a foreign, state or local government, the record will be made available by the Corporation only after consultation with the other interested foreign state or local government. Records of a foreign, state or local government will not be disclosed without the approval of the government concerned.

Subpart F—Exemptions From Public Access to Corporation Records

§ 902.50 Applicability.

(a) This subpart implements section 552(b) of Title 5, United States Code, which exempts certain records from public inspection under section 552(a). This subpart applies to records requested under Subparts D and E of this part. The Corporation may, however, release a record authorized to be withheld under §§ 902.52 through 902.59 unless it determines that the release of that record would be inconsistent with a purpose of the aforementioned sections. Examples given in §§ 902.52 through 902.59 of records included within a particular statutory exemption are not necessarily illustrative of all types of records covered by the exemption. Any reasonably segregable portion of a record withheld under this subpart shall be provided to a requester, after deletion of the portions which are exempt under this subpart.

(b) This subpart does not authorize withholding of information or limit the availability of records to the public, except as specifically stated. This subpart is not authority to withhold information from Congress.

§ 902.51 Records relating to matters that are required by Executive Order to be kept secret.

Records relating to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, include those within the scope of the following, and any further amendment of any of them, but only to the extent that the records are in fact properly classified pursuant to such Executive Order:

(a) Executive Order 11652 of March 8, 1972 (3 CFR 1974 Comp. p. 339);

(b) Executive Order 10865 of February 20, 1960 (3 CFR 1959–1963 Comp. p. 398); and

(c) Executive Order 10104 of February 1, 1950 (3 CFR 1949–1953 Comp., p. 298).

These records may not be made available for public inspection.

§ 902.52 Records related solely to internal personnel rules and practices.

(a) Records related solely to internal personnel rules and practices that are within the statutory exemption include memoranda pertaining to personnel matters such as staffing policies, and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees, and management plans, records, or proposals related to labor-management relationships.

(b) The purpose of this section is to authorize the protection of any record related to internal personnel rules and practices dealing with the relations between the Corporation and its employees.

§ 902.53 Records exempted from disclosure by statute.

(a) Records relating to matters that are specifically exempted by statute from disclosure may not be made available for public inspection. For example: Section 1905 of Title 18, United States Code, protecting trade secrets, processes, and certain economic and other data obtained by examination or investigation, or from reports.

(b) The purpose of this section is to preserve the effectiveness of statutes of the kind cited as an example, in accordance with their terms.

§ 902.54 Trade secrets and commercial or financial information that is privileged or confidential.

(a) Trade secrets and commercial or financial information that are privileged and for which confidentiality is requested by the person possessing such privilege are within the statutory exemption. This includes the following:

(1) Commercial or financial information not customarily released to the public, furnished and accepted in confidence;

(2) Statements of financial interest furnished by officers and employees of the Corporation;

(3) Commercial, technical, and financial information furnished by any person in connection with an application for a loan or a loan guarantee;

(4) Commercial or financial information customarily subjected to an attorney-client or similar evidentiary privilege; or,

(5) Materials in which the Corporation has a property right such as designs, drawings, and other data and reports acquired in connection with any research project, inside or outside of the Corporation, or any grant or contract.

(b) The purpose of this section is to authorize the protection of trade secrets and commercial or financial records that are customarily privileged or are appropriately given to the Corporation in confidence. It assures the confidentiality of trade secrets and commercial or financial information obtained by the Corporation through questionnaires and required reports to the extent that the information would not customarily be made public by the person from whom it was obtained. In any case in which the Corporation has obligated itself not to disclose trade secrets and commercial or financial information it receives, this section indicates the Corporation's intention to honor that obligation to the extent permitted by law. In addition, this section recognizes that certain materials, such as research data and materials, formulae, designs, and architectural drawings, have significance not as records but as items of property acquired, in many cases at public expense. In any case in which similar proprietary material in private hands would be held in confidence, material covered in this section may be held in confidence.

§ 902.55 Intragovernmental exchanges.

(a) Any record prepared by a Government officer or employee (including those prepared by a consultant or advisory body) for internal Government use is within the statutory exemption to the extent that it contains—

(1) Opinions, advice, deliberations, or recommendations made in the course of developing official action by the Government, but not actually made a part of that official action, or

(2) Information concerning any pending proceeding or similar matter including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) This section has two distinct purposes. One is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government and to afford this protection both before and after any action is taken. This judicially recognized privilege of protection against disclosure in litigation or elsewhere is intended to assure that these resources will be fully and readily available to those officials upon whom the responsibility rests to take official and final Corporation action. However, the action itself, any memoranda made part of that action, and the facts on which it is based are not within this protection. The other purpose is to protect against the premature disclosure of material that is in the development stage if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of records covered by this section include minutes to the extent they contain matter described in paragraph (a) of this section; staff papers containing advice, opinions, suggestions, or exchanges of views, preliminary to final agency decision or action; budgetary planning and programming information; advance information on such things as proposed plans to procure,

lease, or otherwise hire and dispose of materials, real estate, or facilities, documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the Corporation; records of inspection, investigations, and surveys pertaining to internal management of the Department; and matters that would not be routinely disclosed under disclosure procedures in litigation and which are likely to be the subject of litigation. However, if such a record also contains factual information, that information must be made available under Subpart E of this part unless the facts are so inextricably interwined with deliverative or policymaking processes, that they cannot be separated without disclosing those processes.

§ 902.56 Protection of personal privacy.

(a) Any of the following personnel, medical, or similar records is within the statutory exemption if its disclosure would harm the individual concerned or be a clearly unwarranted invasion of his personal privacy:

(1) Personnel and background records personal to any officer or employee of the Corporation, or other person, including his home address;

(2) Medical histories and medical records concerning individuals, including applicants for licenses; or.

(3) Any other detailed record containing personal information identifiable with a particular person.

(b) The purpose of this section is to provide a proper balance between the protection of personal privacy and the preservation of the public's rights to Corporation information by authorizing the protection of information that, if released, might unjustifiably invade an individual's personal privacy.

§ 902.57 Investigatory files compiled for law enforcement purposes.

(a) Files compiled by the Corporation for law enforcement purposes, including the enforcement of the regulations of the Corporation, are within the statutory exemption to the extent that production of such records would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the courts of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(5) Disclose investigative techniques and procedures, or,

(6) Endanger the life or physical safety of law enforcement personnel.

(b) The purpose of this section is to protect from disclosure the law enforcement files of the Corporation including files prepared in connection with related litigation and adjudicative proceedings. It includes the enforcement not only of criminal statutes but all kinds of laws.

§ 902.58 Reports of financial institutions.

Any material contained in or related to any examination, operating, or condition report prepared by, on behalf of, or for the use of, any agency responsible for the regulation or supervision of financial institutions is within the statutory exemption.

§ 902.59 Geological and geophysical information.

Any geological or geophysical information and data (including maps) concerning wells is within the statutory exemption.

Subpart G—Time Limitations

§ 902.60 Initial determination.

(a) An initial determination whether or not to release a record requested under Subparts D and E of this part shall be made by the Public Information Offices within 10 workdays after the receipt of a request which complies with § 902.21. Failure of the requester to comply with those provisions may toll the running of the 10 day period until the request is identified as one being made under the Act. This time limit may be extended by up to 10 workdays in accordance with § 902.62.

(b) Upon making initial determination, the Public Information Officer shall immediately notify the person making the request as to its disposition. If the determination is made to release the requested record, the Public Information Officer shall make the record promptly available. If the determination is to deny the release of the requested record, the Public Information Officer shall immediately notify the requester of the denial and shall provide the following information.

(1) The reason for the determination, including a reference to the appropriate exemption provided in Subpart F of this part;

(2) The right of the request or to appeal the determination as provided in Subpart H of this part; and

(3) The name and position of each person responsible for the denial of the request.

§ 902.61 Final determination.

A determination with respect to any appeal made pursuant to Subpart H of this part will be made within twenty work days after the date of receipt of the appeal. The time limit provided may be extended by up to 10 workdays in accordance with § 902.62.

§ 902.62 Extension of time limits.

(a) In unusual circumstances, the time limits prescribed in §§ 902.60 and 902.61 may be extended by written notice to the person making the request. The notice shall set forth the reasons for the extension and the date on which a determination is expected to be dispatched. Under no circumstances shall the notice specify a date that would result in an extension for more than 10 workdays.

(b) As used in this section, "unusual circumstances" means (but only to the extent reasonably necessary to the proper processing of the particular request):

(1) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

(2) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(c) Any person having made a request for records under this part shall have exhausted his administrative remedies with respect to such request, if the Corporation fails to comply with the applicable time limitations set forth in this subject.

Subpart H—Procedures for Administrative Appeal of Decisions Not To Disclose Records

§ 902.70 General.

Within the time limitations of Subpart G of this part, if the Public Information Officer makes a determination not to disclose a record requested under Subparts D and E of this part, he shall furnish a written statement of the reasons for that determination to the person making the request. The statement shall indicate the name(s) and title(s) of each person responsible for the denial of the request, and the availability of an appeal with the Corporation. Any person whose request for a record has been denied may submit a written appeal to the Corporation requesting reconsideration of the decision.

§ 902.71 Forms for appeal.

Although no particular written form is prescribed for on appeal, the letter or similar written statement appealing a denial of a record shall contain a description of the record requested, the name and position of the official who denied the request, the reason(s) given for the denial, and other pertinent facts and statements deemed appropriate by the appellant. The Corporation may request additional details if the information submitted is insufficient to support an appeal.

§ 902.72 Time limitations on filing an appeal.

An appeal must be submitted in writing within thirty days from the date of receipt of the initial written denial and must contain the information requested in § 902.71.

§ 902.73 Where to appeal.

An appeal shall be addressed to the Chairman of the Board of Directors, Pennsylvania Avenue Development Corporation, Suite 1148, 425 13th Street, NW., Washington, D.C. 20004.

§ 902.74 Agency decision.

(a) The Chairman shall have sole authority to act on an appeal, which seeks to reverse an initial decision denying disclosure of a record. He shall review each appeal and provide the appellant and other interested parties with a written notice of his decision. The decision of the Chairman as to the availability of the record is administratively final.

(b) If the decision of the Chairman sustains the refusal to disclose, the notice of decision shall set forth the reasons for the refusal, including the specific exemptions from disclosure under the Act that are the bases of the decision not to disclose. The notice shall further advise the appellant that judicial review is available on complaint to the appropriate District Court of the United States, as provided in section 552(a)(4)(B) of Title 5, United States Code.

(c) As set out in § 902.61, the final decision on appeal shall be made within 20 workdays after the receipt of the appeal. An extension of this limitation is authorized as prescribed under § 902.62.

Subpart I—Fees

§ 902.80 General.

(a) This subpart prescribes fees for services performed by the Corporation under Subparts D and E of this part. This subpart shall only apply to the services described herein. The fees for the service listed reflect the actual cost of the work involved in compiling requested record and copying, if necessary.

(b) A fee shall not be charged for time spent in resolving legal or policy issues; or, for time spent searching for records if disclosure of the records is subsequently denied; or, if the requested records are not found.

§ 902.81 Payment of fees.

The fees prescribed in this subpart may be paid in cash or by check, draft, or postal money order made payable to the Pennsylvania Avenue Development Corporation. Payment shall normally be due at the time the service is rendered. If it is anticipated that the fees chargeable under this subpart will exceed $25.00, the Corporation shall notify the requester of the estimated fee prior to commencing the service requested. In those cases, a request will not be considered received until the requester is notified of the anticipated cost and agrees to bear it. However, the Corporation shall notify the requester of the services involved in the request and the estimated fee for such services within 5 days of receipt of the request.

§ 902.82 Fee schedule.

(a) The following specific fees shall be applicable with respect to services rendered to the public under this part:

(1) Copies made by photostat or similar process (per page) $.10.

(2) Search of Corporation records, index assistance and duplication, performed by clerical personnel (per hour) $5.00.

(3) Search of Corporation records or index assistance by professional or supervisory personnel (per hour) $8.50.

(4) Duplication of architectural drawings, maps and similar materials (per copy) $3.00.

(5) Reproduction of 35mm slides (per copy) $.50.

(6) Reproduction of enlarged, black and white photographs (per copy) $2.00.

(7) Reproduction of enlarged, color photographs (per copy) $5.00.

(8) Certification of records as "true copy" (per document) $1.50.

(b) Reports, pamphlets and other documents prepared by the Corporation or its consultants, which have been printed by the Corporation in some quantity and offered for sale, will be made available at the cost per copy for their printing.

(c) The fee for furnishing copies of indexes and supplements, maintained in accordance with § 902.13, shall not exceed the cost of duplication.

(d) Persons may copy documents by their own means at the Corporation's office without charge.

§ 902.83 Waiver of fees.

(a) Fees shall be waived when amounting to less than 3.00, or when records are furnished in response to—

(1) A request from an employee or former employee of the Corporation for copies of personnel records of the employee;

(2) A request from a member of Congress for his official use;

(3) A request from a State, territory, U.S. possession, county or municipal government, or any agency thereof;

(4) A request from a court that will serve as a substitute for the personal court appearance of an officer or, employee of the Corporation; and,

(5) A request from a foreign government or an agency thereof, or an international organization.

(6) Records will be furnished without charge, or at a reduced charge, if the Public Information Officer determines that waiver or reduction of the fee is in the public interest, because furnishing the records would primarily benefit the general public. Requests that may be treated under this paragraph include reasonable requests from groups engaged in a nonprofit activity for the public safety, health or welfare and requests from academic institutions and students engaged in study in fields related to the Corporation's operations.

[FR Doc.76-28594 Filed 9-29-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 623-7]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to the State of Indiana

Pursuant to the delegation of authority to implement the standards of performance for new stationary sources (NSPS) to the State of Indiana on April 21, 1976, EPA is today amending 40 CFR 60.4, *Address*, to reflect this delegation. A notice announcing this delegation is published Thursday, September 30, 1976 (41 FR 43237). The amended § 60.4, which adds the address of the Indiana Air Pollution Control Board to that list of addresses to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must be sent, is set forth below.

The Administrator finds good cause for foregoing prior notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on April 21, 1976, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately.

(Sec. 111 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6.)

Dated: September 22, 1976.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph P, to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(A)-(O) * * *

(P) State of Indiana, Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206.

* * * * *

[FR Doc.76-28507 Filed 9-29-76;8:45 am]

[FRL 623-8]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to the State of Indiana

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of Indiana on April 21, 1976, EPA is today amending 40 CFR 61.04, *Address*, to reflect this delegation. A notice announcing this delegation is published Thursday, September 30, 1976 (41 FR 43237). The amended § 61.04, which adds the address of the Indiana Air Pollution Control Board to that list of addresses to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must be sent, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The

delegation which is reflected by this administrative amendment was effective on April 21, 1976, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately.

(Sec. 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c-7.)

Dated: September 22, 1976.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In 61.04, paragraph (b) is amended by revising subparagraph P, to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(A)–(O) * * *

(P) State of Indiana, Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206.

* * * * *

[FR Doc.76-28507 Filed 9-29-76;8:45 am]

Title 43—Public Lands: Interior

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

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2406]

PART 3100—OIL AND GAS LEASING

PART 3130—FRACTIONAL OR FUTURE INTEREST LEASES AND PERMITS

Fractional Present Interest

On Monday, April 5, 1976, there was published in the FEDERAL REGISTER (41 FR 14375), a notice of proposed rulemaking setting forth procedures to permit the government to lease competitively or non-competitively for oil and gas exploration and development, lands in which the United States owns an undivided fractional oil and gas interest regardless of the percentage amount of that fraction, and to provide for full rental and minimum royalty on fractional mineral interest leases.

Three comments were received and considered. One comment recommended the proposal be adopted because it encouraged development of fractional acquired minerals. The second comment felt the full rental would be excessive if the annual rental fee rose to $1.00 per surface acre. The third comment objected to the proposal, stating it was clearly inequitable.

The proposal has not been modified because it is in the public interest to lease fractional oil and gas interests irrespective of the size of the interest. The establishment of the full rental fee and minimum royalty is substantiated because the relationship of a fractional interest to the total interest is no more severe than the degree of chance taken in holding a lease to the full mineral interest where the existence of a mineral deposit is unknown. Upon discovery of oil or gas, the lessee pays a production royalty only in the same proportion as his leased interest is to the total.

The proposed revision of 43 CFR 3130.2 is hereby adopted without change as set forth below and shal become effective October 28, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 22, 1976.

1. Section 3103.3–3 is amended as follows:

§ 3103.3–3 Fractional interests.

Rentals, minimum royalties and royalties payable for lands in which the United States owns an undivided fractional interest shall be payable as provided in Subpart 3130 of this chapter.

2. The table of sections for Part 3130 is amended as follows:

Subpart 3130—Fractional or Future Interest Leases and Permits

Sec.

3130.1 Competitive and noncompetitive.
3130.2 Rental and royalties.
3130.2–1 Rental.
3130.2–2 Royalties and minimum royalties.
3130.3 Public domain.
3130.3–1 Fractional interest offers.
3130.4 Acquired lands.
3130.4–1 General statement.
3130.4–2 Consent of agency and stipulations required.
3130.4–3 Forms.
3130.4–4 Fractional present interests.
3130.4–5 Future and fractional interest offers.

3. Section 3130.2 is revised as follows:

§ 3130.2 Rental and royalties.

§ 3130.2–1 Rental.

Rental shall not be prorated for any lands in which the United States owns an undivided fractional interest but shall be payable at the same rate as provided in Subpart 3103 of this chapter for the full acreage in such lands.

§ 3130.2–2 Royalties and minimum royalties.

Minimum royalties shall not be prorated for any lands in which the United States owns an undivided fractional interest but shall be payable at the same rate as provided in Subpart 3103.3–5 of this chapter for the full acreage in such lands. Royalty on production shall be payable in the same proportion to royalties provided in Subpart 3103 of this chapter as the undivided fractional interest of the United States in the oil and gas underlying the leased lands is to the full mineral interest.

4. Section 3130.3 is amended as follows:

§ 3130.3 Public domain.

§ 3130.3–1 Fractional interest offers.

An offer for a fractional present interest noncompetitive oil and gas lease must be filed on a form approved by the Director in accordance with Subpart 3111 of this chapter.

5. Section 3130.4 is amended as follows:

§ 3130.4 Acquired lands.

§ 3130.4–4 Fractional present interest.

An offer for a fractional present interest noncompetitive lease must be filed on a form approved by the Director in accordance with Subpart 3111 of this chapter.

[FR Doc.76-28593 Filed 9-29-76;8:45 am]

[Circular No. 2407]

PART 3520—PREFERENCE RIGHT AND COMPETITIVE LEASES

Prospecting Permits; Issuance of Leases

On May 7, 1976, regulations were published in the FEDERAL REGISTER (43 FR 18845) establishing the standards which a prospecting permittee must meet in order to be entitled to receive a noncompetitive lease for coal, phosphate, sodium, sulphur, or potassium. In those regulations, lease applicants were given 60 days from the effective date of the regulations (May 7, 1976) within which to request an extension of time for submitting an "initial showing".

A decision has been made to extend until November 3, 1976, the period of time for filing a notice of application requesting an extension of time for submitting the "initial showing" as required in § 3521.1–1(b).

It is the policy of the Department of the Interior to give notice of proposed rulemaking and to invite the public to participate in rulemaking except where such participation would be impracticable, unnecessary, or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 FR 8336, May 4, 1971). Public participation is unnecessary in this case since the rulemaking simply changes an administrative procedure.

This rulemaking does not exceed the criteria for preparing an Inflation Impact Statement.

§ 3521.1–1 [Amended]

43 CFR § 3521.1–1(a)(2) is hereby amended by deleting the figure "60" and inserting the figure "180".

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 29, 1976.

[FR Doc.76-28914 Filed 9-29-76;10:13 am]

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5602]

[UT-30912]

UTAH

Partial Revocation of Powersite Reserve No. 34

By virtue of the authority contained in Section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to the determina-

tion of the Federal Power Commission in DA–203–Utah, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve No. 34, Interpretation No. 95, April 9, 1927, is hereby revoked insofar as it affects the following described lands:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 22, S½SE¼;
Sec. 27, lots 7, 8, 9 and 13;
Sec. 28, lot 1.

The areas described aggregate 184.59 acres in Grand County.

All the above described lands are within the exterior boundaries of the Arches National Park, established by the Act of November 12, 1971, 85 Stat. 422.

2. At 10 a.m. on October 29, 1976, the lands described in paragraph 1 shall be relieved of the segregative effect of Powersite Reserve No. 34 for the purpose of allowing said lands to be recommended for inclusion in the National Wilderness Preservation System, 16 U.S.C. 1131 (1970).

Inquiries concerning these lands should be addressed to the State Director, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1976.

[FR Doc.76–28585 Filed 9–29–76;8:45 am]

Title 45—Public Welfare

CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 304—FEDERAL FINANCIAL PARTICIPATION

Availability and Rate of Federal Financial Participation

The purpose of this amendment is to provide a one year continuation of Federal financial participation (FFP) at the 75% rate for child support services provided by State IV–D Agencies to individuals who are not eligible for AFDC assistance.

The basis for this amendment is Section 3 of Pub. L. 94–365 approved July 14, 1976, which amends Section 455 of the Social Security Act to continue for one year FFP for State child support enforcement activities for non-welfare recipients. Title IV–D of the Act mandates States to make child support enforcement services available to welfare recipients and those not on welfare who request such services. Congress intends that the child support enforcement activities for non-welfare recipients will become self-supporting through fees collected for the service, unless a State elects to provide the services without charge. Pub. L. 93–647 provided FFP for this part of the Child Support Enforcement Program for the first year of operation, from July 1, 1975 to June 30, 1976, to enable the States to put this program into operation. Congress is now extending this FFP provision for another year because the Child Support program for non-AFDC recipients in many States has not had sufficient time to become fully operational.

Good cause exists to dispense with proposed rule making procedures since Section 3 of Pub. L. 94–365 has the effect of providing continued FFP for the period from July 1, 1976 to June 30, 1977, and the amendment imposes no new requirement upon the States, but rather provides continuing FFP for activities that the States are already required to perform as part of the Child Support Enforcement Program.

However, any written comments, suggestions, or objections addressed to the Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, and received on or before November 1, 1976, will be considered with a view of possible revision of this regulation.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of the notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202–245–0950).

Answers to specific questions may be obtained by calling Steve Henigson at (202) 472–4510.

Section 304.20 is amended by revising paragraph (a)(4) as follows:

§ 304.20 Availability and rate of Federal financial participation.

(a) Federal financial participation at the 75 percent rate is available for:

(1) Necessary expenditures under the State title IV–D plan for the child support enforcement services and activities specified in this section and § 304.21 provided to individuals from whom an assignment of support rights has been obtained pursuant to § 232.11 of this title;

(2) Collection services pursuant to § 302.51(e)(1) of this chapter; and

(3) Parent locator services for individuals eligible pursuant to § 302.33 of this title;

(4) During any period prior to July 1, 1977, paternity and child support services under the State plan for individuals eligible pursuant to § 302.33 of this chapter.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Effective date: The regulations in this section are effective on July 1, 1976.

Dated: July 26, 1976.

DON I. WORTMAN,
Director, Office of Child Support Enforcement.

Approved: September 24, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76–28578 Filed 9–29–76;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1005—INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Correction

In FR Doc. 75–26428, revising 45 CFR Part 1005, published in the October 3, 1975 FEDERAL REGISTER, § 1005.8(g)(1) is corrected by changing the reference in the third line from the end from "31 U.S.C. 433(a)" to "31 U.S.C. 483(a)".

Dated: September 27, 1976.

SAMUEL R. MARTINEZ,
Director.

[FR Doc.76–28608 Filed 9–29–76;8:45 am]

CHAPTER XII—ACTION

PART 1205—SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) AND ACTIVE CORPS OF EXECUTIVES (ACE)—PAYMENT OF OUT-OF-POCKET EXPENSES

Deletion of Part

EDITORIAL NOTE: The Office of the Federal Register has received a letter from the Director of the Administrative Services Division of Action, in which he states that regulations presently codified as 45 CFR Part 1205 are legally void. The letter requests the Office of the Federal Register to delete the regulations from the CFR chapter administered by ACTION.

The basis for the ACTION request is Executive Order No. 11871, dated July 18, 1975. The Executive Order transferred the SCORE/ACE programs from ACTION to the Small Business Administration. The Executive Order entrusts the administration of these regulations to the Administrator of the Small Business Administration. Acting under this authority the Administrator of the Small Business Administration has promulgated regulations as 13 CFR Part 129 on September 30, 1976 (41 FR 43131). The effect of this publication of 13 CFR Part 129 is to make obsolete the regulations in 45 CFR Part 1205.

Therefore, pursuant to 1 CFR 8.2, Part 1205 of Chapter XII of Title 45, Code of Federal Regulations, is deleted.

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74–60]

FIREFIGHTING EQUIPMENT

Requirement of Lined Fire Hose

A notice of proposed rulemaking (CGD 74–60) was published in the FEDERAL REGISTER of Tuesday, September 23, 1975 (40 FR 43739). This Notice proposed amendments to the existing regulations pertaining to the type of fire hose currently required on board Coast Guard-regulated vessels.

The amendments prohibit the use of unlined hose for fire-fighting purposes on vessels over 65 feet in length by requiring the use after January 1, 1980

of fire hose that conforms to Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E for lined fire hose. Passenger vessels of 65 feet or less continue to have the option of using commercial fire hose or ⅝ inch or greater diameter garden hose for firefighter purposes.

The use of unlined fire hoses conforming to the requirements of Underwriters' Laboratories, Inc. Standard 18 or Federal Specification JJ–H–571 was authorized by the regulations in effect prior to this amendment. Exposure to dampness will cause these types of hoses to deteriorate rapidly. In fact, Standard 18 warns that an unlined hose should not be wet except when it is being used for firefighting, and that following its use, it should be thoroughly dried. Unlined fire hoses on board a vessel may become wet at times other than during use in firefighting. For example, a hose may become wet due to leakage from a valve that is not fully closed, or that has a faulty seat. A hose may also become wet from storage in a location exposed to dampness or the weather. The problem of drying an unlined hose and of keeping it dry is further aggravated by the dampness inherent in the marine environment. Because of the adverse effects of dampness on unlined hose and the ready availability of lined hose that fits existing storage racks, the use of unlined hose is no longer warranted.

Interested persons were invited to submit written data, views, and arguments to the Commandant, U.S. Coast Guard. The comment period closed on November 10, 1975.

During the comment period, five comments were received, one of which was non-responsive to the proposed amendments. The four applicable comments are as follows:

1. *Comment.* Two commenters requested that the proposed amendment be altered to exclude hose which meets the provisions of Federal Specification ZZ–H–451E, and to require lined hose which bears the label of Underwriters' Laboratories, Inc. or other recognized testing laboratories. It is the contention of these commenters that Coast Guard Inspectors cannot recognize hose which conforms to Federal Specification ZZ–H–451E during field inspections because this hose is not labeled.

Response. This suggestion was not adopted because certified copies of test reports from independent testing laboratories, showing that numbered sections of fire hose have been tested under the provisions of Federal Specification ZZ–H–451E, are available from suppliers of fire hose. During field inspections, Coast Guard Inspectors may use these test reports to properly identify sections of installed fire hose by checking the hose serial numbers against those noted in the certified test report.

2. *Comment.* Another commenter suggested that the proposed amendment be altered to require a commercial fire hose, proof-tested to 300 psi, and preferably constructed of 100% polyester fiber jacketing. Additionally, if the jacketing material is not cotton, it must be treated with a mildewcide.

Response. This suggestion was not adopted. It is felt that these comments represent a sound technical viewpoint; however, their incorporation into the final rulemaking would require vessel owners to purchase a fairly specific type of hose which may not be readily available in all geographic areas.

3. *Comment.* The remaining two commenters sought additional changes to the proposed amendment which would require the listing of certain additional independent testing laboratories in the final regulation.

Response. It is the intent of the Coast Guard to require fire hose that is functional, reliable, and readily obtainable. To this end, the Coast Guard requirements for acceptable types of fire hose have been carefully selected. Each section of fire hose must conform to either Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. Coast Guard Inspectors may verify conformance with these standards by observing an affixed label on hose which meets Underwriters' Laboratories, Inc. Standard 19, or by checking a certified test report against serial numbers on hose which conforms to Federal Specification ZZ–H–451E. Only Underwriters' Laboratories, Inc. may issue labels indicating that hose has been tested to Standard 19; however, any nationally recognized independent testing laboratory may issue a certified test report verifying that hose has been tested in conformance with Federal Specification ZZ–H–451E. Therefore, no change was made in response to these comments.

Two changes have been made to the proposed amendments. These changes clarify the meaning of the regulation and provide vessel owners with more lead time in complying with the new requirements due to the time lapse between the notice of proposed rulemaking and the final rule. To provide these changes, sections 34.10–10, 76.10–10, 95.10–10, 167.45–5 and 193.10–10 have been reworded to replace the phrase, "Each section of fire hose installed or replaced after 1 July 1976 . . ." with the phrase, "Each section of replacement fire hose or any section of new hose placed on board a vessel after January 1, 1977 . . ."

In consideration of the foregoing, Parts 34, 76, 95, 105, 167, 181, and 193 of Chapter I of Title 46 of the Code of Federal Regulations are amended as set forth below.

PART 34—FIREFIGHTING EQUIPMENT

1. By revising § 34.10–10(1) to read as follows:

§ 34.10–10 Fire Station hydrants, hose and nozzles—T/ALL.

* * * * *

(1) Each section of fire hose used after January 1, 1980 must be lined commercial fire hose that conforms to Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. Hose that bears the label of Underwriters' Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of replacement fire hose or any section of new fire hose placed aboard a vessel after January 1, 1977 must also conform to the specification required by this paragraph.

* * * * *

PART 76—FIRE PROTECTION EQUIPMENT

2. Section 76.10–10 is amended by revising paragraph (1)(3) as follows:

§ 76.10–10 Fire hydrants and hose.

(1) * * *

(3) Each section of fire hose used after January 1, 1980 must be lined commercial fire hose that conforms to Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. Hose that bears the label of Underwriters' Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of replacement fire hose or any section of new fire hose placed aboard a vessel after January 1, 1977 must also conform to the specification required by this paragraph.

PART 95—FIRE PROTECTION EQUIPMENT

3. Section 95.10–10 is amended by revising paragraph (1)(4) as follows:

§ 95.10–10 Fire hydrants and hose.

(1) * * *

(4) Each section of fire hose used after January 1, 1980 must be lined commercial fire hose that conforms to Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. Hose that bears the label of Underwriters' Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of replacement fire hose or any section of new fire hose placed aboard a vessel after January 1, 1977 must also conform to the specification required by this paragraph.

* * * * *

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

4. By revising paragraph (c) of § 105.35–15 to read as follows:

§ 105.35–15 Fire hose.

* * * * *

(c) If 1½ inch diameter fire hose is used after January 1, 1980, each length of hose must:

(1) Be lined commercial fire hose that conforms to Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. A hose that bears the label of Underwriters' Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement; and

(2) Have a combination nozzle approved by the Commandant in accordance with § 162.027–6 of this Chapter.

* * * * *

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

5. Section 167.45–5 is amended by revising paragraph (g) as follows:

§ 167.45–5 Steam fire pumps or their equivalent.

* * * * *

(g) Each section of fire hose used after January 1, 1980 must be lined commercial fire hose that conforms to Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. Hose that bears the label of Underwriters' Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of replacement fire hose or any section of new fire hose placed aboard a vessel after January 1, 1977 must also conform to the specification required by this paragraph.

* * * * *

PART 181—FIRE PROTECTION EQUIPMENT

6. By revising paragraph (d) of § 181.15–10 to read as follows:

§ 181.15–10 Fire hose.

* * * * *

(d) S and L. If 1½ inch diameter fire hose is used after January 1, 1980, each length of hose must:

(1) Be lined commercial fire hose that conforms to Underwriters' Laboratories, Inc., Standard 19 or Federal Specification ZZ–H–451E. A hose that bears the Label of Underwriters' Laboratories, Inc., as lined fire hose is accepted as conforming to the requirement; and

(2) Have a nozzle that has a ½ inch solid stream orifice or a combination nozzle approved by the Commandant in accordance with § 162.027–6 of this Chapter. The nozzle must be bronze or another material that has strength and corrosion resistance properties equal to those of bronze.

* * * * *

PART 193—FIRE PROTECTION EQUIPMENT

7. Section 193.10–10 is amended by revising paragraph (k) (4) as follows:

§ 193.10–10 Fire hydrants and hose.

(k) * * *

(4) Each section of fire hose used after January 1, 1980 must be lined commercial fire hose that conforms to Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. Hose that bears the label of Underwriters' Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of replacement fire hose or any section of new fire hose placed aboard a vessel after January 1, 1977 must also conform to the specification required by this paragraph.

Effective date: These rules are effective on November 1, 1976.

(46 U.S.C. 375, 390b, 391a, 416, 489, and 526; 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2) and 1.46(b); and E.O. 11239 (30 FR 9671))

Dated: September 24, 1976.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.76–28690 Filed 9–29–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20500; FCC 76–854]

PART 73—RADIO BROADCAST SERVICES LICENSEE-CONDUCTED CONTESTS

Fair Disclosure Requirements

Correction

In FR Doc. 76–27445, appearing in the FEDERAL REGISTER of Monday, September 20, 1976 on page 40469, the Notes on page 40470 should be corrected as set forth below:

In Subpart H of Part 73, new § 73.1215 is added, as follows:

§ 73.1215 Licensee-conducted contests.

A licensee that broadcasts or advertises information about a contest it conducts shall fully and accurately disclose the material terms of the contest, and shall conduct the contest substantially as announced or advertised. No contest description shall be false, misleading or deceptive with respect to any material term.

NOTE 1.—For the purposes of this rule:

(a) A contest is a scheme in which a prize is offered or awarded, based upon chance, diligence, knowledge or skill, to members of the public.

(b) Material terms include those factors which define the operation of the contest and which affect participation therein. Although the material terms may vary widely depending upon the exact nature of the contest, they will generally include: how to enter or participate; eligibility restrictions; entry deadline dates; whether prizes can be won; when prizes can be won; the extent, nature and value of prizes; basis for valuation of prizes; time and means of selection of winners; and/or tie-breaking procedures.

NOTE 2.—In general, the time and manner of disclosure of the material terms of a contest are within the licensee's discretion. However, the obligation to disclose the material terms arises at the time the audience is first told how to enter or participate and continues thereafter. The material terms should be disclosed periodically by announcements broadcast on the station conducting the contest, but need not be enumerated each time an announcement promoting the contest is broadcast. Disclosure of material terms in a reasonable number of announcements is sufficient. In addition to the required broadcast announcements, disclosure of the material terms may be made in a non-broadcast manner.

NOTE 3.—This rule is not applicable to licensee-conducted contests not broadcast or advertised to the general public or to a substantial segment thereof, to contests in which the general public is not requested or permitted to participate, to the commercial advertisement of non-licensee-conducted contests, or to a contest conducted by a non-broadcast division of the licensee or by a non-broadcast company related to the licensee.

[FCC 76–789]

PART 73—RADIO BROADCAST SERVICES

Meters; Standards and Installation Requirements

Correction

In FR Doc. 76–25495, appearing at page 36815, in the issue for Wednesday, September 1, 1976, the following change should be made:

On page 26819, the third line of § 73.1215(b)(1) should read, "section for linear scale instruments.".

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU

SUBCHAPTER D—PIPELINE SAFETY

[Amdt. No. 195–11; Docket No. OPSO–35]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Offshore Pipeline Facilities; Correction

On August 12, 1976, the Materials Transportation Bureau (MTB) published an amendment to 49 CFR Part 195 to more clearly delineate the applicability of Part 195 to offshore liquid pipelines and to better assure the safe operation of those pipelines (Amdt. No. 195–11; Docket No. OPSO–35; 41 FR 34035). The amendment was proposed under Notice 75–4 and published on September 23, 1975 (40 FR 43740).

The MTB intended that the amendment to § 195.306(b) as proposed on September 23 be incorporated in the August 12 final rule. Inadvertently, language other than what was proposed was incorporated in the final rule.

Accordingly, in FR Doc. 76–23593, appearing at pages 34035–34041 in the FEDERAL REGISTER of August 12, 1976, amendment number "12." appearing on page 34041 is corrected to read as follows:

12. Section 195.306(b) is amended to read as follows:

§ 195.306 Test medium.

* * * * *

(b) Except for offshore pipelines, liquid petroleum that does not vaporize rapidly may be used as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas;

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The test section is kept under surveillance by regular patrols during the test; and

(4) Continuous communication is maintained along entire test section.

Issued in Washington, D.C. on September 28, 1976.

CESAR DELEON,
Acting Director, Office of
Pipeline Safety Operations.

[FR Doc.76–28817 Filed 9–29–76;8:45 am]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSEP–1, Notice No. 4]

PART 216—SPECIAL NOTICE AND EMERGENCY ORDER PROCEDURES: RAILROAD TRACK, LOCOMOTIVES AND EQUIPMENT

Amendments

On March 24, 1975, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER a notice of proposed rule-making (NPRM) requesting comments on a suggested new Part 216 (40 FR 14336). Interested persons were invited to participate in the rule-making proceeding by submitting written comments by May 15, 1975. On May 6, 1976, FRA published a final rule (41 FR 18656); however, the references to standard FRA forms in the proposed § 216.5(c) and the reporting requirements in the proposed §§ 216.11(b) and 216.15(b) were deleted. These changes were made because Office of Management and Budget (OMB) approval had not yet been obtained (44 U.S.C. 3509).

FRA stated in the preamble to the final rule that this proceeding would remain open for the purpose of permitting FRA to adopt these deleted provisions upon OMB approval. Pursuant to OMB Approval No. 004–R567, the requisite permission has been granted. Accordingly, FRA is now amending the final rule by adopting the deleted provisions.

Since notice and an opportunity for public comment were provided with respect to these provisions, and they are now being adopted exactly as they appeared in the notice of proposed rulemaking, FRA believes that an additional period for public comment is unnecessary.

In consideration of the foregoing, 49 CFR Part 216, is hereby amended as follows, effective on September 30, 1976.

1. § 216.5(c) is amended to read as follows:

§ 216.5 Delegation and general provisions.

* * * * *

(c) The notices prescribed in §§ 216.11, 216.13, 216.15, and 216.21 of this part are issued on standard FRA forms indicating the particular subject matter. An inspector issues a notice by delivering it to an appropriate officer or agent immediately responsible for the affected locomotive, car, or track.

2. § 216.11 is amended by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b), to read as follows:

§ 216.11 Special notice for repairs—railroad freight car.

* * * * *

(b) The railroad shall notify the Regional Director in writing when the equipment is returned to service, specifying the repairs completed.

(c) A railroad freight car subject to the notice prescribed in paragraph (a) of this section may be moved from the place where it was found to be unsafe for further service to the nearest available point where the car can be repaired, if such movement is necessary to make such repairs. However, the movement is subject to the further restrictions of § 215.9 of this chapter.

3. § 216.15 is amended by designating the current section as paragraph (a), and by adding a new paragraph (b), to read as follows:

§ 216.15 Special notice for repairs—track class.

(a) When an FRA Track Inspector or State Track Inspector determines that track does not comply with the requirements for the class at which the track is being operated, as defined in the Track Safety Standards (49 CFR Part 213), he notifies the railroad in writing that the track is being lowered in class and that operations over that track must comply with the speed limitations prescribed in Part 213 of this chapter. The notice describes the conditions requiring the track to be lowered in class, specifies the exact location of the affected track segment, and states the highest class and corresponding maximum speeds at which trains may be operated over that track. After receipt of such notice, the speeds at which trains operate over that track shall not exceed the stated maximum permissible speeds, until such time as the track conforms to applicable standards for a higher class.

(b) The railroad shall notify the Regional Director in writing when the track is restored to a condition permitting operations at speeds authorized for a higher class, specifying the repairs completed.

(Federal Railroad Safety Act of 1970 (84 Stat. 971; sec. 206, 88 Stat. 2156 (45 U.S.C. 421, 431–441)) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).)

Issued in Washington, D.C. on September 22, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76–28546 Filed 9–29–76;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75–5; Notice 07]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems; Agricultural Commodity Trailers

This notice amends Standard No. 121, *Air Brake Systems,* to extend until June 30, 1977, the period in which bulk agricultural commodity trailers designed with a high ground clearance and other special features for use with farm tractors during harvest can meet emergency and parking brake requirements other than those specified in S5.6 and S5.8 of the standard.

Standard No. 121 (49 CFR 571.121) permitted this specialized agricultural trailer category the option, until June 30, 1976, of meeting the parking brake requirements of the standard (actuation by an energy source unaffected by air loss in the service brake system) or the air-actuated "breakaway" system that complies with Bureau of Motor Carrier Safety requirements (49 CFR 393.43). The National Highway Traffic Safety Administration established the June 30, 1976, date (41 FR 8347, February 26, 1976) to permit completion of the bulk agricultural commodity trailers necessary for the 1976 harvest season.

Titan Trailer Corporation petitioned for a year's extension of the option because the reasons cited by the agency for the option still exist, and the company plans to manufacture the specialized vehicles throughout the year.

The agency does not wish to limit the manufacture of these trailers to only one of the available systems. In fact, the agency has an outstanding proposal to broaden the available means to meet the parking and emergency brake requirements for all trailers in a closely similar fashion to the bulk agricultural trailer option (40 FR 56920, December 5, 1975). Because of the comprehensive nature of that proposed revision, it will not be acted on in the immediate future. The NHTSA concluded that the option should be extended for a period to permit the continued manufacture of these trailers as they have been manufactured. (The extension was proposed July 6, 1976 (41 FR 27740).

Comments were received from Utility Trailer Manufacturing Company, Fruehauf Corporation, and Wesco Truck and Trailer Sales. All comments supported the proposal, and it is made final as proposed.

In accordance with recently enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200, April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of the proposal on the public and private sectors, including possible loss of safety benefits. Because the option simply permits continued manufacture of these trailers in the same fashion as they have been manufactured to date, and because the possibility for misuse of the mechanical parking brakes appears to be great in this case, the agency concludes that there would be no new economic or environmental costs imposed by the action, and that there would be no significant loss of safety benefit in this case.

§ 571.121 [Amended]

In consideration of the foregoing, the last sentence in paragraph S5.6 and S5.8 of Standard No. 121 (49 CFR 571.121) is amended by changing the date "June 30, 1976" to "June 30, 1977".

Effective date: September 24, 1976.

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

Issued on September 22, 1976.

JOHN W. SNOW,
Administrator.

[FR Doc.76–28536 Filed 9–24–76;4:54 pm]

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

PART 802—RULES IMPLEMENTING THE PRIVACY ACT OF 1974

Nomenclature Changes

On June 3, 1976, the National Transportation Safety Board (NTSB) published in the FEDERAL REGISTER at 41 FR 22357 et seq., a revised text of Part 802—Rules Implementing the Privacy Act of 1974.

On September 16, 1976, NTSB published in the FEDERAL REGISTER at 41 FR 39752 et seq., certain miscellaneous amendments to its regulations, including Part 802, to reflect an internal reorganization of NTSB, effective October 1, 1976. The September 16, 1976, amendments to Part 802 (41 FR 39758) are obsolete.

Appropriate to the new NTSB organizational structure, the amendments to Part 802 consist of nomenclature changes only; namely, "General Manager" is changed to "Director, Bureau of Administration,".

Notice of proposed rulemaking and public procedure thereon are unnecessary, and good cause exists for making the amended Part 802 effective October 1, 1976.

Accordingly, in 49 CFR Part 802, "General Manager" is changed to "Director, Bureau of Administration," in §§ 802.7 (a) (both occurrences), (b) (both occurrences), (e), (f), and (g) (both occurrences); 802.8(b) and (c); 802.10 (both occurrences); 802.11; and 802.14(g)(1), (2), and (3), and (h).

Dated September 24, 1976, to become effective October 1, 1976.

FRITZ L. PULS,
General Counsel.

[FR Doc.76-28733 Filed 9-29-76;8:45 am]

Title 7—Agriculture

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

[Valencia Orange Regulation 547]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 1–7, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.847 Valencia Orange Regulation 547.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues good. Prices f.o.b. for the week ending September 23, were $3.85 per carton on 819 cars as compared with $3.66 per carton on 614 cars during the prior week. Track and rolling supplies at 367 cars were up 58 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 28, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 1, 1976, through October 7, 1976, are hereby fixed as follows:

(i) District 1: 360,000 cartons;

(ii) District 2: 440,000 cartons;

(iii) District 3: Unlimited."

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

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

Dated: September 29, 1976.

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

[FR Doc.76-28945 Filed 9-29-76;11:48 am]

[Avocado Reg. 18, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Booth 5 variety of avocados. Booth 5 avocados can be shipped one week earlier on September 27 at a lower minimum weight or smaller diameter. It also revises other dates, minimum weights or diameters for Booth 5 avocados. Recently completed maturity studies on this variety indicate it will be mature at the hereinafter specified dates, minimum weights, or diameters. Weight or diameter and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, 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 recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified variety completed recently indicate that avocados of such variety will be mature at the hereinafter specified dates, minimum weights, or diameters.

(3) It is hereby further found that it is impracticable, unnecessary, 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 thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that 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 this amendment relieves restrictions on the handling of the specified variety of avocados.

Order. (1) The provisions of paragraph (a)(2) of § 915.318 (Avocado Regulation 18; 41 FR 21336; 34973) are amended by revising in Table I the dates, minimum weights or diameters applicable to the Booth 5 variety so that after such revision the portion of Table I relating to Booth 5 avocados reads as follows:

§ 915.318 Avocado Regulation 18.

(a)(1) * * *

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Booth 5	Sept. 27, 1976	14 oz. 3 5/16 in	Oct. 11, 1976	12 oz. 3 5/16 in	Oct. 25, 1976		

* * * * * * *

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

Dated: September 24, 1976, to become effective September 27, 1976.

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

[FR Doc.76-28572 Filed 9-29-76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: MILK), DEPARTMENT OF AGRICULTURE

[Milk Order Nos. 6, 12, and 13; Docket Nos. AO-356-A14, AO-347-A18, and AO-286-A26]

MILK IN THE UPPER FLORIDA, TAMPA BAY AND SOUTHEASTERN FLORIDA MARKETING AREAS

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective not later than October 1, 1976. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing areas.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Program Operations, was issued August 17, 1976, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued September 14, 1976. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the aforesaid orders effective October 1, 1976, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553 (d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the respective marketing areas.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Upper Florida, Tampa Bay and Southeastern Florida marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. Section 1006.12 is revised to read as follows:

§ 1006.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1006.13 from a pool plant to a nonpool plant.

(b) The term "producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) The operator of an exempt distributing plant; or

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I milk under the provisions of such other order.

2. In § 1006.13, the introductory text of paragraph (b) is revised to read as follows:

§ 1006.13 Producer milk.

* * * * *

(b) Diverted from a pool plant to a nonpool plant, other than a producer-handler plant, for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

* * * * *

3. Section 1006.14 is revised to read as follows:

§ 1006.14 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk fluid cream products from any source except:

(1) Producer milk;

(2) Such products from pool plants; and

(3) Such products in inventory at the beginning of the month;

(b) Receipts of packaged fluid cream products from other plants;

(c) Products, other than fluid milk products and fluid cream products, from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for.

4. Section 1006.15 is revised to read as follows:

§ 1006.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including eggnog and milkshake mix), filled milk, and concentrated milk.

5. A new § 1006.16 is added to read as follows:

§ 1006.16 Fluid cream product.

"Fluid cream product" means sweet cream or a mixture of sweet cream and milk or skim milk containing 9 percent or more butterfat. The term "fluid cream product" shall not include aerated cream and aerated cream products.

6. In § 1006.30(a), subparagraphs (2) and (5) are revised to read as follows:

§ 1006.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(2) Fluid milk products and bulk fluid cream products received from pool plants of other handlers;

* * * * *

(5) Inventories of fluid milk products and fluid cream products at the beginning and end of the month;

* * * * *

7. In § 1006.40(b), a new subparagraph (1–a) is added and subparagraph (4) is revised to read as follows:

§ 1006.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of fluid cream products and bulk fluid milk products at the end of the month;

* * * * *

8. In § 1006.42, the introductory text of paragraphs (a), (b), and (c) and the language of paragraph (c) (3) and (5) are revised to read as follows:

§ 1006.42 Classification of transfers and diversions.

* * * * *

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to the pool plant of another handler, subject to the following conditions:

* * * * *

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a bulk fluid cream product to a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant, unless the requirements of paragraph (b) (1) and (2) of this section are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from paragraph (b) (3) of this section.

* * * * *

(c) As follows, if transferred or diverted in the form of a fluid milk product or a bulk fluid cream product to an other order plant in excess of receipts of fluid milk products or bulk fluid cream products, respectively, from such plant in the same category as described in paragraph (c) (1), (2), or (3) of this section:

* * * * *

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II milk to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the other order:

* * * * *

(5) For purposes of this paragraph, if the other order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and allocations to other classes shall be classified in a comparable classification as Class II milk; and

* * * * *

9. In § 1006.44(a), new subparagraphs (2–b) and (2–c) are added and subparagraphs (3)(i), (6), and (10) are revised to read as follows:

§ 1006.44 Classification of producer milk.

* * * * *

(a) * * *

(2–b) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in fluid cream products that were received in packaged form from other plants;

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in fluid cream products that were in inventory at the beginning of the month in packaged form;

(3) * * *

(i) Other source milk, except that received in the form of a fluid milk product, that was not subtracted pursuant to paragraph (a) (2–b) of this section;

* * * * *

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products and bulk fluid cream products at the beginning of the month that were not subtracted pursuant to paragraph (a) (4) of this section;

* * * * *

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and bulk fluid cream products received from pool plants of other handlers according to the classification of such products pursuant to § 1006.42(a); and

* * * * *

10. In § 1006.45, paragraphs (b) and (c) are revised to read as follows:

§ 1006.45 Market administrator's reports and announcements concerning classification.

* * * * *

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1006.44 on the basis of such report, and thereafter, any change in

such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

* * * * *

11. In § 1006.60, paragraph (e) is revised and a new paragraph (g) is added to read as follows:

§ 1006.60 Handler's value of milk for computing uniform price.

* * * * *

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat (excluding that contained in receipts of bulk fluid cream products from an other order plant) subtracted from Class I pursuant to § 1006.44 (a)(3) and the corresponding step of § 1006.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1006.44(a)(3) (v) and (vi) and the corresponding step of § 1006.44 (b) the Class I price shall be adjusted to the location of the transferor-plant (but not to be less than the Class II price);

* * * * *

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class II price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid cream product that was in the handler's inventory at the end of the preceding month and classified as Class I milk.

12. In § 1006.85, paragraph (b) is revised to read as follows:

§ 1006.85 Assessment for order administration.

* * * * *

(b) Any other source milk allocated to Class I milk pursuant to § 1006.44(a) (3) and (8) and the corresponding step of § 1006.44(b), except such other source milk excluded from pool obligations pursuant to § 1006.60 (e) and (f); and

* * * * *

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. Section 1012.12 is revised to read as follows:

§ 1012.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1012.13 from a pool plant to a nonpool plant.

(b) The term "producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act; or

(2) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I milk under the provisions of such other order.

2. In § 1012.13, the introductory text of paragraph (b) is revised to read as follows:

§ 1012.13 Producer milk.

* * * * *

(b) Diverted from a pool plant to a nonpool plant, other than a producer-handler plant, for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

* * * * *

3. Section 1012.14 is revised to read as follows:

§ 1012.14 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk fluid cream products from any source except:

(1) Producer milk;

(2) Such products from pool plants; and

(3) Such products in inventory at the beginning of the month;

(b) Receipts of packaged fluid cream products from other plants;

(c) Products, other than fluid milk products and fluid cream products, from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for.

4. Section 1012.15 is revised to read as follows:

§ 1012.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including eggnog and milkshake mix), filled milk, and concentrated milk.

5. A new § 1012.16 is added to read as follows:

§ 1012.16 Fluid cream product.

"Fluid cream product" means sweet cream or a mixture of sweet cream and milk or skim milk containing 9 percent or more butterfat. The term "fluid cream product" shall not include aerated cream and aerated cream products.

6. In § 1012.30(a), subparagraphs (2) and (5) are revised to read as follows:

§ 1012.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(2) Fluid milk products and bulk fluid cream products received from pool plants of other handlers;

* * * * *

(5) Inventories of fluid milk products and fluid cream products at the beginning and end of the month;

* * * * *

7. In § 1012.40(b), a new subparagraph (1–a) is added and subparagraph (4) is revised to read as follows:

§ 1012.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of fluid cream products and bulk fluid milk products at the end of the month;

* * * * *

8. In § 1012.42, the introductory text of paragraphs (a), (b), and (c) and the language of paragraph (c) (3) and (5) are revised to read as follows:

§ 1012.42 Classification of transfers and diversions.

* * * * *

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to the pool plant of another handler, subject to the following conditions:

* * * * *

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a bulk fluid cream product to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of paragraph (b) (1) and (2) of this section are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from paragraph (b)(3) of this section:

* * * * *

(c) As follows, if transferred or diverted in the form of a fluid milk product or a bulk fluid cream product to an other order plant in excess of receipts of fluid milk products or bulk fluid cream products, respectively, from such plant in the same category as described in paragraph (c) (1), (2), or (3) of this section:

* * * * *

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II milk to the extent of the Class II utilization (or comparable utilization under such other order) available for

such assignment pursuant to the allocation provisions of the other order:

* * * * *

(5) For purposes of this paragraph, if the other order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and allocations to other classes shall be classified in a comparable classification as Class II milk; and

* * * * *

9. In § 1012.44(a), new subparagraphs (2–b) and (2–c) are added and subparagraphs (3)(i), (6), and (10) are revised to read as follows:

§ 1012.44 Classification of producer milk.

* * * * *

(a) * * *

(2–b) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in fluid cream products that were received in packaged form from other plants;

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in fluid cream products that were in inventory at the beginning of the month in packaged form;

(3) * * *

(i) Other source milk, except that received in the form of a fluid milk product, that was not subtracted pursuant to paragraph (a)(2–b) of this section;

* * * * *

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products and bulk fluid cream products at the beginning of the month that were not subtracted pursuant to paragraph (a)(4) of this section;

* * * * *

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and bulk fluid cream products received from pool plants of other handlers according to the classification of such products pursuant to § 1012.42(a); and

* * * * *

10. In § 1012.45, paragraphs (b) and (c) are revised to read as follows:

§ 1012.45 Market administrator's reports and announcements concerning classification.

* * * * *

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1012.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and as necessary, any changes in such allocation arising from the verification of such report.

* * * * *

11. In § 1012.60, paragraph (e) is revised and a new paragraph (g) is added to read as follows:

§ 1012.60 Handler's value of milk for computing uniform price.

* * * * *

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat (excluding that contained in receipts of bulk fluid cream products from an other order plant) subtracted from Class I pursuant to § 1012.44(a)(3) and the corresponding step of § 1012.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1012.44(a)(3)(iv) and (v) and the corresponding step of § 1012.44(b) the Class I price shall be adjusted to the location of the transferor-plant (but not to be less than the Class II price);

* * * * *

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class II price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid cream product that was in the handler's inventory at the end of the preceding month and classified as Class I milk.

12. In § 1012.85, paragraph (b) is revised to read as follows:

§ 1012.85 Assessment for order administration.

* * * * *

(b) Any other source milk allocated to Class I milk pursuant to § 1012.44(a)(3) and (8) and the corresponding step of § 1012.44(b), except such other source milk excluded from pool obligations pursuant to § 1012.60 (e) and (f); and

* * * * *

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. Section 1013.12 is revised to read as follows:

§ 1013.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who producers milk (and who is responsible for the milk production enterprise on a continuing basis as to management and risk) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this part compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption).

(b) The term "producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act; or

(2) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I milk under the provisions of such other order.

2. In § 1013.13, the introductory text of paragraph (b) is revised to read as follows:

§ 1013.13 Producer milk.

* * * * *

(b) Diverted from a pool plant to a nonpool plant, other than a producer-handler plant, for the account of the pool plant operator or a cooperative association, subject to the following:

* * * * *

3. Section 1013.14 is revised to read as follows:

§ 1013.14 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk fluid cream products from any source except:

(1) Producer milk;

(2) Such products from pool plants; and

(3) Such products in inventory at the beginning of the month;

(b) Receipts of packaged fluid cream products from other plants;

(c) Products, other than fluid milk products and fluid cream products, from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for.

4. Section 1013.15 is revised to read as follows:

§ 1013.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including eggnog and milkshake mix), filled milk, and concentrated milk.

5. A new § 1013.16 is added to read as follows:

§ 1013.16 Fluid cream product.

"Fluid cream product" means sweet cream or a mixture of sweet cream and milk or skim milk containing 9 percent or more butterfat. The term "fluid cream product" shall not include aerated cream and aerated cream products.

§ 1013.19 [Revoked]

6. Section 1013.19 is revoked.

7. In § 1013.30(a), subparagraphs (2) and (5) are revised to read as follows:

§ 1013.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(2) Fluid milk products and bulk fluid cream products received from pool plants;

* * * * *

(5) Inventories of fluid milk products and fluid cream products at the beginning and end of the month or accounting period;

* * * * *

8. In § 1013.40(b), a new subparagraph (1–a) is added and subparagraph (4) is revised to read as follows:

§ 1013.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of fluid cream products and bulk fluid milk products at the end of the month;

* * * * *

9. In § 1013.42, the introductory text of paragraphs (a), (b), and (c) and the language of paragraph (c) (3) and (5) are revised to read as follows:

§ 1013.42 Classification of transfers and diversions.

* * * * *

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to the pool plant of another handler, subject to the following conditions:

* * * * *

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a bulk fluid cream product to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of paragraph (b) (1) and (2) of this section are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from paragraph (b) (3) of this section:

* * * * *

(c) As follows, if transferred or diverted in the form of a fluid milk product or a bulk fluid cream product to an other order plant in excess of receipts of fluid milk products or bulk fluid cream products, respectively, from such plant in the same category as described in paragraph (c) (1), (2), or (3) of this section:

* * * * *

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II milk to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the other order:

* * * * *

(5) For purposes of this paragraph, if the other order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and allocations to other classes shall be classified in a comparable classification as Class II milk; and

* * * * *

10. In § 1013.44(a), new subparagraphs (2–b) and (2–c) are added and subparagraphs (3), (7), and (11) are revised to read as follows:

§ 1013.44 Classification of producer milk.

* * * * *

(a) * * *

(2–b) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in fluid cream products that were received in packaged form from other plants;

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in fluid cream products that were in inventory at the beginning of the month in packaged form;

(3) Subtract from the remaining pounds of skim milk in Class I and Class II, in series beginning with Class II, the pounds of skim milk in other source milk, except that received in the form of a fluid milk product, that was not subtracted pursuant to paragraph (a) (2–b) of this section;

* * * * *

(7) Subtract from the pounds of skim milk remaining in Class I and Class II, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products and bulk fluid cream products at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) of this section;

* * * * *

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and bulk fluid cream products received from pool plants of other handlers according to the classification of such products pursuant to § 1013.42(a); and

* * * * *

11. In § 1013.45, paragraphs (b) and (c) are revised to read as follows :

§ 1013.45 Market administrator's reports and announcements concerning classification.

* * * * *

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1013.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

* * * * *

12. In § 1013.60, paragraph (e) is revised and a new paragraph (g) is added to read as follows:

§ 1013.60 Handler's value of milk for computing uniform price.

* * * * *

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat (excluding that contained in receipts of bulk fluid cream products from an other order plant) subtracted from Class I pursuant to § 1013.44(a) (3) and (4) and the corresponding step of § 1013.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1013.44(a) (4) (iii) and (iv) and the corresponding step of § 1013.44(b) the Class I price shall be adjusted to the location of the transferor-plant (but not to be less than the Class II price);

* * * * *

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class II price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid cream product that was in the handler's inventory at the end of the preceding month and classified as Class I milk.

13. In § 1013.85, paragraph (a)(2) is revised to read as follows:

§ 1013.85 Assessment for order administration.

(a) * * *

(2) Any other source milk allocated to Class I milk pursuant to § 1013.44(a) (3), (4), and (9) and the corresponding steps of § 1013.44(b), except such other source milk excluded from pool obligations pursuant to § 1013.60 (e) and (f); and

* * * * *

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

Effective date: October 1, 1976.

Signed at Washington, D.C., on: September 27, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-28705 Filed 9-29-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Res., 1976 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Barley Loan and Purchase Program

Correction

In FR Doc. 76-24789 appearing on page 35695 in the FEDERAL REGISTER of Tuesday, August 24, 1976, § 1421.75(a) should be corrected to read as follows:

§ 1421.75 Loan and purchase rates.

(a) * * *

MINNESOTA

Aitkin	$1.05	Goodhue	$1.08
Anoka	1.08	Grant	.98
Becker	.96	Hennepin	1.09
Beltrami	.98	Houston	1.04
Benton	1.05	Hubbard	.93
Big Stone	1.00	Isanti	1.07
Blue Earth	1.08	Itasca	1.04
Brown	1.06	Jackson	1.05
Carlton	1.09	Kanabec	1.00
Carver	1.09	Kandiyohi	1.05
Cass	1.01	Kittson	.90
Chippewa	1.05	Koochiching	1.02
Chisago	1.08	Lac Qui Parle	1.04
Clay	.95	Lake of the Woods	.97
Clearwater	.95		
Cottonwood	1.05	Le Sueur	1.09
Crow Wing	1.01	Lincoln	1.01
Dakota	1.09	Lyon	1.04
Dodge	1.08	McLeod	1.08
Douglas	1.00	Mahnomen	.94
Faribault	1.07	Marshall	.93
Fillmore	1.05	Martin	1.07
Freeborn	1.08	Meeker	1.06

* * * * *

[CCC Grain Price Support Regs., 1976 Crop Oats Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Oats Loan and Purchase Program

Correction

In FR Doc. 76-24790 appearing on page 35698 in the FEDERAL REGISTER of Tuesday, August 24, 1976 the following corrections should be made:

1. On page 35698, the second column, fourth line should read, "* * * and any amendments thereto, and the * * *".

2. In the list of Michigan counties in § 1421.273(a) on page 35699, 3rd column, "Osccola" should read "Osceola".

3. In the list of Montana counties in § 1421.273(a) on page 35700, 1st column, "Pavalli" should read, "Ravalli".

4. On page 35700, 3rd column, the list of South Dakota counties should include "Harding County". The corrected portion of the list is as follows:

§ 1421.273 Loan and purchase rates.

(a) * * *

County	Rate per bushel	County	Rate per bushel
Brule	$0.53	Kingsbury	$0.53
Buffalo	.53	Lake	.53
Butte	.52	Lawrence	.52
Campbell	.50	Lincoln	.56
Charles Mix	.54	Lyman	.53
Clark	.52	McCook	.54
Clay	.58	McPherson	.50
Codington	.53	Marshall	.51
Corson	.50	Meade	.52
Custer	.55	Mellette	.54
Davison	.53	Miner	.53
Day	.52	Minnehaha	.55
Deuel	.54	Moody	.54
Dewey	.52	Pennington	.53
Douglas	.54	Perkins	.50
Edmunds	.51	Potter	.52
Fall River	.55	Roberts	.52
Faulk	.52	Sanborn	.53
Grant	.54	Shannon	.55
Gregory	.54	Spink	.52
Haakon	.53	Stanley	.53
Hamlin	.53	Sully	.53
Hand	.53	Todd	.54
Hanson	.53	Tripp	.54
Harding	.51	Turner	.56
Hughes	.53	Union	.58
Hutchinson	.55	Walworth	.52
Hyde	.53	Washabaugh	.54
Jackson	.53	Yankton	.57
Jerauld	.53	Ziebach	.52
Jones	.53		

[CCC Grain Price Suport Regulations, 1976 Crop Rye Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Rye Loan and Purchase Program

Correction

In FR Doc.76-24791 on page 35701 in the FEDERAL REGISTER of Tuesday, August 24, 1976, § 1421.353(a), should be corrected as follows:

The word "ALABAMA" should be placed as the State heading centered at the beginning of the table.

[CCC Grain Price Suport Regs., 1976 Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Wheat Loan and Purchase Program

Correction

In FR Doc. 76-24792 appearing on page 35702, in the FEDERAL REGISTER, Tuesday, August 24, 1976, the list in § 1421.488(a) should be corrected as follows:

§ 1421.488 Loan and purchases rates.

(a) * * *

MISSOURI

County	Rate per Bushel
* * * * *	
Pemiscot	1.51
* * * * *	

MONTANA

County	Rate per Bushel
* * * * *	
Petroleum	1.41
* * * * *	

NORTH DAKOTA

* * * * *	
McKenzie	1.39
* * * * *	

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.1]

PART 1831—OPERATING LOANS

Subpart A—Operating Loan Policies and Authorizations

MISCELLANEOUS AMENDMENT

Section 1831.10(f) of Subpart A, Part 1831, Title 7, Code of Federal Regulations (37 FR 14858; 41 FR 491) is amended by the addition of subparagraph (3) which clarifies Operating loan policy concerning partnerships, and the conditions which must be met for a joint loan to be made to the partners involved. This amendment is being published without notice of proposed rulemaking since the amendment does not set forth a new policy but merely clarifies the existing FmHA position regarding partnership eligibility under the Operating loan program. Notice and public procedure are therefore both unnecessary and impracticable.

Accordingly, § 1831.10(f)(3) reads as follows:

§ 1831.10 Special requirements and loan limitations.

* * * * *

(f) *Loans to individuals jointly engaged in farming, recreational, and other nonfarm enterprises.* * * *

(3) Operating loans cannot be approved for a partnership. For example, a loan cannot be made to Jones Brothers, Partners. However, individual applicants are not ineligible because they are partners, even though title to the property is vested in the partnership and the farming operations are conducted by the partnership. Separate loans will not be made to individual members of a partnership. A joint loan not to exceed $50,000 may be made to not more than three partners, provided:

(i) The applicants are the only partners, and each member of the partnership is an eligible applicant.

(ii) The partnership is engaged in no other business or enterprise other than operation of the farm.

(iii) Personal participation in the management of the farming operations by the applicants meets the degree that would be required for a loan to them if the partnership did not exist.

(iv) The financial resources and borrowing capacity of the partnership are treated as the financial resources and borrowing capacity of the partners in determining whether they can obtain the necessary credit elsewhere.

(v) The note, mortgages, and any other required instruments are executed by the partnership as well as by all the partners in accordance with the advice of the Regional Attorney or Attorney in Charge, as necessary, to close the loan and obtain the desired liens and liability.

* * * * *

(7 U.S.C. 1989, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date: This amendment is effective on September 30, 1976.

Dated: September 16, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-28575 Filed 9-29-76;8:45 am]

SUBCHAPTER E—ACCOUNT SERVICING

[FmHA Instruction 452.1]

PART 1867—REAMORTIZING AND RENEWING OPERATING LOANS

Approval Authority

Section 1867.9 of Part 1867, Title 7, Code of Federal Regulations, (40 FR 13203) is amended by deleting the words "and Emergency." This amendment is being published without notice of proposed rulemaking inasmuch as it deals only with internal operations of the Agency pertaining to the approval authority of a loan official. Notice and public procedure is therefore unnecessary.

As amended, § 1867.9 reads as follows:

§ 1867.9 Approval authority.

Loan approval officials are hereby authorized to approve the reamortization or renewal of Operating loans subject to the above-stated policies: *And provided,* The principal amount owed on the Operating loan note being reamortized or renewed plus the outstanding total principal balance owed by the borrower on other Operating loans does not exceed the loan approval official's authority shown in Subpart B of Part 1810 of this chapter.

* * * * *

(7 U.S.C. 1989, Section 10 Pub. L. 93-357, 88 Stat. 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date: This amendment is effective on September 30, 1976.

Dated: September 20, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-28576 Filed 9-29-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Parker River National Wildlife Refuge, Mass.

The following special regulations are issued and are effective during the period October 13, 1976 through January 31, 1977.

§ 32.12 Special regulations: migratory game birds, for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl and coots on the Parker River National Wildlife Refuge, Massachusetts, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,900 acres, and known as the Pine Island Hunting Area (Area A), Parker River Hunting Area (Area B), Nelson's Island Hunting Area (Area C), and the Youth Hunting Area, are delineated on maps available at refuge headquarters, Newburyport, Massachusetts, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory game birds, subject to the following special conditions:

(1) Hunters will be required to have taken and passed an open book Qualification Examination for refuge waterfowl hunters prior to hunting on the refuge. These hunters must have a valid 1976-77 Certification Card with them while hunting on the refuge and must display it upon request.

(2) The number of hunters on the Pine Island Area will be limited to 75 each day, Parker River Area to 25 each day, and the Nelson's Island Area to 50 each day. Participation will be on a first-come, first-served basis. Hunters using Area B must each bring and set out at least two (2) waterfowl decoys and waterfowl may only be hunted within 50 yards of these set decoys.

(3) Hunters on all three areas are limited to 15 shotshells per day. Steel shotshells are required for all shotguns 12 gauge or larger. Persons using shotguns 12 gauge or larger may not have in their possession lead shotshells. Lead shotshells may be used in shotguns smaller than 12 gauge.

(4) The Youth Hunting Area will be open during the regular State waterfowl season for Young Waterfowl trainees on selected days except Sundays under the provisions of this special program. Literature describing this program is available at the refuge headquarters.

(5) Boat access is prohibited on Areas B and C and required on Area A. Boats may only be landed during the open season on waterfowl and only by persons authorized to participate in refuge hunting programs. Access to Areas B and C must only be from refuge parking lots.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
United States Fish and Wildlife Service.

SEPTEMBER 22, 1976.

[FR Doc.76-28588 Filed 9-29-76;8:45 am]

PART 32—HUNTING

Brigantine National Wildlife Refuge, New Jersey

The following special regulations are issued and are effective during the period October 6, 1976 through January 31, 1977.

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

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on those areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1, 2 and 3 on maps available at refuge headquarters, Oceanville, New Jersey, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

(1) Steel shotshells are required for all shotguns 12 gauge or larger while hunting migratory waterfowl on all public hunting areas. Persons using shotguns 12 gauge or larger may not have in their possession lead shotshells. Lead shotshells may be used in shotguns smaller than 12 gauge.

(2) Hunting on Unit 3 during the waterfowl season is restricted to certified Young Waterfowler Program Trainees only, from designated blind sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
United States Fish and Wildlife Service.

SEPTEMBER 22, 1976.

[FR Doc.76-28587 Filed 9-29-76;8:45 am]

PART 32—HUNTING

Sequoyah and Washita National Wildlife Refuges, Oklahoma

The following special regulations are issued and are effective on September 30, 1976.

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

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, snipe and woodcock on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted on three areas designated by signs as open to hunting. These open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters, 412 N. Maple Street, Sallisaw, Oklahoma 74955, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico. Hunting seasons are as follows: Ducks and coots, from October 30 through November 28, 1976, inclusive, and from December 11, 1976 through January 9, 1977, inclusive. Geese; snow and blue geese, from October 2 through November 28, 1976, inclusive, and from December 12, 1976 through January 8, 1977, inclusive; Canada and white-fronted geese, from October 16 through November 28, 1976, inclusive, and from December 12, 1976 through January 8, 1977, inclusive. Snipe, from October 23, 1976 through January 9, 1977, inclusive. Woodcock, from November 20, 1976 through January 9, 1977, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, snipe and woodcock subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1977.

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

WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,655 acres, are delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and cottontail rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 20, 1976 through February 1, 1977, inclusive.

(2) The open season for cottontail rabbit hunting on the refuge extends from November 20, 1976 through February 1, 1977, inclusive.

(3) Hunting of either quail or cottontail rabbits is permitted only on Mondays, Tuesdays, Thursdays, Saturdays and national holidays.

(4) Rifles and hand guns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail. Shotguns and/or long bows and arrows are legal weapons for the taking of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 1, 1977.

GEORGE S. ROST,
Acting Regional Director,
Albuquerque, N. Mex.

SEPTEMBER 24, 1976.

[FR Doc.76-28590 Filed 9-29-76;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on September 30, 1976.

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

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers and snipe on the Seedskadee National Wildlife Refuge, Wyoming is permitted as follows: Geese from October 2 through December 12, 1976, inclusive; Ducks, coot, mergansers and snipe from October 2, 1976 through December 31, 1976, inclusive. All of the refuge area, comprising 14,234 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84138. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of geese, coot, ducks, mergansers and snipe. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

H. J. JOHNSON,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

SEPTEMBER 2, 1976.

[FR Doc.76-28592 Filed 9-29-76;8:45 am]

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the United States

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

This final rulemaking notice is the tenth in a series of proposed and final rulemaking documents published during the annual regulatory process for establishing migratory game bird hunting seasons in the United States. It deals specifically with amending §§ 20.104 through 20.107 of 50 CFR 20 to set open hunting seasons, certain closed areas, shooting hours and bag and possession limits for waterfowl, coots, and gallinules; cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common snipe in the Pacific Flyway during the 1976–77 season.

The first notice of proposed rulemaking in the series dealt with the establishment of open hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in the contiguous United States, Alaska, and Hawaii and was published in the FEDERAL REGISTER on March 3, 1976 (41 FR 9177) with a comment period ending May 1, 1976. The second notice of proposed rulemaking in the series dealt with the establishment of hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in Puerto Rico and the Virgin Islands and was published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19341), with a comment period ending June 26, 1976. A correction to the May 12 proposal was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20888) correcting the first word in the title of the frameworks from "Final" to "Proposed." The third notice in the series consisted of supplemental proposed rulemaking dealing with proposed early season frameworks and proposed Canada goose regulations in Wisconsin, and was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27382), with a 15-day comment period ending July 17, 1976. In addition to the above, notice of availability was published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27987) relative to a black duck environmental assessment. Similar notice was given in the first notice of proposed rulemaking (41 FR 9177; March 3, 1976) about the availability of an environmental assessment covering the canvasback and the redhead. The fourth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands during the 1976–77 season and was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29387). The fifth notice in the series consisted of final rulemaking amending Section 20.101 of 50 CFR Part 20 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1976–77 season and was published in the FEDERAL REGISTER on July 22, 1976 (41 FR 30119). The sixth notice in the series consisted of final early season frameworks for selecting open season dates for hunting migratory birds in the contiguous United States, Alaska and Hawaii during the 1976–77 season and was published in the FEDERAL REGISTER on July 28, 1976 (41 FR 31383).

The seventh notice in the series consisted of amendments to Subpart K of 50 CFR 20 to set open hunting seasons, certain closed areas, shooting hours and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; for Canada goose hunting in Wisconsin; and for waterfowl, coots, snipe, and cranes in Alaska and was published in the FEDERAL REGISTER on August 12, 1976 (41 FR 34041), with subsequent corrections published in the FEDERAL REGISTER on September 2, 1976 (41 FR 37106). The eighth notice in the series consisted of supplemental proposed rulemaking dealing with proposed regulations frameworks for 1976–77 late hunting seasons in the United States and was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34273), with a comment period ending August 23, 1976. The ninth notice in the series consisted of final late season regulations frameworks from which States could select open seasons for hunting migratory birds in the contiguous United States during the 1976–77 season, and an amendment to 50 CFR 20.105(d)(3) to correct and clarify Canada goose regulations in Wisconsin, and was pubilshed in the FEDERAL REGISTER on September 7, 1976 (41 FR 37582).

In this connection, the Final Environmental Statement for the Issurance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54) was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

Environmental Assessments have been prepared on:

PROPOSED HUNTING REGULATIONS ON BLACK DUCKS

Proposed Hunting regulations on Canvasback and Redhead Ducks.

Notices of Availability of these environmental assessments were published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27987) and on September 2, 1976 (41 FR 37137). Having reviewed these assessments, and the Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54), the Director has concluded that environmental impact statements are not necessary and has signed negative declarations setting forth that conclusion.

The Annual Regulations Conference for Migratory Shore and Upland Game Birds convened on June 22, 1976, in accordance with the notice published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20901). The purposes of this meeting were for the Committee to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1976–77 hunting season. This meeting was open to the public and statements by interested persons were received.

The Waterfowl Regulations Public Hearing was held on August 5, 1976, in accordance with the notice published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27988). The purpose of the hearing was to review U.S. Fish and Wildlife Service staff recommendations for hunting regulations governing the taking of waterfowl and other species of migratory birds for which framework regulations had not been finalized. This hearing was open to the public and statements by interested persons were received.

Compliance with Section 7 of the Endangered Species Act of 1973. Section 7 of this Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act." Consequently, the Service reviewed all migratory bird regulations being contemplated this year and concluded that none of the proposals, if implemented, were likely to jeopardize the continued existence of any species designated as Endangered or Threatened under the Act or adversely modify the critical habitat of an Endangered or Threatened Species. As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection of endangered species. Examples of such consideration include closures of designated areas in the Aleutian Islands and California to the taking of Canada geese for the protection of the Aleutian Canada goose (*Branta canadensis leucopareia*); closures in Puerto Rico for protection of the Plain pigeon (*Columba inornata wetmorei*) and Puerto Rican parrot (*Amazona vittata*); no open season for any species of clapper rails in the Pacific Flyway for the protection of the California, light-footed, and Yuma clapper rails, (*Rallus longirostris spp.*); the setting of lesser sandhill crane seasons in the Central Flyway to alleviate risks to the whooping crane (*Grus americana*), the display of informational and warning posters on public hunting areas relative to the protected status of the peregrine falcon (*Falco peregrinus*) and all other raptors and a series of TV shorts that will be aired publicly prior to the hunting seasons to discourage the illegal shooting of falcons.

Regulations Promulgation. After analysis of the migratory game bird survey data obtained through investigations conducted by the U.S. Fish and Wildlife Service, by State game departments, and by other sources, and consideration of all comments received on the March 3, 1976, proposals (41 FR 9177), the Service published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34273) supplemental proposed rulemaking containing Proposed Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds. The proposed frameworks contained more specific information than the earlier regulatory proposals (41 FR 9177; March 3, 1976) concerning outside season dates within which hunting seasons could be selected, and season lengths, shooting hours, and bag and possession limits, and areas to be hunted. A 10-day comment period was allowed, ending August 23, 1976.

After due consideration of all comments received on the proposed frameworks, the Service published in the FEDERAL REGISTER on September 7, 1976 (41 FR 37582) Final Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds. Copies of the final frameworks were also sent to the officials of the State game departments who were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, season lengths and areas specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The amendments will permit taking of the designated species within specified periods of time beginning as early as October 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The Fish and Wildlife Service is of the view that, although the rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints, every attempt should be made to give the public the greatest possible opportunity to comment on the regulations; thus, when the above-mentioned proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements and leaflets would be delayed to the extent that hunters would not have regulatory information available prior to the beginning of the hunting seasons. The Service therefore finds "good cause" exists, within the terms of 5 U.S.C. 553 (d)(3) of the Administrative Procedure Act; and these regulations will, therefore, take effect immediately upon publication.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that Sections 20.104 through 20.107 of Title 50, Chapter 1, Subchapter B, Part 20, Subpart K, are amended as indicated below.

AUTHORITY: Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711).

Effective date: September 15, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

Section 20.104 is amended to read as follows:

§ 20.104 Seasons, limits and shooting hours for rails, woodcock, and common (Wilson's) snipe.

(a) Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(b) The season dates, bag limits, and shooting hours published in this section in the FEDERAL REGISTER of August 12, 1976 (41 FR 34041) have been expanded to include season dates for previously deferred seasons and to include snipe season dates for the Pacific Flyway.

	Rails (Sora and Virginia)	Rails (King and Clapper)	Woodcock	Common Snipe (Wilson's)
Daily bag limit	[1] 25	See footnote 2.	5	8
Possession limit	[1] 25	See footnote 2.	10	16

Shooting hours—One-half hour before sunrise until sunset daily on all species, except as noted otherwise.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in the Atlantic Flyway:				
Connecticut	Sept. 1–Nov. 6	Sept. 1–Nov. 6	Oct. 16–Dec. 4	Oct. 16–Dec. 4.
Delaware	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 25–Nov. 10 Nov. 22–Jan. 6	Oct. 6–Nov. 10. Nov. 22–Jan. 31.
Florida	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Dec. 18–Feb. 20	Nov. 13–Feb. 27.
Georgia	Sept. 18–Nov. 26	Sept. 18–Nov. 26	Nov. 20–Jan. 23	Nov. 20–Feb. 28.
Maine [3]				
Management units 1 and 2.	Sept. 1–Nov. 9	Closed	Sept. 24–Nov. 27 (5 daily; 10 possession).	Sept. 24–Nov. 27.
Management units 3–8.	Sept. 1–Nov. 9	Closed	Oct. 1–Nov. 27 (4 daily; 8 possession).	Oct. 1–Nov. 27.
Maryland	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 5–Dec. 8	Sept. 17–Jan. 1.
Massachusetts	Sept. 1–Nov. 6	Closed	Oct. 9–Dec. 4	Sept. 1–Nov. 6.
New Hampshire	Closed	Closed	Sept. 24–Nov. 27	Sept. 24–Nov. 27.
New Jersey [4]	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 9–Dec. 4 Dec. 18–Dec. 25	Oct. 6–Jan. 1.
New York: [5 6]				
North zone	Sept. 1–Nov. 4	Closed	Sept. 20–Nov. 23	Sept. 1–Nov. 4.
South zone	Sept. 1–Nov. 4	Closed	Oct. 1–Nov. 23	Sept. 1–Nov. 4.
Long Island area	Closed	Closed	Oct. 1–Nov. 23	Closed.
North Carolina	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Nov. 20–Jan. 22	Oct. 2–Jan. 15.
Pennsylvania	Sept. 1–Nov. 9	Closed	Oct. 16–Dec. 18	Oct. 16–Dec. 18.
Rhode Island	Sept. 20–Nov. 28	Sept. 20–Nov. 28	Oct. 16–Dec. 10 Dec. 20–Dec. 28	Sept. 13–Dec. 10. Dec. 20–Dec. 28.
South Carolina	Sept. 18–Nov. 26	Sept. 18–Nov. 26	Nov. 25–Jan. 28	Nov. 15–Feb. 28.
Vermont	Sept. 25–Dec. 3	Closed	Sept. 25–Nov. 28	Sept. 25–Nov. 28.
Virginia	Sept. 6–Nov. 13	Sept. 6–Nov. 13	Nov. 8–Jan. 11	Oct. 18–Jan. 31.
West Virginia	Oct. 16–Dec. 24	Closed	Oct. 16–Dec. 18	Sept. 1–Dec. 16.
Seasons in the Mississippi Flyway:				
Alabama	Nov. 12–Jan. 20	Nov. 12–Jan. 20	Nov. 28–Jan. 31	Nov. 14–Feb. 28.
Arkansas	Nov. 7–Jan. 15	Closed	Dec. 1–Feb. 3	Nov. 1–Feb. 15.
Illinois	Sept. 1–Nov. 9	Closed	Oct. 15–Dec. 15	Oct. 15–Dec. 15.
Indiana	Sept. 4–Nov. 12	Closed	Sept. 18–Nov. 21	Sept. 1–Nov. 21.
Iowa (shooting hours—sunrise until sunset).	Sept. 4–Nov. 12	Closed	Sept. 18–Nov. 21	Sept. 4–Dec. 19.
Kentucky	Nov. 12–Jan. 20	Closed	Oct. 9–Dec. 3 Dec. 11–Dec. 19	Oct. 9–Dec. 3. Dec. 11–Dec. 19.
Louisiana	Nov. 6–Jan. 14	Nov. 6–Jan. 14	Dec. 4–Feb. 6	Nov. 6–Feb. 20.
Michigan: [3]				
Zone 1	Sept. 15–Nov. 14	Closed	Sept. 15–Nov. 13	Sept. 15–Nov. 14.
Zone 2	Sept. 15–Nov. 14	Closed	Sept. 15–Nov. 14	Sept. 15–Nov. 14.
Zone 3	Sept. 15–Nov. 14	Closed	Oct. 20–Nov. 14	Sept. 15–Nov. 14.
Minnesota	Sept. 1–Nov. 4	Closed	Sept. 1–Nov. 4	Sept. 1–Nov. 4.
Mississippi	Oct. 30–Jan. 7	Oct. 30–Jan. 7	Dec. 11–Feb. 13	Nov. 25–Feb. 22.
Missouri	Sept. 1–Nov. 9	Closed	Oct. 1–Dec. 4	Oct. 1–Dec. 4.
Ohio	Sept. 1–Nov. 9	Closed	Sept. 24–Nov. 27	Sept. 1–Dec. 16.
Tennessee	Nov. 27–Nov. 28 Dec. 4–Jan. 20	Closed	Oct. 23–Nov. 28 Feb. 1–Feb. 28	Oct. 23–Nov. 28. Feb. 1–Feb. 28.
Wisconsin	Oct. 1 [4]–Oct. 10 Oct. 16–Nov. 24	Closed	Sept. 18–Nov. 21	Oct. 1 [4]–Dec. 10.
Seasons in the Central Flyway:				
Colorado [7] (shooting hours—sunrise until sunset).	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 2.
Kansas	Sept. 11–Nov. 19	Closed	Oct. 9–Dec. 12	Sept. 11–Dec. 26.
Montana [7]	Closed	Closed	Closed	Oct. 2–Nov. 30.
Nebraska (shooting hours—15 min before sunrise until sunset).	Sept. 1–Nov. 9	Closed	Closed	Sept. 15–Nov. 18.

See footnotes at end of table.

	Rails (Sora and Virginia)	Rails (King and Clapper)	Woodcock	Common Snipe (Wilson's)
New Mexico [7]	Closed	Closed	Closed	Nov. 6-Jan. 23.
North Dakota	Closed	Closed	Closed	Sept. 18-Nov. 21.
Oklahoma	Sept. 1-Nov. 9	Closed	Nov. 20-Jan. 16	Oct. 23-Feb. 6.
South Dakota	Closed	Closed	Closed	Sept. 1-Oct. 31.
Texas	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 20-Jan. 23	Oct. 30-Feb. 13.
Wyoming [7]	Oct. 2-Dec. 10	Closed	Closed	Oct. 2-Jan. 9.
Seasons in the Pacific Flyway:				
Arizona	Closed	Closed	Closed	Nov. 22-Jan. 23.
California: [8]				
Tule Lake	Closed	Closed	Closed	Oct. 9-Jan. 9.
Colorado River area	Closed	Closed	Closed	Oct. 2-Oct. 31. Nov. 22-Jan. 23.
Remainder of State	Closed	Closed	Closed	Oct. 23-Jan. 23.
Colorado [9] (shooting hours—Sunrise to sunset).	Closed	Closed	Closed	Sept. 1-Dec. 2.
Idaho: [3]				
Columbia Basin	Closed	Closed	Closed	Oct. 2-Jan. 9.
Remainder of State	Closed	Closed	Closed	Oct. 2-Jan. 2.
Montana [8]	Closed	Closed	Closed	Oct. 2-Jan. 2.
Nevada:				
Clark and Lincoln Counties.	Closed	Closed	Closed	Oct. 2-Oct. 31. Nov. 22-Jan. 23.
Remainder of State	Closed	Closed	Closed	Oct. 2-Jan. 2.
New Mexico [8]	Closed	Closed	Closed	Oct. 2-Jan. 2.
Oregon: [3]				
Columbia Basin (except Baker and Malheur Counties).	Closed	Closed	Closed	Oct. 9-Jan. 16.
Remainder of State	Closed	Closed	Closed	Oct. 9-Jan. 9.
Utah	Closed	Closed	Closed	Oct. 2-Jan. 2.
Washington: [3]				
Columbia Basin	Closed	Closed	Closed	Oct. 16-Jan. 23.
Remainder of State	Closed	Closed	Closed	Oct. 16-Jan. 16.
Wyoming [8]	Closed	Closed	Closed	Oct. 2-Dec. 31.

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these 2 species.
[2] In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these 2 species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these 2 species.
[3] For description of zones or management units within a State, see the State's regulations.
[4] In New Jersey the season for king rails is closed and the season for woodcock is closed on Nov. 5 and reopens on Nov. 6 at 9 a.m.
[5] On opening day, shooting hours begin at noon local time.
[6] In New York, shooting hours for woodcock are sunrise until sunset daily.
[7] Seasons apply to Central Flyway portion of State. The Central Flyway portion consists of: Colorado and Wyoming—the area lying east of the Continental Divide; Montana—the counties of Blaine, Fergus, Judith Basin, Wheatland, Sweet Grass, Stillwater, Carbon, and all counties east thereof; New Mexico—the area lying east of the Continental Divide outside the boundaries of the Jicarilla Apache Indian Reservation.
[8] Seasons apply to Pacific Flyway portion of State. The Pacific Flyway portion consists of: Colorado and Wyoming—the area lying west of the Continental Divide; Montana—the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof; New Mexico—the area lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation.

Section 20.105 is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 18, 1976, and January 20, 1977, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Connecticut	Sept. 25-Jan. 8.
Delaware	Oct. 2-Jan. 15.
Georgia	Nov. 17 [1]-Jan. 20.
Maine	Oct. 1-Jan. 15.
Maryland	Oct. 6-Jan. 20.
Massachusetts	Sept. 25-Jan. 8.
New Hampshire	Sept. 18-Jan. 2.
New Jersey	Sept. 18-Jan. 1.
New York	Sept. 22-Jan. 6.
North Carolina	Oct. 6-Jan. 20.
Rhode Island	Oct. 1-Jan. 15.
South Carolina	Oct. 6-Jan. 20.
Virginia	Oct. 6-Jan. 20.

[1] On opening day, shooting hours begin at noon local time.

(4) Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motor boat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, North Carolina, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) *Teal.* September season:

* * * * *

(c) *Gallinules.*

Limits in the Atlantic, Mississippi, and Central Flyways:	
Daily bag limit	15
Possession limit	30

Limits in the Pacific Flyway: The daily bag and possession limits are 25 gallinules and coots singly or in the aggregate of these two species. Shooting hours: One-half hour before sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in the Atlantic Flyway:	
Connecticut	Sept. 1-Nov. 6.
Delaware	Sept. 1-Nov. 9.
Florida [1]	Sept. 1-Nov. 9.
Georgia	Nov. 17 [2]-Jan. 20.
Maine	Sept. 1-Nov. 9.
Maryland	Sept. 1-Nov. 9.
Massachusetts	Sept. 1-Nov. 6.
New Hampshire	Closed.
New Jersey	Sept. 1-Nov. 9.
New York:	
North and south zones	Sept. 1-Nov. 4.
Long Island area	Closed.
North Carolina	Sept. 1-Nov. 9.
Pennsylvania	Sept. 1-Nov. 9.
Rhode Island	Sept. 20-Nov. 28.
South Carolina	Sept. 18-Nov. 26.
Vermont	Sept. 25-Dec. 3.
Virginia	Oct. 6-Oct. 11, Dec. 8 [2]-Jan. 20.
West Virginia	Oct. 6-Oct. 23, Dec. 15-Jan. 15.
Seasons in the Mississippi Flyway:	
Alabama	Nov. 12-Jan. 20.
Arkansas	Nov. 7-Jan. 15.
Illinois	Closed.
Indiana	Sept. 4-Nov. 12.
Iowa	Closed.
Kentucky	Nov. 12-Jan. 20.
Louisiana	Sept. 18-Nov. 26.
Michigan	Oct. 6-Nov. 24.

[1] The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinules in Florida.
[2] On opening day, shooting hours begin at noon local time.

Seasons in the Mississippi Flyway:

Minnesota	Oct. 2–Nov. 20.
Mississippi	Oct. 30–Jan. 7.
Missouri	Sept. 1–Nov. 9.
Ohio	Sept. 1–Nov. 9.
Tennessee	Nov. 27–Nov. 28, Dec. 4–Jan. 20.
Wisconsin	Oct. 1 [2]–Oct. 10, Oct. 16–Nov. 24.

Seasons in the Central Flyway:

Colorado [3]	Closed.
Kansas	Closed.
Montana [3]	Closed.
Nebraska	Closed.
New Mexico [3]	Nov. 6–Jan. 14.
North Dakota	Closed.
Oklahoma	Sept. 1–Nov. 9.
South Dakota	Closed.
Texas	Sept. 1–Nov. 9.
Wyoming [3]	Closed.

Seasons in the Pacific Flyway:

Arizona	Oct. 2–Oct. 31, Nov. 22–Jan. 23.
California:	
Tule Lake Area	Oct. 9–Jan. 9.
Colorado River Area	Oct. 2–Oct. 31, Nov. 22–Jan. 23.
Remainder of State	Oct. 23–Jan. 23.
Colorado [4]	Closed.
Idaho:	
Columbia Basin	Oct. 2–Jan. 9.
Remainder of State	Oct. 2–Jan. 2.
Montana [4]	Closed.
Nevada:	
Clark and Lincoln Counties	Oct. 2–Oct. 31, Nov. 22–Jan. 23.
Remainder of State	Oct. 2–Jan. 2.
New Mexico [4]	Oct. 2–Jan. 2.
Oregon:	
Wallowa, Union, Umatilla, Morrow, Gilliam, Sherman, and Wasco Counties	Oct. 9–Jan. 16.
Remainder of State	Oct. 9–Jan. 9.
Utah	Oct. 2–Jan. 2.
Washington:	
Columbia Basin	Oct. 16–Jan. 23.
Remainder of State	Oct. 16–Jan. 16.
Wyoming [4]	Closed.

[3] Seasons apply to Central Flyway portion of State only.

[4] Seasons apply to Pacific Flyway portion of State only.

(d) *Canada geese in Wisconsin.*

* * * * *

(e) *Atlantic, Mississippi, and Central Flyways.*

Atlantic Flyway. Non-toxic shot requirements: In the hunting seasons commencing in 1976, in the areas designated below, no person shall take ducks, geese, or coots with a 12 gauge shotgun loaded with any material other than steel. In the areas designated below, for one year only, shotguns loaded with materials other than steel will be permitted for taking ducks, geese, and coots, if the bore of such shotguns is smaller than 12 gauge.

DELAWARE

On all open waters, lakes, ponds, marshes, swamps, rivers, and streams and within a 150-yard zone of land adjacent to the margin of such waters in the following areas:

1. Woodland Beach Wildlife Area.
2. Little Creek Wildlife Area.
3. Gordon's Pond Wildlife Area.
4. Assawoman Wildlife Area.
5 Prime Hook Wildlife Area.

Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision.

FLORIDA

In that portion of Brevard County, Florida, lying east of Interstate Highway 95.

MAINE

On the waters of the Kennebec River, known as Merrymeeting Bay, bounded as follows: From the high tension wires at Chop's Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset and Eastern Rivers, and the Richmond-Dresden Bridge on the Kennebec River, and within a 150-yard zone of land adjacent to the margins of these waters, being in the Counties of Cumberland, Sagadahoc and Lincoln.

MARYLAND

In Dorchester County, Maryland, on all open waters, lakes, ponds, marshes, swamps, rivers and streams, and within a 150-yard zone of land adjacent to the margin of such waters. Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision.

MASSACHUSETTS

Within that portion of Essex County, Massachusetts, bounded on the north by the Massachusetts-New Hampshire State line; on the west by U.S. Route 1, from its intersection with the Massachusetts-New Hampshire State line southward to its juncture with Route 1A in Newburyport, thence southward on Route 1A to its juncture with Route 133 south of Ipswich, thence southeastward on Route 133 to its juncture with Route 128; bounded on the south by Route 128 from the juncture with Route 133 eastward to the west bank of the Annisquam River; bounded on the east by the west bank of the Annisquam River northward to Ipswich Bay and continuing northward along the shoreline of Ipswich Bay, up to and including Little Neck, then across Plum Island Sound to Plum Island and northward along the Atlantic Ocean shoreline to the Massachusetts-New Hampshire State line.

NEW JERSEY

In that portion of Atlantic County, New Jersey, lying east of the Garden State Parkway.

NEW YORK

In those portions of Nassau and Suffolk Counties, New York, bounded on the south by the Long Island shoreline from the Robert Moses Causeway west to the Nassau County-New York City line; on the west by the New York City-Nassau County line northward from Long Island shoreline to the Sunrise Highway (Route 27); on the north by the Sunrise Highway (Route 27) eastward to its juncture with the Captree Highway (Robert Moses Causeway); on the east by the Captree Highway (Robert Moses Causeway) southward to its terminus at Fire Island Inlet.

NORTH CAROLINA

In Currituck County, North Carolina, on all open waters, lakes, ponds, marshes, swamps, rivers and streams, and within a 150-yard zone of land adjacent to the margin of such waters. Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision.

VIRGINIA

In the city of Virginia Beach on Back Bay and its tributaries and the marshes adjacent thereto, and the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and the shore of North Landing River and the marshes adjacent thereto and along the shore of Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.

FLYWAYWIDE RESTRICTIONS

In all States in the Atlantic Flyway:

Wood ducks—No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession; in Pennsylvania, the possession limit is 2 wood ducks.

Hooded mergansers—In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

Brant—The season is closed on brant.

Canvasbacks and redheads—except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession under conventional regulations. Under the point system canvasbacks count 100 points each, except in closed areas, and redheads count 70 points each, except in closed areas. The areas closed to canvasback and redhead hunting are:

New York—Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey—Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and West Virginia—Closed statewide.

North Carolina—Those portions of the State lying east of U.S. Highway 1.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Shooting hours: One-half hour before sunrise to sunset daily.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Connecticut:			
Coastal area only:			
Ducks	Oct. 13 [1]–Oct. 30, Dec. 8 [1]–Jan. 8	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 13 [1]–Oct. 30, Nov. 25–Jan. 15	3	6
Snow (including blue)	Oct. 13 [1]–Oct. 30, Nov. 25–Dec. 6	2	4
Remainder of State:			
Ducks	Oct. 16–Oct. 30, Dec. 8 [1]–Jan. 8	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 16–Oct. 30, Nov. 25–Jan. 15	3	6
Snow (including blue)	Oct. 16–Oct. 30, Nov. 25–Dec. 6	2	4
Delaware:			
Ducks	Nov. 3 [1]–Nov. 27, Dec. 22 [1]–Jan. 15	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 4–Dec. 18, Dec. 22 [1]–Jan. 15	3	6
Snow (including blue)	Nov. 19–Dec. 18	2	4
Florida:			
Ducks	Nov. 24 [1]–Dec. 6, Dec. 15 [1]–Jan. 20	Point system.	
Coots		15	30
Geese	Closed		
Georgia:			
Ducks	Nov. 17 [1]–Nov. 29, Dec. 15 [1]–Jan. 20	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Closed		
Maine:			
Ducks	Oct. 6 [1]–Oct. 23, Nov. 10 [1]–Dec. 11	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 1–Dec. 9	3	6
Snow (including blue)	Oct. 15–Nov. 13	2	4
Maryland:			
Ducks (except canvasbacks and redheads)	Nov. 10 [1]–Nov. 22, Dec. 15 [1]–Jan. 20	Point system.	
Canvasbacks and redheads	Closed		
Coots		15	30
Geese:			
Canada	Oct. 29–Nov. 26, Dec. 6–Jan. 15	3	6
Snow (including blue)	Dec. 22–Jan. 20	2	4
Massachusetts:			
Ducks	Oct. 13 [1]–Oct. 30, Nov. 24 [1]–Dec. 25	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 13 [1]–Nov. 20, Dec. 13–Jan. 12	3	6
Snow (including blue)	Oct. 22–Nov. 20	2	4
New Hampshire:			
Ducks	Oct. 2–Oct. 17, Nov. 20–Dec. 18	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 2–Oct. 17, Nov. 20–Jan. 12	3	6
Snow (including blue)	Nov. 20–Dec. 19	2	4
New Jersey:			
Ducks	Oct. 6 [1]–Oct. 16, Nov. 24 [1]–Jan. 1	Point system. [2]	
Coots		15	30
Geese:			
Canada	Oct. 6 [1]–Nov. 5, Nov. 24 [1]–Jan. 1	3	6
Snow (including blue) in Middlesex, Monmouth, Ocean, Burlington, Atlantic, Cape May, Cumberland, Salem and Gloucester Counties only.	Nov. 24 [1]–Dec. 23	2	4
New York:			
Long Island area:			
Ducks	Nov. 17 [1]–Jan. 5	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 17 [1]–Jan. 20	3	6
Snow (including blue)	Nov. 17 [1]–Dec. 16	2	4
Lake Champlain area:			
Ducks	Oct. 6 [1]–Nov. 24	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 6 [1]–Dec. 14	3	6
Snow (including blue)	Oct. 23–Nov. 21	2	4

See footnotes at end of table.

	Season Dates	Limits: Bag	Limits: Possession
North zone: [1]			
Ducks	Oct. 6 [1]–Nov. 19	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 6 [1]–Dec. 14	3	6
Snow (including blue)	Oct. 20–Nov. 18	2	4
South zone: [2]			
Ducks	Oct. 20 [1]–Dec. 3	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 20 [1]–Dec. 28	3	6
Snow (including blue)	Oct. 20 [1]–Nov. 18	2	4
West zone: [3]			
Ducks	Oct. 13 [1]–Nov. 18, Dec. 22 [1]–Jan. 3	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 13 [1]–Dec. 21	3	6
Snow	Oct. 20–Nov. 18	2	4
North Carolina:			
Ducks	Oct. 6 [1]–Oct. 11, Dec. 8 [1]–Jan. 20	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 24–Nov. 27, Dec. 6–Jan. 20	1	2
Snow (including blue)	Dec. 22–Jan. 20	2	4
Pennsylvania:			
Ducks	Oct. 13 [1]–Nov. 20, Dec. 1 [1]–Dec. 11	4	8
Including no more than:			
Black ducks		2	4
Wood ducks		2	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 13 [1]–Dec. 4, Dec. 30 [4]–Jan. 15		
In Crawford County		1	2
In remainder of the State		3	6
Snow (including blue)	Oct. 13 [1]–Nov. 11	2	4
Rhode Island:			
Ducks	Oct. 20 [1]–Oct. 23, Nov. 24 [1]–Jan. 8	Point system.	
Coots		15	30
Geese:			
Canada	Nov. 12–Jan. 20	3	6
Snow (including blue)	Nov. 12–Dec. 11	2	4
South Carolina:			
Ducks	Nov. 24 [1]–Nov. 29, Dec. 8 [1]–Jan. 20	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 24 [1]–Nov. 29, Dec. 8 [1]–Jan. 20	1	2
Snow (including blue)	Dec. 22–Jan. 20	2	4
Vermont:			
Ducks	Oct. 6 [1]–Nov. 24	4	8
Including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 6 [1]–Dec. 14	3	6
Snow (including blue)	Oct. 23–Nov. 21	2	4
Virginia:			
Ducks (except canvasbacks and redheads)	Oct. 6 [1]–Oct. 11, Dec. 8 [1]–Jan. 20	Point system.	
Canvasbacks and redheads	Closed		
Coots		15	30
Geese:			
Canada:			
Back Bay area	Dec. 8 [1]–Jan. 20	1	2
Remainder of State	Nov. 12–Jan. 20	3	6
Snow (including blue)	Dec. 22–Jan. 20	2	4
West Virginia:			
Ducks (except canvasbacks and redheads)	Oct. 6 [1]–Oct. 23, Dec. 15 [1]–Jan. 15	4	8
Including no more than:			
Black ducks		2	4
Canvasbacks and redheads	**Closed**		
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 6 [1]–Oct. 23, Dec. 15 [1]–Jan. 15	3	6
Snow (including blue)	Dec. 17–Jan. 15	2	4

[1] On opening day, shooting hours begin at noon local time.
[2] In New Jersey the point value for green-winged teal is 25 points each by State regulation.
[3] In New York the west zone is that portion of upstate New York lying west of a line commencing at a point at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border. The north and south zones are bordered on the west by the boundary of the west zone and are separated from each other as follows: Starting at the intersection of Interstate Highway 81 and New York Route 49 and extending easterly along Route 49 to its junction with Route 8 in the city of Utica, then southerly along Route 8 to its intersection with U.S. Highway 20 in the hamlet of Bridgewater, then easterly along U.S. Highway 20 to the Massachusetts border.

MISSISSIPPI FLYWAY

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

FLYWAYWIDE RESTRICTIONS

In all States in the Mississippi Flyway selecting conventional regulations:

Mallards and black ducks—no more than 3 mallards and black ducks in the aggregate (only 2 of which may be black ducks and only 1 of which may be a female mallard) daily nor more than 6 mallards and black ducks in the aggregate (only 4 of which may be black ducks and only 2 of which may be female mallards) in possession.

Wood ducks—no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession, except in the Pymatuning Area of Ohio, the possession limit is 2 wood ducks.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

Canvasbacks and redheads—except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession under conventional regulations. Under the point system canvasbacks count 100 points each except in closed areas and the redheads count 70 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T 18 N, R 7 E (Arenac County) to Sand Point in Sec. 11, T 17 N, R 9 E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota—Douglas, Mahnomen, Polk, Pope and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T 130 N, R 31 W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vern. n, La Crosse, Trempealeau, Buffalo, Pepin and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

White-fronted geese—no more than 2 white-fronted geese may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Alabama:			
Ducks	Dec. 2-Jan. 20	Point system.	
Coots		15	30
Geese:			
In Chambers, Henry, Russell, and Barbour Counties.	Closed season		
In remainder of State	Nov. 12-Jan. 20	5	5
Including no more than:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Arkansas:			
Ducks	Nov. 20-Dec. 11, Dec. 18-Jan. 14	Point system.	
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Nov. 20-Dec. 11, Dec. 18-Jan. 14	1	2
White-fronted geese	Nov. 6-Jan. 14	2	2
Snow (including blue) geese	Nov. 6-Jan. 14	5	5
Illinois:			
Ducks	Oct. 23-Dec. 11	Point system.	
Coots		15	30
Geese: [1] [2]		5	5
In Alexander, Jackson, Union, and Williamson Counties.[3]	Nov. 22-Jan. 20		
In remainder of the State	Oct. 23-Dec. 31		
For the entire State, including no more than:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Indiana:			
Ducks	Nov. 6-Dec. 12, Dec. 18-Dec. 30	Point system.	
Coots		15	30
Geese	Oct. 30-Dec. 5, Dec. 18-Jan. 19	5	5
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Iowa:			
Ducks	Oct. 2-Oct. 7, Oct. 23-Dec. 5	Point system.	
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 1-Nov. 14	2	2
White-fronted geese	Oct. 1-Dec. 9	2	2
Snow (including blue) geese	Oct. 1-Dec. 9	5	5
Kentucky:			
Ducks	Nov. 20-Dec. 2, Dec. 11-Jan. 16	Point system.	
Coots		15	30
Geese [1]	Nov. 12-Jan. 20	5	5
Including no more than:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Louisiana:			
Ducks		Point system.	
West zone [4]	Nov. 6-Nov. 28; Dec. 11-Jan. 11		
Remainder of State	Nov. 20-Dec. 5; Dec. 18-Jan. 20		
Coots		15	30
Canada geese	Closed season		
Geese (except Canada geese):			
In areas east of Mississippi River (31°-33°N. latitude).	Same as Mississippi		
In remainder of State	Nov. 6-Nov. 28, Dec. 11-Jan. 26	5	5
Including no more than:			
White-fronted geese		2	2
Snow (including blue) geese		5	5
Michigan:			
Ducks	Oct. 6-Nov. 24	Point system. [5]	
Coots		15	30
Geese		5	5
Zones 1 and 2 [4]	Oct. 1-Nov. 30		
Zone 3 [4]	Oct. 6-Nov. 30		
Including no more than:			
Canada geese		1	1
White-fronted geese		2	2
Canada and white-fronted combined		2	3
Snow (including blue) geese		5	5
Minnesota:			
Ducks	Oct. 2-Nov. 20	5	10
Including no more than:			
Mallards		3	6
Including no more than:			
Female mallard		1	2
Blacks ducks		2	4
Mallards and black ducks combined		3	6
Mergansers		5	10
Coots		15	30
Geese		5	5
In Lac Qui Parle Quota zone (Canada, snow (including blue) and white-fronted geese)[2] [4]	Oct. 2-Nov. 15		
In southeastern zone (Canada, snow (including blue) and white-fronted geese)[4]	Oct. 2-Dec. 10		
In remainder of State (Canada, snow (including blue) and white-fronted geese)	Oct. 2-Nov. 15		
In all areas, including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5

See footnotes at end of table.

	Season dates	Limits	
		Bag	Possession
Mississippi:			
Ducks	Nov. 27–Nov. 28, Dec. 4–Jan. 20	Point system.	
Coots		15	30
Geese:			
In areas west of Mississippi River (31°–33° N. latitude.)	Same as Louisiana		
In remainder of State	Oct. 2–Oct. 31, Dec. 10–Jan. 18	5	5
Including no more than:			
Canada geese:			
Sardis Reservoir area [6]	Oct. 2–Oct. 31, Dec. 10–Jan. 18	1	-
In remainder of State	Closed season		
White-fronted geese		2	2
Snow (including blue) geese		5	5
Missouri:			
Ducks	Oct. 26–Dec. 5, Dec. 26–Jan. 3	Point system.	
Coots		15	30
Geese [1]		5	5
Including no more than:			
Canada geese:			
Lower Mississippi area, east of Interstate Highway 55 and south of Crystal City.	Dec. 7–Jan. 20	2	4
In Swan Lake Area [2] [4]	Oct. 26–Dec. 9	1	2
In remainder of State	Oct. 26–Dec. 9	2	2
White-fronted geese	Oct. 26–Jan. 3	2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese	Oct. 26–Jan. 3	5	5
Ohio:			
In Pymatuning area: [4]			
Ducks	Oct. 13 [7]–Nov. 20, Dec. 1 [7]–Dec. 11	4	8
Including no more than:			
Black ducks		2	4
Wood ducks		2	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 13 [7]–Dec. 4, Dec. 30–Jan. 15	1	2
Snow (including blue) geese	Oct. 13 [7]–Nov. 11	2	4
In remainder of State:			
Ducks	Oct. 15–Nov. 27, Dec. 27–Jan. 1	Point system.	
Coots		15	30
Geese	Oct. 15–Dec. 17, Dec. 27–Jan. 1	5	5
Including no more than:			
Canada		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Tennessee:			
Ducks	Nov. 27–Nov. 28, Dec. 4–Jan. 20	Point system.	
Coots		15	30
Geese	Nov. 12–Jan. 20	5	5
Including no more than:			
Canada geese:			
In Canada Goose Restoration Area [4]	Closed season		
In Shelby (except in closed areas), Lake, Tipton, Lauderdale, Dyer, and Obion Counties.		2	2
In remainder of State		1	2
White-fronted geese		2	2
Canada and white-fronted combined:			
In Shelby (except in closed areas), Lake, Tipton, Lauderdale, Dyer, and Obion Counties.		4	4
In remainder of State except counties closed to Canada goose hunting.		3	4
Snow (including blue) geese		5	5
Wisconsin: [3]			
Ducks	Oct. 1 [7]–Oct. 10, Oct. 16–Nov. 24	Point system.	
Coots		15	30
Geese		5	5
In Horicon zone: [4]			
Including no more than:			
Canada geese	Oct. 30–Nov. 24	1	1
White-fronted geese	Oct. 1 [7]–Oct. 10, Oct. 16–Nov. 24	2	2
Canada and white-fronted combined		2	3
Snow (including blue) geese		5	5
In remainder of the State:			
Including no more than:			
Canada geese	Oct. 1 [7]–Oct. 10, Oct. 16–Nov. 24	1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5

[1] Notwithstanding the provisions of sec. 20.39, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported or delivered for transportation by common carrier, the Postal Service, or by any person except as the personal baggage of the hunter who took the birds.

[2] In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 28,000 birds in each State. In the Swan Lake area of Missouri, the kill of Canada geese will be limited to 25,000 birds. In the Lac Qui Parle area of Minnesota, the kill of Canada geese will be limited to 5,000 birds. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the State of Illinois, the Swan Lake area of Missouri, or the Lac Qui Parle area of Minnesota will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and the day of closing.

[3] Shooting hours for geese are sunrise until 3 p.m. local time.

[4] For description of zones or management units within a State, see State regulations.

[5] In Michigan the point value for the pintail, blue-winged teal, cinnamon teal, gadwall, shoveler, scaup, green-winged teal and mergansers (except hooded mergansers) is 15 points each.

[6] In Mississippi the Sardis Reservoir area is that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south.

[7] On opening day, shooting hours begin at noon local time.

[8] In Wisconsin the point-system season is split, with different, more restrictive point values assigned during each split season by State regulation. See Wisconsin regulations for point values assigned by the State for various species during each season.

CENTRAL FLYWAY

Including Central Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

FLYWAYWIDE RESTRICTIONS

Mexican Ducks—The season is closed on Mexican ducks throughout the Flyway.

Canvasbacks and redheads—The areas closed to canvasback and redhead hunting are:

North Dakota—That portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota—All of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

Texas—the Counties of Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange.

Mergansers—all mergansers are to be included within the daily bag and possession limits under conventional and point system regulations. No more than 1 hooded merganser may be taken daily nor more than 2 may be in possession.

Ross' geese—no more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Colorado:			
Ducks	Oct. 2-Oct. 17, Nov. 13-Jan. 18	Point system.	
Coots		15	30
Geese	Nov. 6-Jan. 23	2	4
Kansas:			
Ducks		Point system.	
In High Plains Area	Oct. 23-Dec. 12, Dec. 18-Jan. 13		
In remainder of State	Oct. 23-Dec. 12, Dec. 18-Dec. 26		
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 23-Dec. 26	1	2
White-fronted geese	Oct. 23-Dec. 26	1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 23-Jan. 16	5	5
Montana:			
Ducks	Oct. 2-Nov. 30, Dec. 18-Jan. 9	Point system.	
Coots	Oct. 2-Nov. 30, Dec. 18-Jan. 9	15	30
Geese	Oct. 2-Jan. 2	2	4
Nebraska:			
Ducks		Point system.	
In High Plains Area	Oct. 14-Jan. 4		
In remainder of State	Oct. 14-Dec. 12		
Coots		15	30
Geese		5	5
East of U.S. Highway 183:			
Including no more than:			
Canada geese	Oct. 9-Dec. 19	1	2
White-fronted geese	Oct. 9-Dec. 19	1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 2-Dec. 26	5	5
West of U.S. Highway 183:			
including no more than:			
Canada geese	Oct. 9-Nov. 21	2	4
Canada geese	Nov. 22-Dec. 19	1	2
White-fronted geese	Oct. 9-Dec. 19	1	2
Canada and white-fronted combined	Oct. 9-Nov. 21	2	4
Canada and white-fronted combined	Nov. 22-Dec. 19	2	2
Snow (including blue) geese	Oct. 2-Dec. 26	5	5
New Mexico:			
Ducks (except Mexican duck)	Nov. 6-Jan. 23	Point system.	
Mexican ducks	Closed season		
Coots		15	30
Geese		5	5
In Bernalillo, Sandoval, Sierra, Valencia, and Socorro [2] Counties:			
including no more than:			
Canada geese	Dec. 18-Jan. 2	2	4
White-fronted geese	Dec. 18-Jan. 2	2	4
Canada and white-fronted combined	Dec. 18-Jan. 2	2	4
Snow (including blue) geese	Oct. 23-Jan. 23	5	5
In remainder of State:			
Including no more than:			
Canada geese	Oct. 23-Jan. 23	2	4
White-fronted geese	Oct. 23-Jan. 23	2	4
Canada and white-fronted combined		2	4
Snow (including blue) geese	Oct. 23-Jan. 23	5	5
North Dakota:			
Ducks	Oct. 2-Nov. 28, Dec. 4-Dec. 5	5	10
Including no more than:			
Female mallards		1	2
Wood ducks		2	4
Canvasback or redhead		1	1
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 2-Nov. 14	1	2
White-fronted geese	Oct. 2-Nov. 14	2	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 2-Dec. 12	5	5

See footnotes at end of table.

	Season Dates	Limits	
		Bag	Possession
Oklahoma:			
Ducks:		Point system.	
In High Plains Area	Oct. 9–Nov. 30, Dec. 11–Jan. 9		
In remainder of State	Oct. 30–Nov. 28, Dec. 11–Jan. 9		
Coots		15	30
Geese		5	5
In Alfalfa, Bryan, Johnston, and Marshall Counties:			
Including no more than:			
Canada geese	Nov. 4–Nov. 28, Dec. 12–Jan. 8	2	2
White-fronted geese	Nov. 4–Nov. 28, Dec. 12–Jan. 8	1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 2–Nov. 28, Dec. 12–Jan. 8	5	5
In remainder of State:			
Including no more than:			
Canada geese	Oct. 16–Nov. 28, Dec. 12–Jan. 8	2	2
White-fronted geese	Oct. 16–Nov. 28, Dec. 12–Jan. 8	1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 2–Nov. 28, Dec. 12–Jan. 8	5	5
South Dakota:			
Ducks		Point system.	
In High Plains Area	Oct. 2–Nov. 30, Dec. 18–Jan. 9		
In remainder of State	Oct. 2–Nov. 30		
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese[3]	Oct. 2–Nov. 28	1	2
White-fronted geese	Oct. 2–Nov. 28	1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 2–Dec. 26	5	5
Texas:			
Ducks (except Mexican, fulvous tree and black-bellied tree duck).		Point system.	
In High Plains Area	Nov. 2–Jan. 23		
In remainder of State	Nov. 13–Nov. 28, Dec. 11–Jan. 23		
Mexican, fulvous tree and black-bellied tree ducks.	Closed season		
Geese		5	5
East of U.S. Highway 81:			
Including no more than:			
Canada geese	Nov. 13–Jan. 23	1	2
White-fronted geese	Nov. 13–Jan. 23	1	2
Canada and white-fronted combined		1	2
Snow (including blue) geese	Oct. 30–Jan. 23	5	5
West of U.S. Highway 81	Nov. 2–Jan. 23		
Including no more than:			
Canada geese		2	4
White-fronted geese		2	4
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Wyoming:			
Ducks	Oct. 2–Oct. 31, Nov. 18–Jan. 9	Point system.	
Coots		15	30
Geese	Oct. 9–Jan. 9	2	4

[1] In Nebraska, under the point system, the redhead counts 100 points.
[2] See State regulations for special restrictions on Bosque del Apache National Wildlife Refuge.
[3] In South Dakota, in the Counties of Buffalo, Campbell, Corson, Dewey, Hughes, Hyde, Potter, Stanley, Sully and Walworth, the season dates for Canada geese only are Oct. 2 through Nov. 14.

(f) *Pacific Flyway* including Pacific Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Shooting hours: One-half hour before sunrise to sunset daily.

FLYWAYWIDE RESTRICTIONS

In all States in the Pacific Flyway:

Mexican ducks—The season is closed on Mexican ducks throughout the Flyway.

Aleutian Canada geese—The season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks/Redheads—No more than 2 canvasbacks or 2 redheads or 1 of each may be taken daily nor more than 4 singly or in the aggregate may be in possession.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 may be in possession.

Dark geese—no more than 3 dark (Canada and white-fronted) geese may be taken daily nor more than 6 may be in possession.

Snow geese—no more than 3 snow geese may be taken daily nor more than 6 may be in possession.

Ross' geese—no more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers, coots, and gallinules are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Arizona:			
Ducks (except Mexican)	Oct. 2-Oct. 31, Nov. 22-Jan. 23	7	14
Mexican ducks	Closed season		
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 2-Oct. 31, Nov. 22-Jan. 2	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
California:			
Tule Lake:			
Ducks	Oct. 9-Jan. 9	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 9-Jan. 9	6	6
Including no more than:			
Canada geese and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
Tehachapi Area (except district 22):			
Ducks	Oct. 23-Jan. 23	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese		6	6
Including no more than:			
Canada geese	Oct. 23-Jan. 2	2	2
White-fronted geese	Oct. 23-Jan. 23	3	6
Canada and white-fronted geese combined.		3	6
Snow geese	Oct. 23-Jan. 23	3	6
District 22 except Colorado River area:			
Ducks	Oct. 23-Jan. 23	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese		6	6
Including no more than:			
Canada geese	Oct. 23-Jan. 2	1	2
White-fronted geese	Oct. 23-Jan. 23	3	6
Canada and white-fronted geese combined.		3	6
Snow geese	Oct. 23-Jan. 23	3	6
Colorado River area:			
Ducks	Oct. 2-Oct. 31, Nov. 22-Jan. 23	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 2-Oct. 31; Nov. 22-Jan. 2	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined.		3	6
Snow geese		3	6
Remainder of State:			
Ducks	Oct. 23-Jan. 23	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese		6	6
Including no more than:			
Canada geese:			
Counties of Del Norte, Humboldt, and Mendocino.	Closed season		
Sacramento Valley area [1]	Dec. 15-Jan. 23	3	6
San Joaquin Valley area [2]	Oct. 23-Dec. 15	3	6
Remaining areas	Oct. 23-Jan. 23	3	6
White-fronted geese	Oct. 23-Jan 23	3	6
Canada and white-fronted geese combined.		3	6
Snow geese	Oct. 23-Jan. 23	3	6
Statewide: Brant	Jan. 15-Feb. 20	4	8
Colorado:			
Ducks	Oct. 2-Oct. 15, Nov. 6-Jan. 23	7	14
Mergansers		5	10
Coots		25	25
Gallinules	Closed season		
Geese	Oct. 9-Dec. 19	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Idaho:			
Ducks:			
Columbia Basin	Oct. 2-Jan. 9	7	14
Remainder of State	Oct. 2-Jan. 2	7	14
Mergansers:			
Columbia Basin	Oct. 2-Jan. 9	5	10
Remainder of State	Oct. 2-Jan. 2	5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Columbia Basin	Oct. 2-Jan. 9		
Remainder of State	Oct. 2-Jan. 2		

See footnotes at end of table.

	Season Dates	Limits	
		Bag	Possession
Geese		3	6
East of U.S. Highway 93	Oct. 9–Dec. 19		
West of U.S. Highway 93 (except 10 north counties).	Oct. 9–Dec. 31		
10 north counties	Oct. 2–Jan. 2		
Including no more than:			
Canada geese:			
East of U.S. Highway 93		2	2
West of U.S. Highway 93		2	2
10 north counties		3	6
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Montana:			
Ducks	Oct. 2–Jan. 2	7	14
Mergansers		5	10
Coots		25	25
Gallinules	Closed season		
Geese	Oct. 2–Dec. 31	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Nevada:			
Clark and Lincoln Counties:			
Ducks	Oct. 2–Oct. 31, Nov. 22–Jan. 23	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 2–Oct. 31, Nov. 22–Jan. 2	5	5
Including no more than:			
Canada geese		2	2
White-fronted geese		2	2
Canada and white-fronted combined		2	2
Snow geese		3	5
Remainder of State:			
Ducks	Oct. 2–Jan. 2	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 23–Jan. 23	6	6
Including no more than:			
Canada geese and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
New Mexico:			
Ducks	Oct. 2–Jan. 2	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese:			
South of U.S. Highway 66	Oct. 2–Dec. 5	2	2
North of U.S. Highway 66	Closed		
Oregon:			
Baker and Malheur Counties:			
Ducks	Oct. 9–Jan. 9	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 9–Dec. 31	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined.		3	6
Snow geese		3	6
Morrow, Umatilla, Gilliam, Sherman, Wasco, Union, and Wallowa Counties:			
Ducks	Oct. 9–Jan. 16	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in aggregate)		25	25
Geese	Oct. 9–Jan. 16	6	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
Remainder of State:			
Ducks	Oct. 9–Jan. 9	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 9–Jan. 9	6	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
Statewide: Brant	Nov. 20–Feb. 20	4	8
Utah:			
Ducks	Oct. 2–Jan. 2	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese:			
Washington County	Oct. 23–Jan. 2	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Daggett and Uinta Counties	Nov. 6–Dec. 12	6	6
Including no more than:			
Canada geese		1	1
White-fronted geese		3	6
Canada and white-fronted geese combined.		3	6
Snow geese		3	6

See footnotes at end of table.

	Season Dates	Limits	
		Bag	Possession
Remainder of State	Oct. 9–Dec. 19	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined.		3	6
Snow g ese		3	6
Washington:			
East 10-county area:			
Ducks	Oct. 16–Jan. 23	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 16–Jan. 23	3	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		2	4
Remainder east of Cascade Mountains:			
Ducks	Oct. 16–Jan. 23	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 16–Jan. 16	3	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		2	4
West of Cascade Mountains:			
Ducks	Oct. 16–Jan. 16	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese		3	6
Island, Skagit, Snohomish, and Whatcom Counties.	Oct. 16–Dec. 12		
Remainder West of Cascade Mountains	Oct. 16–Jan. 16		
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		2	4
Statewide: Brant	Nov. 20–Feb. 20	3	6
Wyoming:			
Ducks	Oct. 2–Dec. 31	7	14
Mergansers		5	10
Coots		25	25
Gallinules	Closed		
Geese	Oct. 2–Dec. 31	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6

[1] In California the Sacramento Valley area is encompassed as follows: Beginning at the town of Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of the town of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to the town of Grimes on the Sacramento River, then south on the Sacramento River to the Tisdale bypass; then easterly on the Tisdale bypass to where it meets O'Banion Rd.; then easterly on O'Banion Rd. to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in the town of Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Rd.; then northerly on the River Rd. to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to the town of Glenn; then westerly on State Highway 162 to the point of beginning in the town of Willows.

[2] In California the San Joaquin Valley area is encompassed as follows: Beginning at the city of Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at the city of Merced; then northerly and westerly to the point of beginning in the city of Modesto.

(g) *Point system—Ducks, mergansers, and coots.* The States selecting the point system bag limits on designated species on a statewide basis in place of the conventional bag limits are listed in the table under § 20.105(e).

(1) The point values for the species and sexes taken are as follows:

Atlantic Flyway

100 points	70 points	10 points	25 points
Canvasback (except in closed areas).	Female mallard, black duck, mottled duck, wood duck, redhead (except in closed areas), hooded merganser.	Blue-winged teal, green-winged teal,[1] shoveler, pintail, gadwall, scaup, sea ducks,[2] mergansers (except hooded).	Male mallard and all other species of ducks.
Florida only: Fulvous tree duck.			

[1] In New Jersey the point value for green-winged teal is 25 points each by State regulation.

[2] Sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14 sea ducks, respectively, apply.

Mississippi Flyway [1]

100 points	70 points	10 points [2]	25 points
Canvasback (except where closed).	Redhead (except where closed), female mallard, wood duck, black duck, hooded merganser.	Pintail, Blue-winged teal, Green-winged teal, Cinnamon teal, Shoveler, Gadwall, Scaup, Mergansers (except hooded).	Male mallard and all other species of ducks.

[1] In Wisconsin the point-system season is split, with different, more restrictive point values assigned during each split season by State regulation. See Wisconsin regulations for point values assigned by the State for various species during each season.
[2] In Michigan the point value for pintail, blue-winged teal, green-winged teal, cinnamon teal, shoveler, gadwall, scaup and mergansers (except hooded) is 15 points each by State regulation.

Central Flyway

100 points	70 points	10 points	20 points
Canvasback (except where closed).	Female mallard, wood duck, redhead [1] (except where closed), hooded merganser.	Blue-winged teal, green-winged teal, cinnamon teal, pintail, gadwall, shoveler, scaup, mergansers (except hooded).	Male mallard and all other species of ducks. (Season is closed on Mexican ducks.)

[1] In Nebraska the point value for the redhead is 100 points each by State regulation.
Pacific Flyway: There is no point system in the Pacific Flyway.
Coots have no point value but conventional bag limits of 15 daily and 30 in possession apply in the 3 easterly flyways.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting hours are one-half hour before sunrise until sunset daily.

(h) *Scaup only season.* A special hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit 5
Possession limit 10
Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:

Connecticut	Jan. 14–Jan. 29.
Florida	Jan. 21–Jan. 31.
Maryland	Nov. 29–Dec. 14.
Massachusetts	Dec. 28–Jan. 12.
New Hampshire	Dec. 19–Jan. 3.
New Jersey	Jan. 7–Jan. 22.
New York: Long Island zone only	Jan. 8–Jan. 23.
Rhode Island	Jan. 9–Jan. 24.
Virginia	Jan. 21–Jan. 31.

Seasons in the Mississippi Flyway:

Louisiana	Jan. 21–Jan. 31.
Michigan	Nov. 25–Dec. 10.
Ohio	Dec. 1–Dec. 16.
Wisconsin	Nov. 25–Dec. 10.

(i) *Extra teal during regular season.* A hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit 2
Possession limit 4
Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:

Connecticut:	
Coastal area	Oct. 13 [1]–Oct. 15.
Statewide	Oct. 16–Oct. 21.
Delaware	Nov. 3 [1]–Nov. 11.
Florida	Closed.
Georgia	Nov. 17 [1]–Nov. 25.
Maine	Oct. 6 [1]–Oct. 14.
Massachusetts	Oct. 13 [1]–Oct. 21.
New Hampshire	Oct. 2–Oct. 10.
New York:	
North zone	Oct. 6 [1]–Oct. 14.
South zone	Oct. 20 [1]–Oct. 28.
West zone	Oct. 13 [1]–Oct. 21.
Lake Champlain	Oct. 6 [1]–Oct. 14.
Long Island	Closed.
North Carolina	Oct. 6 [1]–Oct. 11.
South Carolina	Dec. 10–Dec. 18.
Vermont	Oct. 6 [1]–Oct. 14.
West Virginia	Oct. 7–Oct. 15.

[1] On opening day, shooting hours begin at noon local time.

Seasons in the Mississippi Flyway:
None.
Seasons in the Central Flyway:

North Dakota	Oct. 2–Oct. 10.

Seasons in the Pacific Flyway:
None.

(j) *Extra scaup during regular season.* The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:

Delaware	Nov. 3 [1]–Nov. 27, Dec. 22 [1]–Jan. 15.
Georgia	Nov. 17 [1]–Nov. 29, Dec. 15 [1]–Jan. 20.
Maine	Oct. 6 [1]–Oct. 23, Nov. 10 [1]–Dec. 11.
New York:	
North zone	Oct. 6 [1]–Nov. 19.
South zone	Oct. 20 [1]–Dec. 3.
West zone	Oct. 13 [1]–Nov. 18, Dec. 22 [1]–Jan. 3.
North Carolina	Oct. 6 [1]–Oct. 11, Dec. 8 [1]–Jan. 20.
South Carolina	Nov. 24 [1]–Nov. 29, Dec. 8 [1]–Jan. 20.
West Virginia	Oct. 6 [1]–Oct. 23, Dec. 15 [1]–Jan. 15.

Seasons in the Mississippi Flyway:
None.

[1] On opening day, shooting hours begin at noon local time.

(k) *Special scaup and goldeneye season.* A special hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States.

The daily bag limit is 3 scaup or 3 goldeneyes or 3 in the aggregate.
The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.
Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Lake Champlain area only:

New York	Nov. 25–Dec. 10.
Vermont	Nov. 25–Dec. 10.

Section 20.106 is amended as follows:

§ 20.106 Seasons, limits, and shooting hours for lesser sandhill (little brown) cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking lesser sandhill (little brown) cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado except the San Luis Valley area, season dates are October 2 through November 6, 1976.

(b) In the New Mexico counties of Chaves, Cury, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates are October 30, 1976, through January 30, 1977.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates are as follows: Oklahoma—November 27, 1976, through January 23, 1977; Texas—December 4, 1976, through January 30, 1977.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in part of South Dakota enclosed by a boundary described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border, the season dates are November 6 through December 5, 1976.

(e) In Phillips County, Montana, the season dates are October 2 through November 7, 1976.

(f) In Platte and Goshen Counties, Wyoming, the season dates are October 9 through November 7, 1976.

(g) Every hunter participating in the lesser sandhill (little brown) crane hunting sesaon must obtain and carry in his possession while hunting lesser sandhill cranes a Federal lesser sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Section 20.107 is amended as follows.

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Teton. The season dates are October 2, 1976, through January 2, 1977.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Churchill. The season dates are October 3, 1976, through January 2, 1977.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan. The season dates are October 2, 1976, through January 2, 1977.

(e) Permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate Department of Game and Fish on an equitable basis without charge. Each person must have been issued, and carry on his person while hunting, a properly validated 1976–77 whistling swan permit. When a whistling swan has been killed by a hunter and reduced to possession, the hunter must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

[FR Doc.76-27463 Filed 9-29-76;8:45 am]

PART 32—HUNTING

Muscatatuck National Wildlife Refuge, Ind.

The following special regulation is issued and is effective on September 30, 1976.

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

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Public hunting of upland game (rabbit and quail only) on the Muscatatuck National Wildlife Refuge, Indiana, is permitted only on all refuge land lying south of the Myers road, designated by signs as open to hunting. This area, comprising 1,320 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of rabbit and quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

CHARLES E. SCHEFFE,
Refuge Manager, Muscatatuck National Wildlife Refuge.

SEPTEMBER 22, 1976.

[FR Doc.76-28664 Filed 9-29-76;8:45 am]

PART 32—HUNTING

Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on September 30, 1976.

§ 32.22 Special regulations: Ringneck pheasant, for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of cock ringneck pheasant on the Lacreek National Wildlife Refuge, South Dakota is permitted in those portions of Wildlife Management Units #10 and 11 (2800 acres) designated by signs as open to hunting and delineated on a map available at designated parking areas; at Refuge Headquarters, Martin, South Dakota 57551 and from the Area Office, U.S. Fish and Wildlife Service, Federal Building, Pierre, SD 57501. Hunting shall be in accordance with all applicable State and Federal Regulations governing the hunting of cock pheasants subject to the following special conditions:

a. The taking of other than cock pheasants is prohibited.

b. Designated hunting access and parking sites will be available. Entering and parking at other sites will be prohibited.

c. Hunting will be allowed only by Special Permit/Report Forms available at designated parking sites.

The provision of these special regulations supplement the regulations which governs hunting in wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations Part 32 and are effective through December 31, 1976.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota 57551.

SEPTEMBER 22, 1976.

[FR Doc.76-28591 Filed 9-29-76;8:45 am]

PART 32—HUNTING

Eastern Neck National Wildlife Refuge, Md.

The following special regulations are issued and are effective during the period October 23, 1976 through December 31, 1976.

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

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Maryland, is permitted on all areas except county roads, parking areas, and areas designated by signs as closed to hunting. This open area, comprising 2,169 acres, is delineated on maps available from Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Muzzle-loading longarm only: October 23 and 27, 1976.

Shotgun only: October 30 and November 3, 6, 10, 1976.

Archery only: November 13 and 17, 1976.

(2) Bag limits: One deer, either sex.

(3) All participants in the deer hunt must check in and out at the refuge check station before entering or leaving the refuge. All deer killed must be presented for examination at the refuge check station on the day killed.

(4) Hunters may not enter the refuge before sunrise and must check out no later than one hour after sunset.

(5) Possession of loaded firearms, including arrows notched in bows, is not permitted on county blacktop roads, in parking areas, in or on vehicles, and before shooting hours.

(6) All hunters must enter and leave by way of State Road 445 only. Entry by boat is not permitted.

(7) During all refuge hunts, hunters must furnish and wear, so as to be readily noticeable, daylight fluorescent orange caps or hats and a minimum of 144 square inches of fluorescent orange material worn on the chest and on the back above the waistline.

(8) Hunters under 18 years of age must be accompanied by a hunting, permit-holding adult.

(9) Contained fire cooking devices will be permitted within fifty (50) feet of legally parked vehicles and in the Bogle's Wharf and Ingleside Recreation Areas.

(10) All hunters must exhibit their hunting equipment, game Federal permit, Federal qualification certificate, State hunting license, and deer-turkey stamp to Federal or State officers on request.

(11) A completed proficiency certificate will be required of all hunters. Valid proficiency certificates will be honored for three (3) years. The certificate will contain identification of shooter, identification of certifying individuals and identification of bows and firearms with which the hunter is proficient. Required proficiency levels for muzzle-loading firearm and shotgun hunters are placement of three (3) consecutive shots in a twelve (12) inch bullseye at a fifty (50) yard distance using an off-hand firing position. Bow hunters must successfully complete part IIB of the Bow Hunter Education Course given by the National Field Archery Association requiring the placement of three (3) out of five (5) consecutive shots in a twelve (12) inch diameter circle in the chest area of a standard deer target at varying distances from ten (10) to thirty (30) yards. *All* firearms, ammunition, load sizes and arrows must be legal for the taking of deer in the State of Maryland and the bows and firearms used to hunt must be the same as those used to qualify.

(12) All arrows in possession of archery hunters must have the hunter's full name and address legibly and permanently affixed with indelible ink, paint or etched into the arrow shaft.

(13) Use or possession of alcoholic beverages by hunters is not permitted during the hunt.

(14) A Federal hunt permit will be required of all participants in the deer hunts. Permits will be issued in advance of the season to hunters selected by lottery. Permits will be limited to seventy-five (75) per day for gun hunts, and one hundred (100) per day for archery hunts.

(15) The permit must be returned to the refuge at check-out or, in the case of persons unable to hunt on the day selected, the permit must be returned prior to December 31, 1976. Noncompliance with this and other regulations will subject hunter to regular penalties and, in addition, will be grounds for non-selection in future hunts.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director, United States Fish and Wildlife Service.

SEPTEMBER 22, 1976.

[FR Doc.76-28589 Filed 9-29-76;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1804]

[FmHA Instruction 424.1]

PLANNING AND PERFORMING DEVELOPMENT WORK

Contract Method of Construction

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of § 1804.5(h) (1) and (2) of Subpart A, Part 1804, Chapter XVIII, Title 7, Code of Federal Regulations (36 FR 18062). The proposed change will recognize the owner-builder method of construction for Rural Rental Housing projects and will change the conditions under which the State Director may waive the contract method of construction. This revision will facilitate the use of the owner-builder method of construction in the Rural Rental Housing program.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed amendment to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, DC 20250, on or before November 1, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.–4:45 p.m.).

As proposed, § 1804.5(h) (1) and (2) read as follows:

§ 1804.5 Modifications for planning and performing development on projects other than individual dwellings, farm service buildings, or simply designed projects.

* * * * *

(h) *Method of performing construction*—(1) *General.* The contract method of construction will be used on all projects unless waived by the State Director under this paragraph. In any case of a waiver, the following conditions must be met:

(i) For any project of $250,000 or less and not involving an LH grant or an RRH loan.

(*a*) The construction is simple in design;

(*b*) Substantial savings will result;

(*c*) An FmHA employee is available and qualified to supervise the work; and

(*d*) There is adequate assurance that the work will be completed properly.

(ii) For any project in excess of $250,000 and not involving an LH grant or an RRH loan, the reequirements of paragraphs (h) (1) (i) of this section must be met and prior consent of the National Office must be obtained. Any requests for National Office consent should state:

(*a*) The size of the development;

(*b*) The design and type of construction (drawings and specifications);

(*c*) How will the work be performed;

(*d*) Who will supervise the work and whether anyone participating in the construction has or will have a financial interest in the project; and

(*e*) Any other information pertinent to a sound decision.

(iii) For any project involving an RRH loan of $250,000 or less:

(*a*) The construction must be performed in accordance with the requirements of § 1822.90(d) by a bona fide owner-builder.

(*b*) The applicant must be a qualified builder, or if the applicant is an organization, a member of the applicant-organization must be a qualified builder with adequate experience in performing the type of construction planned to assure that construction can be completed in accordance with the approved drawings and specifications.

(*c*) Complete architectural services must be provided for projects costing in excess of $60,000, unless waived in accordance with paragraph (a) of this section.

(*d*) The applicant, and the individuals in an organization applicant (except for limited partners in a limited partnership and members of a nonprofit organization), must agree in writing to provide any funds needed in excess of the loan amount to complete the proposed project.

(iii) For any project involving an RRH loan of $250,000 or less:

(*a*) The construction must be performed in accordance with the requirements of § 1822.90(d) by a bona fide owner-builder.

(*b*) The applicant must be a qualified builder, or if the applicant is an organization, a member of the applicant-organization must be a qualified builder with adequate experience in performing the type of construction planned to assure that construction can be completed in accordance with the approved drawings and specifications.

(*c*) Complete architectural services must be provided for projects costing in excess of $60,000, unless waived in accordance with paragraph (a) of this section.

(*d*) The applicant, and the individuals in an organization applicant (except for limited partners in a limited partnership and members of a nonprofit organization), must agree in writing to provide any funds needed in excess of the loan amount to complete the proposed project.

(iv) For any project involving an RRH loan in excess of $250,000, the requirements of paragraph (h) (1) (iii) of this section must be met and prior consent of the National Office must be obtained. Any request for National Office consent should state:

(*a*) The size of the development;

(*b*) The design and type of construction (drawings and specifications);

(iv) For any project involving an RRH loan in excess of $250,000, the requirements of paragraph (h) (1) (iii) of this section must be met and prior consent of the National Office must be obtained. Any request for National Office consent should state:

(*a*) The size of the development;

(*b*) The design and type of construction (drawings and specifications);

(*c*) How the work will be done;

(*d*) Who will supervise the work;

(*e*) Comments of the State Office Architect/Engineer; and

(*f*) Any other information pertinent to a sound decision.

(2) *Contract method.* The procedure prescribed in this paragraph will apply to all projects unless the contract method of construction has been waived.

(i) *Construction contracts.* The United States (including the FmHA) will not become a party to a construction contract or incur any liability thereunder.

(ii) *Contract forms.* If the contract is performed under this paragraph, the contract documents will conform with recognized professional practices as prescribed in this paragraph. Such contract documents will contain the following:

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: September 21, 1976.

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

[FR Doc.76-28574 Filed 9-29-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 128f]

[Docket No. 76N-0037]

TREE NUTS AND PEANUTS

Good Manufacturing Practice Regulation; Further Extension of Comment Period

The Food and Drug Administration is extending the period for comments on the proposed good manufacturing prac-

tice regulation for tree nuts and peanuts to November 30, 1976.

In the FEDERAL REGISTER of June 30, 1976 (41 FR 27000), the Commissioner of Food and Drugs issued a proposal to establish a good manufacturing practice regulation for nuts (almonds, Brazil nuts, cashew nuts, filberts, macadamia nuts, peanuts, pecans, pine nuts, pistachio nuts, and walnuts). Comments were to be filed on or before August 30, 1976.

In the FEDERAL REGISTER of August 23, 1976 (41 FR 35532), the Commissioner extended the period of filing comments on the subject proposal to close of business, September 30, 1976.

The Commissioner has received further requests for extension of the comment period from the National Peanut Council and the National Pecan Shellers and Processors Association to permit the submission of meaningful comments.

Good reason therefore appearing, the Commissioner hereby extends the period for filing comments on the subject proposal to close of business November 30, 1976.

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

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a)(3) and (4), 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)).

Dated: September 27, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-28557 Filed 9-29-76;8:45 am]

[21 CFR Part 1020]

[Docket No. 76N-0308]

DIAGNOSTIC X-RAY EQUIPMENT PERFORMANCE STANDARD: TOMOGRAPHIC SYSTEMS

Advance Notice of Proposed Rulemaking

The Food and Drug Administration (FDA) is considering amending Subchapter J of Title 21 of the Code of Federal Regulations to change portions of the performance standard for diagnostic x-ray equipment. To be considered in developing the proposed amendments, comments should be submitted by December 29, 1976. Comments received after this date will be considered to the extent possible.

The amendments to § 1020.31 *Radiographic equipment* (21 CFR 1020.31) under consideration would recognize the special operational characteristics of certain types of tomographic x-ray systems that are not addressed in the present standard.

Under authority of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.), FDA administers an electronic product radiation control program to protect the public health and safety. This authority provides for the development and administration of radiation safety performance standards for electronic products. A radiation safety performance standard for diagnostic x-ray systems and their major components was established on August 15, 1972 (37 FR 16461), and became effective on August 1, 1974 (The extension of effective date was published in the FEDERAL REGISTER of June 12, 1973 (38 FR 15444).

The amendments under consideration would change the requirements of § 1020.31(a)(2) as they apply to x-ray systems used for pantomography or to tomographic systems that use reconstruction techniques to obtain an image. As used here, pantomography is an examination process that produces a radiographic panorama of a curved layer of tissue using an x-ray system in which the x-ray source and film holder rotate about the object being imaged on one or more axes, e.g., the dental panoramic x-ray system that produces an image of the entire dental arch on a single radiograph. Tomographic systems that use reconstruction techniques to obtain an image are systems that do not use x-ray film or its equivalent to obtain an image directly, but employ analog or digital means to construct the image, e.g., systems employing the technique known as computerized tomography.

The requirement in § 1020.31(a)(2) for automatic resetting of the timer to its initial setting or zero upon termination of exposure is not appropriate for both types of tomographic systems. Such tomographic systems are capable of providing useful diagnostic information from interrupted exposures that are resumed and completed. The amendments under consideration would permit means to be provided for these tomographic systems to resume and complete such interrupted exposures.

The Commissioner of Food and Drugs is also considering amendments to § 1020.31(f) that would more clearly define the x-ray field limitation and alignment requirements for tomographic systems. Clarification of these requirements has been stated in letters to manufacturers from the Bureau of Radiological Health as an interim measure, and amendments may be needed to reflect these interpretations in the regulations. Other amendments may also be needed to assure protection of the public health and safety during use of these systems.

The Commissioner invites comments and suggestions on these contemplated proposals as well as information and data concerning other aspects of the performance of tomographic x-ray systems for which radiation safety performance requirements should be established or modified. In particular, the Commissioner invites comments, preferably supported by scientific and technical data, concerning those performance aspects of computerized tomographic systems that should be addressed in the performance standard for diagnostic x-ray systems. Whereas computerized tomographic x-ray systems are subject to the current performance standard, the Commissioner recognizes that there may be a need for modification of, or addition to, the diagnostic x-ray equipment standard to adequately assure the radiation safety of these systems.

Interested persons may, on or before December 29, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this advance notice of proposed rulemaking. Received comments may be seen in the above office during working hours, Monday through Friday.

Individuals or organizations wishing to receive additional information or to receive copies of drafts distributed for review during development of these amendments should write to the Bureau of Radiological Health, Division of Compliance (HFX-440), 5600 Fishers Lane, Rockville, MD 20852. This advance notice of proposed rulemaking is being issued pursuant to FDA policy of early public disclosure of rulemaking activities and to solicit comments from interested persons concerning the subject matter of the amendments to be proposed. This issuance is made under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 27, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-28558 Filed 9-29-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2324]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Clinton, Anderson County, Tennessee

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-

4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Clinton, Anderson County, Tennessee.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary. Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Recorder's Office, Municipal Building, Clinton.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Byron Hale, Municipal Building, Clinton, Tennessee 37716. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Clinch River	Southwestern corporate limits	802	(1)	50
	Woodland Dr. (extended)	803	(1)	180
	Walnut Dr. (extended)	803	(1)	230
	Meadowbrook St. (extended)	803	(1)	100
	U.S. Highway 25 Bridge	804	(1)	60
	Southern RR Bridge	804	(1)	20
	Northeastern corporate limits	804	(1)	30
	Moore St	810	(1)	50

[1] Corporate limits.

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

Issued: June 11, 1976.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-28680 Filed 9-29-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-NW-18-AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 727-100 and -200 Series Airplanes

Amendment 39-2706 (41 FR 36487) requires either the reactivation of the static port heater circuits or the replacement of the heater assembly, P/N 10-60723-1, with an elbow fitting, MS-21908D6, and enlargement of the static port sensing holes from .047" dia. to .125" dia. on all Boeing Model 727-100 series airplanes unless already accomplished. After issuing Amendment 39-2706, the FAA has determined that the small (.047" dia.) static sensing holes on all Boeing Model 727-100 and -200 series airplanes should be enlarged to .125" dia. to preclude water ingestion during heavy rain with increasing static pressure. Tests conducted by the airframe manufacturer indicate that water can be ingested and retained by the .047" dia. holes under these conditions whether the static ports are heated or not.

Water ingestion can cause fluctuations in airspeed and altitude information that could substantially hinder accurate pilot monitoring of airspeed and altitude system performance during instrument flight conditions.

Therefore, the FAA is considering amending Amendment 39-2706 (41 FR 36487) to require enlargement of the static port sensing holes from .047" dia. to .125" dia. on all Boeing Model 727-100 and -200 series airplanes unless already accomplished.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: The Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before December 15, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This Notice of Proposed Rule Making has been reviewed and does not require an Inflationary Impact Statement.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations, Amendment 39-2706 (41 FR 36487) as follows:

BOEING: Applies to Boeing Model 727-100 and -200 series airplanes certificated in all categories with .047" dia. static sensing holes. Compliance required within 2,000 hours time in service after the effective date to this AD unless already accomplished.

To prevent fluctuations in airspeed and altitude information due to water being ingested and retained in the static port fittings, enlarge the static port sensing holes from .047" dia. to .125" dia. in accordance with Boeing Service Bulletin 727-34-94 (to be released) or later FAA approved service bulletins, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Boeing 727-100 airplanes already incorporating Boeing Service Bulletin 727-25-42, Rev. 1, dated March 4, 1968, with elbow fitting MS21908D6, and Boeing Service Bulletin 727-34-57, dated April 7, 1968, enlarging the static sensing holes, are in compliance with this proposed AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pusuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

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

Issued in Seattle, Washington on September 21, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.76-28418 Filed 9-29-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-NW-19-AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 727-200 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to 727-200 series airplanes equipped with Hydro-Aire Mark III antiskid. There have been several reports of loss of braking during low speed ground operations that could result in a collision with other aircraft or buildings causing property loss and/or injury to personnel. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the antiskid system to be turned off for low speed operations until the antiskid control box has been modified in accordance with applicable service bulletins.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data,

views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before November 30, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This Notice of Proposed Rule Making has been reviewed and does not require an inflationary impact statement.

In consideration of the foregoing, it is proposed to amend Section 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Model 727-200 series airplanes equipped with Hydro-Aire Mark III antiskid system certificated in all categories. Compliance required as indicated unless already accomplished.

To prevent possible loss of braking during low speed ground operation and possible collision with other objects, accomplish the following:

(A) Within the next 200 hours time in service after the effective date of this AD, until Hydro-Aire Mark III antiskid/autobrake control box, P/N 42-307-1, or Hydro-Aire Mark III antiskid control box P/N 42-307, is modified in accordance with the applicable portion of paragraph (B) of this AD, amend Section I, Certificate Limitations, of the FAA Approved Airplane Flight Manual, Boeing Model 727-200 (Boeing Document D6-8728), to incorporate the following or equivalent FAA approved revision: ANTI-SKID LIMITATIONS—Hydro-Aire Mark III antiskid/autobrake control box, P/N 42-307-1, or Hydro-Aire Mark III antiskid control box, P/N 42-307, must be turned OFF for low speed ground operations.

(B)(1) Within the next 500 hours time in service after the effective date of this AD, unless already accomplished, modify the Hydro-Aire Mark III antiskid/autobrake control box, P/N 42-307-1, in accordance with Hyro-Aire Service Bulletin 42-307-1-32-39.

(B)(2) Within the next 1,500 hours time in service after the effective date of this AD, unless already accomplished, modify the Hydro-Aire Mark III antiskid control box, P/N 42-307, in accordance with Hydro-Aire Service Bulletin 42-307-32-40.

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

Issued in Seattle, WA on September 20, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.76-28284 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-22]

ALTERATION OF VOR FEDERAL AIRWAY

Tiger Low Military Operations Area [1]

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish the upper vertical extent of a segment of V-430 at 15,000 feet MSL during those times that the Tiger Low Military Operations Area (MOA) is activated by NOTAM. When this MOA is not in use, the airway segment would have a normal vertical extent of up to but not including 18,000 feet MSL.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed action would amend V-430 to exclude the airspace at and above 15,000 feet MSL within the Tiger Low MOA during the time that the MOA is activated by NOTAM. This MOA which is located near Devils Lake, N. Dak., is normally used two one-hour periods each workday or approximately 24 hours per week. The airspace released from the airway is needed for the training program conducted within the MOA. It is not expected that the proposed airway amendment will have much effect on the airway traffic because flights can be vectored a short distance south of the MOA, use altitudes below 15,000 feet MSL or adjust the time of flight one hour or less.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28278 Filed 9-29-76;8:45 am]

[1] Map filed as part of original.

[14 CFR Part 71]

[Airspace Docket No. 76-SW-47]

ALTERATION OF VOR FEDERAL AIRWAYS

Camp Swift Military Operations Area

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would exclude the airspace 4,000 feet MSL and below from V-76, V-76N and V-306 within the Camp Swift Military Operations Area (MOA) during the time that the MOA is in use.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW, Washington, D.C. 20591.

The proposed action would amend V-76, V-76N and V-306 airways to exclude the airspace 4,000 feet MSL and below during the time that the Camp Swift MOA is activated by NOTAM.

The Camp Swift MOA would be established by nonrule-making action as follows:

Camp Swift MOA

Boundaries. Beginning at Lat. 30°25'00"N., Long. 97°00'00"W.; to Lat. 30°11'00"N., Long. 96°56'00"W.; to Lat. 30°01'00"N., Long. 97°00'00"W.; to Lat. 30°02'00"N., Long. 97°10'00"W.; to Lat. 30°07'00"N., Long. 97°19'00"W.; to Lat. 30°21'00"N., Long. 97°22'00"W.; to the point of beginning.

Altitudes. Surface to 4,000 feet MSL.

Time of use. By NOTAM, normally Wednesdays and Thursdays from 1000 to 1200 and from 1400 to 1600 local time.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Scheduling agency. 602nd Tactical Air Control Group, Bergstrom AFB, Tex.

The proposed amendment to Part 71 would provide airspace for a type of training that is not permitted in airways. MOAs are established and charted to identify portions of airspace which are used by the military for various flight training activities and to alert nonparticipating pilots to such activities. They do not impose any flight restrictions or communication requirements on Visual Flight Rule (VFR) flight operations. Instrument Flight Rule (IFR) flights will continue to be separated procedurally. The Camp Swift MOA will be used for the control of fighter type aircraft by forward air control aircraft on low level simulated ordnance deliveries.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28279 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-93]

DESIGNATION OF TRANSITION AREA

Cape Hatteras

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cape Hatteras, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 15, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Cape Hatteras transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Billy Mitchell Airport (Lat. 35°14'00" N., Long. 75°37'05" W.); excluding the portion outside the continental limits of the United States.

The proposed designation is required to provide controlled airspace protection for IFR operations at Billy Mitchell Airport. A prescribed instrument approach procedure, utilizing the Hatteras Inlet nondirectional radio beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on September 16, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-28285 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-24]

EXTENSION OF FEDERAL AIRWAY

Douglas, Wyo. to Scottsbluff, Neb.[1]

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-247 from Douglas, Wyo., to Scottsbluff, Nebr.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would extend V-247 from over Scottsbluff, Nebr., INT Scottsbluff 307°T(294°M) and Douglas, Wyo., 109°T(095°M) radials; Douglas.

[1] Map filed as part of original.

The proposed extension would provide continuous preferential routing with charted radials, distance and minimum en route altitude between Scottsbluff, Nebr., and Douglas, Wyo.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28281 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-15]

EXTENSION OF VOR FEDERAL AIRWAY

Bismarck to Williston, N. Dak.[1]

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-71 from Bismarck, N. Dak., to Williston, N. Dak.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10155 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief, Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would extend V-71 from Bismarck direct to Williston.

Effective November 4, 1976, V-71 is extended from Columbus, Nebr., to Bismarck. The extension of this airway to Williston should complete this north/south airway from Baton Rouge, La., and reduce the airway distance between Bismarck and Williston.

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

[1] Map filed as part of original.

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28280 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-49]

ALTERATION OF TRANSITION AREA

Hammond, La.[1]

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Hammond, La., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 F.R. 440), the Hammond, La., transition area is amended as follows:

HAMMOND, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hammond Municipal Airport (latitude 30°31'15" N., longitude 90°25'00" W.) within 2.5 miles either side of the Hammond VOR 354° radial extending 2 miles from the 5-mile radius, and within 2.5 miles either side of the Hammond VOR 128° radial extending 2 miles from the 5-mile radius.

Alteration of the transition area is necessary to provide controlled airspace for a proposed VOR RWY 18, Original and a proposed VOR RWY 31, Original instrument approach procedure to the Hammond, La., Municipal Airport.

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

Issued in Fort Worth, TX., on September 17, 1976.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.76-28417 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-NE-26]

ALTERATION OF VOR FEDERAL AIRWAYS

Portland, Maine [1]

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-3 and V-39 in the vicinity of Portland, Maine.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received by October 18, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would realign the segment of V-39 from Concord, N.H., to Augusta, Maine, via the INT Concord 046°T(061°M) and Augusta 233°T(251°M) radials; also, the segment of V-3 from Pease, N.H., to Augusta, Maine, via the INT of the Pease 004°T (020°M) and the Augusta 233°T(251°M) radials.

The proposed routes are presently being flown to bypass terminal airspace at Portland. Their designation as airways will reduce communication congestion and help to improve both en route and terminal traffic flow.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28421 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-62]

PROPOSED ALTERATION OF TRANSITION AREA

Hagerstown Regional Airport [1]

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Hagerstown, Md., Transition Area (41 FR 506).

A revision of the TACAN-A special instrument approach procedure for Hagerstown Regional Airport, Hagerstown, Md., requires alteration of the transition area to provide additional controlled airspace for aircraft executing the procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamacia, New York 11430. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamacia, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hagerstown, Md., proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Hagerstown, Md. Transition Area by adding the following:

"within 5 miles each side of the St. Thomas, Pa. VORTAC 143° radial, extending from the 8-mile radius area to the St. Thomas, Pa. VORTAC."

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and sec.

[1] Map and chart filed as part of original.

[1] Map filed as part of original.

[1] Map filed as part of original.

6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on September 13, 1976.

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

[FR Doc.76-28424 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-61]

PROPOSED ALTERATION OF TRANSITION AREA

Hornell, N.Y.

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Hornell, N.Y., Transition Area (41 FR 513).

A revision of the VOR/DME-A instrument approach procedure requires alteration of the transition area from part time to full time, since the revision will also authorize the procedure at night.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hornell, N.Y., proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

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

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

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

Issued in Jamaica, N.Y., on September 10, 1976.

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

[FR Doc.76-28423 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-69]

PROPOSED ALTERATION OF TRANSITION AREA

Philadelphia, Pa

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Philadelphia, Pa., Transition Area (41 FR 570).

A revision of the VOR Runway 34 instrument approach procedure for Bridgeport Airport, Bridgeport, N.J., requires alteration of the transition area to provide additional controlled airspace to protect aircraft executing the revised procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 1, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Philadelphia, Pa., proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the description of the Philadelphia, Pa., Transition Area as follows:

Delete "within 2 miles each side of the Woodstown, N.J., VORTAC 350° radial," and insert the following in lieu thereof; "within 4.5 miles each side of the Woodstown, N.J. VORTAC 349° radial."

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

Issued in Jamaica, N.Y., on September 14, 1976.

WILLIAM E. MORGAN,
Director,
Eastern Region.

[FR Doc.76-28416 Filed 9-29-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-60]

PROPOSED DESIGNATION OF TRANSITION AREA

Easton, Pa.[1]

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Easton, Pa., Transition Area.

A new VOR-A instrument approach procedure has been developed for Easton Airport, Easton, Pa., and will require designation of a 700 foot floor transition area to provide controlled airspace protection for arrivals and departures at Easton Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Eastern, Pa., proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

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

EASTON, PA.

"That airspace extending upward from 700 feet above the surface within a 6.5-mile

[1] Map filed as part of original.

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

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

Issued in Jamacia, N.Y., on September 13, 1976.

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

[FR Doc.76-28422 Filed 9-29-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-GL-29]

ALTERATION OF A RESTRICTED AREA

Jefferson Proving Ground, Ind.

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would enlarge, subdivide and renumber Restricted Area, R-3403, Jefferson Proving Ground, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would: (1) Change 3403 to 3403A; (2) Add 3403B Jefferson Proving Ground, Ind.

Boundaries. Beginning at Lat. 39°05'00" N., Long. 85°30'00" W.; to Lat. 39°05'00" N., Long. 85°22'00" W.; to Lat. 39°02'00" N., Long. 85°22'00" W.; to Lat. 39°02'57" N., Long. 85°27'42" W.; to Lat. 38°55'00" N., Long. 85°27'42" W.; to Lat. 38°57'30" N., Long. 85°30'00" W., to point of beginning.
Designated altitudes. 1200 feet AGL to FL 180.
Time of designation. Daily 0800 to 2300 local time.
Controlling agency. Federal Aviation Administration Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

The Department of the Army has requested enlargement of R-3403 by approximately 2 miles north and 2 miles west of the present area from 1200 feet AGL to FL 180.

The Air Force has started to use this area for air/ground bombing, gunnery and recketry. The additional area is required to provide safety buffers for aircraft maneuvering for these air/ground operations.

The additional airspace is only required when the Air Force is using the area and only the original area when the Army is using it. Therefore, the additional area should be designated separately from the present area.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28282 Filed 9-29-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-RM-21]

ALTERATION OF RESTRICTED AREA

Wendover, Utah

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the altitude ceiling of the Wendover, Utah, Restricted Areas, R-6405 and R-6406.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would increase the altitude ceiling of the Wendover, Utah, Restricted Areas, R-6405 and R-6406 from Flight Level 400 to Flight Level 580. Fighter type aircraft will be performing air combat maneuvers up to Flight Level 580 on the average of twenty (20) flights per day. This proposal would provide realistic combat training and accommodate the increased usage.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28283 Filed 9-29-76;8:45 am]

[14 CFR Parts 71 and 75]

[Airspace Docket No. 76-SW-48]

ALTERATION OF AIRWAYS, JET ROUTES AND AREA HIGH ROUTES

Dallas-Fort Worth Regional Airport [1]

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter several airways, jet routes and area high routes in the vicinity of the Greater Southwest, Tex., VORTAC which is being moved to the Dallas-Fort Worth Regional Airport at Lat. 32°51'57.3" N., Long. 97°01'39.9" W.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before October 18, 1976, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

[1] Maps filed as part of original.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–230, 800 Independence Avenue SW., Washington, D.C. 20591.

The proposed amendments would:

1. Realign a segment of V–18 to extend from Millsap, Tex., direct to Dallas-Fort Worth, direct to Quitman, Tex.
2. Realign V–358 to extend via Dallas-Fort Worth rather than via Greater Southwest.
3. Substitute Dallas-Fort Worth, Tex., for Greater Southwest, Tex., in J–4, J–25, J–42, J–52, J–58, J–66, J–72, J–76 and J–105.
4. Realign a segment of J–21 to extend from Waco, Tex., via Dallas-Fort Worth, Tex.; INT Dallas-Fort Worth 355°T (347°M) and Oklahoma City, Okla., 158°T(149°M) radials to Oklahoma City.
5. Realign a segment of J–33 to extend from Humble, Tex., via INT Humble 349°T (341°M) and Dallas-Fort Worth, Tex., 138°T (130°M) radials to Dallas-Fort Worth.
6. Realign a segment of J–87 to extend from Humble, Tex., direct to Dallas-Fort Worth, Tex.; direct to Tulsa, Okla.
7. Realign a segment of J–131 to extend from San Antonio, Tex., via INT San Antonio 007°T(358°M) and Dallas-Fort Worth, Tex., 218°T(210°M) radials to Texarkana, Ark.
8. Change J–842R title and the first waypoint to: "J–842R Dallas-Fort Worth, Tex., to New York, N.Y. Dallas-Fort Worth, Tex. 32°51'57"N. 97°01'40"W. Dallas-Fort Worth, Tex."
9. Change J–843R title and last waypoint to: "J–843R New York, N.Y., to Dallas-Fort Worth, Tex. Dallas-Fort Worth, Tex. 32°51'-57"N. 97°01'40"W. Dallas-Fort Worth, Tex."
10. Change J–912R title and first waypoint to: "J–912R Dallas-Fort Worth, Tex., to Chicago, Ill. Dallas-Fort Worth, Tex. 32°51'57" N. 97°01'40"W. Dallas-Fort Worth, Tex."
11. Change J–914R title and first waypoint to: "J–914R Dallas-Fort Worth, Tex., to New Orleans, La. Dallas-Fort Worth, Tex. 32°51'-57"N. 97°01'40"W. Dallas-Forth Worth, Tex."
12. Change J–934R title and first waypoint to: "J–934R Dallas-Fort Worth, Tex., to Atlanta, Ga. Dallas-Fort Worth, Tex. 32°51'-57"N. 97°01'40"W. Dallas-Fort Worth, Tex."
13. Change J–941R title and first waypoint to "J–941R Dallas-Fort Worth, Tex., to Las Vegas, Nev. Dallas-Fort Worth, Tex. 32°-51'57"N. 97°01'40"W. Dallas-Fort Worth, Tex."
14. Change J–942R title and first waypoint to: "J942R Dallas-Fort Worth, Tex., to Lubbock, Tex. Dallas-Fort Worth, Tex. 32°51'57" N. 97°01'40"W. Dallas-Fort Worth, Tex."
15. In J–949R change the second waypoint to: "Dallas-Fort Worth, Tex. 32°51'57"N. 97°-01'40"W. Dallas-Fort Worth, Tex."
16. In J–950R change the second waypoint to: "Scurry, Tex. 32°27'52"N. 96°20'14"W. Dallas-Fort Worth, Tex."
17. Change J–991R title and last waypoint to: "J–991R Minneapolis, Minn., to Dallas-Fort Worth, Tex. Dallas-Fort Worth, Tex. 32°51'57"N. 97°01'40"W. Dallas-Fort Worth, Tex."
18. In J–992R change the second waypoint to: "YANTI 32°54'39"N. 95°31'36"W. Dallas-Fort Worth, Tex."
19. In § 71.203 and § 71.207 (high and low reporting points) change "Greater Southwest, Tex." to "Dallas-Fort Worth, Tex."

The relocation of the Greater Southwest VORTAC to the Dallas-Fort Worth location is caused by the expiration of the ground lease and the inability to renew that lease.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28277 Filed 9-29-76;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76–GL–28]

ALTERATION OF JET ROUTES

Joliet, Ill.; Appleton, Ohio; Bradford, Ill.; Fort Wayne, Ind.

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would: (1) realign J–30 from Joliet, Ill., to Appleton, Ohio; (2) realign J–64 between Bradford, Ill., and Fort Wayne, Ind.; (3) renumber the route segment from Fort Wayne to Appleton, J–178.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received by October 18, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would:

1. Realign a segment of J–30 from Joliet direct to Appleton.
2. Realign a segment of J–64 from Bradford to Fort Wayne via Bradford 089°T (085°) and Fort Wayne 280°T(280°M) radials.
3. Redesignate the segment of J–30 between Fort Wayne and Appleton as J–178.

The proposed action would help reduce the congestion at Fort Wayne and designate as a jet route, the vector route presently being used south of this VORTAC.

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

Issued in Washington, D.C., on September 22, 1976.

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

[FR Doc.76-28419 Filed 9-29-76;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76–WE–22]

ESTABLISHMENT OF A JET ROUTE AND ALTERATION OF EXISTING JET ROUTES

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter the jet route structure in the vicinity of Los Angeles, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before November 1, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would:

1. Realign J–9, J–100, J–107 from Los Angeles, Calif., VORTAC (LAX) via the LAX 040°M and Daggett, Calif., VORTAC (DAG) 222°M radials, DAG, DAG 031°M and Boulder City, Nev., VORTAC (BLD) 230°M radials, BLD.
2. Realign J–96 from Los Angeles VORTAC via the LAX 100°M and Seal Beach, Calif., VORTAC (SLI) 280°M radials, SLI, SLI 080°M and Thermal, Calif., VORTAC (TRM) 261°M radials, TRM, TRM 054°M and Parker, Calif., VORTAC (PKE) 234°M radials PKE.
3. Establish a new jet route from Los Angeles, Calif., VORTAC via the LAX 100°M and SLI 280°M radials, SLI, SLI 080°M and TRM 261°M radials TRM, TRM 076°M and Blythe, Calif., VORTAC (BLH) 258°M radials BLH.

The Los Angeles Center is developing a Common One SID out of Los Angeles International Airport. In conjunction with this, the above-mentioned routes including the proposed new jet route will be used as the primary outbound routings beginning at Los Angeles and extending

to Boulder City, Parker and Blythe, as appropriate.

The proposed changes would enable the Los Angeles Center to develop a common SID that would combine twelve existing SIDs into one radar vector common SID without transitions. This common SID would vastly simplify the departure procedures out of Los Angeles International Airport and also reduce charting.

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

Issued in Washington, D.C., on September, D.C., on September 22, 1976.

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

[FR Doc.76-28420 Filed 9-29-76;8:45 am]

Office of Hazardous Materials Operations

[49 CFR Part 172]

[Docket No. HM-141]

COLOR CODING OF COMPRESSED GAS PACKAGES

Advance Notice of Proposed Rule Making

The Materials Transportation Bureau (Bureau) has been asked to consider amending Part 172 of the Hazardous Materials Regulations as they apply to the identification of compressed gases in cylinders by means of a color coding system (system) applied to the individual compressed gas cylinder (cylinder). There have been numerous bills considered by both houses of Congress in the past several years to establish this system. The purpose of the system is to provide safety for any person within the sphere of hazard surrounding the cylinder whether the cylinder is in transportation, use, or storage. Further, it was anticipated that the system would protect any person using the gas from the cylinder by identifying the gas contained in the cylinder.

To develop a Notice of Proposed Rulemaking, certain information is required and, therefore, the Bureau is providing this opportunity for comment from the public for the development of a system of color coding compressed gas packagings. Comments should be addressed to the following subjects:

(1) How useful is a color coding concept?

(2) Should all types of compressed gas packagings be included in the system such as cylinders, cargo tanks, tank cars, and portable cargo tanks?

(3) Should there be a volume limitation for packagings related by the system?

(4) Should this volume limitation be expressed by volume of gas contained or water capacity in the packaging?

(5) Should one of the following standards be adopted:

(a) The Defense Supply Agency Standard Interim F11GT/162, Appendix B, Reference Drawing Group B;

(b) American National Standards Institute Standard ANSI Z48.1-1954 (R1971) Method of Marking Portable Compressed Gas Containers to Identify the Material Contained;

(c) Color coding by use of a four color code system to identify the UN numbering system for compressed gases, this color code system is to be similar to that used by the Electronic Industry Association Standard RS-359, August 1968 (Reaffirmed August 1972). This color coding numbering system could be accomplished by painting the entire packaging in a four color combination or by use of a 2-inch x 12-inch pressure sensitive material which has four color bands 3 inches wide;

(d) Single color code system for each compressed gas;

(e) Metal stamping or embossing name of package contents on the shoulder of the package or markings similar to those specified in CGA Phamphlet C-7, Appendix A; or

(f) Paint stencil or silk screen name of contents in one location longitudinal to the package sidewall?

Since 49 CFR, Parts 172-176, already contains requirements for: (1) shipping papers, way bills, switching orders, and other billing, (2) marking of portable tanks, (3) marking or placarding rail cars and motor vehicles, and (4) labeling of cylinders, substantiation should be provided in the comments for establishing the fact that the proposed color coding system selected will significantly enhance safety above and beyond that provided by the current regulations and further will fully meet the necessary overall safety needs of the public. Inasmuch as it is now required that economic impact evaluations are to be made prior to rulemaking, the public should indicate the anticipated costs of any identification system that might be selected from those mentioned by the Department or proposed by the commenter.

Interested persons are invited to give their views on the proposed system. Communication should identify the docket number and be submitted (five copies) to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C., 20590. Communications received on or before November 30, 1976 will be considered before a Notice of Proposed Rulemaking is prepared. All comments received will be available for examination by interested persons in the Section of Dockets, Office of Hazardous Materials Operations, Room 6500, Trans Point Building, 2100-2nd Street, S.W., Washington, D.C., both before and after the closing date for comment.

(49 U.S.C. 1803, 1804, 1808 and 49 CFR 1.53 (e) and paragraph (a) (4) of App. A to Part 102)

Issued at Washington, D.C. on September 22, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc. 76-28311 Filed 9-29-76;8:45 am]

Materials Transportation Bureau

[49 CFR Part 173]

[Docket No. HM-139; Notice No. 76-7]

TRANSPORTATION OF HAZARDOUS MATERIALS

Conversion of Individual Exemptions to Regulations of General Applicability

The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

Comments by: October 30, 1976.

Addressed to: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to Docket No. HM-139 and be submitted in triplicate.

For further information: Complete copies of the exemptions and their related applications and supporting documentation are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, SW., Washington, D.C.

BACKGROUND

The regulations governing the transportation of hazardous materials as they have evolved from early in this century tend to be extremely specific in describing how particular hazardous materials must be packaged for shipment and how they are to be handled and stowed during transportation. Also, tending to be extremely specific are the regulations pertaining to tanks and tank cars for the carriage of bulk hazardous materials by highway or railroad. Amendments to the regulations have not kept pace with commercial development of new commodities and new packaging materials and techniques. Often the exemptions issued had little or no safety implication, but strictly speaking are determined necessary to assure compliance. As a result, the granting of one or more forms of administrative relief (e.g. special permits, exemptions, waivers, deviation authorizations) became a necessary practice for the various Federal agencies responsible for administering hazardous materials regulations on a mode-by-mode basis before the consolidation of rule making and exemption responsibility in the Materials Transportation Bureau.

A permanent remedy of the problem may require a restructuring of some of the regulations to make them more flexible. The Bureau believes that many existing practices and techniques now sanctioned only by virtue of exemptions granted to an individual holder or groups of holders are prime candidates for adoption directly into the regulations. In addition, there are some applications for exemption that obviously present little or no safety concern. In such cases, provision should be made in the regulations for general use of the practice or technique. Each of the proposed amendments described in the table below is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level

of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

Analysis of these proposed amendments also indicates that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these amendments, if adopted, will authorize the general use of shipping alternative previously available to only a few users under exemptions. The safety record or analysis of shipments under the identified exemptions demonstrates that significant environmental impacts will not result from any of the amendments proposed herein.

Adoption of an amendment derived from an existing exemption will obviate the need for that exemption and effectively terminate it, in which event the affected exemption holder and parties to that exemption will be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event, the exemption request will be denied and the applicant so notified. In the event the Bureau decides not to adopt any of those proposed amendments, that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments on the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; and the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
SP 1107-X	Amoco Chemicals Corp.; Pennwalt Corp.	173.314(e)	Authorizes the use of a fixed tube gage device for determining the amount of methyl mercaptan in DOT specification 105A300W tank car tanks instead of weighing (mode 2).	To add a sentence at the end of subparagraph (e) to read: "The use of a fixed tube gage device may be used for determining the weight of methyl mercaptan in specification 105A300W tanks instead of weighing."
SP 3364-X	Allied Chemical Corp.; Clark Chemical Corp.	173.224(a)(4)	Authorizes shipment of cumene hydroperoxide of strength not exceeding 90 pct in a nonvolatile solvent in DOT specification MC-311 or MC-312 tank motor vehicles (mode 1).	To amend subparagraph (a)(4) to read: "(4) specification MC-310, MC-311, or MC-312 (sec. 178.343 of this chapter). Tank motor vehicles. Authorized for paramethane hydroperoxide of strength not exceeding 60 pct in a nonvolatile solvent only. Authorized for cumene hydroperoxide of strength not exceeding 90 pct in a nonvolatile solvent in MC-311 or MC-312 cargo tanks only."
SP 3460-No	E. I. du Pont de Nemours & Co., Inc.	173.315(a)(1) note 11.	Authorizes shipment of vinyl fluoride, inhibited in accordance with 49 CFR 173.315(a)(1), note 11, except shipments are authorized by common carrier (mode 1).	To amend note 11 to read: "Note 11: MC-330 or MC-331 cargo tanks must be insulated. Cargo tanks must meet all of the following requirements. Each tank must be designed for a service temperature no higher than minus 100°F and must comply with the low-temperature requirements of the ASME code. The maximum allowable transportation distance before venting will occur must be that normally accomplished within the holding time of the cargo tank as loaded with an added margin of 100 pct of the normal traveltime. However, if the normal traveltime exceeds 24 h, the maximum allowable transportation distance before venting will occur may be that normally accomplished within the holding time of the cargo tank with an added margin of 24 h. Before transportation in an empty condition, each cargo tank having previously transported inhibited vinyl fluoride must have been drained and vented or blown down sufficiently so that there will be no venting during movement of the empty tank. Shipments by common motor carrier must be specifically approved by OHMO."
SP 3978-X	J. J. Mauget Co.; Lanpher Supply; Reinders Bros. Turf Equipment; Cole Tree Service; Central Nursery & Landscape.	173.359(b)	Authorizes shipment of organic phosphate compound mixture, liquid, n.o.s. in inside polyethylene capsules overpacked in a DOT specification 12B fiberboard box (modes 1, 2, 3, 4).	To add subparagraph (11) to read: "(11) Specification 12B30 (sec. 178.205 of this chapter). Fiberboard boxes of not less than 275 lb test double wall corrugated with a 5 mil 1 piece polyethylene bag form-fitted to the inner wall. Authorized only for pressure sealed polyethylene capsules containing not over 3 ml each."
SP 3980-X	Leonard J. Buck & Co., Inc., MC/B Manufacturing Chemists.	173.366(b)	Authorizes shipment of arsenic, solid in steel drums of not over 25-gal capacity and a maximum gross weight of 470 lb (modes 1, 2, 3).	To add subparagraph (3) to read: "(3) In tight metal drums of not over 25 gal capacity and a maximum gross weight of 460 lb. Drums must be constructed of at least 22 gage steel."
SP 4010-No	Michigan Chemical Corp.	173.262(b)(2)	Authorizes shipment of hydrobromic acid in a DOT specification 6D cylindrical steel overpack with an inside DOT specification 2SL polyethylene container (modes 1, 2).	To amend subparagraph (b)(2) to read: "(2) Specification 6D (sec. 178.102 of this chapter). Cylindrical steel overpack with inside specification 2S or 2SL (sec. 178.35, 178.35a, of this chapter) polyethylene container."
SP 4271-X	Hercules Inc.	173.182(a)(1)	Authorizes shipment of nitro carbo nitrate in a DOT specification 23G cylindrical fiberboard box having a maximum net weight of 50 lb. (modes 1, 2).	To amend subparagraph (1) to read: "(1) In wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; in strong metal cans; or in specification 23G cylindrical fiberboard boxes having a maximum net weight of 50 lb."
SP 4334-X	Chemetron Corp.; PPG Industries; Mineree Corp.; American Hoechst Corp.; Pennwalt Corp.; R. W. Greeff & Co., Inc.; Wallach-Gracer Export Corp.; Pfizer Inc.; Eastern Seaboard Supply Corp.	173.345(a)(16)	Authorizes shipment of various corrosive liquids in a DOT specification 6D or 37M cylindrical steel overpack with an inside DOT specification 2S, 2SL, or 2T polyethylene container which may be vented (modes 1, 2, 3).	To amend subparagraph (16) to read: "(16) Specification 6D or 37M (nonreusable container) (secs. 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside specification 2S, 2SL, 2T, or 2U (secs. 178.35, 178.35a, 178.21, 178.24 of this subchapter) polyethylene packaging."
		173.288(d)		To delete the last sentence of subparagraph (d) which now reads: "Authorized for ethyl chloroformate and methyl chloroformate only."
SP 4429-No	Union Carbide Corp.	173.280(a)(2)	Authorizes shipment of formic acid in concentrations of 97 to 100 pct strength in DOT specification 103ALW and 111A60ALW tank car tanks fabricated from a type of aluminum having a corrosion rate not in excess of 0.001 in per year at 113°F (mode 2).	To amend subparagraph (a)(2) to read: "(2) Specification 103ALW, 103CW, 103EW or 111A60ALW (secs. 179.200 and 179.201 of this chapter) tank cars. Specification 103EW tanks must be of type 316 stainless steel and must be stenciled FOR FORMIC ACID ONLY." Specification 103ALW and 111A60ALW tanks must be of aluminum having a corrosion rate not in excess of 0.001 in per year at 113°F and be equipped with top loading and unloading devices. Bottom outlets prohibited."

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 4586-X	White Chemical Corp.; American Hoechst Corp.; Filo Color & Chemical Corp.; Shell Oil Co.; Albright & Wilson.	173.247(a)(2)	Authorizes shipment of various corrosive liquids in a DOT Specification 6D cylindrical steel overpack with an inside polyethylene liner fabricated from type III polylene. (modes 1, 2, 3)	To add subparagraph (a)(2) to read: "(2) Specification 6D (sec. 178.102 of this chapter). Cylindrical steel overpack with inside specification 28 or 28L (secs. 178.35, 178.35a of this chapter) polyethylene packaging. Polyethylene used must be type III as set forth in 'Appendix B—Specifications for Plastics to Part 178 of this Title.' Authorized for acetyl chloride, dichloroacetyl chloride, sulfuryl chloride only."
		173.271(a)(3)		To add subparagraph (a)(3) to read: "(3) Specification 6D (sec. 178.102 of this chapter). Cylindrical steel overpack with inside specification 28 or 28L (secs. 178.35, 178.35a of this chapter) polyethylene packaging. Polyethylene used must be type III as set forth in 'Appendix B—Specifications for Plastics to Part 178 of this Title. Authorized for phosphorus oxychloride and thiophosphoryl chloride only."
E-4662-No, E-4988-No.	New England Industrial Chemical Corp.; Advanced Instruments, Inc.	173.124(a)(3)	Authorizes shipment of ehtylene oxide in inside aluminum cartridges each containing no more than 135 g of ethylene oxide (modes 1, 2, 3, 4).	To amend subparagraph (3) to read: "(3) In addition to specification containers prescribed in this section, ethylene oxide may be shipped when packed in strong incombustible outside containers, with inside containers which must be securely sealed glass ampules or vials, contents not over 100 g each, or inside aluminum cartridges, contents not over 135 g each, cushioned in vermiculite or equally efficient incombustible cushioning material. Not more than 100 g of ethylene oxide shall be packed in any such outside container except a maximum of 12 aluminum cartridges may be packed in DOT-specification 12B (sec. 178.205 of this chapter) fiberboard boxes having top and bottom pads and an inside perimeter liner. A maximum of 10 boxes may be overpacked in a master carton under the provisions of sec. 173.25(a)."
SP 5003-No, SP 5574-X, SP 5690-No.	Monsanto Co.; Austin Powder Co.; Dow Chemical Co.	173.182(c)	Authorizes shipment of nitro carbo nitrate in DOT specification 44P plastic bag made of film not less than 0.005 in thick (modes 1, 2).	To add subparagraph (3) to read: "(3) specification 44P (sec. 178.241 of this chapter). All plastic bag made of film not less than 0.005 in thick. Authorized net weight not over 51 lb. Each bag must be capable of withstanding the test requirements of sec. 178.241-4."
Sp 5760-X	Great Lakes Chemical Corp.	173.252(g)(1)	Authorizes shipment of bromine in DOT specification 5M monel drums of up to 25 gal capacity and containing not more than 600 lb net weight (mode 1).	To amend the 1st sentence of subparagraph (1) to read: "Specification 5K or 5M (secs. 178.88 or 178.90 of this chapter). Specification 5K nickel or monel drums of not over 10 gal capacity each and containing not more than 225 lb net weight of bromine or specification 5M nickel or monel drums of not over 25 gal capacity each and containing not more than 600 lb net weight of bromine."
SP 6429-No	E. I. du Pont de Nemours & Co., Inc.; Carolina Explosives, Inc.; Cherokee Explosives Co.; Dole Explosives, Inc.; Hall Explosives, Inc.; Viking Explosives & Supply, Inc.; St. Lawrence Explosives Corp.; Margraf Explosive, Inc.; Explosives, Inc.	173.64(a)(5)	Authorizes shipment of high explosives in DOT specification 12H fiberboard boxes having inside a polyethylene bag of 6 to 10 mil thickness. Box hand-holes are not authorized (modes 1, 2).	To amend subparagraph (a)(5) to read: "(5) When such explosives contain over 5 pct moisture, boxes must have an inside polyethylene bag having a minimum thickness of 6 mil; lined with strong paraffined paper or other authorized material, specification 2L (sec. 178.30 of this chapter). Box hand-holes are not authorized."
SP 6728-No	Diamond Shamrock Chemical Co.; Merck and Co., Inc.; Olin Corp.; Hooker Chemical & Plastics Corp.; Velsicol Chemical Corp.; Pennwalt Corp.; Ethyl Corp.	173.314(c) note 12.	Authorizes shipment of chlorine in DOT specification 105A500W tank car tanks containing less than the minus 2 pct prescribed in note 12 of 49 CFR 173.314(c) (mode 2).	To amend the 3d sentence of note 12 to read: "Nominal 16, 30, 55, 85, or 90-ton tank car tanks must not be loaded in excess of the nominal lading weight."
E-6760-No	Riverside Chemical Co.; Valley Chemical Co.; Cleveland Chemical Co.; Cotton States Chemical Co.	173.358(a)	Authorizes shipment of parathion, methyl parathion and other liquid organic phosphate compounds, and mixtures thereof in DOT specification 51 portable tanks by private motor vehicle only (mode 1).	To add subparagraph (a)(13) to read: "(13) Specification 51 (sec. 178.245 of this chapter). Portable tanks. Tanks must have no bottom opening except 1 3-in maximum plugged opening for maintenance purposes is authorized. Contents of the tank must be under no gas pressure except its own vapor pressure and the commodity must be loaded into, and unloaded from, the tank while the tank is mounted on the vehicle chassis. Authorized for parathion, methyl parathion, and organic phosphate compound, n.o.s. only and by private motor vehicle only."
		173.359(a)	Same as above	To add subparagraph (a)(15) to read: "(15) Specification 51 (sec. 178.245 of this chapter). Portable tanks. Tanks must have no bottom opening except 1 3-in maximum plugged opening for maintenance purpose is authorized. Contents of the tank must be under no gas pressure except its own vapor pressure and the commodity must be loaded into, and unloaded from, the tank while the tank is mounted on the vehicle chassis. Authorized for methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., and parathion mixtures only and by private motor vehicle only."
E6779-No	Stauffer Chemical Co	173.360(a)	Authorizes shipment of perchloromethyl-mercaptain in a monelclad DOT specification 51 portable tank (mode 1).	To add subparagraph (5) to read: "(5) Specification 51 (sec. 178.245 of this chapter). Portable, monel-clad. Tanks with bottom discharge outlets are prohibited."
6P 6906-X	Hercules Inc	173.224(a)(3)	Authorizes shipment of dicumyl peroxide of 50-pct maximum concentration in a nonvolatile solvent in DOT specification 103W, 103AW, 11A60F1, 111A60W1, 111A100F2, and 111A-100W2 tank car tanks (mode 2).	To amend subparagraph (a)(3) to read: "(3) Specification 1031, 103-W, 103A1, 103A-W, 111A60-F-1, 111A60-W-1, 111A100-F-2 or 111A100-W-2, (secs. 179.20., 179.200, or this chapter). Tank cars. Authorized for 90 pct or less cumene hydroperoxide in a nonvolatile solvent, dicumyl peroxide of strength not exceeding 50 pct in a nonvolatile solvent, paramenthane hydroperoxide of strength not exceeding 60 pct in a nonvolatile solvent and diisopropylbenzene hydroperoxide of strength not exceeding 60 pct in a nonvolatile solvent only. Specification 1031, 103-W, 111A60-F-1 and 111A60-W-1 tank cars must have bottom outlets effectively sealed from the inside."
7028-X	Minerec Corp	173.288	Authorizes shipment of various chloroformates in 5-gal DOT specification 34 polyethylene container (modes 1, 3).	To add subparagraph (e) to read: "(e) Specification 34 (sec. 178.19 of this chapter). Polyethylene container without overpack, not over 5-gal capacity."
7402-N	Hercules, Inc	173.358(a)(5)	Requested an exemption to ship organic phosphate compounds, liquid-solid mixture, or emulsifiable liquid in DOT specification 21C fiber drums with inside liquid-tight metal cans (mode 1).	To amend subparagraph (a)(5) to read: "(5) Specification 21C (sec. 178.224 of this chapter). Fiber drums, with inside glass or metal containers not over 1-gal capacity each."
		173.359(a)(6)		To amend subparagraph (a)(6) to read: "(6) Specification 21C (sec. 178.224 of this chapter). Fiber drums, with inside glass or metal containers not over 1-gal capacity each."
		173.359(b)(5)		To amend subparagraph (b)(5) to read: "(5) Specification 21C (sec. 178.224 of this chapter). Fiber drums, with inside glass or metal containers not over 1-gal capacity each."

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
SP 7425-No	Department of Defense	173.301(d)	Requested an exemption to ship nitrogen trifluoride as specified in 49 CFR 173.301(d)(2) (mode 1).	To amend subparagraph (d)(2) to read: "(2) Manifolding is authorized for cylinders of the following nonliquefied gases: Boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, methane and nitrogen trifluoride provided individual cylinders are equipped with approved safety relief devices as required by sec. 173.34(d) or sec. 173.315(i): And provided further, that each cylinder is equipped with individual shutoff valves, or valves, that must be tightly closed while in transit. Manifold branch lines to these and individual shutoff valves must be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one cylinder of a manifold installation in place of the shutoff valve."
7429-N	Ethyl Corp.	173.346(a)	Requested an exemption to authorize the shipment of a certain class B poison liquid in DOT specification 51 portable tanks (modes 1, 3).	To add subparagraph (27) to read: "(27) Specification 51 (sec. 178.245 of this chapter). Portable tanks."
E-7436-No	Hooker Chemicals & Plastics Corp.	173.635(a)	Authorizes shipment of ferrophosphorus in 30-gal capacity fiber drums having an aluminum foil barrier (mode 3).	To add subparagraph (5) to read: "(5) Fiber drums having an aluminum foil barrier. Drums must be shipped inside a container."
7471-N	Petrolite Corp.	173.119(a)	Requested an exemption to ship certain flammable liquids in DOT specification 57 portable tanks (mode 1).	To add subparagraph (26) to read "(26) Specification 57 (sec. 178.253) of this chapter. Portable tanks."
7474-N	Vicksburg Chemical Co.	173.271(a)(8)(ii)	Requested an exemption to ship thiophosphoryl chloride in DOT specification MC 312 tank motor vehicle (mode 1).	To amend subparagraph (ii) to read: "(ii) Tanks fabricated from type 316 stainless steel clad with type 316 stainless steel having a minimum thickness of 0.2 times the design thickness of the parent metal, are authorized only for phorphorus oxychloride, phosphorus trichloride and thiophosphoryl chloride."

(49 CFR U.S.C. 1805, 1806; 49 CFR 1.53(e), paragraph (a)(1) of App. A. to Part 102, and Part 107, Subpart B.)

Issued in Washington, D.C., on September 21, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-28173 Filed 9-29-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 566, 567, 568, 571]

[Docket No. 73-14; Notice 4]

MANUFACTURER IDENTIFICATION CODE

Notice of Termination of Rulemaking

This notice terminates the NHTSA rulemaking proceeding concerning manufacturer identification codes.

On June 7, 1973 (38 FR 14968), the NHTSA issued a notice of proposed rulemaking to amend the "Manufacturer Identification Regulation" (49 CFR Part 566) and related sections of 49 CFR Parts 567, 568 and 571, to establish a manufacturer identification code for use by manufacturers of motor vehicles and motor vehicle equipment. On June 5, 1974 (39 FP. 19955), the identification code proposal was modified to implement the nine digit D-U-N-S number maintained by Dun and Bradstreet, Inc., as the means of manufacturer identification. A further modification was proposed on March 19, 1975 (40 FR 12519), which would have permitted any of three means of manufacturer identification. Comments were requested from interested persons.

Several commenters questioned the need for additional identification systems. It was suggested that current methods of identification were sufficient. Further, the commenters noted that the utilization of code numbers frequently would be redundant to the use of the manufacturer's own name on the component.

After carefully considering the information received in response to the proposed rulemaking, the NHTSA has decided not to proceed with the mandatory implementation of the code numbering system at this time. The problems of identifying the manufacturer of a vehicle or of an item of motor vehicle equipment, either from a compliance or defect viewpoint, have not proved as great as earlier estimated. Further, several manufacturers commented that the costs relating to this proposal could be significant for certain industries. The additional costs that might be associated with the implementation of the proposal, therefore, do not appear justified at this time.

Identification of equipment and vehicle manufacturers is important to the administration and enforcement of the National Traffic and Motor Vehicle Safety Act. The regulation and enforcement mechanism is best served by accurate and efficient identification of the manufacturer and its products. The agency will continue to study the use of the identification code systems with a view to their application on a standard-by-standard or standards-wide basis.

If further rulemaking proceedings on the subject of manufacturer identification codes for particular standards are contemplated, another notice to that effect will be issued. The present proceeding, docket No. 73-14, is closed.

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

Issued on September 20, 1976.

JOHN W. SNOW,
Administrator.

[FR Doc.76-28327 Filed 9-29-76;8:45 am]

[49 CFR Part 570]

[Docket No. 73-9; Notice 11]

VEHICLE IN USE INSPECTION STANDARDS

Response to Petition

This notice proposes amending the Vehicle In Use Inspection Standards (49 CFR Part 570) by eliminating the prohibition against the use of certain types of spring spacers in the suspension systems of vehicles with a GVWR of 10,000 pounds or less. The Standards in Part 570 establish motor vehicle inspection criteria that are to be implemented through State inspection programs.

Currently, § 570.8(a) of the Standards (49 CFR 570.8(a)) provides that a vehicle should be rejected if its suspension system has ben extended by spacers. On May 14, 1976, JAMCO International, Inc. (JAMCO) of Oklahoma City, Oklahoma, a manufacturer of automobile parts, petitioned the National Highway Traffic Safety Administration (NHTSA) to amend § 570.8(a) to permit the use of spring spacers to raise a motor vehicle to the vehicle manufacturer's design height so long as the spacers were manufactured of resilient material and two spacers were used per spring.

In support of its petition, JAMCO submitted exhibits which, in its view, demonstrated (1) that a manufacturer's design height can be ascertained for each passenger car, (2) that the consumer would obtain a clear cost advantage by using spacers rather than purchasing, and installing new springs, and (3) that the dynamic characteristics of used springs could approximate that of new springs if resilient spacers in a specific configuration were installed.

The vehicle in use inspection standards are based on criteria developed by the NHTSA after examining practices employed by the motor vehicle industry, automotive associations, highway safety specialists, and State governments. Comments from interested parties concerning proposed rulemaking in the area were considered in the development of the inspection standards.

In consideration of JAMCO's petition, a review of pertinent data and inspection criteria concerning spring spacers has indicated differing opinions and inconsistent vehicle rejection criteria. For example, the Inspection Handbook (1976, Secs. III-18) prepared by the Motor Vehicle Manufacturers Association

(MVMA) in cooperation with the American Association of Motor Vehicle Administrators (AAMVA), states that a vehicle should be rejected if intercoil spring spacers are used. Yet, AAMVA's comments concerning the proposal to establish the Vehicle In Use Standards supported the use of spacers so "that springs would not be required to be replaced for conditions of minor fatigue." In this regard, the AAMVA initially supported the American National Standard D 7.1–1973 (Sec. 2.1.2.9) promulgated by the American National Standards Institute which does not include spring spacers as a cause for vehicle rejection.

Although there are differing views on the subject of spring spacers, the NHTSA has determined to propose the amendment requested by JAMCO as the best means of publicly resolving the issue of their safety. Comments from interested parties are requested concerning the safety of installing two resilient spacers per spring, as requested in JAMCO's petition. Comments are also requested on the ease of ascertaining a vehicles design height. Copies of JAMCO's petitions are available by writing to the NHTSA Docket Section at the address cited below at a cost of $2.00 for the hard copy version and 15 cents for the petition on microfiche.

In consideration of the foregoing, it is proposed that § 570.8(a) (49 CFR 570.8 (a)) be revised to read:

§ 570.8 Suspension systems.

(a) *Suspension condition.* Ball joint seals shall not be cut or cracked. Structural parts shall not be bent or damaged. Stabilizer bars shall be connected. Springs shall not be broken, or extended above the vehicle manufacturer's design height. Spacers, if installed, shall be of resilient material utilizing two per spring. Shock absorber mountings, shackles, and U-bolts shall be securely attached. Rubber bushings shall not be cracked, extruded out from or missing from suspension joints. Radius rods shall not be missing or damaged.

* * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 22, 1976.

(Sec. 103, 108, 119, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1397, 1407); delegation of authority at 49 CFR 150(b) and 501.8(d).)

Issued on September 23, 1976.

FRED W. VETTER, Jr.,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.76-28326 Filed 9-23-76;3:21 pm]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-25; Notice 3]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Metric Series and 60-psi Passenger Car Tires

This notice proposes an amendment of Standard No. 109, *New Pneumatic Tires—Passenger Cars*, (49 CFR 571.109), to permit the manufacture of both a new series of tires having load ratings and inflation pressures expressed in metric units and a newly designed tire having a maximum inflation pressure of 60 psi.

In its present form, Standard No. 109 requires that passenger car tires have a maximum inflation pressure of 32, 36, or 40 psi. The Rubber Manufacturers Association and Goodyear Tire and Rubber Company have petitioned for an amendment of the standard to accommodate a new family of "metric series" tires. The tires would have load ratings expressed in kilograms and inflation pressures expressed in kilopascals (kPa). The units are from the International System of Units (SI) and the size designation format is based on agreements reached in the International Standards Organization. A tire's maximum inflation pressure would be either 240 kPa (approximately 35 psi) or 280 kPa (approximately 41 psi). The NHTSA has tentatively determined that an amendment permitting the use of these tires, provided that the presently required level of safety is retained, would be appropriate and in the public interest. Accordingly, this notice proposes the extension of the performance and labeling requirements of Standard No. 109. The metric series tires would be listed in a new Table I-xx in Appendix A. They would be subject to the same performance tests as are now specified, with appropriate modifications of certain test values to reflect the new inflation pressures.

Firestone Tire and Rubber Company has petitioned for an amendment of Standard No. 109 or the establishment of a supplementary standard, to accommodate a new family of "temporary use" spare tires that it has developed. These tires are designed as substitutes for conventional spare tires, in order to reduce the overall weight of and increase storage space in passenger cars. They differ from conventional tires (including the new metric series tires) in their dimensions and maximum inflation pressure. Further, while a conventional tire is designed for use at an inflation pressure that is 8 psi (or, in the case of a metric series tire, 60 kPa) below the maximum inflation pressure molded into the sidewall, Firestone's new spare tire is intended for use only at 60 psi and is not accompanied by a load-inflation schedule with recommended maximum loads for lower inflation pressures. Finally, the outer diameter of one of the new spare tires would, in some cases, be several inches less than the outer diameter of the tire that it replaces.

The NHTSA has tentatively determined that an amendment permitting the use of this new type of spare tire would also be appropriate and in the public interest. Because these tires are subject to the same service conditions when on the road as are conventional tires, they should not be recognized for the purposes of the Federal motor vehicle safety standards as "temporary use" tires, despite their intended use as such. Accordingly, this notice proposes the extension of the existing performance and labeling requirements of Standard No. 109 to tires with a maximum permissible inflation pressure of 60 psi. They would be listed in a new Table I-yy.

The new category of spare tires would be subject to the same performance tests as are now specified in the standard, with appropriate modifications of certain tests values to reflect not only the new tires' maximum inflation pressure, but also their unusual dimensions and lack of a load-inflation schedule. For example, new dimensions for the pivot arm on the bead unseating fixture would be specified for testing of the 60 psi tires, to ensure that the bead unseating block contacts the tire sidewall at the point of maximum section width.

Physical Dimensions. S4.2.2.2 presently specifies a 7 percent "growth allowance" for a tire's section width and overall width, in recognition of the natural growth of rubber after it has been removed from a mold. Both the metric series tires and the 60-psi tires are smaller than existing tires. Because the imprecision inherent in the manufacturing process does not decrease in direct proportion to decreases in tire size, it would be inappropriate to restrict these new tires to 7 percent growth. Accordingly, S4.2.2.2 would be amended to permit, in the case of the new additions, a growth of 7 percent of .4 inch, whichever is larger.

Tubeless tire resistance to bead unseating. The applied force that a tubeless tire must withstand without bead unseating is presently expressed in S4.2.2.3 as a function of designated section width, as follows: tires with a section width of less than six inches must withstand an applied force of at least 1500 pounds; those with a section width of six inches or more but less than eight inches must withstand at least 2000 pounds, while those with section width eight inches or more must withstand 2500 pounds. No amend-

ment is necessary to apply these requirements to metric series tires.

Because the 60-psi tires have peculiarly narrow section widths for their load ratings, however, the bead unseating test requirements for them are not appropriately expressed in terms of those section widths. Characterizing tires by their design load ratings (i.e., maximum load rating for a 60-psi tire, load rating at 24 psi for a 32-psi tire), thresholds of 880- and 1400-pound maximum load ratings divide the class of 60-psi tires into substantially the same three categories as the thresholds of six- and eight-inch section widths divide the class of conventional, 32-psi tires. Accordingly, a 60-psi tire with a maximum load rating of less than 880 pounds would be required to withstand an applied force of 1500 pounds, the same force presently specified for conventional tires with section width less than six inches. Corresponding requirements would apply to 60-psi tires with other maximum load ratings.

Tire strength. The minimum breaking energy requirements for the strength test of S5.3 are presently set out in Table II of the standard. The Goodyear petition recommended that metric series tires in the "standard load" range, i.e., those with a maximum inflation pressure of 240 kPa, be required to meet the breaking energy levels presently specified for 32 psi tires, reduced, by approximately 8.5 percent. Goodyear's argument was that such a reduction would recognize the fact that a given tire's strength when inflated to 26 psi (approximately 180 kPa, the design inflation pressure for a 240-kPa-maximum-inflation-pressure-tire) is approximately 8.5 percent less than the same tire's strength when inflated to 24 psi (the design inflation pressure for a 32-psi tire.) From the standpoint of safe performance rather than of tire design, however, a 240-kPa tire should have the same strength at its design inflation pressure as a similarly sized tire would have at *its* design inflation pressure, because it will encounter the same service conditions. Accordingly, this notice proposes applying the strength values found in the 32-psi column of Tables II–A through II–C to the new 240-kPa tires. Similarly, the 40-psi strength values would be applied to 280-kPa tires. To clarify these requirements, the words "size designation" appearing in those tables would be replaced with the words "designated section width" and the reference to a 155-millimeter threshold would be eliminated.

This proposal would also amend Table II by adding breaking energy levels for 60-psi tires that are expressed in terms of maximum load rating. New Tables II–D and II–E would be added, corresponding to the existing tables for bias ply tires. Following the reasoning discussed above for bead unseating resistance, a 60-psi tire with maximum load rating of 880 pounds or more would be assigned the same breaking energy values as a 32-psi tire with a section width of six inches or more. Correspondingly, a 60-psi tire with maximum load rating below 880 pounds would be assigned the same breaking energy values as a 32-psi tire with a section width of less than six inches.

Tire endurance. S5.4 specifies a laboratory endurance test in which a tire is rotated at 50 miles per hour for 34 hours while pressed against a flat-faced steel test wheel. The loads to be applied during this test are set out in S5.4.2.3 and expressed in terms of the tire's load rating at various inflation pressures. For the first 4 hours, the load rating at the design inflation pressure (i.e., the design load) is used. For the next 6 hours, the load rating used is that for a pressure that is midway between the design inflation pressure and the maximum inflation pressure. For the final 24 hours, the load used is equal to the tire's load rating at maximum inflation pressure, i.e., the maximum load rating.

This notice proposes that a metric series tire be loaded to its design load rating for the first 4 hours of endurance testing and to its maximum load rating for the last 24 hours. Because these tires are not assigned load ratings at 210 or 250 kPa (the midpoints between design and maximum inflation pressures for 240– and 280–kPa tires, respectively), the NHTSA tentatively considers that the load ratings at 200 and 240 kPa are appropriate to apply to the middle six hours of endurance testing. In anticipation of possible further rulemaking action to eliminate Table I from Appendix A of the standard, these test values would be added to the table in S5.4.2.3 as percentages of the tire's maximum load rating, rather than as load ratings associated with specific inflation pressures.

Firestone suggested that the loads for endurance testing of the 60-psi tire be 85, 93, and 100 percent of the maximum load rating for the 4-, 6-, and 24-hour periods, respectively. This approach, however, is not consistent with the existing test requirements, because the 60-psi tire's design load rating is no less than its maximum load rating. The endurance test is intended to be run first at the tire's design load, followed by two stages of overloading. The NHTSA considers the sequence of 100, 109, and 117 percent of a 60-psi tire's maximum load rating to provide test requirements that correspond properly with those existing for 32-psi tires.

High speed performance. The load applied to a tire during the high speed laboratory wheel test is its design load. As with the endurance test discussed above, this load would be expressed as a percentage of maximum load rating for a metric series or 60-psi tire.

Test inflation pressures. The inflation pressures to be used in conducting the standard's performance tests are set out in Table III. For all tests other than the one for high speed performance, these pressures are the design inflation pressures, i.e., 24, 28, and 32 psi for tires with maximum inflation pressures of 32, 36, and 40 psi, respectively. Accordingly, the amended Table III would specify 180 kPa, 220 kPa, and 60 psi for these tests of the new tires with maximum inflation pressures of 240 kPa, 280 kPa, and 60 psi, respectively.

For high speed performance, the presently specified inflation pressures are 2 psi below maximum inflation pressures. To adopt a parallel approach, the most appropriate equivalent for a metric series tire would be 20 kPa below maximum. A 60-psi tire, however, should be tested at 60 psi, because there is no interval between its design and maximum inflation pressures. Accordingly, this notice proposes inflation pressures of 220 kPa, 260 kPa, and 60-psi for high speed testing of tires with maximum inflation pressures of 240 kPa, 280 kPa, and 60-psi, respectively.

Miscellaneous. Both the RMA and Goodyear petitions requested that equivalent English-system values appear in parenthesis following those new test values in the standard that would be specified in metric terms, e.g., "(35 psi)" following "240 kPa" and "(41 psi)" following "280 kPa". Such an approach, however, is inappropriate. Because the equivalence of the metric and English systems is not exact, using significant figures, the listing of the approximate English-system equivalents in the standard could only serve a dubious advisory function. The differences between the actual metric system values and their English-system approximations could produce some confusion concerning what are the real test conditions or performance levels required. Furthermore, the NHTSA has no reason to believe that those persons who use the numbers in the standards would have any difficulty converting from one system to the other when they find it convenient. Accordingly, the parenthetical inclusion of equivalent values is not proposed. For similar reasons, this notice does not propose adoption of the RMA's suggestions of metric section-width thresholds (160 and 210 mm, corresponding to 6 and 8 inches) to characterize the bead unseating resistance test requirements and a 10-millimeter maximum growth allowance for metric series tires.

The use of English-system equivalent measurements in sidewall labeling, however, involves different considerations from such use in expressing the test conditions and performance requirements of the standard itself. Indeed, consumer confusion in the United States would probably be increased by the absence of dual labeling on metric series tires. Accordingly, this notice proposes the amendment of S4.3 to require that each marking of a metric maximum inflation pressure or maximum load rating be followed in parenthesis by the equivalent rating expressed in psi or pounds, rounded to the nearest whole number. Manufacturers should note that the parenthesized figures would be for consumer guidance purposes only.

Labeling of 60-psi tires would also be expanded. Because these tires, unlike most with which consumers are familiar, are not designed for use at inflation pressures lower than their maximum inflation pressures, the words "Inflate to 60 psi" in letters ½ inch high would be

added to the information already required to appear on tire sidewalls.

Interested persons should note that the P155/80R13 size designation would appear in both the existing Table I–AA and the new Table I–xx. As it appears in the former table, it has a maximum inflation pressure of 32, 36, or 40 psi, with load ratings expressed in pounds. As it would appear in the latter table, it would have a maximum inflation pressure of 240 or 280 kPa with load ratings that are not only expressed in kilograms but are also slightly higher than a direct conversion of the psi and pound values would suggest. Ordinarily, such a multiple listing of a single size designation would be inappropriate. Because this tire was originally conceived as a metric series tire and was labeled in psi and entered in Table I–AA only to conform with the existing standard, however, the NHTSA would accept its multiple listing as a necessary aspect of the transition to the proposed form of the standard. In testing a P155/80R13 tire (or its bias-belted or bias ply equivalent) for compliance with the standard, the NHTSA's choice between English and metric units would be determined by the manufacturer's characterization of the tire as indicated by the maximum inflation pressure molded on the sidewall.

Finally, interested persons should note that, when a spare tire is provided, the NHTSA considers the load limits and rim requirements of Standard No. 110, *Tire Selection and Rims—Passenger Cars*, to be applicable at any wheel position even when the spare is mounted. This agency is considering an amendment to that standard's vehicle placarding requirement that would address vehicles equipped with 60-psi spare tires. Such an amendment would be the subject of a further notice of proposed rulemaking.

In accordance with recently enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200; April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of the proposal on the public and private sectors, including possible loss of safety benefits. Because the proposed amendment would simply extend existing requirements to accommodate new types of tires, the agency concludes that there would be no new economic or environmental costs imposed by the proposed amendment, and that there would be no overall adverse effect on safety in this case.

The agency anticipates that some aspects of the 60-psi tire's construction may be of particular concern to consumers. The tire will be narrower than conventional tires, and smaller in diameter in some cases. The expected treadwear of the tire is much less than that of conventional tires, meaning that the value of the 60-psi tire may be less than that of present spare tires, depending on its price in comparison to conventional spare tires. Rotation of tires to balance tire wear would be limited to the four conventional tires on a vehicle. Storage of a larger tire removed in an emergency may be somewhat difficult if it cannot be stowed in the location designed for the spare tire. Comments are specifically solicited on these aspects of the modification of existing regulations.

In consideration of the foregoing, it is proposed that 49 CFR 571.109 (Standard No. 109, *New Pneumatic Tires*) be amended as follows:

§ 571.109 [Amended]

1. Section S4.2.1(b) would be amended to read:

S4.2.1 *General.*

* * * * *

(b) Its maximum permissible inflation pressure shall be either 32, 36, 40, or 60 psi, or 240 or 280 kPa.

* * * * *

2. S4.2.2.2(a) would be amended to read:

S4.2.2.2 *Physical Dimensions.*

* * * * *

(a) Its actual section width and overall width shall not exceed the section width specified in Table I for its size designation and type by more than:

(1) (for tires with a maximum permissible inflation pressure of 32, 36, or 40 psi) 7 percent, or

(2) (for tires with a maximum permissible inflation pressure of 60 psi or 240 or 280 kPa) 7 percent or .4 inches, whichever is larger; and

* * * * *

3. S4.2.2.3 would be amended to read:

S4.2.2.3 *Tubeless tire resistance to bead unseating.*

S4.2.2.3.1 When a tubeless tire that has a maximum inflation pressure other than 60 psi is tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall be not less than:

(a) 1,500 pounds for tires with a designated section width of less than six (6) inches;

(b) 2000 pounds for tires with a designated section width of six (6) inches or more, but less than eight (8) inches;

(c) 2500 pounds for tires with a designated section width of eight (8) inches or more, using the section width specified in Table I for the applicable tire size designation and type.

S4.2.2.3.2 When a tire that has a maximum inflation pressure of 60 psi is tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall be not less than:

(a) 1500 pounds for tires with a maximum load rating of less than 880 pounds;

(b) 2000 pounds for tires with a maximum load rating of 880 pounds or more but less than 1400 pounds;

(c) 2500 pounds for tires with a maximum load rating of 1400 pounds or more, using the maximum load ratings specified in Table I for the applicable tire size designation and type.

4. The table in Figure 1 would be revised to read:

Wheel size	Dimension A (for tires with maximum inflation pressure other than 60 lb/in²)	Dimension A (for tires with maximum inflation pressure 60 lb/in²)
17	12.0	----------
16	11.5	9.6
15	11.0	9.1
14	10.5	8.6
13	10.0	----------
12	9.5	----------
11	9.0	----------
10	8.5	----------

5. The word "designed" in the third sentence of S4.3 is corrected to read "designated" and new paragraphs S4.3.4 and S4.3.5 are added after S4.3.3 to read:

S4.3.4 If the maximum inflation pressure of a tire is 240 or 280 kPa, then:

(a) Each marking of that inflation pressure pursuant to S4.3(b) shall be followed in parenthesis by the equivalent inflation pressure in psi, rounded to the nearest whole number; and

(b) Each marking of the tire's maximum load rating pursuant to S4.3(c) in kilograms shall be followed in parenthesis by the equivalent load rating in pounds, rounded to the nearest whole number.

S4.3.5 If the maximum inflation pressure of a tire is 60 psi, the tire shall have permanently molded into or onto both sidewalls, in letters and numerals not less than ½ inch high, the words "Inflate to 60 psi". On both sidewalls, the words shall be positioned in an area between the maximum section width and bead of the tire. However, in no case shall the words be positioned on the tire so that they are obstructed by the flange of any rim designated for use with that tire in this standard or in Standard No. 110 (§ 571.110 of this part).

6. The table of loads in S5.4.2.4 would be relocated immediately following S5.4.2.3 and would be amended to read:

S5.4.2.3

* * * * *

Maximum permissible inflation pressure	Loads— For 4 hr	For 6 hr	For 24 hr
	Loads from table I (pounds per square inch column)		
32 lb/in²	24	28	32
36 lb/in²	28	32	36
40 lb/in²	32	36	40
	Loads as percentages of maximum load rating marked on tire sidewall		
60 lb/in²	100	109	117
240 kPa	85	91	100
280 kPa	88	92	100

7. Section S5.5.1 would be amended to read:

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with the load indicated in the following table:

	A—Maximum permissible inflation pressure	B—Load
Load from table I:		
32 lb/in²		24 lb/in² col.
36 lb/in²		28 lb/in² col.
40 lb/in²		32 lb/in² col.
Load as percentage of maximum load rating marked on tire sidewall:		
60 lb/in²		100.
240 kPa		85.
280 kPa		88.

8. In Appendix A, Table I would be amended by the addition of new Tables I–xx (for "Metric Series" Tires) and I–yy (for "T Series" 60 psi Tires), incorporating the following new tire size designations and corresponding values:

TABLE I–XX.—*Tire load ratings, test rims, minimum size factors, and section widths for metric series tires*

Tire size designation [1]	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (millimeter)	Section width [2] (millimeter)
	120	140	160	180	200	220	240	260	280			
P155/80R13	310	335	335	380	400	420	435	455	470	4.50	723	157

[1] The letters 'D' for diagonal and 'B' for bias-belted may be used in place of the 'R'.
[2] Actual section width and overall width shall not exceed the specified section width by more than the amount specified in S4.2.2.2.

TABLE I–yy.—*Tire load ratings, test rims, minimum size factors, and section widths for T series 60 lb/in² tires*

Tire size designation	Maximum tire load (pounds) at 60 lb/in² cold inflation pressure	Test rim width (inches)	Minimum size factor (inches)	Section width [1] (inches)
T115/70D14	1,245	4.0	24.84	4.84
T115/70D15	1,310	4.0	25.83	4.84
T125/70D15	1,500	4.0	26.69	5.16
T125/70D16	1,575	4.0	27.68	5.16
T135/70D16	1,775	4.0	28.50	5.43

[1] Actual section width and overall width shall not exceed the specified section width by more than the amount specified in S4.2.2.2.

9. In Appendix A, new tables II–D and II–E, would be added, and Tables II–A, II–B, and II–C would be amended by the addition of two columns at the right end, to read:

TABLE II.—*Minimum breaking energy values (inch-pounds)*
TABLE II–A.—*For bias-ply tires with designated section Width of 6 in and above*

Cord material	Maximum permissible inflation pressure		
	* * *	240 kPa	280 kPa
Rayon	* * *	1,650 in-lb	3,300 in-lb.
Nylon or polyester	* * *	2,600 in-lb	5,200 in-lb.

TABLE II–B.—*For bias-ply tires with designated section width below 6 inches*

Cord material	Maximum premissible inflation pressure		
	* * *	240 kPa	280 kPa
Rayon	* * *	1,000 in-lb	2,500 in-lb.
Nylon or polyester	* * *	1,950 in-lb	3,900 in-lb.

TABLE II–C.—*For radial-ply tires*

Designated section width	Maximum permissible inflation pressure		
	* * *	240 kPa	280 kPa
Below 160 mm	* * *	1,950 in-lb	3,900 in-lb.
160 mm or above	* * *	2,600 in-lb	5,200 in-lb.

TABLE II–D.—*For tires with 60 lb/in² maximum permissible inflation pressure and maximum load rating of 880 lb and above*

Cord material	Inch-pounds
Rayon	1,650.
Nylon or polyester	2,600.

TABLE II–E.—*For tires with 60 lb/in² maximum permissible inflation pressure and maximum load rating below 880 lb*

Cord material	Inch-pounds
Rayon	1,000
Nylon or polyester	1,950

10. In Appendix A, Table III would be amended to read:

TABLE III.—*Test inflation pressures*

Maximum permissible inflation pressure	32 lb/in²	36 lb/in²	40 lb/in²	60 lb/in²	240 kPa	280 kPa
Pressure to be used in tests for physical dimensions, bead unseating, tire strength, and tire endurance	24	28	32	60	180	220
Pressure to be used in test for high-speed performance	30	34	38	60	220	260

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 15, 1976.

Proposed effective date: Date of publication of final rule.

(Secs. 103, 112, 114, 119, 201, 202, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407, 1421, 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on September 24, 1976.

ANDREW G. DETRICK,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.76–28535 Filed 9–24–76;4:54 pm]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation; Extension of Comment Period

This notice extends until October 14, 1976 the period for comments to the notice, published September 22, 1976 (41 FR 41431), proposing the designation of five "706 Agencies" as follows:

South Bend, Indiana Human Rights Commission
Metropolitan Human Relations Commission (Fort Wayne, Indiana)
City of Evansville (Indiana) Human Relations Commission
St. Paul Department of Human Rights
Madison (Wisconsin) Equal Opportunities Commission

Signed at Washington, D.C. this 24th day of September, 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.76–28545 Filed 9–29–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

FM BROADCAST STATIONS IN SANTA BARBARA AND VENTURA, CALIF.

Proposed Table of Assignments

Adopted: September 16, 1976.

Released: September 22, 1976.

In the matter of amendment of §§ 73.202(b), and 73.507(a), *Table of Assignments*, FM Broadcast Stations. (Santa Barbara and Ventura, California), Docket No. 20916, RM–2685, RM–2707.

1. The Commission has under consideration two conflicting petitions for rulemaking. The first petition, filed on February 17, 1976, by the University of California (U.C.), licensee of noncommercial Station KCSB–FM (Channel 218), Santa Barbara, California, requests amendment of the FM Table of Assignments for Noncommercial Educational Channels, § 73.507(a) of the Commission's rules, by the substitution of Channel 220 for Channel 218 at Santa Barbara.[1] This proposal conflicts with a second petition, filed on May 7, 1976, by Charles V. Martin and John A. Popejoy, requesting amendment of the FM Table of Assignments for Commercial Channels, § 73.202(b) of the Commission's rules, by the assignment of Channel 221A to Ventura, California, as its third commercial FM assignment. Since Ventura is located approximately 66 kilometers (41 miles) from the KCSB–FM transmitter site, the assignment of Channel 221A to Ventura and the substitution of Channel 220 for Channel 218 at Santa Barbara are conflicting proposals because they would violate the Commission's minimum distance separation rules requiring a separation of 105 kilometers (65 miles). Adoption of either of these proposals would not require any other changes in the FM Table of Assignments. Also, no opposition to either of the two petitions was filed.

[1] It should be noted that generally noncommercial educational FM channels are not assigned to communities in a Table of Assignments. Rather, Channels 201 through 220 are reserved for use by noncommercial educational stations and may be applied for on a demand basis. A construction permit will be granted if the requested channel will not cause or receive "objectionable interference" within the 1 mV/m contour of any cochannel or adjacent channel stations. See Note 1(a)(2) to § 1.573 of the Commission's rules. However, within 320 kilometers (199 miles) of the Mexico-United States border, only noncommercial FM channels assigned to communities in the Noncommercial Educational Table of Assignments may be applied for. Moreover, an application for one of these assigned channels will not be granted if it fails to meet minimum distance separations to both Mexican and United States FM assignments or authorizations. See Notes to §§ 1.573, 73.207, and 73.504(g) of the Commission's rules.

THE SANTA BARBARA PROPOSAL (RM–2685)

2. Santa Barbara (pop. 70,215)[2], the seat of Santa Barbara County (pop. 264,324), is located approximately 129 kilometers (80 miles) northwest of Los Angeles and 129 kilometers (80 miles) southwest of Bakersfield, California. Santa Barbara is presently served locally by two AM daytime-only stations, three fulltime AM stations, four commercial Class B FM stations, and U.C.'s noncommercial station, KCSB–FM.

3. U.C. urges the Commission to substitute Channel 220 for Channel 218 at Santa Barbara in order to eliminate the presently authorized short spacing between KCSB and noncommercial Station KUSC, located at Los Angeles and operated by the University of Southern California. U.C. apparently believes that the proposed channel substitution would eliminate the interference caused by the operation of these two stations on the same channel and would enable KUSC and KCSB each to serve a larger area and population. In addition, U.C. points out that in conformity with the Commission's rules, authority was recently granted to KUSC to move its transmitter site even closer to KCSB's transmitter site.[3] Although U.C. admits that KUSC's construction permit is conditioned upon KUSC's use of a directional antenna to eliminate interference with KCSB, U.C. feels that both KUSC and KCSB would be better off if they were operating on different channels.

4. We note that the minimum distance separation rules require a separation of 241 kilometers (150 miles) between Class B Stations KCSB and KUSC and that the present separation between these two stations is approximately 162 kilometers (101 miles), which is a short spacing of 79 kilometers (49 miles). With the move in KUSC's transmitter site, the new separation between KUSC and KCSB will be approximately 151 kilometers (94 miles), which is a short spacing of 90 kilometers (56 miles). However, due to the fact that KCSB and KUSC were separated by a distance of 162 kilometers (101 miles) before the Commission adopted § 73.507 of the rules, requiring that noncommercial FM stations located within 199 miles of the Mexico-United States border comply with the minimum distance separation rules for commercial FM stations, the Commission has allowed this short spacing to continue and has also permitted these short-spaced stations to move their transmitter sites within certain limits, even though by the move the separation would be further shortened. See § 73.213 (a) and (f); "Fourth Report and Order," Docket No. 14185, 29 FR 14116 (1964).

THE VENTURA PROPOSAL (RM–2707)

5. Ventura, California (pop. 55,797), is the seat of Ventura County (pop. 376,340), and is located approximately 97 kilometers (60 miles) northwest of Los Angeles and 121 kilometers (75 miles) south of Bakersfield. Ventura is served locally by two commercial Class B FM stations and two fulltime AM stations. The City of Ventura and Ventura County presently have no local television service; however, commercial television Channel 16 is assigned to Ventura and is unoccupied.

6. Martin and Popejoy, the petitioners, request that the Commission propose the assignment of Channel 221A to Ventura as its third commercial FM assignment because Ventura is a fast growing community. Petitioners point out that the population growth of the City of Ventura over the fifteen-year period 1960–1975 was 116 percent. In addition, petitioners claim that the 1976 population of Ventura is 65,678, which is an increase of 4.4 percent over Ventura's 1975 population of 62,938 persons. As a result of these recent population statistics, as well as the 1970 U.S. Census figures cited in paragraph 5 above, petitioners state that, under the Commission's general criteria of permitting two to four commercial FM channels to be assigned to communities having between 50,000 and 100,000 persons, it would be reasonable to assign a third commercial FM channel to Ventura. "Further Notice of Proposed Rule Making," Docket 14185, adopted July 25, 1962 (FCC 62–867).

7. Petitioners also state that the assignment of Channel 221A to Ventura would result in the intermixture of one Class A channel with two existing Class B stations at Ventura.[4] Although our policy is to avoid intermixture of different classes of FM channels within one community, we have deviated from this policy where there is no Class B channel available for assignment, where there is a demand for a Class A channel, and where there is someone willing to compete under such circumstances. "Yakima, Washington," 42 F.C.C. 2d 548, 550 (1973); "Key West, Florida," 45 F.C.C. 2d 142, 145 (1975). In this regard, we note that the petitioners have indicated that there is no Class B channel that could be assigned to Ventura. Moreover, the petitioners have expressed a desire to apply for Channel 221A at Ventura in spite of the intermixture situation.

8. If Channel 221A is assigned to Ventura, a significant area of preclusion would occur on Channel 221A, including the following four California commu-

[2] Unless otherwise indicated, all population statistics are taken from the 1970 U.S. Census.

[3] The Commission issued the construction permit to KUSC on May 4, 1976. BPED–2081. No petition to deny was filed.

[4] In their petition, Martin and Popejoy allege that the assignment of Channel 221A to Ventura would not create any new intermixture in the Ventura-Oxnard area because there are presently two Class B stations licensed to Ventura and two Class A stations licensed to Oxnard, which is located approximately 13 kilometers (8 miles) southwest of Ventura. However, we do not believe that it is necessary to consider this issue because, as described in paragraph 7 above, Channel 221A could be assigned to the community of Ventura in spite of the resulting intermixture.

nities having populations greater than 4,000 persons: Oxnard (pop. 71,225), Port Hueneme (pop. 14,295), Ojai (pop. 5,591), and Taft (pop. 4,285). However, Oxnard is presently served by two commercial FM stations. Ojai has one commercial Class A FM station, and Taft has an unoccupied Class A channel. Port Hueneme does not have an FM assignment but it is served locally by a full-time AM station. In addition, a very small area of preclusion would occur on Channel 220.

DISCUSSION

9. Because the Santa Barbara and the Ventura proposals are conflicting, we have decided to consolidate them into this single rule making proceeding and to propose them as alternative assignments so that we may be able to obtain comments from all interested parties on the question of which proposal would better serve the public interest. In addition, we request the parties to indicate whether or not there are any alternative approaches which would provide Santa Barbara with an appropriate substitute for Channel 218 and also would enable Ventura to have a third commercial FM assignment.

10. U.C. apparently believes that its proposal to substitute Channel 220 for Channel 218 at Santa Barbara is in the public interest because removing the existing interference would enable KCSB to serve a larger area and population; however, U.C. has not submitted any engineering data to support this proposition. Both KCSB and KUSC are licensed to operate on Channel 218, and their licenses require that they use directional antennae to limit their signals toward each other. As a result, the areas and populations served by these stations are smaller than if they were using nondirectional antennae. Since the Santa Barbara proposal is premised on the improvement in coverage which it would bring about, it is necessary to determine the extent of these gains as compared to the areas and populations which presently receive interference free 1 mV/m service from Stations KUSC and KCSB on Channel 218 utilizing directional antennae. To do this, we need to know the additional areas and populations which could receive such service if Channel 220 were substituted for Channel 218 at Santa Barbara and both Stations KCSB and KUSC continued to operate with directional antennae. If U.C. desires to operate Station KCSB on Channel 220 with a nondirectional antennae, it should show the additional area and population this would enable Station KCSB to serve. Information regarding the gain which would result from a change to nondirectional operation on Station KUSC would also be helpful. In this connection, the service areas of other noncommercial FM stations that already serve these areas and populations which would be served for the first time by Station KCSB or KUSC should be identified.

11. The data submitted by the Ventura petitioners is sufficient to warrant considering a possible third commercial FM assignment at Ventura. They have correctly pointed out that under our policy of permitting two to four commercial FM channels to be assigned to communities having between 50,000 and 100,000 persons, Ventura could be assigned a third commercial FM channel. However, in the absence of an alternative channel, the conflict between the Ventura and the Santa Barbara proposals means that the public interest benefits of the two proposals would have to be compared. To aid in this process, we seek from the parties any additional information to show which proposal would better serve the public interest.

12. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, with regard to Ventura, California, as follows:

City	Channel No.	
	Present	Proposed
Ventura, Calif.	236, 264	221A, 236, 264

In the alternative, the Commission proposes to amend the Noncommercial FM Table of Assignments, § 73.507(a) of the Commission's rules and regulations, with regard to Santa Barbara, California,[5] as follows:

City	Channel No.	
	Present	Proposed
Santa Barbara, Calif.	218	220

13. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

14. Interested parties may file comments on or before November 1, 1976, and reply comments on or before November 22, 1976.

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

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, §§ 73.202(b) and 73.507(a) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-28641 Filed 9-29-76;8:45 am]

[5] No show cause order to the licensee of Station KCSB under Section 316 of the Communications Act is required since it has sought the modification here proposed.

[47 CFR Parts 81, 83]

[Docket No. 20886]

VESSELS ON THE GREAT LAKES

Proposed Operation of a Very High Frequency Automated, Multi-Station Radiocommunications System; Extension of Comment Period

Order. In the matter of amendment of Parts 81 and 83 of the rules to permit the operation of a communications system

on the Great Lakes to provide very high frequency (VHF) regional, and other, public correspondence radiocommunication service to vessels, Docket No. 20886, RM 2472, RM 2476.

Adopted: September 24, 1976. Released: September 24, 1976.

1. Central Radio Telegraph Company, (Central Radio) licensee of a Limited Coast Station in the Maritime Mobile Radio Service on the Great Lakes has requested a ten day extension of time until September 30, 1976, in which to file comments in this proceeding. Central Radio states that the operation of Great Lakes radio communication system, proposed in this docket,[1] will have a material effect upon its operations and revenues, and that it has not yet completed its comments.

2. This request for additional time was not filed at least 7 days before the specified filing date as required by § 1.46 of the Commission's rules.

3. There is a need for proceeding in this matter expeditiously in view of the expiration, on December 31, 1976, of the temporary developmental authority granted to Lorain Electronics. We believe, however, it is in the public interest to provide every reasonable opportunity for interested parties to comment on this important matter. We will therefore waive § 1.46(b) of the rules in this instance to permit the filing of comments by Central Radio.

4. Accordingly, the time for filing comments in this proceeding is extended to September 30, and reply comments to October 10, 1976, respectively.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.76-28642 Filed 9-29-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 4, 5, 32, 153, 156, and 157]

[Docket No. RM76-38]

APPLICATIONS FOR AUTHORIZATION TO IMPORT OR EXPORT NATURAL GAS

Certification of Compliance With Approved State's Coastal Zone Management; Notice of Proposed Rulemaking

SEPTEMBER 23, 1976.

Notice is hereby given pursuant to Section 553 of Title 5 of the U.S. Code, Sections 4, 6, 9, 10, 202 and 309 of the Federal Power Act (41 Stat. 1065–1070; 46 Stat. 798; 49 Stat. 839–44, 848–849, 858–859; 61 Stat. 501; 82 Stat. 617; 16 U.S.C. 797, 799, 800, 802, 803, 824, 825h), Sections 3, 7 and 16 of the Natural Gas Act (52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717b, 717f, 717o) and Section 307(c)(3) of the Coastal Zone Management Act (86 Stat. 1285, 16 U.S.C. 1456, as amended by Pub. L. 94–370 (90 Stat. 1013, 1018–1019)) that the Commission proposes to amend secs. 4.41, 5.1, 32.1 and 32.51 of the regulations under the Federal Power Act, and secs. 153.4, 156.5 and 157.14 of the regulations under the Natural Gas Act.

The amendments are proposed in order to comply with the requirements of section 307(c)(3) of the Coastal Zone Management Act which provides:

(3) After final approval by the Secretary of a state's management program any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

Section 307(c) of the Coastal Zone Management Act affects the regulatory responsibilities of the Federal Power Commission in the following areas:

1. Licensing of hydroelectric projects under Section 4(e) and 15 of the Federal Power Act;

2. Ordering interconnection of electric transmission facilities under Section 202 of the Federal Power Act;

3. Authorizing international transmission of electricity under Section 202(e) of the Federal Power Act and Executive Order No. 10485.

4. Authorizing import or export of natural gas under Section 3 of the Natural Gas Act; and

5. Certification under Section 7 of the Natural Gas Act.

The proposed amendments would require applicants for licenses, orders, authorization or certification, in cases where favorable action by the Federal Power Commission on the application would affect land or water uses in the coastal zone of a state which has in effect an approved state coastal zone management program, to provide in the application to the Federal Power Commission a certification that the activity proposed in the application complies with the state's approved program and that such activity will be conducted in a manner consistent with the program, and to require further that the applicant certify that a copy of the application with all necessary information and data was furnished to the state or its designated agency.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, not later than November 22, 1976, data, views, comments or suggestions in writing concerning all or part of the proposed amendments. 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, Room 1000, 825 North Capitol Street, N.E., 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. Submissions to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposals should be addressed, and whether the person filing submissions requests a conference with the Staff of the Federal Power Commission to discuss the proposed amendments. The Staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to the Commission's regulations would be issued pursuant to the authority granted the Commission by the Federal Power Act, particularly secs. 4, 6, 9, 10, 202 and 309 (41 Stat. 1065–1070; 46 Stat. 798; 49 Stat. 839–844, 848–849, 858–859; 61 Stat. 501; 82 Stat. 617; 16 U.S.C. 797, 799, 800, 802, 803, 824, 825h), by the Natural Gas Act, as amended particularly Sections 3, 7 and 16 (52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717b, 717f, 717o) and by Section 307(c)(3) of the Coastal Zone Management Act (86 Stat. 1285, 16 U.S.C. 1456).

The following are proposed amendments to Chapter I, Title 18 of the Code of Federal Regulations:

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

1. Revise § 4.41 in Part 4, to read as follows:

§ 4.41 Required exhibits.

* * * * *

EXHIBIT X. Certificate by applicant that the proposed facility complies with the approved coastal zone management program of the state in which the facility would be located and that such activity will be conducted in a manner consistent with the program. The applicant shall further certify that a copy of the application with all necessary information and data has been furnished to the state or its designated agency.

[1] See 41 FR 34790, August 17, 1976.

EXHIBIT X is required only for applications where the proposed facility would affect the land or water uses in the coastal zone of a state as defined in Section 304 of the Coastal Zone Management Act (86 Stat. 1281, 16 U.S.C. 1453, as amended by Pub. L. 94-370 (90 Stat. 1013, 1013-1015)), and where the state has obtained final approval of a coastal zone management plan from the Secretary of Commerce in accordance with the Coastal Zone Management Act (86 Stat. 1280, 16 U.S.C. 1451 *et seq.*, as amended by Pub. L. 94-370 (90 Stat. 1013)).

* * * * *

PART 5—APPLICATION FOR AMENDMENT OF LICENSE

2. Revise § 5.1 in Part 5, to read as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. In those instances where the proposed amendment of license would affect the land or water uses in the coastal zone of a state as defined in section 304 of the Coastal Zone Management Act (86 Stat. 1281, 16 U.S.C. 1453, as amended by Pub. L. 94-370 (90 Stat. 1013, 1013-1015)), and where the state has obtained final approval of a coastal zone management plan from the Secretary of Commerce in accordance with the Coastal Zone Management Act (86 Stat. 1280, 16 U.S.C. 1451 *et seq.*, as amended by Pub. L. 94-370 (90 Stat. 1013)), the applicant shall certify that the proposed amendment of license complies with the approved coastal zone management program of the state in which the facility would be located and that such activity will be conducted in a manner consistent with the program. The applicant shall further certify that a copy of the application with all necessary information and data has been furnished to the state or its designated agency. Furthermore, * * *

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

* * * * *

3. Revise § 32.1 in Part 32, to read as follows:

§ 32.1 Contents of application; filing fee.

* * * * *

(h) In those instances where the proposed transmission facilities would affect the land or water uses in the coastal zone of a state as defined in Section 304 of the Coastal Zone Management Act (86 Stat. 1281, 16 U.S.C. 1453, as amended by Pub. L. 94-370 (90 Stat. 1013, 1013-1015)), and where the state has obtained final approval of a coastal zone management plan from the Secretary of Commerce in accordance with the Coastal Zone Management Act (86 Stat. 280, 16 U.S.C. 1451 *et seq.*, as amended by Pub. L. 94-370 (90 Stat. 1013)), the applicant shall certify that the proposed transmission facility complies with the approved coastal zone management program of the state in which the facility would be located and that such activity will be conducted in a manner consistent with the program. The applicant shall further certify that a copy of the application with all necessary information and data has been furnished to the state or its designated agency.

* * * * *

4. Revise § 32.51 in Part 32, to read as follows:

§ 32.51 Contents of application; filing fee.

* * * * *

(e) In those instances where the proposed transmission facility would affect the land or water uses in the coastal zone of a state as defined in Section 304 of the Coastal Zone Management Act (86 Stat. 1281, 16 U.S.C. 1453, as amended by Pub. L. 94-370 (90 Stat. 1013, 1013-1015)), and where the state has obtained final approval of a coastal zone management plan from the Secretary of Commerce in accordance with the Coastal Zone Management Act (86 Stat. 1280, 16 U.S.C. 1451 *et seq.*, as amended by Pub. L. 94-370 (90 Stat. 1013)), the applicant shall certify that the proposed transmission facility complies with the approved coastal zone management program of the state in which the facility would be located and that such activity will be conducted in a manner consistent with the program. The applicant shall further certify that a copy of the application with all necessary information and data has been furnished to the state or its designated agency.

* * * * *

PART 153—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

5. Revise § 153.4 in Part 153, to read as follows:

§ 153.4 Required exhibits.

(a) * * *

* * * * *

EXHIBIT G: Certificate by applicant that the proposed activity complies with the approved coastal zone management program of the state in which the port of embarkation or disembarkation is located and that such activity will be conducted in a manner consistent with the program. The applicant shall further certify that a copy of the application with all necessary information and data has been furnished to the state or its designated agency. EXHIBIT G is required only where the state in question has obtained final approval of a coastal zone management plan from the Secretary of Commerce in accordance with the Coastal Zone Management Act (86 Stat. 1280, 16 U.S.C. 1451 *et seq.*, as amended by Pub. L. 94-370 (90 Stat. 1013)).

* * * * *

PART 156—APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT

6. Revise § 156.5 in Part 156, to read as follows:

§ 156.5 Exhibits.

(a) * * *

(17) *EXHIBIT Q.* Certificate by applicant that the proposed facility complies with the approved coastal zone management program of the state in which the facility would be located and that such activity will be conducted in a manner consistent with the program. The applicant shall further certify that a copy of the application with all necessary information and data has been furnished to the state or its designated agency. EXHIBIT Q is required only where the proposed facility would affect the land or water uses in the coastal zone of the state as defined in Section 304 of the Coastal Zone Management Act (86 Stat. 1281, 16 U.S.C. 1453, as amended by Pub. L. 94-370 (90 Stat. 1013, 1013-1015)), and where the state has obtained final approval of a coastal zone management plan from the Secretary of Commerce in accordance with the Coastal Zone Management Act (86 Stat. 1280, 16 U.S.C. 1451 *et seq.*, as amended by Pub. L. 94-370 (90 Stat. 1013)).

* * * * *

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

7. Revise Section 157.14 in Part 157, to read as follows:

§ 157.14 Exhibits.

(a) * * *
(6) * * *
(6-a) * * *

(6-e) *EXHIBIT F-V.* Certificate by applicant that the proposed facility complies with the approved coastal zone management program of the state in which the facility would be located and that such activity will be conducted in a manner consistent with the program. The applicant shall further certify that a copy of the application with all necessary information and data has been furnished to the state or its designated agency. EXHIBIT F-V is required only where the proposed facility would affect the land or water uses in the coastal zone of the state as defined in section 304 of the Coastal Zone Management Act (86 Stat. 1281, 16 U.S.C. 1453, as amended by Pub. L. 94-370 (90 Stat. 1013, 1013-1015)), and where the state has obtained

final approval of a coastal zone management plan from the Secretary of Commerce in accordance with the Coastal Zone Management Act (86 Stat. 1280, 16 U.S.C. 1451 *et seq.*, as amended by Pub. L. 94-370 (90 Stat. 1013)).

* * * * *

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By the direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-28612 Filed 9-29-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1212]

PRIVACY ACT REGULATIONS

Proposed Rulemaking

The National Aeronautics and Space Administration (NASA) published on page 43668 of the FEDERAL REGISTER of September 22, 1975, regulations implementing the Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896. A new Part 1212, Protection of Personal Privacy, was added to 14 CFR Chapter V with the publication of these regulations.

In December 1975, comments and suggestions were received on NASA's regulations from the Office of Management and Budget's Ad Hoc Interagency Task Force on Privacy Act Implementation. In addition, in August 1976, the Office of Management and Budget commented on NASA's exemptions claimed under the Act.

As a result, the changes set forth below are proposed in Title 14, Chapter V, Part 1212—Protection of Personal Privacy.

The proposed changes would (1) provide an administrative appeal to the Associate Deputy Administrator from any refusal or failure to grant an individual access to his record; (2) identify NASA offices which can assist individuals who need general information on NASA's Privacy Act procedures and systems of records; (3) provide for a 10 working day period to acknowledge or respond to a request for information as to whether there is a record pertaining to him in a system of records; and (4) add a new § 1212.701 which specifies those NASA systems of records which have been declared exempt, the specific sections of the Act from which the systems are exempt, and the reasons for the exemptions.

Public comment on these proposed changes is invited. Written comments should be addressed to the NASA Privacy Officer, Mail Code AE, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments received on or before November 15, 1976, will be considered before taking final action on the proposed changes. Any comments received, together with the background documents on these proposed changes, will be available for public inspection at the National Aeronautics and Space Administration, Room 7137, 400 Maryland Avenue, S.W., Washington, D.C. 20546, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday (except holidays) until 4:00 p.m., November 15, 1976.

It is proposed that these changes shall be finally effective on November 22, 1976.

Dated: September 23, 1976.

DUWARD L. CROW,
Associate Deputy Administrator.

§ 1212.500 [Amended]

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

* * * * *

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

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

§ 1212.506 [Amended]

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

* * * * *

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

(1) The reasons for the refusal; and

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

3. Add the following § 1212.701 under Subpart 7:

§ 1212.701 Systems of Records for which exemptions apply.

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

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

(1) *Sections of the Act from which exempted.* The Inspections Division Case Files system of records is exempt from all sections of the Privacy Act (5 U.S.C. 552a) EXCEPT the following: (b) relating to conditions of disclosure; (c) (1) and (2) relating to keeping and maintaining a disclosure accounting; (e) (4) (A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e) (6), (7), (9), (10) and (11) relating to agency requirements for maintaining systems; and (i) relating to criminal penalties.

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

(b) Security Records System (NASA 10SECR)

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

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

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

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

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

[FR Doc.76-28548 Filed 9-29-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Codes and Standards for Nuclear Power Plants

The Nuclear Regulatory Commission has under consideration an amendment to its regulation, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would incorporate new addenda to specified published industry codes.

On February 12, 1976 the Nuclear Regulatory Commission published in the FEDERAL REGISTER (41 FR 6256) amendments to § 50.55a which provide that the editions of referenced Codes and Addenda whose requirements must be met include only Addenda through the Winter 1973 Addenda.

Since that date, the 1974 edition of a referenced code has been issued and Addenda of the code have been issued through Summer 1975. The Commission proposes to amend § 50.55a to incorporate the later edition and addenda by reference.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50 is contemplated. All interested persons who wish to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by November 1, 1976. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

In § 50.55a of 10 CFR Part 50, paragraph (b) is revised to read as follows:

§ 50.55a Codes and standards.

Each operating license for a boiling or pressurized water-cooled nuclear power facility shall be subject to the conditions in paragraph (g) of this section and each construction permit for a utilization facility shall be subject to the following conditions in addition to those specified in § 50.55:

* * * * *

(b) As used in this section, references [1] to editions of Criteria, Codes and Standards include only those editions through 1974; references [1] to Addenda include only those Addenda through the Summer 1975 Addenda.

* * * * *

(Secs. 103, 104, 1611, Pub. L. 83-703; 68 Stat. 936, 937, 948; sec. 201, Pub. L. 93-438, 88 Stat. 1242; (42 U.S.C. 2133, 2134, 2201(i), 5841))

Dated at Washington, D.C., this 24th day of September 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-28646 Filed 9-29-76;8:45 am]

[1] These incorporation by reference provisions were approved by the Director of the Federal Register on March 17, 1972 and May 4, 1973.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-6/102]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE OF THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 5 of the U.S. CCITT National Committee will meet on October 28, 1976, at 10:30 a.m. in Room 6802 of the Department of Commerce, Washington, D.C. (use Main Entrance, 14th Street). This Study Group deals with matters in telecommunications relating to the development of the international digital data transmission services.

The agenda for the October 28 meeting will include consideration of the following:

1. Report on the CCITT VIth Plenary Assembly;
2. Review American National Standards Institute, Inc. (ANSI) proposals for amending Rec. X.25;
3. Planning of work for the new Study Period;.
4. Other business.

Members of the general public who desire to attend the meeting on October 28 will be admitted up to the limit of the meeting room.

Dated: September 21, 1976.

ARTHUR L. FREEMAN,
Chairman,
U.S. National Committee.

[FR Doc.76-28604 Filed 9-29-76;8:45 am]

Agency for International Development

PEST MANAGEMENT ACTIVITIES

Availability of Draft Environmental Impact Statement

The Agency for International Development (A.I.D.) has prepared a draft programmatic environmental impact statement concerning its pest management activities including such activities conducted, supported or otherwise assisted by it for the procurement or use of pesticides.

This draft statement was transmitted to the Council on Environmental Quality on September 24, 1976. Copies of the draft environmental statement are being circulated to the Department of State, EPA and other Federal agencies with jurisdiction by law or special expertise with respect to the environmental impact involved for their review and comment. in addition, the draft statement will be distributed to concerned private organizations, international organizations and foreign governments entitled to receive A.I.D. assistance. Comments are invited for the public and from other Federal agencies from which comments have not been specifically requested.

Copies are available for public inspection during regular working hours at the following location:

Agency for International Development, Room 105, Rosslyn Plaza C Building, 1601 North Kent Street, Arlington, Virginia (Phone No. (703) 235-8936).

A limited number of single copies are available upon request to Environmental Coordinator Albert Printz, Room 2841, New State, Agency for International Development, Washington, D.C. 20523.

Comments concerning the draft environmental impact statement and requests for additional information should be addressed to Environmental Coordinator, Room 2841, New State, Agency for International Development, Washington, D.C. 20523. Comments must be received by November 30, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: September 24, 1976.

CURTIS FARRAR,
Assistant Administrator for Technical Assistance.

[FR Doc.76-28451 Filed 9-29-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 14, 1976.

The USAF Scientific Advisory Board General Meeting will be held on October 19, 1976 from 8:30 a.m. to 5:15 p.m. and on October 20, 1976 from 8:30 a.m. to 11:45 a.m. at Andrews Air Force Base, Washington, D.C.

The meeting will consist of classified briefings on Strategic Warfare.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-28583 Filed 9-29-76;8:45 am]

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Meeting

Name of Committee. Army Scientific Advisory Panel.

Date. October 18-19, 1976.

Place. The Infantry Center, Fort Benning, GA 31905.

AGENDA

MONDAY, OCTOBER 18, 1976 (0745-1700 HOURS)

Presentations and discussion on "The Modern Soldier in the Infantry Environment".

TUESDAY, OCTOBER 19, 1976 (0740-1140 HOURS)

Business Meeting. Ad Hoc Group Chairmen reports with Panel discussions on technological processes, equipments, materials and simulations.

The presentations and discussions scheduled for 0745-1045 hours, October 18, will cover military threat and tactics which are classified in the interest of national defense. The 0740-1140 hours, October 19, business meeting is for receiving and discussing reports containing classified material, inseparable portions of which are also classified in the interest of national defense. Therefore under the provisions of exemptions contained in section 552(b)(1) Title 5 U.S.C., these portions are closed to the public.

The 1045-1700 hours, October 18, portion of the meeting will be open to the public. Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C. 20310 (202) 695-1447.

Dated: September 27, 1976.

MARVIN E. LASSER,
Executive Director.

[FR Doc.76-28502 Filed 9-29-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-1]

DAVID H. BLANCK & CO.

Partial Denial of Application for Registration To Distribute Controlled Substances

On December 23, 1975, the Drug Enforcement Administration issued to David H. Blanck & Company, Philadelphia, Pennsylvania, an Order to Show Cause as to why its application for registration as a distributor of controlled sub-

stances should not be denied as being inconsistent with the public interest.

The company requested a hearing and, following submission of prehearing statements and a prehearing conference, that hearing was held on May 12, May 13, and May 14, 1976, before Administrative Law Judge Francis L. Young. On July 28, 1976 the judge submitted to the Administrator of the Drug Enforcement Administration his findings of fact, conclusions of law and recommendation.

A review of the transcript, the exhibits introduced, and the submission of the administrative law judge has convinced the Administrator that the charges made in the Order to Show Cause have been proven beyond any doubt. It is clear therefore that, in light of the seriousness of the demonstrated violations of the Controlled Substances Act and the regulations issued pursuant thereto, the Administrator would be acting within his lawful authority were he to deny absolutely the application at issue.

However, in view of the company's recent and apparently sincere efforts to bring itself into full compliance with the law and the regulations, and the reliance placed on its services by many reputable pharmacies in the Philadelphia area, it has been determined that the full range of administrative sanctions will not be invoked.

Accordingly, pursuant to the authority vested in the Attorney General by 21 United States Code 824 and delegated to the Administrator by regulations of the Department of Justice it is ordered:

1. The application of David H. Blanck & Company to be registered as a distributor of Schedule II controlled substances is denied with leave to reapply as a distributor of Schedule II controlled substances not less than 180 days after the date of publication of this order in the FEDERAL REGISTER.

2. The application of David H. Blanck & Company to be registered as a distributor of Schedule III, Schedule IV, and Schedule V controlled substances is granted.

3. David H. Blanck & Company is permitted 30 days following the date of publication of this order in the FEDERAL REGISTER to dispose of Schedule II controlled substances in its possession on that date in a lawful and regular manner. Upon the expiration of the 30 day period, all Schedule II controlled substances remaining in the possession of David H. Blanck & Company, together with any unused order forms, shall be surrendered by the company to the Office of the Drug Enforcement Administration at Philadelphia, Pennsylvania.

Dated: September 24, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-28610 Filed 9-29-76;8:45 am]

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Meeting

Notice is hereby given that LEAA's Private Security Advisory Council (PSAC) will meet October 14–15, 1976, in Washington, D.C. The meeting will convene at 10:00 a.m., Thursday, in the Shenandoah Room, Ramada Inn, Rosslyn, 1900 Ft. Myer Drive, Arlington 22209. The meeting is scheduled to adjourn at 1:00 p.m., Friday, October 15. It will be devoted to discussions of plans for future Council projects, and alternative organizational and procedural approaches to carrying out the work of the Council.

All sessions will be open to the public. Request for further information should be addressed to: Mr. Irving Slott, Director, Program Evaluation and Monitoring Staff, Office of Regional Operations, LEAA, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531. 202/376–3830.

GERALD H. YAMADA,
Attorney-Advisor.

[FR Doc.76-28621 Filed 9-29-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A–6630]

ARIZONA

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 23, 1976.

The Bureau of Land Management, Department of the Interior, has filed an application, Serial Number A–6630, for the withdrawal of the lands described below from all forms of appropriation under the public land laws including the general mining laws, but not the mineral leasing laws, subject to existing valid rights.

The proposed withdrawal is for the purpose of protecting scenic, wildlife, and public recreational values of the area which has been developed by the Bureau of Land Management for recreation and campground purposes, including the construction of the Burro Creek Campground. Other uses of the area would detrimentally conflict with use and development of the area for recreation purposes.

On or before November 1, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. Adjustments will be made as necessary to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are as follows:

T. 14 N., R. 11 W., GSR Mer., Arizona,
Sec. 19 SE¼NE¼, E½NE¼NE¼, E½SW¼NE¼, SW¼SW¼NE¼, E½SE¼SE¼NW¼, E½NE¼SW¼, SE¼SW¼NE¼SW¼, E½SE¼SW¼, E½W½SE¼SW¼, W½SE¼, W½E½SE¼, W½E½NE¼SE¼, NW¼NE¼SE¼SE¼;
Sec. 20, SW¼NW¼NW¼, W½NW¼NW¼NW¼, NW¼SW¼NW¼, W½SW¼SW¼NW¼.

The areas described aggregate 310 acres in Mohave County.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.76-28586 Filed 9-29-76;8:45 am]

CASPER DISTRICT ADVISORY BOARD

Meeting

SEPTEMBER 24, 1976.

Notice is hereby given that the Casper District Multiple Use Advisory Board will hold a meeting in Sheridan, Wyoming, at the Sheridan Center Inn on October 27 and 28, 1976. Agenda for the meeting includes a field tour of the Big Horn and Decker Coal Mines, plus discussion of the Department of the Interior's Energy Minerals Activity Recommendation System and mined land reclamation issues.

All meetings of the Board will be open to the public. Members of the public wishing to participate in the field tour will have to provide their own transportation.

Time will be made available on Thursday, October 28, for brief oral statements by members of the public. Such statements should not exceed ten minutes and must be germane to the topics under consideration. Additionally, such statements may be reduced to writing and two

copies filed with the Board Chairman during the meeting. Anyone wishing to make an oral statement should notify Scott Bates, Environmental Coordinator, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82602, before the close of business on Friday, October 22, 1976. Such notification should specify the topic to be addressed.

Also, any interested person or organization may file a written statement with the Board for its consideration. These may be submitted at the meeting or mailed to the Casper District of the Bureau of Land Management at the above address. Early mailing of written statements is encouraged to insure adequate opportunity for Board consideration.

Further information concerning the meeting may be obtained from Scott Bates, Environmental Coordinator, at the above address. The phone number is (307) 265–5550, ext. 5244.

ROBERT E. WILBER,
District Manager.

[FR Doc.76–28663 Filed 9–29–76;8:45 am]

[Colorado 24390]

COLORADO

Pipeline Application

SEPTEMBER 22, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right-of-way for a 4.5-inch o.d., a 6.625-inch o.d. and an 8.625-inch o.d. natural gas pipeline totaling approximately 32,747.46 linear feet across the following public lands in Rio Blanco County, Colorado:

RIO BLANCO COUNTY, COLORADO

T. 2 S., R. 100 W., 6th P.M.
Section 31
T. 2 S., R. 101 W., 6th P.M.
Sections 22, 26, 27, 35 and 36
T. 3 S., R. 101 W., 6th P.M.
Section 3

The facilities will enable applicant to convey natural gas from gas wells in the East Douglas Natural Gas Field to the Grand Junction market area to the south or to the Craig-Steamboat Springs, Colorado, market area to the northeast.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODEY A. ROBERTS,
Acting Chief,
Branch of Land Operations.

[FR Doc.76–28662 Filed 9–29–76;8:45 am]

[NM 28928]

NEW MEXICO

Pipeline Application

SEPTEMBER 22, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 6⅝-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 30 E.,
Sec. 27, E½SW¼.

This pipeline will convey natural gas across .396 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.76–28660 Filed 9–29–76;8:45 am]

[NM 28929]

NEW MEXICO

Pipeline Application

SEPTEMBER 22, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for a 2, 4, 6, 8 and 10-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 10 W.,
Sec. 3, S½N½;
Sec. 4, lots 3, 4, S½NE¼ and SE¼NW¼;
Sec. 5, lots 1, 2, 3 and 4;
Sec. 6, lots 1, 2, 3, 5, 6 and SE¼NW¼;
Sec. 19, lots 1 and 2.
T. 25 N., R. 11 W.,
Sec. 1, SE¼NE¼;
Sec. 2, lots 2, 3, SW¼NW¼, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 9, NE¼SE¼;
Sec. 11, E½NE¼, SW¼NE¼ and W½SE¼;
Sec. 22, NE¼NW¼;
Sec. 24, NE¼ and N½SW¼.

This pipeline will convey natural gas across 9.911 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.76–28661 Filed 9–29–76;8:45 am]

NORTH DAKOTA

Modification of Administrative Boundaries and Jurisdictions

Pursuant to the authority vested in the Secretary of the Interior, as delegated to the Director, Bureau of Land Management by 235 DM 1.1, the following modifications of administrative boundaries and jurisdictions in North Dakota are announced:

1. *Miles City District.* All Federal lands and resources in North Dakota administered by the Bureau of Land Management are excluded from the administrative jurisdiction of the Miles City (Montana) District Office.

2. *North Dakota Project Office.* The North Dakota Project Office of the Bureau of Land Management, located at Dickinson, North Dakota, is redesignated the Dickinson District Office. The administrative jurisdiction of the Dickinson District Office will include all of North Dakota. The office will report directly to the BLM State Director for Montana.

This order is applicable to all Federal lands and resources in North Dakota not withdrawn for and administered by other Federal agencies. Also included are those lands and resources withdrawn by other Federal agencies, but which by law or interagency agreement are administered by the Bureau of Land Management.

This transfer of jurisdiction does not affect the status or use of the lands and resources involved and will become effective October 1, 1976.

Dated: September 27, 1976.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.76–28727 Filed 9–29–76;8:45 am]

Bureau of Reclamation

[INT DES 76-37]

SAVERY-POT HOOK PROJECT, COLO. AND WYO.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water resource project that would develop water for irrigation in northwest Colorado and south-central Wyoming. It would also benefit fisheries, recreation, and flood control. Written comments may be submitted to the Regional Director (address below) on or before November 15, 1976.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.

Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84147. Telephone (801) 524-5404.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3006.

Western Colorado Projects Office, Bureau of Reclamation, Federal Building 8, ERDA Compound, Grand Junction, Colorado 81501. Telephone (303) 242-8621.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: September 27, 1976.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.76-28706 Filed 9-29-76;8:45 am]

SAVERY-POT HOOK PROJECT, COLO. AND WYO.

Public Hearing on Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed Savery-Pot Hook Project. This statement (INT DES 76-37) was made available to the public on September 27, 1976.

The draft environmental statement deals with the proposed construction and operation of two earthfill dams and two conveyance systems in the Little Snake River Basin in south central Wyoming and northwest Colorado. The project would supply water for irrigation and would provide fishery, recreation, and flood control benefits.

A public hearing will be held from 10 a.m. until 4 p.m. on October 30, 1976, to receive comments from interested organizations or individuals on the environmental statement. The public hearing will be held at the Baggs School in Baggs, Wyoming.

Oral statements at the hearing will be limited to a period of ten (10) minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker additional opportunity to comment after all other persons wishing to comment have been heard. Requests for scheduled presentation will be accepted up to 4:30 p.m. on October 26, 1976. Any subsequent requests will be handled at the hearing on a first-come-first-served basis following the schedule presentations. Whenever possible, speakers will be scheduled according to the time preference mentioned in their letter or telephone request. Any scheduled speaker not present when called will lose his turn in the scheduled order and will be given an opportunity to speak at the end of the scheduled presentations.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84147, telephone (801) 524-5592, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by November 12, 1976, for inclusion in the hearing record. There will only be a summary of the major issues from the hearing record included in the Consultation and Coordination Section of the final environmental statement along with the Bureau's response. The hearing record is not printed in full in the final environmental statement.

Dated: September 27, 1976.

E. F. SULLIVAN,
Acting Commissioner
of Reclamation.

[FR Doc.76-28707 Filed 9-29-76;8:45 am]

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Cheyenne Mountain Zoological Park, P.O. Box 158, Colorado Springs, Colorado 80901. Don G. Davis, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR *(Indicate only one)*

☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

Multiple transactions, in the course of commercial activities, with specimens of captive, self-sustaining populations of the species 1) tiger, Panthera tigris, 2) leopard, P. pardus, and 3) jaguar, P. onca.

3. APPLICANT. *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*

Cheyenne Mountain Zoological Park
P.O. Box 158
Colorado Springs, Colorado 80901
(303) 633-3522

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

Non-profit corporation--public, zoological exhibits for the education and recreation of mass audiences

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

Don G. Davis, Director 303-633-3522

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED.

Colorado Springs, Colorado

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)

Migratory Bird Permit No. 6-SC-126, David Allen, Assistant Director

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

N/A

9. CERTIFIED CHECK OR MONEY ORDER *(if applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:

$ N/A

10. DESIRED EFFECTIVE DATE: 15 Aug 76

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED *(See 50 CFR 13.12(a))* MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

Section 17.33, as proposed 5 May 76

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)* Don G. Davis — DATE 27 Jul 76

3-200
(6/74)

CHEYENNE MOUNTAIN ZOOLOGICAL PARK,
Colorado Springs, Colo., July 12, 1976.

Mr. LYNN A. GREENWALT,
Director, Fish and Wildlife Service,
U.S. Department of the Interior,
Washington, D.C.

DEAR MR. GREENWALT: Please accept, by this letter, the application of the Cheyenne Mountain Zoological Park (hereinafter called the CMZP) for ". . . a permit authorizing delivery, receipt, carriage, transportation, or shipment in interstate commerce, in the course of a commercial activity, or sale or offer for sale in interstate commerce . . ." of specimens of the following captive, self-sustaining populations:

(1) Tiger, *Panthera tigris,*

(2) Leopard, *Panthera pardus,* and

(3) Jaguar, *Panthera onca,* as set forth in the proposed amendment of Title 50 CFR Part 17.33 in the FEDERAL REGISTER, (Vol. 41, No. 88, pp. 18618–18624).

Facilities for Housing and Care. Specimens of any of the above-named species might be held in any of the individual enclosures shown in diagrams 1 and 2.

Credentials of Personnel. Don G. Davis, Director. Mr. Davis holds the degree of Bachelor of Science in Biology as conferred upon him by the Ohio State University. As a zoo professional, he has also held the positions of Director at the Mesker Park Zoo in Evansville, Indiana and Curator of Mammals at the Columbus Zoo in Columbus, Ohio. Mr. Davis is a member of the International Union of Directors of Zoological Gardens, a Professional Fellow, and a past president of the A. A. Z. P. A., and a past president of the Wild Animal Propagation Trust. He has been the main force behind the many successful breeding programs at the CMZP which have, in the past 19 years, produced the following births: 24 male and 8 female Sumatran tigers, *Panthera tigris sumatrae;* 18 male and 17 female Bengal tigers, *P. t. bengalensis;* 12 male and 11 female Siberian tigers, *P. t. altaica;* 6 male, 6 female, and 2 unsexed* Ceylon leopards, *P. p. kotiya;* 24 male, 25 female, and 9 unsexed* black and spotted leopards, *P. pardus;* and 24 male, 7 female, and 4 unsexed* jaguars, *p. onca.*

David E. Allen, Assistant Director. Mr. Allen holds an Associate of Arts degree in Science from Del Mar College and a Bachelor of Arts in Management with minors in Chemistry and Zoology from the University of Texas. He formerly held the position of Curator at the Kansas City Zoo in Kansas City, Missouri. He is a Professional Fellow of the A.A.Z.P.A. and also holds memberships in the American Ornithologists' Union and the Raptor Research Foundation.

William V. Aragon, Curator. Mr. Aragon holds the degree of Bachelor of Arts in Biology and did graduate study in Biology at California State University at Northridge. He is a Professional Fellow of the A.A.Z.P.A. and was formerly the Curator of Birds at Busch Bird Park in Houston, Texas.

Clifford L. Myers, Superintendent. Mr. Myers has been employed at the CMZP for 29 years and for 21 of those years has held the position of Superintendent. During his tenure, he had personally hand-raised or supervised the hand-raising of at least 20 tigers, 20 leopards, and 25 jaguars. This, of course, is in addition to supervising the care and maintenance of many more young which were raised by their natural mothers.

Rodney C. Walker, D.V.M. Dr. Walker has earned a Bachelor of Science degree in Animal Husbandry and a Doctorate in Veterinary Medicine from Colorado State University in Fort Collins, Colorado. He has been the consulting veterinarian for the CMZP since 1949 and has had extensive experience in dealing with and treating all the species covered by this application. He is a member of the American Association of Zoo Veterinarians.

Statement of Willingness. The above-named officers and staff members of the CMZP do state and affirm that current programs of cooperative breeding and contribution of data to studbooks will be continued and even expanded as opportunities and needs arise.

Description of Containers. The containers that will be used for transport will vary in size depending upon the age and species of the specimens being transported. But, each container will be made according to the following standards: The box itself will be made of ¾" plywood, lined on the inner surface with sheet metal. It will have a guillotine-type door at one end with a ventilation port in the door which will be covered with expanded metal and 1½" diameter vent holes along the other sides. The door will ride in a metal channel and be secured when closed with either a hasp and lock or with double safety bolts through the door and channel. The box will be supported by a frame of 2 x 4's for rigidity and also for hand-holds for carrying the crate.

Details of feeding and watering *en route* will vary depending on the destination of the specimen and on the mode of transportation. When using a common carrier (i.e. an airline) arrangements will be made to avoid delay or the need to rely upon airline personnel to feed and/or water the specimen during transit. In this way, the elapsed time can be held to a few hours.

If air connections involve a long turnover time between carriers, as in busier airports such as Chicago, New York or Los Angeles, we would contact Jet-Pets or some similar organization to see to the animals' needs during that time period.

In the event that a specimen is transported by truck, we would require that the transporter be an experienced person who is used to dealing with the species involved and can adequately attend to the animals' needs during the trip. However, circumstances which require the transportation of large felines by truck are quite unusual and we prefer to send specimens of these species by air.

* The unsexed offspring were either spontaneously aborted or destroyed by one of the parents shortly after birth.

5-year mortality data

Death date	Sex	Species	Cause of death	Age at death		
				Years	Months	Days
Apr. 27, 1971	1 female	Black leopard	Ruptured aorta			1
May 6, 1971	do	Bengal tiger	Injuries from parents			3
July 27, 1971	2 unsexed	Ceylon leopard	Killed by mother			5
Oct. 27, 1971	1 male	Jaguar	Enteritis			11
Nov. 1, 1971	do	do	Aspiration pneumonia			4
Nov. 3, 1971	do	Black leopard	do			5
Nov. 20, 1971	1 female	Ceylon leopard	Killed by mother			1
Nov. 24, 1971	do	do	Aspiration pneumonia			4
Apr. 15, 1972	1 male	do	Constricted intestine			4
Aug. 8, 1972	do	do	Birth defects			3
Aug. 23, 1972	do	Sumatran tiger	Kidney failure	5	6	
Jan. 13, 1973	do	Siberian tiger	Attrition			1
Dec. 5, 1973	1 female	African spotted leopard.	Euthanized/pneumonia	15	2	
July 22, 1974	do	Siberian tiger	Gastroenteritis		10	
Sept. 20, 1975	do	Jaguar	Stillborn			0
Dec. 3, 1975	do	Siberian tiger	Injuries from parents			3
Jan. 18, 1976	1 male	Jaguar	Stillborn			0
Mar. 25, 1976	do	Sumatran tiger	Euthanized/old age	18	10	
June 21, 1976	do	Black leopard	Aspiration pneumonia			13

These statistics reflect that of the twenty deaths suffered in the last five years, fourteen were of cats that lived less than a week, two were cats under one month old and two were very old animals which were euthanized. Of the fourteen that died within a week, eleven were either destroyed by the parents, stillborn, or died shortly after birth due to birth defects of one type or another (i.e. ruptured aorta, constricted intestine, or etc.).

In the cases where the parents had a history of destroying or injuring their cubs, we remedied this situation by either separating the female before cubbing or, if the culprit was the female, pulling the cubs for hand-rearing in the nursery. It was in the nursery that the remaining five young animals died, one from gastroenteritis and four from aspiration pneumonia (where the young cat inhales its formula).

While every precaution is taken in hand-rearing young cats (we have successfully hand-raised five out of five snow leopards, *Panthera uncia*, which is no mean feat), occasionally, a young cub will get part of its formula into the trachea without the knowledge of its attendant and a pneumonia develops rapidly thereafter.

Finally, of the twenty deaths experienced in the past five years, nineteen were of cats born at the CMZP and constitutes a minimal drain on wild populations. Also, these twenty deaths must be countered by the twenty-two specimens of the same species which were born and successfully raised in the same time period.

Statement of Justification. It is the feeling of the officers and staff of the CMZP that, having participated in a successful breeding program of the three species in question, we have demonstrated a knowledge of and concern for the continuation of these species—both in captivity and in the wild. Educational exhibition and captive propagation are the reason we keep and wish to continue keeping specimens of any species in our collection.

Specimens acquired by the CMZP or born at the CMZP under the auspices of the requested permit will be used, while under our control, for scientific, educational, and propagative purposes.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

DON G. DAVIS,
Director, CMZP.
DAVID E. ALLEN,
Asst. Director, CMZP.
WILLIAM V. ARAGON,
Curator, CMZP.
CLIFFORD L. MYERS,
Superintendent, CMZP.
RODNEY C. WALKER,
D.V.M., Consulting Veterinarian, CMZP.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-347-25; please refer to this number when submitting comments. All relevant comments received on or before November 1, 1976.

Dated: September 24, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-28532 Filed 9-29-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana 70130. J. Burton Angelle, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
[X] IMPORT OR EXPORT LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Request an Endangered Species Export Permit to ship two alligators to Bolton, England for the purpose of scientific research.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
La. Wildlife & Fisheries Comm.
400 Royal Street
New Orleans, Louisiana 70130

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
La. Wildlife and Fisheries Comm. engaged in conservation, research and management of wildlife.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 504-527-5126
J. Burton Angelle, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Dr. A. J. Scholefield
Dept. of Environmental Studies
Bolton College of Education (Technical)
Chadwick Street
Bolton BL2 IJW, ENGLAND

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers)
Brown Pelican Permit
Waterfowl Banding Permit

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents)
Approval of director of La. Wildlife and Fisheries Commission

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:
$

10. DESIRED EFFECTIVE DATE: Sept., 1976

11. DURATION NEEDED: One shipment

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

See attached sheet

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): J. Burton Angelle
DATE: 8/25/76

3-200
10/74)

SUPPLEMENTAL SHEET FOR 17.22

1. The scientific name for the species sought is the alligator, *Alligator mississippiensis*.

2. The two alligators were pen raised and hatched in captivity.

3. Does not apply.

4. The alligators were hatched in captivity at Rockefeller Refuge in September 1975.

5. Dr. A. J. Scholefield, Department of Environmental Studies, Bolton College of Education (Technical), Chadwick Street, Bolton BL2 IJW.

6. Does not apply (I). Does not apply (II). Does not apply (III). Does not apply (IV). Alligators will be shipped in light weight wooden crates with adequate ventilation. Does not apply (V).

7. Does not apply.

8. See attached letter from Dr. Scholefield.

APRIL 22, 1975.

DR. TED JOANEN,
Research Leader,
Louisiana Wild Life and Fisheries Commission, Rockefeller Wildlife Refuge, La.

DEAR DR. JOANEN: A small team of postgraduate students, working under my direction, are shortly to embark on a program of comparative research into the effects of environmental factors on the growth rates of crocodilians kept under normal 'zoo-type' conditions.

Such research would be very incomplete if it were not possible to include Alligator mississippiensis in the species studied. I therefore write to ask if you would please grant en export license for two young specimens (12–15 inches).

My collegue, Mr. J. Whitworth, of Manchester Museum, has told me of your interest in the effects of 'Juvel' on the growth rates of crocodilians, and he will be writing to you shortly on this subject. If you should have difficulty in obtaining this preparation I am sure I can arrange for a supply to be sent to you.

I do hope you will be able to help me with permission to purchase the alligators and put me in touch with a reliable supplier. Thank you very much.

Yours sincerely,

Dr. A. J. Scholefield,
Department of Environmental Studies.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-109-07; please refer to this number when submitting comments. All relevant comments received on or before November 1, 1976 will be considered.

Dated: September 24, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc 76-28531 Filed 9-29-76; 8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: San Diego Zoological Garden, *Post Office Box 551, San Diego, California 92112*. Clyde A. Hill, Curator of Mammals.

OMB NO. 42-R1870

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Import 6 female proboscis monkeys Nasalis larvatus an endangered species for breeding in captivity

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
San Diego Zoological Garden
P. O. Box 551
San Diego, California 92112
Phone: 714-231-1515

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Public zoo - Wildlife exhibition, research programs in addition to educational & related activities

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Clyde A. Hill, Curator of Mammals 714-231-1515
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from Jakarta, Indonesia

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
PRT 8-383-I-E, ES409
1962-10 (of 1944 law issued 62)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)
See Section 2 of application

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Not required

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink)
Clyde A. Hill
Clyde A. Hill
DATE
9 August 1976

3-200
10/74

ZOOLOGICAL SOCIETY OF SAN DIEGO,
San Diego, Calif., August 9, 1976.

DIRECTOR (FWS/LE),
U.S. Fish and Wildlife Service,
U.S. Department of the Interior,
P.O. Box 19183,
Washington, D.C.

DEAR SIR: The San Diego Zoological Garden requests an endangered species permit to import six female proboscis monkeys *Nasalis larvatus.*

1. COMMON AND SCIENTIFIC NAMES OF THE SPECIES OR SUBSPECIES, NUMBER, AGE AND SEX OF THE WILDLIFE TO BE COVERED IN THE PERMIT.

The San Diego Zoo has a male proboscis monkey approximately 13 years of age. He is a proven breeder and sired a male born at the San Diego Zoo on 17 December 1971. These two males lived together compatibly and the young male is developing normally psychologically, as well as in physical growth. We recently obtained a female on a breeding loan from the Cheyenne Mountain Zoo in Colorado Springs, Colorado. She has been with the adult and juvenile males for approximately a week and has been accepted by them. We hope to receive permission to import six sub-adult wild caught females so we can establish a nucleus having a wide gene pool and giving us a natural social unit.

2. COPY OF THE CONTRACT OR OTHER AGREEMENT UNDER WHICH SUCH WILDLIFE IS TO BE IMPORTED, SHOWING THE COUNTRY OF ORIGIN, NAME AND ADDRESS OF THE SELLER OR CONSIGNOR, DATE OF THE CONTRACT, NUMBER AND WEIGHT (IF AVAILABLE), AND DESCRIPTION OF THE WILDLIFE.

Attached is a photocopy of a letter from Rudolf Fauna Flora, P.O. Box 88/Kby, Kebayoran Baru, Jakarta, Selatan, Indonesia. The owner of this firm is associated with the Gembira Loka Zoological Gardens of Yogyakarta. As you can see from the correspondence, the animals are being presented to us on a government to government basis. We are not buying the animals. Rudolf Fauna Flora is providing the necessary services in capturing, maintaining, and sending the monkeys to us and we are paying the company for these services. As can be seen from the attached correspondence we must receive permission from the U.S. Government to import the animals before permits can be obtained from the Indonesian Government to export them. Therefore, we ask U.S. Fish and Wildlife Service to issue a permit to import these proboscis monkeys with the stipulation that the primates can only enter the U.S. with the proper Indonesian export permits.

3. A FULL STATEMENT OF JUSTIFICATION FOR THE PERMIT INCLUDING DETAILS OF THE PROJECT OR OTHER PLANS FOR UTILIZATION OF THE WILDLIFE IN RELATION TO ZOOLOGICAL, EDUCATIONAL, SCIENTIFIC, OR PROPAGATIONAL PURPOSES AS APPROPRIATE AND THE PLANNED DISPOSITION OF THE WILDLIFE UPON TERMINATION OF THE PROJECT.

The proboscis monkey is seldom seen in zoos outside of Indonesia for two reasons. First it occurs in swamps and forested areas, usually quite distant from cities with a fully developed transportation system, thus there is a logistics problem in getting the species. Secondly, it belongs to a zoological family of monkeys commonly known as the leaf-eating monkeys of which many are notoriously difficult to keep in captivity be-

cause of their unusual dietary requirements and delicate constitutions. The San Diego Zoo has been a pioneer with leaf-eating monkeys, in general, and the proboscis monkey in particular. Our subtropical climate allows us to grow the leaves of trees, bushes, and vines year-round and, thus, supply these species with a diet quite similar to what they receive in nature. We hold breeding and longevity records for many leaf-eaters, including colobus monkeys, Hanuman langurs, capped-langurs, Douc langurs, and proboscis monkeys. Enclosed are articles published by our curators in scientific journals concerning the diets used, behavior observed and other animal husbandry matters.

For more than forty years, we have enjoyed a close relationship with the Surabaja Zoo, and in 1955 the Surabaja Zoo sent our first pair of proboscis monkeys which we received in January, 1956. "Roxanne" lived almost a year, but "Cyrano" lived with us for four years finally succumbing to a brain tumor. By this time, we had worked out appropriate husbandry techniques and diets which were very promising. In 1961, we sent a San Diego Zoo curator to Indonesia to personally collect a pair of proboscis monkeys. Again, we worked through the Surabaja Zoo and received a great deal of assistance from the Indonesian Army. A male and female (juveniles) arrived in late 1961. "Pinocchio" and "Penelope" become our most famous pair. He lived here seven years and succumbed to cryptococcis, a fungus disease common to all parts of North America which sometimes is carried by city pigeons. The female lived almost fourteen years (establishing the longevity record for the species), finally yielding to several things, including lung mites and chronic nephritis. "Pinocchio" and "Penelope" produced two offspring, one in 1965 which lived for two years and a female which lived for more than three. In 1970, we received our present adult male and that pairing produced the four and a half year old male which is still living.

Now that the basic animal husbandry is understood, we would like to expand our group not only to make a better display for the public and to make a better social situation, but so we can scientifically study their behavior as well. Mother-infant relationships should be especially interesting. Most species of leaf-eating monkeys share their infants with other females, it is thought to be a teaching situation for juvenile females and a survival mechanism. Since we have never had more than one female at a time, this phenomenon has never been observed. The general behaviour of the species has not been studied in nature because of the difficulties involved in humans adapting to the native environment of proboscis monkeys. If we are successful, our colony can be a source of proboscis monkeys for other zoos and, thus, reduce the necessity of taking further animals from the wild.

4. A DESCRIPTION AND THE ADDRESS OF THE INSTITUTION OR OTHER FACILITY WHERE THE WILDLIFE WILL BE USED OR MAINTAINED.

The proboscis monkeys will be held at the San Diego Zoo. This institution is owned by the City of San Diego, but is managed and operated by a California non-profit corporation known as the Zoological Society of San Diego. The postal address is: San Diego Zoo, Box 551, San Diego, California 92112, telephone: 714-231-1515.

5. A STATEMENT THAT AT THE TIME OF APPLICATION THE WILDLIFE TO BE IMPORTED IS STILL IN THE WILD, WAS BORN IN CAPTIVITY OR HAS BEEN REMOVED FROM THE WILD.

The animals are to be removed from the wild.

6. A RESUME OF THE APPLICANT'S ATTEMPTS TO OBTAIN THE WILDLIFE TO BE IMPORTED FROM SOURCES WHICH WOULD NOT CAUSE THE DEATH OR REMOVAL OF ADDITIONAL ANIMALS FROM THE WILD.

According to the International Species Inventory System of December 1975, the only proboscis monkeys in the United States other han the ones at San Diego are two pairs at the Bronx Zoo, two pairs at the Dallas Zoo, and one pair at the Milwaukee Zoo. Females of those groups are already committed to breeding programs in the mentioned zoos. Furthermore, three staff members and one board member of the San Diego Zoo visited more than a dozen major European zoos in July, 1976. They were unable to find unattached female proboscis monkeys. In fact, it is their impression there are more proboscis monkeys in the United States than all of Europe.

(v) FOR THE FIVE YEARS PRECEDING THE DATE OF THIS APPLICATION PROVIDE A DETAILED DESCRIPTION OF ALL MORTALITIES INVOLVING THE SPECIES COVERED IN THE APPLICATION AND HELD BY THE APPLICANT, IF ANY (OR ANY OTHER WILDLIFE OF THE SAME GENUS OR FAMILY HELD BY THE APPLICANT), INCLUDING THE CAUSES OF SUCH MORTALITIES AND THE STEPS TAKEN TO AVOID OR DECREASE SUCH MORTALITIES.

The general health history of proboscis monkeys held at the San Diego Zoo was described in section three. Within the past five years only two proboscis monkeys have died. One, a male received 11 May 1971 died 3 October 1972 with cystic calculi, nephritis, and acari of the respiratory system. The other was the female received 13 September 1961 which died April 1975 with interstial nephritis, biliary cirrhosis of the liver and pneumonia.

We would like to point out in this section that several of the deaths of related leaf-eating monkeys at the San Diego Zoo in the past five years have been noteworthy. The following are world longevity records for captive primates. A female Nilgiri langur *Presbytis johnii* died in 1976 after living 17 years in the San Diego Zoo. A female silvered leaf monkey *Presbytis cristatus sondaicus* born at the San Diego Zoo in February 1945 died here 31 years later establishing the longevity record for the entire Family Colobidae. A female Kikuyu colobus *Colobus polykomos kikuyuensis* lived more than 23 years at the San Diego Zoo and had ten babies while here. She died in 1974. She and her mate hold the longevity records for all the colobus monkeys. The San Diego Zoo holds other longevity records for the Family Colobidae but we believe it is not necessary to belabor the point.

7. (i) A COMPLETE DESCRIPTION, INCLUDING PHOTOGRAPHS OR DIAGRAMS, OF THE AREA AND FACILITIES IN WHICH THE WILDLIFE WILL BE HOUSED.

The San Diego Zoo enclosure, see enclosed drawings, is basically an open air exhibit. The floor, two side walls and the back wall are smooth cement covered with epoxy. The front and top are screens of electric weld wire allowing sunlight and free circulation of air. The cage contains resting shelves, wooden climbing trees plus miscellaneous climbing and recreational apparatus. A play pool, oval in shape measuring 5' x 6½' and holding 6 inches of water at the deepest part, was built especially for proboscis monkeys. The new concept of visual barriers, developed at the San Diego Zoo, partitions the enclosure from visual threats between primates thus reducing aggression follow-through and subsequent injuries. The rear of the cage opens into two shelter/bedrooms containing draft-proof, sleeping shelves having an electrically heated floor which is thermostatically controlled. In addition, infrared heat lamps are positioned above the exhibit cage so the animals can be comfortable on cool days. These primate enclosures at the San Diego Zoo have been operable since 1960 and have been proven effective. They have given us outstanding reproductive and longevity records for many species of primates, especially the more delicate kinds.

(ii) A BRIEF RESUME OF THE TECHNICAL EXPERTISE AVAILABLE, INCLUDING ANY EXPERIENCE THE APPLICANT OR HIS PERSONNEL HAVE HAD IN PROPAGATING THE SPECIES OR CLOSELY RELATED SPECIES TO BE IMPORTED.

A curriculum vitae for the Curator of Mammals, his assistant and the staff veterinarian are enclosed. Briefly, I have been a curator in the Mammal Department for 16 years and before that was a salaried keeper at the Denver Zoo. I have a B.S. in zoology from Colorado State University and an M.A. from the University of Colorado.

(iii) A STATEMENT OF WILLINGNESS TO PARTICIPATE IN A COOPERATIVE BREEDING PROGRAM AND MAINTAIN OR CONTRIBUTE DATA TO A STUDBOOK.

No studbook for the proboscis monkey exists. We are willing to participate in a studbook if one is started.

(iv) A DETAILED DESCRIPTION OF THE TYPE, SIZE AND CONSTRUCTION OF THE CONTAINER: ARRANGEMENTS FOR FEEDING, WATERING, AND OTHERWISE CARING FOR THE WILDLIFE IN TRANSIT: AND THE ARRANGEMENTS FOR CARING FOR THE WILDLIFE ON IMPORTATION INTO THE UNITED STATES.

The proboscis monkeys will be air transported on Pan Amreican flight 811 from Jakarta to Hong Kong. In Hong Kong the animals will be cared for at Pan American's new special animal facility. The next day the proboscis monkeys will be placed on Pan American's flight 876 to Los Angeles. Transportation from the Los Angeles Airport will be made by zoo truck driven by an experienced primate keeper. The shipping crates will exceed the minimum standards required by the International Air Transport Association (IATA). Feeding and watering facilities are built into the crates. At Los Angeles the primates will be met by our customs house brokers, James G. Wiley Company, 5305 West 102nd Street, P.O. Box 90008, Airport Station, Los Angeles, California 90009. This company is well experienced with animal needs and has been our broker for many years. The San Diego Zoo has met the registration standards for HEW effective 11 October 1975.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Sub chapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,
Curator of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE),

U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-289-07; please refer to this number when submitting comments. All relevant comments received on or before November 1, 1976.

Dated: September 24, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-28530 Filed 9-29-76;8:45 am]

National Park Service

FORT VANCOUVER NATIONAL HISTORIC SITE

Public Meeting

Notice is hereby given that a public meeting will be held in the visitor center located at Fort Vancouver National Historic Site in Vancouver, Washington. The date of the meeting is Thursday, November 11, 1976. The meeting will begin at 7:30 p.m.

The purpose of the meeting will be to allow for public review and comment on the draft master plan for the Historic Site. Copies of the draft master plan are available from the Superintendent or from the Regional Director, National Park Service, 601 Fourth and Pike Building, Seattle, Washington 98101. Written statements regarding the draft master plan may be submitted up to 30 days after the meeting. Statements should be addressed to the Superintendent, Fort Vancouver National Historic Site, Vancouver, Washington 98661.

Dated: September 14, 1976.

RUSSELL E. DICKENSON,
Regional Director, Pacific Northwest Region.

[FR Doc.76-28622 Filed 9-29-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BIG SWEDE-PIPE PLANNING UNIT, MONT.; LAND USE PLAN

Environmental Statement, Availability

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—Big Swede-Pipe Planning Unit, Forest Service Report Number USDA-FS-R1(14)-DES-Adm-76-8.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Big Swede-Pipe Planning Unit, Libby and Fisher River Ranger Districts, Kootenai National Forest, Lincoln County, Montana. About 142,135 acres of National Forest land are affected. The planning unit is divided into 12 subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This final environmental statement was transmitted to CEQ on September 23, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.
USDA, Forest Service, Libby Ranger Station, Libby, MT 59923.
USDA, Forest Service, Fisher River Ranger District, Libby, MT 59923.

A limited number of single copies are available upon request to:

USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.
USDA, Forest Service, Libby Ranger Station, Libby, MT 59923.
USDA, Forest Service, Fisher River Ranger District, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

GLENN H. MUELLER,
Acting Forest Supervisor, Kootenai National Forest, Northern Region, Forest Service.

SEPTEMBER 23, 1976.

[FR Doc.76-28655 Filed 9-29-76;8:45 am]

VERNON UNIT PLAN, LA.

Environmental Statement, Availability

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Vernon Unit Plan, Kisatchie National Forest, USDA-FS-R8-DES (Adm.) 76-21.

This unit contains 84,874 acres of National Forest land located in Vernon Parish, Louisiana. Major actions are harvesting timber products, development and maintenance of wildlife improvements, development of recreation facilities for dispersed recreation and construction and reconstruction of roads.

This draft environmental statement was transmitted to CEQ September 23, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd., N.W., Rm. 804, Atlanta, Georgia 30309.

A limited number of single copies are available upon request to Forest Supervisor, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, Louisiana 71360.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, Louisiana 71360. Comments must be received by November 22, 1976 in order to be considered in the preparation of the final environmental statement.

Date: September 23, 1976.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

[FR Doc.76-28656 Filed 9-29-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

GEOLOGICAL SURVEY, RESTON, VA.

Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00341. Applicant: United States Department of Interior, Bureau of Geological Survey, National Center, MS526. Article: Gestalt Photo Mapper (GPM) Series 2 System. Manufacturer: Gestalt International Ltd., Canada. Intended use of article: The article is intended to be used for studies of aerial photographs of the surface of the earth. The photographs are analyzed by electronically transforming the images on the photographs to simulate orthographic views of the images from points above the earth's surface. This technique is employed to produce orthophotos, contour sheets, and digital terrain models. These products are used by scientists to analyze spatial features of the earth's surface. The experiments to be conducted are the extraction of high-precision cartographic and geographic information from the GPM-2 products.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 30, 1975).

Reasons: The foreign article provides capabilities for (1) extraction of high-precision cartographic and geographic

information from orthophotos, contour sheets, and digital terrain models and (2) analytical orientation programs that accept any camera focal lengths as input which are essential to the reduction of errors in the production of orthophotos, contours, and digital terrain models. The National Bureau of Standards (NBS) advises in its memorandum dated September 3, 1976 that the capabilities described above are pertinent to the applicant's intended purpose. NBS also advises that (1) it knows of no combination of domestic instruments which could be used for the applicant's intended purposes at the time the article was ordered and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use which was available at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-28549 Filed 9-30-76;8:45 am]

KANSAS STATE UNIVERSITY

Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00295. Applicant: Kansas State University, Dept. of Chemistry, Manhattan, Kansas 66506. Article: High-Power, Pulsed CO_2 Laser. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used to study the influence of high power laser energy upon chemical reactions. The chemical phenomena to be studied include:

(a) Enhancement of rates of known chemical reaction by laser radiation.

(b) Initiation of new chemical reactions via laser radiation.

(c) Identification of vibrational energy transfer pathways initiated by laser radiation.

(d) Study of rotational energy transfer in diatomic and triatomic molecules.

(e) Development of laser induced reactions for synthesizing unstable inorganic compounds at low temperature. Experiments will consist of passing laser radiation into a gas sample with observation of subsequent product yields and/or infrared fluorescence (i.e., light emission from the sample). The objectives of the studies are twofold: (1) to conduct research on how chemical reactions can be enhanced or changed by absorption of laser energy and (2) train students in laser techniques as related to chemistry.

In addition, the article will be used for educational purposes in the courses Ph. D. Research in Chemistry, and M.S. Research in Chemistry, and Problems in Chemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 15, 1975).

Reasons: The foreign article provides a high-power level (15 joules output energy with carbon dioxide). The National Bureau of Standards (NBS) advises in its memorandum dated September 7, 1976 that the specification described above is pertinent to the applicant's intended purpose. NBS also advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purpose which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-28550 Filed 9-30-76;8:45 am]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, ET AL.

Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 20, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribed the requirements applicable to comments.

A copy of each application is on file, and may be examined during oridinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00531. Applicant: NOAA-National Ocean Survey, U.S. Department of Commerce, National Oceanic & Atmospheric Admin., Rockville, Md. 20852. Article: Stereoviewer, Model AS-11A-1 Modified. Manufacturer: Ottico Meccanica Italiana, Italy. Intended use of article: The article is a photogrammetric instrument designed to generate in digital and graphical form accurate delineations and positions of topographic, cultural and near offshore surface and subsurface features from stereomodels formed from aerial photographs. It will be internally combined into a fully analytical plotter system comprised of a two-stage stereoscopic viewer, a coordinatograph table, an electronic controller and peripherals, and interfaces for electronically coupling the coordinatograph and viewer to the electronic controller. The system is to be used for research and development of advanced techniques for compiling and editing data from aerial photographs. Typical software investigations to be pursued are photogrammetric bathymetry, photogrammetric geodesy, tidal current surveying, on-line strip adjustment and many other photogrammetric studies. In addition, research and development for classified activities will be conducted. Application received by Commissioner of Customs: September 9, 1976.

Docket number: 76-00532. Applicant: Cornell University Medical College, Department of Pathology, Room C-346, 1300 York Avenue, New York, NY 10021. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article is intended to be used for investigations that will include (1) ultrastructural studies on formal and pathologic plant and animal tissues, developmental studies on fungal systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The article will also be used for educational purposes in the courses Ultrastructure and Cytochemistry which will involve a study of general principles on techniques and the use of the electron microscope to study the fine structures of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Application received by Commissioner of Customs: September 9, 1976.

Docket number: 76-00533. Applicant: Veterans Administration, Wadsworth Hospital Center, Wilshire and Sawtelle Blvds., Los Angeles, California 90073. Article: Electron Microscope, Model EM 400 with single condenser lens and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article will be used for studies of the glomerular capillary wall in rats and humans including the arrangement of the glycoprotein macromolecular filaments, 12 Å wide, in the free surface coat of the visceral epithelial cell, the cell-membrane relationships in the vicinity of the glomerular epithelial slit, the relationships between the outer layer of the trilaminar plasma membrane and the

surface coat, and the relationships between the slit membrane and the surface coat. The specific aim of the investigations is to define those factors or influences which prevent, stabilize or heal injury to the glomerulus. The article will also be used for educational purposes in the course Approved Residency in Pathology and a Clinical Laboratory Technological Trainee Program. Application received by Commissioner of Customs: September 9, 1976.

Docket number: 76-00534. Applicant: University of Hawaii, Chemistry Department, 2545 The Mall, Honolulu, Hawaii 96822. Article: Low temperature flash photolysis apparatus. Manufacturer: Applied Photophysics, United Kingdom. Intended use of article: The article is intended to be used to detect extremely short-lived excited states of organic compounds. Investigations will be conducted in order to understand the photochemical processes of vision pigments and related compounds immediately after their exposure to light. The article will also be used in the course Chemistry 699 Directed Research to conduct research projects leading to a better general understanding of decay processes of electronically excited organic molecules, including those related to the visual process. In addition, the article will be used for informal instruction of researchers. Application received by Commissioner of Customs: September 9, 1976.

Docket Number: 76-00535. Applicant: Wagner College, 631 Howard Avenue, Staten Island, NY 10301. Article: Scanning Electron Microscope, Model HHS-2R. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for topographical analysis of certain members of the Enterobacteriaceae during the log and negative accelerated growth phases. Topographical analyses at 50 Angstroms resolution of the delicate surfaces and surface structures will permit the collection of data relative to shape, size, undulations, projection, contours, pitting and so forth. Another study will involve the method of phage attachment to bacterial surfaces. The article will also be used in the course *Bacteriology 188: Scanning Electron Microscopy* a comprehensive introduction to the theory and practice of scanning electron microscopy in the examinations of the structure and properties of materials such as biological specimens, metals, fibers, polymers and so forth. Application received by Commissioner of Customs: September 9, 1976.

Docket number: 76-00536. Applicant: University of Rochester School of Medicine, Dept. of Biochemistry, 601 Elmwood Avenue, Rochester, New York 14642. Article: Temperature-jump transient spectrometer with T-jump generator 5-50 kV; and accessories. Manufacturer: Messanlagen Studiengesellschaft mbH, West Germany. Intended use of article: The article is intended to be used for study of processes occurring in Poly (L-Tyrosine) on the order of microseconds to milliseconds. Another project will involve subjecting the enzyme cytochrome *c* oxidase to temperature jumps in this apparatus under, carefully controlled experimental conditions, in order to elucidate the mechanisms of electron flow in the molecule. The above research will be carried out by graduate students (pursuing studies toward the Ph. D. degree) and post-doctoral research associates. Application received by Commissioner of Customs: September 9, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-28552 Filed 9-30-76;8:45 am]

UNIVERSITY OF CALIFORNIA, SAN DIEGO

Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00465. Applicant: University of California, San Diego, Marine Biology Research Division, La Jolla, California 92093. Article: I.O.S. Acoustic Net Control and Telemeter for use with the RMT4 (4-m^2 Rectangular Midwater Trawl). Manufacturer: Institute of Oceanographic Sciences, United Kingdom. Intended use of article: The articles are components to be incorporated with an existing RMT4 which will be used for studies of living marine animals and the various parameters of their environment in the sea, e.g., temperature, pressure light and population density. The phenomenon of particular concern is the twice-daily vertical migration of certain communities of these animals. Investigations will be conducted to determine (a) the depth distributions of the multitude of animal species in particular volumes of ocean, (b) the temperature and pressure ranges tolerated by the various animals, (c) the degree of photo-orientation exhibited by certain species in their successful attempts to survive in the open ocean, and (d) over periods of time in a given area, the varied adaptations to environmental parameters exhibited by different age groups of any particular species during its larval and adult life. In addition, the articles will be used by students of biological oceanography conducting thesis research on inshore, shallow-water animals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 7, 1976).

Reasons: The foreign article provides the capabilities for the measurement and acoustic telemetary of temperature, depth, light, and flow in addition to sampling specimens in a selected sonic scattering layer. The National Oceanic and Atmospseric Administration (NOAA) advises in its memorandum dated September 3, 1976 that the capabilities described above are pertinent to the applicant's intended purposes. NOAA also advises that it knows of no domestic acoustic telemetry systems which were available at the time the article was ordered, of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-28551 Filed 9-30-76;8:45 am]

Economic Development Administration

HOWARD STORES CORP.

Petition for a Determination of Eligibility

A petition by Howard Stores Corporation, 40 Flatbush Avenue Extension, Brooklyn, New York 11201, a producer and retailer of apparel for men and boys, was accepted for filing on September 23, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of October 12, 1976.

JACK W. OSBURN, JR.,
Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-28639 Filed 9-29-76;8:45 am]

RUBBER CORP. OF ARKANSAS

Petition for a Determination of Eligibility

A petition by Rubber Corporation of Arkansas, DeQueen, Arkansas 71832, a producer of footwear for men, women and children, was accepted for filing on September 24, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of October 12, 1976.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-28638 Filed 9-29-76;8:45 am]

National Oceanic and Atmospheric Administration

VIRGIL L. GORDON

Transfer of a Fishing Vessel to a Company Under Foreign Control; Receipt of Application for Approval

Notice is hereby given that on August 11, 1976, the Maritime Administration of the Department of Commerce received an application from Virgil L. Gordon, 1542 N.W. Woodbine Way, Seattle, Washington 98177, for the approval of the sale of the 49.8' registered length fishing vessel CROSS SOUND, O. N. 249319, to Whitney-Fidalgo Seafoods, Inc., 2360 West Commodore Way, Seattle, Washington 98199. Such approval is required by sections 9 and 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835), because 98 percent of the stock of Whitney-Fidalgo Seafoods, Inc., a U.S. corporation, is owned by Kyokuyo Company, Ltd., a Japanese corporation, and the contemplated sale of the vessel, therefore, would be to a company under foreign control. Whitney-Fidalgo has informed the National Marine Fisheries Service that the vessel will be operated primarily in the Alaska seine fishery for salmon off Kodiak Island; but, may also be operated for bottomfish, crab, and other species in the same as well as other areas of the North Pacific Ocean.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to Sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application. Accordingly, the Service solicits the written comments of interested persons in regard to this application. Such comments should be addressed to the Director, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than November 1, 1976. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: September 27, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-28704 Filed 9-29-76;8:45 am]

Patent and Trademark Office

PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting.

The Public Advisory Committee for Trademark Affairs will meet from 9:00 a.m. to 5:00 p.m. on October 20-21, 1976 at the National Lawyers Club, 1815 H Street, N.W., Washington, D.C.

The Committee was established in 1970 to advise the Patent and Trademark Office on steps which can be taken in order to increase the efficiency and effectiveness of the administration of the Trademark Act and to provide a continuous source of knowledge from the private sector to the government in the field.

The agenda for the meeting is:

(1) Opening remarks.

(2) Report and discussion of a study conducted on the Post Registration Section including:

a. Suspension of an application for one year due to non-use.

b. Mailing of two cancellation notices

c. Cancellation of one class in a multiple class application by failure to file a Section 8 for that class.

d. Authority of the Director to revoke Section 8 acceptances.

e. Forms, procedures and policies in Post Registration Section.

(3) Report and discussion of the Patent and Trademark Office plans for applying ADP techniques in the Trademark Operation.

(4) Report and discussion of the Patent and Trademark Office policy on length of time for retention of files in the Office.

(5) Report and discussion of various aspects of discovery practice including:

a. Pretrial conferences.

b. Protective orders.

c. Amendment to Rule 2.122(b).

d. How to introduce discovery depositions including who submits the deposition, how many copies of the deposition, and who is the party offering the deposition under Rule 120(a)(3).

(6) Report and discussion of the international classification system.

(7) Report and discussion on the possibility of establishing guidelines as to matters which are the proper subject for a petition to the Commissioner and those which are properly appealable to the Trademark Trial and Appeal Board.

(8) Report and discussion on the possibility of naming of firms as attorneys of record.

(9) Report and discussion on current practice regarding restoration of jurisdiction over trademark applications.

(10) Report and discussion of the Patent and Trademark Office mail room study.

(11) Report and discussion on implementation of the Committee's previous recommendations.

(12) Closing remarks.

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first come first served basis. If time permits, oral comments by the public of 3 minutes on each topic within the above agenda items will be allowed. Any comments or suggestions relating to the agenda items should be submitted in writing before October 13, 1976. Further, comments and suggestions will be accepted after the meeting on any of the matters discussed.

Copies of the minutes will be available upon request 60 days after the meeting.

Inquiries may be addressed to Patricia M. Davis, Room 11C17 Crystal Plaza Building 3, Telephone: 703-557-3881.

Dated: September 23, 1976.

LUTRELLE F. PARKER,
Deputy Commissioner of Patents and Trademarks.

Approved:

BETSY ANKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-28561 Filed 9-29-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: October 14-15, 1976.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333. Phone: AC/404 633-3311, Extension 3701. FTS: 283-3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will review the current status of pneumococcal polysaccharide vaccine, and will continue its regular review of recommendations on the use of vaccines in public health practice.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 21, 1976.

DAVID J. SENCER,
Director,
Center for Disease Control.

[FR Doc.76-28822 Filed 9-29-76;8:45 am]

Food and Drug Administration

CONTROLLED SUBSTANCES ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Controlled Substances Advisory Committee by the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond September 27, 1976.

Authority for this committee will expire September 27, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: September 27, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-28556 Filed 9-29-76;8:45 am]

[Docket No. 76N-0233]

HESS & CLARK, ET AL.

Nihydrazone (NF-64); Opportunity for Hearing on Proposal To Withdraw Approval of Certain New Animal Drug Applications

Correction

In FR Doc. 76-23618 appearing on page 34908 in the issue for Tuesday, August 17, 1976; the following corrections should be made:

(1) On page 34911, in the third line of the third column, "(NF-5)" should have read "(NF-7)".

(2) On page 34915, in the 9th line of the third full paragraph in the first column, "(—CH=N—N) (R) COR)" should have read (—CH=N—(R) COR)".

(3) On page 34915, in the second line of the first full paragraph of the middle column, "amio" should have read "amino", and nine lines from the bottom "amiofuran" should have read "aminofuran".

(4) On page 34917, in the 5th line from the top of the first column, "2.3N" should have read "2.3*N*".

(5) On page 34919, nine lines from the top of the middle column, "(F-64)" should have read "(NF-64)".

MEDICAL DEVICE CLASSIFICATION PANELS

Nominations Request for Voting and Nonvoting Members

The Food and Drug Administration requests nominations for voting members and for consumer and industry representatives to serve on six medical device classification panels that have recently been organized. Nominations must be received by November 29, 1976.

The six classification panels will have the responsibility for making classification recommendations for in vitro diagnostic products as well as for other devices. In vitro diagnostic products are included within the definition of "device" under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)), as amended by the Medical Device Amendments of 1976 (Pub. L. 94-295, 90 Stat. 575).

Nominations are solicited for seven voting and two nonvoting members for each of the following classification panels:

1. Clinical Chemistry Device Panel.
2. Clinical Toxicology Device Panel.
3. Hematology Device Panel.
4. Immunology Device Panel.
5. Microbiology Device Panel.
6. Pathology Device Panel.

The function of these panels is to review and evaluate available data on the safety and effectiveness of the devices under their respective purview, and to make recommendations concerning their classification to the Commissioner of Food and Drugs, pursuant to the provisions prescribed under section 513 of the act (21 U.S.C. 360c). Other duties of the panels are described in the notice of establishment of these panels, published in the FEDERAL REGISTER of August 25, 1976 (41 FR 35878).

Section 513 of the act provides that each classification panel shall consist of voting members having adequately diversified expertise in such fields as clinical and administrative medicine, engineering, biological and physical sciences, and other related professions. In addition, each such panel shall include, as nonvoting members, one representative of consumer interests and one representative of interests of the device-manufacturing industry.

Any interested person or organization may nominate one or more qualified persons for membership on one or more of these classification panels. The nominations must state that the person nominated is aware of the nomination, is willing to serve as a member of the panel, and appears to have no conflict of interest that would preclude membership on a panel. A complete curriculum vitae is also required for each nominee. Any unexpected vacancy, such as one caused by a resignation, also may be filled from the nominations received.

Nominations for voting members should be submitted in writing to Robert S. Kennedy, Ph. D., Bureau of Medical Devices and Diagnostic Products (HFK-1), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910.

Nominations for nonvoting members who represent interests of the device-manufacturing industry should be submitted in writing to Dr. Robert S. Kennedy (address given above).

Nominations for nonvoting members who represent consumer interests should be submitted in writing to the Director, Office of Consumer Programs (HFG-1), Office of Professional and Consumer Programs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

After consideration of the nominations for voting members, the Commissioner will appoint seven persons as voting members of the respective panels. The Commissioner will also designate the chairman and executive secretary for each of the panels.

After the time for receiving nominations for consumer representatives has expired, the curriculum vitae of each of the nominees will be sent to interested consumer organizations and to any other person submitting a nomination, together with a ballot that must be filled out and returned within 30 days to the Office of Professional and Consumer programs (address give above). The selection of the consumer representatives will be determined from the ballots submitted.

After the time for receiving nominations for industry representatives has expired, a letter will be sent to each organization that has made a nomination. The letter will include a complete list of all organizations making nominations and a list of the nominees. It is the responsibility of each organization to consult with the others in selecting a single nonvoting member representing industry interests for that particular committee within 30 days after receipt of the letter.

Dated: September 23, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-28560 Filed 9-29-76;8:45 am]

PANEL ON REVIEW OF HEMORRHOIDAL DRUG PRODUCTS

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 16, 1976 (41 FR 39817), public advisory committee

meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Hemorrhoidal Drug Products scheduled for October 17 and 18, 1976 has been cancelled.

Dated: September 27, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-28554 Filed 9-29-76;8:45 am]

Health Resources Administration

LOANS AND LOAN GUARANTEES FOR MEDICAL FACILITIES CONSTRUCTION

Procedure for Reallotment of Amounts for Loans and Loan Guarantees for Medical Facilities Construction

In accordance with Part B of Title VI of the Public Health Service Act (42 U.S.C. 291j-1—291j-7), the Secretary of Health, Education, and Welfare for fiscal year 1973 allotted among the States $500 million of principal of loans to be made or guaranteed by the Secretary for the construction and modernization of hospitals and other medical facilities. Such allotments are available for obligation by the States through September 30, 1976. However, pursuant to section 622 (b) of the Act (42 U.S.C. 291j-2(b)), amounts remaining unobligated by any State from such allotments after June 30, 1975, may, with the consent of such State, be reallotted prior to October 1, 1976, "on such basis as the Secretary deems equitable and consistent with the purposes" of such Title VI.

Accordingly, in order to achieve the maximum benefit from the authorized principal amount available, amounts previously allotted to each State for fiscal year 1973 for which no commitment for a loan or loan guarantee has been made will, with the consent of such States, be withdrawn and reallotted to other States which have a need therefor as follows:

1. Each of the ten regions of the Department of Health, Education, and Welfare will be allocated an amount which bears the same ratio to the total amount of funds to be reallotted as the sum of the population weighted by per capita income of each of the States in such region (excluding those States from which loan principal is withdrawn). Such computations will be based on the latest available published data from the Bureau of the Census.

2. The States in each region (excluding those States from which loan principal is withdrawn) will be ranked in reverse order of each State's population weighted by per capita income. (In previous years, States were ranked in direct order of population weighted by per capita income; in order to give the less populous States an opportunity to use these funds, this ranking has been reversed for this reallocation of fiscal year 1973 loan principal.)

3. Applications for loans and loan guarantees will be solicited by each regional office from the States in such region (excluding those States from which loan principal is withdrawn) for loans and loan guarantees with respect to (a) projects for construction or modernization of outpatient facilities, and (b) projects for modernization (including replacement) of other facilities for the treatment of ambulatory patients, such as outpatient and emergency departments of general hospitals. Such applications shall be submitted through the respective State agencies, in accordance with State plans, at such time as the Secretary shall prescribe.

4. To the extent that loan principal is available for each region, the Secretary will approve, prior to October 1, 1976, applications submitted in accordance with paragraph 3 above which meet the requirements of the applicable statute (42 U.S.C. 291 et seq.) and regulations (42 CFR Part 53) as follows:

(a) Loan principal available for a region will be used first to fund approved applications in category 3(a), from the State with the highest ranking as determined pursuant to paragraph 2 above; any remaining loan principal will be used to fund approved applications in category 3(a) in the State with the next highest ranking, and so forth.

(b) In the event that loan principal remains after all approved applications in category 3(a) have been funded, such loan principal will be used to fund approved applications in category 3(b), from the State with the highest ranking as determined pursuant to paragraph 2 above; any remaining loan principal will be used to fund approved applications in category 3(b) in the State with the next highest ranking, and so forth.

Notice of proposed rulemaking, public procedure thereon, and postponement of effective date have been omitted in the issuance of this reallotment procedure, because for good cause it has been found that such rulemaking procedures would be contrary to the public interest in light of the imminent lapse of availability of the funds at issue.

It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an Inflation Impact Evaluation.

Dated: September 15, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: September 24, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-28579 Filed 9-29-76;8:45 am]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS, NICHD

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, November 1-2, 1976, Building 10, Room 10D49. This meeting will be open to the public from 9:00 a.m. to 3:00 p.m. on November 1 and from 9:00 a.m. to 3:00 p.m. on November 2 for review of the NICHD Intramural Research Programs. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 3:00 p.m. to 5:00 p.m. on November 1 and from 3:00 p.m. to 5:00 p.m. on November 2 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-2133, will furnish substantive program information.

Dated: September 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-28568 Filed 9-29-76;8:45 am]

CANCER CONTROL COMMUNITY ACTIVITIES REVIEW COMMITTEE

Meeting Change

Notice is hereby given of a change in a meeting on October 20-22, 1976, National Institutes of Health, Building 31, Conference Room 9, of the Cancer Control Community Activities Review Committee, National Cancer Institute, which was published in the FEDERAL REGISTER September 10, 1976, 41 FR 38543.

The Committee was to have convened for a three day meeting on October 20-22, 1976, but the meeting dates have been changed to a two day meeting, October 21-22, 1976, Building 31, Conference Room 9.

The meeting will be open to the public on October 21, 1976, from 8:30 a.m. to 9:00 a.m.

Dated: September 20, 1976.

SUZANNE L. FREMEAU,
Committee Managment Officer, NIH.

[FR Doc. 76—28569 Filed 9-29-76; 8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart, Lung, and Blood Institute, November 3, 1976, Landow Building, Conference Room C-418, Bethesda, Maryland.

This meeting will be open to the public on November 3, 1976, from 8:30 a.m. to 9:30 a.m. when the current progress of the Multiple Risk Factor Intervention Trial will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meting will be closed to the public from 9:30 a.m. to adjournment, for the review of contract renewal proposals related to the Multiple Risk Factor Intervention Trial and the Aspirin - Myocardial Infarction Study. These proposals contain information of a proprietary or confidential nature, including technical information, financial data, such as salaries of research personnel and personal information concerning individuals associated with the contract proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: September 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–28565 Filed 9–29–76;8:45 am]

CONTRACEPTIVE DEVELOPMENT CONTRACT REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Contraceptive Development Contract Review Committee, National Institute of Child Health and Human Development, November 15, 1976, Georgia Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until adjournment on November 15. The subject matter to be reviewed will include (1) review of progress and (2) review of concepts of forthcoming solicitations (RFPs) and projected inclusions into the new five-year plan. Attendance by the public will be limited to space available.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and roster of committee members. Dr. Gabriel Bialy, Chief, Contraceptive Development Branch, Center for Population Research, NICHD, Landow Building, Room A–704, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1661, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.864, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–28566 Filed 9–29–76;8:45 am]

EXPERIMENTAL VIROLOGY, SURGERY A, AND SURGERY B STUDY SECTIONS

Meeting Changes

Notice is hereby given of a change in the meeting date or time of the following National Institutes of Health Study Sections which were published in the FEDERAL REGISTER on August 23, 1976 (41 FR 35552).

The Experimental Virology Study Section will meet as scheduled November 15–17, 1976 at Building 31, Bethesda, Maryland. However, they will hold an additional session on November 14, 1976 at 1:00 p.m. until adjournment at the National Institutes of Health, Building 31, Bethesda, Maryland. This session will be closed to the public. The open portion of this meeting will be held on November 15, 1976 at 8:30 a.m. for approximately one hour.

The Surgery A Study Section was to have met October 28–30, 1976, but will meet October 29–30, 1976 at 8:30 a.m. at the Holiday Inn, Chevy Chase, Maryland, the same location for which it was originally scheduled. The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

The Surgery B Study Section was to have met October 28–30, 1976, but will meet October 29–30, 1976 at 8:30 a.m. at the Holiday Inn, Chevy Chase, Maryland, the same location for which it was originally scheduled. The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

SEPTEMBER 24, 1976.

[FR Doc.76–28562 Filed 9–29–76;8:45 am]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the General Research Support Program Advisory Committee of the Division of Research Resources, November 17–19, 1976, from 9:00 a.m. to 5:00 p.m. in Building 31, Conference Room 9, National Institutes of Health, Bethesda, Maryland 20014. This meeting will be open to the public from 9:00 a.m. to 1:30 p.m. on November 17, 1976, to discuss administrative matters relating to programs. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the General Research Support Program Advisory Committee will be closed to the public on November 17 from 1:30 p.m. to 5:00 p.m., on November 18 from 9:00 a.m. to 5:00 p.m. and on November 19 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocol's, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B39, Bethesda, Maryland 20014, telephone (301) 496–5545 will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.337 and 13.375, National Institutes of Health)

Dated: September 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76–28563 Filed 9–29–76;8:45 am]

MINORITY ACCESS TO RESEARCH CAREERS REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences on November 8–9, 1976, 9 a.m., Holiday Inn, Gaithersburg, Maryland. This meeting will be open to the public on November 8 from 9 a.m. to 12 noon for opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on November 8 from 12 noon to 5 p.m. and on November 9 from 9 a.m. to 5 p.m. for the review, discussion, and evaluation of individual grant applications under the National Research Service Awards Program (42 U.S.C., 482*l*–1). The closed portion of

the meeting involves solely the internal expression of views and judgments of such applications which contain detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Meeting

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Westwood Building, 5333 Westbard Avenue, Room 919, Bethesda, Maryland 20014, telephone (301) 496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Mr. Elward Bynum, Executive Secretary, Westwood Building, Room 9A18, Bethesda, Maryland telephone (301) 496-7357.

Dated: September 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Programs 13-859, 13-860, 13-861, 13-862, General Medical Sciences.)

[FR Doc.76-28570 Filed 9-29-76;8:45 am]

PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pharmacology - Toxicology Research Program Committee, National Institute of General Medical Sciences, November 15-16, 1976, National Institutes of Health, Building 31, Conference Room 4, Bethesda, Maryland.

This meeting will be open to the public on November 15 from 9:00 a.m. to 10:00 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P. L. 92-463, the meeting will be closed to the public on November 15 from 10:00 a.m. to 5:00 p.m. and on November 16 from 9:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 919, Bethesda, Maryland 20014, Telephone: 301 496-7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Raymond E. Bahor, Executive Secretary, Westwood Building, Room 9A03, Bethesda, Maryland 20014, Telephone: 301 496-7707.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health)

Dated: September 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.76-28569 Filed 9-29-76;8:45 am]

POPULATION RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, November 11-12, 1976, in the Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:30 a.m. on November 11 to discuss the program status, new developments and projections for population research centers, program projects and national research service award applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5 U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on November 11 from 10:30 a.m. to adjournment on November 12 for the review, discussion and evaluation of individual initial pending and supplemental grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information, salaries and other financial data, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. William A. Sadler, Executive Secretary of the Population Research Committee, NICHD, Room C-733, Landow Building, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-6515, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.864, National Institutes of Health.)

Dated: September 20, 1976.

SUZANNE L. FREMEAU,
Committee Maangement Officer, NIH.

[FR Doc.76-28567 Filed 9-29-76;8:45 am]

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the Special Committee on Rural Women of the Advisory Council on Women's Educational Programs will be held from 9:00 a.m. to 5:00 p.m. on October 18 and from 9:00 a.m. to 4:00 p.m. on October 19, 1976, at the Center for Continuing Education, Appalachian State University, Boone, North Carolina.

The Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, section 408 (f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meeting of the Special Committee on Rural Women will be open to the public. The agenda for the meeting will include (1) a public consultation session on educational equity for rural girls and women in the Appalachian Region, from 9:00 a.m. to 5:00 p.m. on October 18 and from 9:00 a.m. to 11:00 a.m. on October 19; (2) a Committee discussion of the information gathered at the consultation session from 2:30 p.m. to 4:00 p.m. on October 19.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C., on September 27, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-28689 Filed 9-29-76;8:45 am]

APPLICATIONS FOR SCHOOL CONSTRUCTION ASSISTANCE

Notice of Cutoff Date for Receipt of Applications

Pursuant to the authority contained in Section 3 of Public Law 81-815 (school construction in areas affected by Federal activities; 72 Stat. 548, 20 U.S.C. 633) notice is hereby given that the U.S. Commissioner of Education has established a cutoff date for the receipt of Fiscal Year 1977 applications for assistance under Sections 5, 8, 9, and 14 of Public Law 81-815. Processing of these applications will be subject to the availability of funds. Such applications must be received by the Commissioner of Education from the

State educational agencies on or before November 30, 1976.

A. *Applications sent by mail.*

An application sent by mail should be addressed to the Commissioner of Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. An application sent by mail will be considered to be received on time if:

(1) The application was sent by registered or certified mail not later than November 26, 1976 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the cutoff date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.*

An application to be hand delivered must be taken to the Office of Education, 400 Maryland Avenue, S.W., Room 2107A, Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4:00 p.m. Applications will not be accepted after 4:00 p.m. on the cutoff date.

C. *Program information and forms.*

Information and application forms may be obtained from the appropriate State educational agency which serves the applicant local educational agency.

D. *Applicable regulations.*

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and Part 114 of 45 CFR published in the FEDERAL REGISTER on April 8, 1975 at 40 FR 16019.

(20 U.S.C. 633)

(Catalog of Federal Domestic Assistance No. 13.477, School Assistance in Federally Affected Areas—Construction.)

Dated: September 24, 1976.

JOHN D. PHILLIPS,
Acting U.S. Commissioner of Education.

[FR Doc.76-28571 Filed 9-29-76;8:45 am]

Office of Human Development

NURSING HOME OMBUDSMAN PROGRAM

Hearing Announcement

This is to notify all interested persons that the Commissioner on Aging plans to hold public hearings concerning the development of the Administration on aging-sponsored nursing home ombudsman program at the locations and on the dates listed as follows:

Dates	Time	Location
Friday, Oct. 29, 1976	9 a.m. to 5 p.m.	Post Office Auditorium, Room 269, 1823 Stout St., Denver, Colo. Contact person: George Hacker, nursing home ombudsman, Senior Citizen Law Center, 912 Broadway, Denver, Colo. Telephone: (303) 837-1313.
Friday, Nov. 5, 1976	do	New Jersey State Museum Auditorium, 205 West State St., Trenton, N.J. Contact person: E. John Walzer, nursing home ombudsman, Division on Aging, Department of Community Affairs, 363 West State St., Trenton, N.J. Telephone: (609) 292-8658.
Tuesday, Nov. 30, 1976	do	Gardner Auditorium, State House, Boston, Mass. Contact person: John J. Donovan, nursing Home ombudsman, Massachusetts Office of Elder Affairs, 120 Boylston St., Boston, Mass. Telephone: (617) 727-7275.

PURPOSE OF THE HEARINGS

The nationwide nursing home ombudsman program was established in June of 1975 through grants to State agencies on aging in forty-seven States, Puerto Rico and the District of Columbia. The purpose of these grants was to enable the State agencies to develop a process at the local or area level which would be responsive to complaints made by or on behalf of elderly residents of long term care facilities and to advocate for improved care and improved quality of life for those institutionalized individuals.

The State programs are now entering their second year of operation, and the Commissioner on Aging is desirous of hearing comments from those involved in or affected by the program on 1) How effective the program has been to date; 2) How the program can be improved; 3) Directions the program should take at this ponit; and 4) Major issues affecting elderly recipients of long term care and how the program can work to resolve these issues.

INSTRUCTIONS TO WITNESSES

Those individuals desiring to comment during a particular hearing should register prior to the meeting by writing or telephoning the contact person in the city in which they wish to be heard, or they may register in person at the hearing room on the day of the hearing. Preference will be given to those who register in advance, but efforts will also be made to hear those who register on the day of the hearing. Persons who register or who submit written comments should provide their name, address, telephone number and, if appropriate, the organization they represent. All speakers will be limited to five minutes of oral presentation.

Since the oral presentation for any one person will be limited, written comments are encouraged so that they may be introduced into the record of the hearings. In addition, those who will not be able to attend a hearing may submit written comments to the designated contact person no later than the day of the hearing. It is requested that five (5) copies of each set of written comments be furnished, but the furnishings of a lesser number of copies will in no way affect the consideration given. Equal consideration will be given to oral or written comments.

TOPICS FOR DISCUSSION

It is anticipated that comments will include, but not be limited to, discussion of the following topics:

1. The effectiveness to date of the State nursing home ombudsman program and directions it should take in the future to increase its effectiveness.

2. The types of ombudsman/advocacy programs that have been established at the local or area agency on aging level and their effectiveness in resolving complaints made by or on behalf of nursing home patients.

3. Special advisory groups, task forces or relatives' groups that have been formed as a result of the ombudsman program. Scope of activities and responsibility of these groups and their effectiveness to date.

4. The most effective approaches to developing local and area ombudsman/advocacy programs.

5. Inter-agency coalitions, working agreements and cooperative activities in which the ombudsman program has participated in conjunction with other agencies and organizations; special linkages with legal services, Social Security Administration, State health and welfare department, State licensing boards, other State and Federal agencies involved in long term care.

6. Ways in which volunteers can best be utilized at the area or local level.

7. Anticipated goals of the program at the area and State levels.

8. Major roadblocks or anticipated problems in effective development of the program—legal, fiscal, program structure, other.

9. Legal services and nursing home residents.

10. Major issues affecting nursing home patients—patients' rights, provider contracts, status of spouse, patient transfers and involuntary placement, personal needs accounts, training of primary care personnel, inappropriate placement, alternatives to institutionalization, enforcement, lack of services in nursing homes, medicaid and medicare issues, staffing ratio, other; how the ombudsman program can most effectively work on such issues.

Issued in Washington, D.C. on September 24, 1976.

ARTHUR S. FLEMMING,
Commissioner on Aging, Administration on Aging.

[FR Doc.76-28609 Filed 9-30-76;8:45 am]

Office of the Secretary

INPATIENT HOSPITAL DEDUCTIBLE FOR 1977

Part A of Title XVIII of the Social Security Act

Pursuant to authority contained in section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)), as amended, I hereby determine and announce that the dollar amount which shall be applicable for the inpatient hospital deductible, for purposes of section 1813(a) of the Act, as amended, shall be $124 in the case of any spell of illness beginning during calendar year 1977. Changes in the amount of the inpatient hospital deductible also affect certain other cost-sharing provisions under the hospital insurance program. Thus, for spells or illness beginning in 1977, the daily coinsurance for the 61st through the 90th days of hospitalization (one-fourth the inpatient hospital deductible) will be $31; the daily coinsurance for the lifetime reserve days (one-half of the inpatient hospital deductible) will be $62; and the daily coinsurance for the 21st through the 100th days of extended care services (one-eighth of the inpatient hospital deductible) will be $15.50.

The new inpatient hospital deductible represents a 19 percent increase over the current $104 deductible. While I have no discretionary authority in determining the deductible, it is important for me to point out that this increase is due in large measure to the continued inflation in health care costs. For the first 8 months of calendar year 1976, hospital costs have been increasing over twice as fast as the overall cost-of-living.

A statement of the actuarial bases employed in arriving at the amount of $124 for the inpatient hospital deductible for 1977 follows.

The law provides that for spells of illness beginning in calendar years after 1968 the inpatient hospital deductible shall be equal to $40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for the calendar year preceding the year in which the promulgation is made (in this case, 1975) to (2) the current average per diem rate for such services for 1966. The law also provides that such current average per diem rates shall be determined by the Secretary of Health, Education, and Welfare from the best available information as to the amounts paid under the program for inpatient hospital services furnished during the year by hospitals who are qualified to participate in the program, and for whom there is an agreement to do so, for indviduals who are entitled to benefits as a result of insured status under the Old-Age, Survivors, and Disability Insurance program or the Railroad Retirement program. In addition, the law provides that if the amount so determined is not an even multiple of $4, it shall be rounded to the nearest multiple of $4.

The data used to make the necessary computations of the current average per diem rates for calendar years 1966 and 1975 are derived from individual inpatient hospital bills that are recorded for all beneficiaries in the records of the program. These records show for each bill, the number of inpatient days of care, the interim reimbursement amount, and the interim cost (the sum of interim reimbursement, deductible, and coinsurance). Tabulations are prepared which summarize the data from these bills by the year in which the care was provided. The resulting average interim per diem rates accurately reflect interim costs on an accrual basis.

In order to properly reflect the change in the average per diem hospital cost under the program, the average interim cost (as shown in the tabulations) must be adjusted for the effect of final cost settlements made with each provider of services after the end of its fiscal year to adjust the reimbursement to that provider from the amount paid during that year on an interim basis to the actual cost of providing covered services to beneficiaries. To the extent that the ratio of final cost to interim cost is different in the current year than it was in 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred. The best data available indicate that this adjustment, however, does not change the computation of the deductible for 1977 by enough to result in an amount different from the $124 stated.

The current average per diem rate for inpatient hospital services for calendar year 1975, based on tabulated interim costs, is $117.65; the corresponding amount for 1966 is $37.92. These averages are based on approximately 85 million days of hospitalization in 1975 and 30 million days in 1966 (last 6 months of the year). The ratio of the 1975 rate to the 1966 rate is 3.103: when this ratio is multiplied by $40, an amount of $124.12 is produced, which must be rounded to $124. Accordingly, the inpatient hospital deductible for spells of illness beginning during calendar year 1977 is $124.

Dated: September 28, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-28900 Filed 9-29-76;9:38 am]

Social and Rehabilitation Service

FEDERAL ALLOTMENT TO STATES FOR CHILD DAY CARE SOCIAL SERVICES EXPENDITURES

Promulgation for Period July 1, 1976, to September 30, 1976 and for Fiscal Year 1977

Promulgation is made of the Federal allotment for the period beginning July 1, 1976, and ending September 30, 1976, and for Fiscal Year 1977 for purposes of grants to States under Title XX of the Social Security Act, as amended pursuant to Section 2002(a)(2) (Public Law 94-401, dated September 7, 1976) of the Act which provides that the Federal allotment shall be determined and promulgated in accordance with said section.

For the period beginning July 1, 1976, and ending September 30, 1976, and for Fiscal Year 1977, the allotment limits are based on the Bureau of the Census population statistics contained in its publication, "Current Population Reports" (Series P-25, No. 508, November 1973 and Series P-25, No. 533, October 1974, respectively) which were the most recent satisfactory data available from the Department of Commerce at the time the allocations were made for Fiscal Year 1976 and 1977. The amounts are set forth below:

FEDERAL ALLOTMENT FOR THE PERIOD BEGINNING JULY 1, 1976 AND ENDING SEPTEMBER 30, 1976

Total	$40,000,000
Alabama	676,000
Alaska	64,000
Arizona	392,000
Arkansas	388,000
California	3,928,000
Colorado	464,000
Connecticut	588,000
Delaware	108,000
District of Columbia	144,000
Florida	1,464,000
Georgia	912,000
Hawaii	160,000
Idaho	148,000
Illinois	2,140,000
Indiana	1,012,000
Iowa	552,000
Kansas	433,000
Kentucky	636,000
Louisiana	716,000
Maine	196,000
Maryland	776,000
Massachusetts	1,108,000
Michigan	1,724,000
Minnesota	744,000
Mississippi	436,000
Missouri	908,000
Montana	136,000
Nebraska	292,000
Nevada	104,000
New Hampshire	152,000
New Jersey	1,404,000
New Mexico	212,000
New York	3,480,000
North Carolina	1,004,000
North Dakota	120,000
Ohio	2,044,000
Oklahoma	508,000
Oregon	424,000
Pennsylvania	2,268,000
Rhode Island	184,000
South Carolina	520,000
South Dakota	132,000
Tennessee	788,000
Texas	2,248,000
Utah	220,000
Vermont	88,000
Virginia	916,000
Washington	652,000
West Virginia	344,000
Wisconsin	872,000
Wyoming	68,000

FEDERAL ALLOTMENT FOR FISCAL YEAR 1977

Total	$200,000,000
Alabama	3,384,000
Alaska	318,000
Arizona	2,036,000
Arkansas	1,950,000
California	19,780,000
Colorado	2,362,000
Connecticut	2,922,000
Delaware	542,000
District of Columbia	684,000
Florida	7,654,000
Georgia	4,618,000
Hawaii	802,000
Idaho	756,000
Illinois	10,532,000
Indiana	5,042,000
Iowa	2,702,000
Kansas	2,148,000
Kentucky	3,176,000
Louisiana	3,562,000
Maine	990,000
Maryland	3,874,000
Massachusetts	5,488,000
Michigan	8,606,000
Minnesota	3,706,000
Mississippi	2,198,000
Missouri	4,520,000
Montana	696,000
Nebraska	1,460,000
Nevada	542,000
New Hampshire	784,000
New Jersey	6,936,000
New Mexico	1,062,000
New York	17,136,000
North Carolina	5,074,000
North Dakota	602,000
Ohio	10,158,000
Oklahoma	2,564,000
Oregon	2,144,000
Pennsylvania	11,198,000
Rhode Island	886,000
South Carolina	2,634,000
South Dakota	646,000
Tennessee	3,906,000
Texas	11,400,000
Utah	1,110,000
Vermont	444,000
Virginia	4,644,000
Washington	3,288,000
West Virginia	1,694,000
Wisconsin	4,320,000
Wyoming	340,000

Dated: September 23, 1976.

M. KEITH WEIKEL,
Acting Administrator,
Social and Rehabilitation Service.

[FR Doc.76-28485 Filed 9-29-76;8:45 am]

Social and Rehabilitation Service

WORK INCENTIVE PROGRAM

Methods for Calculating Annual Limits of Entitlement

Notice is hereby given that the methods for calculating annual limits of entitlement for the Work Incentive Program (WIN) set forth in tentative form herein are proposed by the Administrator of the Social and Rehabilitation Service.

The Department proposes that annual limits of entitlement for Fiscal Year 1977 (October 1, 1976, through September 30, 1977) be calculated on the basis of the following formula: 1. Twenty-five percent of the total funds available for all the States will be distributed on the basis of the ratio of each State's total program costs claimed and allowed for Federal financial participation under section 402(a)(19)(G) and 403(d) of the Social Security Act, 42 U.S.C. 602(a)(19)(G) and 603(d), for Fiscal Year 1976 to the total of such program costs for all States during Fiscal Year 1976. 2. Seventy-five percent of the total funds available for all the States will be distributed on the basis of the ratio of the amount of funds allocated by the Secretary of Labor in support of the WIN sponsor for employment and training for each State in Fiscal Year 1977 to the total amount of funds allocated by the Secretary of Labor in support of the WIN sponsor for employment and training for all States for Fiscal Year 1977. The limits of entitlement shall be based upon the most recent information available at the time of promulgation.

The formula used for computing WIN child care and supportive service limits of entitlement for Fiscal Year 1975 distributed 75 percent of funds available on the basis of the ratio of each State's expenditures under section 402(a)(19)(G) for the four most recent quarters (relative to time of calculation) to the total of all the States' expenditures for the four most recent quarters; the remaining 25 percent of total funds available were distributed on the basis of the ratio of each State's Fiscal Year 1975 Department of Labor (DOL) WIN allotment for the WIN manpower agency to the total of all the States' DOL WIN allotments for Fiscal Year 1975. For Fiscal Year 1976 the formula distributed 50 percent of the funds based on the four most recent quarters of expenditures and 50 percent based on Fiscal Year 1976 DOL WIN allotments. This proposed Fiscal Year 1977 formula, which distributes 25 percent of the funds based on Fiscal Year 1976 expenditures and 75 percent based on the Fiscal Year 1977 DOL WIN allotments, will be a third phase of ensuring that each State's WIN child care and supportive service funding level is more directly linked to the funding level for its WIN manpower agency.

Fiscal Year 1977 limits of entitlement will be published on or about November 1, 1976. Upon promulgation of these limits, requests for Federal financial participation in expenditures incurred pursuant to section 402(a)(19)(G) during Fiscal Year 1977 will not be honored to the extent they exceed promulgated limits.

On September 1, 1977, the Department will reallocate any funds which a survey of all States indicates will not be expended during fiscal year 1977. Such funds will be reallocated in proportion to the final limits to those States which indicate a necessity for additional funds to operate their program under 402(a)(19)(G) for the remainder of Fiscal Year 1977.

Prior to the adoption of the proposed formula for Fiscal Year 1977, consideration will be given to any comments, suggestions, or objections thereto which are received by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, DC 20013, on or before November 1, 1976. Comments received will be available for public inspection in Room 5225 of the Department's offices at 330 "C" Street SW., Washington, D.C.

Dated: September 21, 1976.

ROBERT FULTON,
Administrator, Social and
Rehabilitation Service.

[FR Doc.76-28581 Filed 9-29-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-76-652]

BOARD OF REALTORS

Affirmative Marketing Agreement for Voluntary Use

● 1. *Purpose.* The Affirmative Marketing Agreement for Voluntary Use by Boards of Realtors set forth in Paragraph 5 was prepared to aid in promoting the adoption of uniform affirmative fair housing marketing practices by local boards of realtors and provide minority and nonminority home seekers freedom of choice in housing location. The text of the Agreement is being published in the FEDERAL REGISTER to facilitate widespread communication of its terms. ●

2. *Background.* The Affirmative Marketing Agreement for Voluntary Use by Boards of Realtors was jointly approved by the Board of Directors of the National Association of Realtors and representatives of the United States Department of Housing and Urban Development on December 16, 1975. The Agreement represents a commitment on the part of the National Association of Realtors and realtor member signatories to implement through local voluntary action the policy of "fair housing throughout the United States." Section 801 of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601.

3. *Implementation.* Both the Department of Housing and Urban Development and the National Association of Realtors endorse the fair housing policies and activities outlined in the Affirmative Marketing Agreement. The terms of this agreement are available for the use of Local Boards of Realtors and individual Realtors to indicate, through voluntary participation, their commitment to the fair housing provisions of Title VIII. Subscription to the agreement by Local Boards of Realtors is voluntary and is not a condition of membership in the National Association of Realtors. Further, adoption of this agreement by local boards will not impose the affirmative marketing obligations on individual

member firms unless they also become signatories under Part I of the text. It is expected, however, that adoption of the agreement by local boards will result in cooperation and participation of members of such boards as signatories thus avoiding the administrative problems which occur when only one or a few realtors in the locality carry out the fair housing marketing practices outlined in the agreement.

4. *Authority.* HUD's action in concert with the Board of the National Association of Realtors was taken pursuant to Section 809 of Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3609, which calls for the Secretary of Housing and Urban Development to "work out programs of voluntary compliance and of enforcement" with the advice of "persons in the housing industry and other interested parties." The joint action of the Board of Directors of the National Association of Realtors and HUD is in furtherance of the objective of Title VIII of the Civil Rights Act of 1968, as amended, "to provide, within constitutional limitations, for fair housing throughout the United States."

5. *Text of the Affirmative Marketing Agreement for Voluntary Use by Boards of Realtors.*

I. PARTIES

A. The undersigned officers of the _____ Board of Realtors (hereinafter referred to as the Board) and its individual members whose names and signatures appear in Part IX of this Agreement.

B. The U.S. Department of Housing and Urban Development (HUD) through the authorized representatives whose names and signatures appear in Part X of this Agreement.

C. Non-signatory members of any classification may become signatories at any time during the life of this Agreement, provided that the member first advises the Department of Housing and Urban Development of its intention in writing to become signatory to this Agreement, and provided that the Department approves and accepts the offer made by the member. Said member shall become a signatory to this Agreement only after the successful completion of the above procedure. The new signatory shall sign both the Board and HUD copies of this Agreement.

II. DEFINITIONS

A. Affirmative marketing is defined as a program to inform the minority community of the homes listed for sale or rent by REALTORS, of the services offered by REALTORS in selecting a home for purchase, and of the availability of these homes and services to all buyers without regard to race, color, religion, sex or national origin.

B. *Buyer* is defined to include, to the extent applicable, a person seeking to rent, as well as buy, residential property.

C. *Member* is defined as a REALTOR who is a signatory to this Agreement.

D. Associate is defined to mean a sales employee or a salesperson associated with a REALTOR in an independent contractor status.

E. *Fair Housing Laws* include both the 1866 Civil Rights Act, interpreted by the United States Supreme Court in *Jones* v. *Mayer* to prohibit discrimination in the acquisition or disposition of all real property, and the 1968 Fair Housing Act.

F. This *Voluntary Agreement* is intended to implement the Congressional directive set forth in Section 809 of the 1968 Fair Housing Act: "(The Secretary of the Department of Housing and Urban Development) shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement." 42 U.S.C. 3609.

III. GOAL

The goal of HUD, the Board, and the REALTOR signatories to this Agreement is to implement through local voluntary action the policy expressed by Congress in the first sentence of the 1968 Fair Housing Act: "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States."

Based on the premise that an informed choice is a free choice, the goal of this Agreement is to provide information that will enable minority buyers to make a free choice of housing location. The object of marketing is to sell; the object of Affirmative Marketing is to sell free choice.

IV. PROGRAM

The _____ Board of REALTORS and the member REALTORS who are signatories to this Agreement agree to adopt and undertake the following affirmative steps designed to implement the purposes of this Agreement.

A. ADVERTISING

1. The *Board* shall, within 60 days of the date of this Agreement, and quarterly thereafter, place in a newspaper of general circulation in _____, one of the Affirmative Marketing Advertisements mutually agreed upon by HUD and the NATIONAL ASSOCIATION OF REALTORS.

2. The Board shall negotiate with local newspapers and television stations for the donation of space and time for the presentation of the Board's Affirmative Marketing Advertising to the public and the publication of the recommended "Publisher's Notice," as set forth in HUD's Advertising Guidelines.

3. Each member shall include the official Fair Housing and Equal Opportunity slogan or logo in all classified advertising of six column inches or larger and in all other advertising (including billboards) where its inclusion does not significantly increase the cost of advertising. Alternatively, inclusion of the slogan or logo is not necessary in any classified advertisement where the "Publisher's Notice" referred to in the previous paragraph appears on the page containing the advertisement.

4. Each *member* shall display the equal housing opportunity slogan or logo in a prominent place in all brochures.

5. As requested by the Board, *HUD* shall provide technical assistance to the Board and to members in developing advertising techniques consistent with the objectives of this provision.

B. POSTING OF SIGNS

Each member shall display the Fair Housing Poster, which was developed jointly by HUD and the NATIONAL ASSOCIATION OF REALTORS and which includes the Code For Equal Opportunity In Housing of the NATIONAL ASSOCIATION OF REALTORS promulgated in May 1972.

C. DEVELOPMENT OF EDUCATIONAL MATERIALS AND TRAINING COURSES

1. The *Board* shall develop educational materials and training courses for members, their associates, and new applicants for broker or associate membership in the following areas:

(a) The duties, obligations and rights of REALTORS under the Fair Housing laws;

(b) The goals and programs of this Affirmative Marketing Agreement.

2. The *Board* shall have available for its members copies of the pamphlet entitled "REALTORS Guide to Practice Equal Opportunity in Housing" (REALTORS Guide) published by the NATIONAL ASSOCIATION OF REALTORS; the *Board* shall have available sufficient copies to enable each member to use the *Guide* in its training and orientation programs and to maintain copies in all of its offices for reference by associates as well as customers.

3. Each *member* shall make the REALTORS *Guide* available to all associates, encourage them to become familiar with it, and urge them to attend and participate in the Board's Training Courses.

4. Each member shall within 60 days after the effective date of this Agreement conduct an informational program for its sales personnel, agents and employees to inform the same of their responsibilities under this Agreement and under the Fair Housing Laws. Each *member* shall strongly encourage their sales personnel, agents and employees to comply with this Agreement and with the Fair Housing Laws.

D. DEVELOPMENT OF OFFICE PROCEDURES AND TECHNIQUES TO CARRY OUT THE PURPOSES OF THIS AGREEMENT

1. Within 30 days after receipt, the Board shall disseminate to members suggested principles of office management as promulgated from time to time by the NATIONAL ASSOCIATION OF REALTORS. Such principles shall be designed to achieve the goal set forth in Part III of this Agreement and shall address the following areas of concern:

(a) Procedures to insure that prospective purchasers are made aware of an optimum number (consistent with the resources of the member firm) of available locational choices within their price and interest ranges;

(b) A means of providing prospects with complete and accurate information on availability of homes, alternative methods of financing, and other facts affecting prospects' choice of location (such as schools, employment, transportation, etc.);

(c) Methods of eliciting opinions of minority buyers (e.g., by suggestion box, questionnaire, etc.) on ways in which real estate services to minority buyers can be improved or altered to increase Board and member responsiveness to their needs.

(d) A system of recording the names of prospects and the addresses of homes shown

to prospects to enable management to monitor the performance of associates in carrying out the purposes of this Agreement.

2. Each *member* is encouraged to advise the Board periodically as to whether adherence to the suggested office management procedures is achieving its intended purposes and inform the Board as to any changes or innovations deemed necessary or advisable.

3. *HUD* shall provide technical assistance as requested by the Board in developing or in measuring the effectiveness of the above office procedures.

E. MINORITY BROKERS, ASSOCIATES AND EMPLOYEES

1. In order to promote equal housing opportunity within the Board and each signatory firm, and to project that image to both the general public and to the minority homeseeker, the *Board* shall encourage minority brokers to apply for membership through letters of invitation, accompanied by an application form, and through personal visits and telephone calls.

2. In order to promote the recruitment of minority brokers, the *Board* shall review its present membership policies and practices, and where necessary adopt and implement affirmative procedures, standards and criteria for the selection and admission of members which shall be nondiscriminatory and nonexclusionary in terms of race, color, religion, sex or national origin.

3. Each *member* shall affirmatively recruit minority salaried employees through advertising directed specifically at the minority community or through those sources likely to produce minority candidates for employment.

4. The *Board* shall sponsor outreach and training programs to attract members of minority groups into the real estate industry as licensed real estated brokers and salespersons.

5. *HUD* shall assist the Board and individual members in identifying potential minority applicants and sources of recruitment for minority associates and employees.

F. FAIR HOUSING PRACTICES CODE

The *Board* shall adopt the Code For Equal Opportunty In Housing promulgated by the NATIONAL ASSOCIATION OF REALTORS in May 1972.

G. AFFIRMATIVE MARKETING FOR HOMESELLERS

In order to promote awareness by homesellers of the requirements of the fair housing laws and the equal housing opportunity policy of those signing this Agreement, each member shall encourage all associates to distribute copies of the flyer entitled "REALTORS Guide to Practice Equal Opportunity in Housing—What Everyone Should Know About Equal Opportunity in Housing" to all clients at the time the listing contract is signed.

H. AUTHORIZATION OF EXPENSES

The *Board* shall authorize reasonable expenditures as needed to appropriately carry out the Basic Program as set forth herein above.

V. IMPLEMENTATION

A. The *Board*, with the cooperation of the REALTORS who are signatories to this Agreement, will establish an *Equal Opportunity Committee* which will have the following responsibilities:

1. To explain and publicize the purposes and provisions of this Agreement to all member REALTORS (and through them to their associates) in order to achieve as broad as possible participation in this Agreement by members.

2. To implement and monitor the progress of the Program set out in Par IV of this Agreement.

3. To receive and investigate complaints of violations of Article 10 of the Code of Ethics and Points 1 through 4 of the Code For Equal Opportunity of the NATIONAL ASSOCIATION OF REALTORS (see Part IV B) and to refer such complaints to the Professional Standards Committee.

4. To meet at least semi-annually with representatives of HUD, the State or local human rights agency, and representatives of the *Community Housing Resources Board* (see below) to assess progress.

B. Each *member* will be responsible for implementing and monitoring the progress of his firm's affirmative marketing procedures as described in the Program in Part IV of this Agreement.

C. *HUD* will designate specific Regional or Area Office, personnel who will provide the Board, members, and the Board's Equal Opportunity Committee with technical assistance, information, and advice necessary to implement this Agreement.

D. *HUD*, in conjunction with State and/or local human rights agencies, will organize a Community Housing Resources Board, consisting of representatives of community organizations throughout the metropolitan area that have a substantial interest in housing and equal opportunity. The *Community Housing Resources Board* will meet regularly with the Board to assist it with any problems which may arise in the implementation of this Agreement.

VI. AUTHORIZATION OF EXPENDITURES

The *Board* shall authorize reasonable expenditures as needed to appropriately carry out the program set forth in this Agreement.

VII. ACCEPTANCE OF AGREEMENTS BY HUD IN LIEU OF INDIVIDUAL AFFIRMATIVE FAIR HOUSING MARKETING PLANS

Where any signatory to this agreement hereafter is an applicant for participation in FHA programs, and is subject to the requirements of the HUD Affirmative Fair Housing Marketing Regulations or the Joint HUD–VA Nondiscrimination Certification, said signatory shall, in lieu of submitting an individual affirmative marketing plan or executing the Nondiscrimination Certification reference his participation in the program described in this Agreement.

VIII. DURATION

This Agreement shall be effective for five years upon approval by the Assistant Secretary for Fair Housing and Equal Opportunity of HUD. During the sixty days prior to the expiration of each year, representatives of the Board, the State or local human rights enforcement agency, the *Community Housing Resources Board* and HUD will meet to evaluate the effectiveness of the Agreement. *HUD* and the *Board* shall determine whether the Agreement, or some modification thereof, should be adopted for the following year. However, where an evaluation of the Agreement at any time during its term reveals that reasonable progress is not being made toward achieving its objectives, the Agreement may be modified upon mutual consent of the parties. Where the parties are unable to agree upon the terms of a modification, any party may terminate the Agreement.

IX. ADOPTION AND REALTOR SIGNATORIES

Adopted by the Board of Directors of the _____ Board of REALTORS _____ at a special meeting held on _____, 19__, at _____ and certified as a true and correct copy.

For the _____ Board of REALTORS:

_____	_____
Executive Secretary	President

For Member Firms:

Firm name	*Firm representative*
_____	_____
_____	_____
_____	_____

X. HUD SIGNATORIES

This Agreement has been approved by the Area or Insuring Office Director by _____, 19__, at _____: by the Regional Administrator, by _____ on _____, 19__, at _____: and by the Assistant Secretary for Fair Housing and Equal Opportunity, by _____; on _____, 19__, at _____.

Issued at Washington, D.C., September 27, 1976.

JAMES H. BLAIR,
Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc.76–28667 Filed 9–29–76;8:45 am]

New Community Development Corporation

[Docket No. N–76–651]

BOARD OF DIRECTORS

Appointment of Member

Pursuant to section 729(b)(3) of the Housing and Urban Development Act of 1970 (Pub. L. 91–609), John R. Price has been appointed a member of the Board of Directors of the New Community Development Corporation.

Dated: September 27, 1976.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.76–28666 Filed 9–29–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76–187]

COAST GUARD ACADEMY ADVISORY COMMITTEE

Meeting

Pursuant to section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held at the U.S. Coast Guard Academy, New London, Connecticut, on Tuesday and Wednesday, October 19–20, 1976. The meeting on Tuesday will begin at 9 a.m. and remain in session until 4 p.m. On Wednesday, the meeting will begin

at 9 a.m. and adjourn at approximately noon.

The agenda for this meeting is as follows:

a. Review the spring 1976 advisory committee recommendations.
b. Computer center.
c. Engineering Department facilities.
d. Nautical science simulator.
e. Media center.
f. Summer program.
g. Faculty.
h. Professional growth of the faculty.
i. Academic division support personnel.
j. Admissions and recruiting.
k. Honor concept.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75–38 to advise on the status of the curriculum and faculty of the Academy and to make recommendations as necessary.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from:

CAPT Roderick M. WHITE, USCG, Dean of Academics/Executive Secretary of Academy Advisory Committee, U.S. Coast Guard Academy, New London, Connecticut 06320, Phone: (203) 443–8688.

Any member of the public may present a written statement to the Committee at any time.

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

C. E. LARKIN, RADM,
USCG Chief,
Office of Personnel.

[FR Doc.76–28271 Filed 9–29–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76–188]

SHIP STRUCTURE SUBCOMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Ship Structure Subcommittee to be held Thursday, October 21, 1976, at 8:00 a.m. in the Lecture Room, National Academy of Sciences, 2101 Constitution Ave., Washington, D.C. The agenda for this meeting is as follows: This is a joint meeting of the Ship Structure Subcommittee, Hull Structure Committee of the Society of Naval Architects and Marine Engineers, and the Ship Research Committee of the National Academy of Sciences. Presentations will be made on agency marine structural research programs and needs.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, LCDR E. A. Chazal, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters, Washington, D.C. 20590 (202) 426–2205. Any member of the public may present a written statement to the Committee at any time.

W. M. BENKERT,
Rear Admiral, U.C. Coast Guard,
Chief, Office of Merchant Marine Safety.

SEPTEMBER 20, 1976.

[FR Doc.76–28580 Filed 9–29–76;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 125—"MLS IMPLEMENTATION"

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App 1) notice is hereby given of a meeting of the RTCA Special Committee 125—"MLS Implementation" to be held October 20–21, 1976, Conference Room 3201, FAA Trans Point Building 2100 Second Street, S.W., Washington, D.C. 20590, commencing at 9:30 a.m. The Agenda for the meeting is as follows: (1) Approval of Minutes of Twelfth Meeting held August 25–26, 1976; (2) FAA Status Report (National and International; (3) Report on Informal Coordination Group's Meeting of September 23, 1976; (4) Review all Draft Chapters and Appendices of Final Report to Finalize Content, and (5) Schedule remaining work.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the Committee at any time.

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

KARL F. BIERACH,
Designated Officer.

[FR Doc.76–28581 Filed 9–29–76;8:45 am]

Federal Highway Administration

PAVEMENT MARKING DEMONSTRATION PROGRAM

Allocation of Funds

• *Purpose.* The purpose of this document is to publish an internal Federal Highway Administration Notice stating the allocation of Pavement Marking Demonstration funds. •

This material is published as required by the order of the United States District Court for the District of Columbia in "National Wildlife Federation v. Brinegar," Civil Action No. 1269–73 (August 22, 1975).

Issued on: September 21, 1976.

J. R. COUPAL, JR.,
Deputy Administrator.

ALLOACTION OF PAVEMENT MARKING DEMONSTRATION FUNDS

1. *Purpose.* To allocate funds authorized for FY 1977 by Section 202(6) of the Highway Safety Act of 1976 for the pavement marking demonstration program.

2. *Allocation.* The table in appendix A shows amounts of FY 1977 funds allocated to each State. The allocation is based on the mileage of hard-surfaced roads excluding Interstate System mileage and adjusted to provide a minimum share of $150,000.

3. *Availability.* Funds allocated by this Notice are available for obligation in accord with procedures prescribed in Volume 6, Chapter 8, Section 3, Subsection 5, Pavement Marking Demonstration Program, of the Federal-Aid Highway Program Manual.[1] Obligation of the funds is subject to obligation control procedures in force at the time of obligation. Any of the funds that are not obligated within a reasonable period of time may be withdrawn for redistribution.

4. *Action.* Division Administrators should assure that copies of this Notice are furnished to State highway departments, and that the reporting requirements of FHWA Order 4500.1, Notification of States of Grant-In-Aid Information—SF 424,[1] relative to submission of Forms SF–424 to State Central Information Reception Agencies, are accomplished promptly.

[1] These documents are available for inspection and copying at the locations stated in 49 CFR Part 7, Appendix D.

APPENDIX A.— *U.S. Department of Transportation, Federal Highway Administration: Allocation of pavement marking demonstration program funds authorized for fiscal year 1977*

State:	Allocation
Alabama	$1,459,882
Alaska	150,000
Arizona	482,637
Arkansas	624,760
California	2,854,686
Colorado	569,989
Connecticut	475,822
Delaware	150,000
Florida	1,617,462
Georgia	1,356,391
Hawaii	150,000
Idaho	409,818
Illinois	2,040,612
Indiana	1,394,396
Iowa	893,574
Kansas	793,709
Kentucky	1,066,367
Louisiana	882,941
Maine	428,193
Maryland	640,218
Massachusetts	764,537
Michigan	1,705,767
Minnesota	1,119,039
Mississippi	825,416
Missouri	1,317,242
Montana	334,027
Nebraska	501,721
Nevada	205,781
New Hampshire	264,124
New Jersey	783,540
New Mexico	360,199
New York	2,226,982
North Carolina	1,705,631
North Dakota	295,041
Ohio	2,314,142
Oklahoma	982,915
Oregon	761,893
Pennsylvania	2,050,999
Rhode Island	150,000
South Carolina	1,128,144
South Dakota	401,639
Tennessee	1,285,943
Texas	3,288,114
Utah	349,048
Vermont	150,138
Virginia	1,228,855
Washington	998,890
West Virginia	456,111
Wisconsin	1,915,802
Wyoming	235,798
District of Columbia	150,000
Puerto Rico	176,065
Subtotal	48,875,000
Administration	1,125,000
Total	50,000,000

[FR Doc.76-28606 Filed 9-29-76;8:45 am]

Materials Transportation Bureau

TRANSPORTATION OF HAZARDOUS MATERIALS

Exemption Applications

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

Comments by: October 30, 1976, with respect to applications for a new exemption; and October 15, 1976, with respect to applications for renewal and applications to become a party.

Addressed to: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

For further information: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, SW., Washington, D.C.

Each mode of transportation for which a particular exemption, renewal or party status is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft.

Application No.	Applicant	Regulation(s) affected	Nature of application
7458-N	Ekohwerks Co., East Lake, Ohio	49 CFR 173.263, 173.304, 178.42	To authorize shipment of hydrochloric acid, anhydrous and chloride and chlorine in DOT-3E 1,800-type cylinders made of monel. (Modes 1, 2, and 3.)
7466-N	Firmenich, Inc., Princeton, N.J.	49 CFR 173.119(a)(7)	To authorize shipment of flammable liquids in inside aluminum cans overpacked in non-DOT specification fiberboard boxes. (Modes 1, 2, and 4.)
7467-N	The Flying Dutchman, Inc., Austin, Minn.	49 CFR 175.85	To authorize transportation of an infant incubator equipped with a DOT specification 3AA cylinder charged with oxygen. (Mode 5.)
7468-N	Suttons International Ltd.; Imperial Chemical Ind. Ltd., London, England.	46 CFR 98.85	To authorize shipment of diethylene glycol dimethyl ether in non-DOT specification portable tank. (Mode 3.)
7469-N	Thiokol, Brigham City, Utah	49 CFR 173.88(e)(2)(ii), 173.92	To authorize shipment of rocket motors, class B explosives in a propulsive state and with igniters assembled therein. (Modes 1 and 4.)
7470-N	Cities Service Co., Tulsa, Okla.	49 CFR 179.200-18(b)	To authorize the use of frangible disc with a higher rupture pressure rating on certain DOT tank cars in sulfuric acid service. (Mode 2.)
7472-N	Garvey-Labelmatic, Maryland Heights Mo.	49 CFR 173.144, 178.24a-6	To authorize shipment of inks in inside bottles complying with DOT specification 2E except for marking. (Mode 1.)
7473-N	Monsanto Co., St. Louis, Mo.	49 CFR 173.217	To authorize shipment of various oxidizing materials in non-DOT specification removable head polyethylene drum of 55-gal capacity. (Modes 1, 2, and 3.)
7475-N	Manchester Tank & Equipment Co., Elkhart, Ind.	49 CFR 173.304(d), 178.51-15	To authorize use of cylinders complying with DOT specification 4BA except for tensile strength deviation for shipment of propane. (Mode 1.)
7476-N	Thompson Tank & Manufacturing Co., Inc., Long Beach, Calif.	49 CFR Part 173, Subparts C and E, 178.340-7, 178.342-5, 178.343-5.	To authorize deviation from requirements pertaining to circumferential reinforcement and bottom outlet for MC-307 and MC-312 cargo tanks. (Mode 1.)
7477-N	Systron-Donner Corp., Berkeley, Calif.	49 CFR 173.302, 173.304	To authorize enlargement of valve opening in SP 6498 aluminum cylinders for shipment of compressed gases. (Modes 1, 2, 3, and 4.)
7478-N	DuBois Chemicals, Cincinnati, Ohio.	49 CFR 173.245b	To authorize shipment of corrosive solids in non-DOT specification bulk corrugated fiberboard container. (Mode 1.)
7479-N	Owens-Illinois Toledo, Ohio	49 CFR 178.19, Part 173, Subpart E	To authorize shipment of corrosive liquids and other hazardous materials, identified to and approved by the Bureau, for which a DOT specification 34 drum is authorized in a non-DOT specification polyethylene drum. (Modes 1, 2, and 3.)
7480-N	Air Products & Chemicals, Wayne, Pa.	49 CFR 173.154	To authorize the shipment of a mixture consisting of 82-83 percent ammonium nitrate in 17 percent water maintained in liquid form at a temperature of 150° to 170° F in insulated MC-311 cargo tanks and 103ALW and 111A60ALW tank cars. (Modes 1 and 2.)
7481-N	Billings Energy Corp., Provo, Utah	49 CFR 173.34(e), 173.314	To authorize the shipment of hydrogen in the non-DOT specification cylinder authorized in E-6498 and DOT specification cylinders 3A, 3AA, 3AX, and 3AAX. (Modes 1 and 2.)
7482-N	Monsanto Co., St. Louis, Mo.	49 CFR 173.245b	To authorize the shipment of a corrosive solid waste material in reconditioned 55-gal, full, open-head, all-plastic poly-drums. (Mode 1.)
7483-N	Hugonnet, Paris, France	49 CFR Subpart C, Part 173	To authorize shipment of flammable liquids in Hugonnet container HINLI/DEGRAV200 portable tanks. (Mode 1 and 3.)
7485-N	Technicon Instruments Corp., Tarrytown, N.Y.	49 CFR Part 146, Subpart 6	To authorize the comingling of packages of poisons and corrosives in the same sea container. (Mode 3.)
7486-N	Browning Chemical Corp., New York, N.Y.	49 CFR 173.217	To ship calcium hypochlorite in foreign-made drums complying with DOT specification 37A except for markings. (Modes 1 and 3.)
7487-N	Power-Pak Products Inc., Spartanburg, S.C.	49 CFR 173.306(e)	To qualify fire extinguishers of 1,300 in³ capacity under the partial exemption of § 173.306(e). (Modes 1, 2, 3, 4, and 5.)
7488-N	Michael Goldhammer, Portland, Oreg.	49 CFR 173-250	For an emergency exemption to carry aboard passenger aircraft a battery powered wheel chair. (Mode 5.)
7489-N	Micor Co., Inc., Milwaukee, Wis.	49 CFR 173.249	To authorize shipment of an alkaline corrosive liquid in 1-qt metal cans in a DOT specification 37A drum. (Modes 1, 2, and 3.)
7490-N	Nugonnet S. A., Paris, France	49 CFR 173, Subpart C and E	To authorize shipment of flammable, combustible and corrosive materials in non-DOT portable tanks. (Modes 1, 2, and 3.)
7491-N	Process Engineering Inc., Plaistow, N.H.	49 CFR 173.314	To authorize shipment of liquefied ethylene and liquefied methane (liquefied natural gas) in non-DOT specification tank cars. (Mode 2.)
7492-N	Rhodia Inc., New York, N.Y.	49 CFR 173.245	To authorize shipment of 2, 4-dichlorophenol in non-DOT specification portable tank. (Modes 1, 2, and 3.)

Application No.	Applicant	Regulation(s) affected	Nature of application
7493-N	Hugonnet, Paris, France	49 CFR Part 173, subparts C and E	To authorize shipments in non-DOT specification portable tanks those flammable, combustible and corrosive liquids which are authorized for IMCO type II containers. (Modes 1, 2, and 3.)
7494-N	Airco Cryoplants, Murray Hill, N.J.	49 CFR 173.315	To authorize shipment of liquefied nitrogen, oxygen and argon in non-DOT specification cargo tanks built in accordance with Airco specification SP-26-4973. (Mode 1.)
7495-N	General American Transportation Corp., Sharon, Pa.	49 CFR 173.315(a)	To authorize shipment of chlorine in non-DOT specification portable tanks designed to conform to ISO specifications. (Modes 1, 2, and 3.)
7496-N	Thiokol, Brigham City, Utah	49 CFR 173.88(e)(2)(ii)	To authorize shipment of rocket motors class B explosive in a propulsive state. (Modes 1 and 3.)
7497-N	Air Products & Chemicals Inc., Allentown, Pa.	49 CFR 173.302, 173.304	To authorize shipments of liquefied and nonliquefied flammable and nonflammable compressed gases, identified to the Bureau, in non-DOT specification cylinders constructed in accordance with military standard MS21227 and MIL-C-5886D. (Mode 1.)
7498-N	Allied Chemical, Morristown, N.J.	49 CFR 173.263(a)(15)	To authorize shipment of hydrochloric acid in polyethylene bottles overpacked in non-DOT specification polypropylene corrugated boxes made in accordance to DOT specification 12A. (Modes 1, 2, and 3.)
7499-N	Mitsubishi International, New York, N.Y.	49 CFR 173.154	To authorize shipment of oxidizing materials, identified to the Bureau, in waterproof woven polyethylene bags. (Modes 1 and 3.)
7500-N	Park Chemical Co., Detroit, Mich.	49 CFR 173.234, 173.182	To authorize shipment of nitrates, sodium nitrite and sodium nitrite mixtures in plastic bags overpacked in non-DOT specification fiberdrums (Mode 1.)
7501-N	Department of Defense, Washington, D.C.	49 CFR 175.10(a)(5)	To authorize Department of Defense personnel to place the Army SRU-21/P survival kit and "pen gun flares" in checked personal baggage on commercial passenger-carrying aircraft. (Mode 5.)
7502-N	Snyder Industries, Lincoln, Nebr.	49 CFR 178.19, 173.245, 173.263	To authorize shipment of corrosive liquids, identified to the Bureau, in a non-DOT specification 55-gal plastic drum with N.P.T. threads made in compliance with § 178.19 with a variable in resin properties. (Modes 1, 2, and 3.)
7503-N	Orval Tank Containers, Paris, France	49 CFR 173.119	To authorize shipment of flammable liquids, identified to the Bureau, in IMCO-type I containers. (Modes 1 and 3.)
2000-X	Union Carbide Corp., Linde Division, Tarrytown, N.Y.	49 CFR 172.5, 173.304 (a), 173.316(a)(2)	To renew SP 2000 authorizing shipment of liquefied methane (or liquefied natural gas) in DOT Specification 4L insulated cylinders, Linde LS-160B containers, DOT specification 4L (Cryofab model CL 220B) cylinders, and LSH-1,000 Mobile Dewars; and liquefied hydrogen in LSH-1,000 Mobile Dewars. (Mode 1.)
3004-X	Department of Defense, Washington, D.C.	49 CFR 173.302	To renew SP 3004 authorizing shipments of argon, hydrogen, nitrogen, or oxygen in non-DOT specification sampling bottles. (Modes 1, 2, 4, and 5.)
3768-X	Minerec Corp., Baltimore, Md.	49 CFR 173.119, 173.245, 173.288	To renew SP 3768 authorizing shipments of Benzyl chloroformate; ethyl chloroformate; methyl chloroformate; flammable liquids, n.o.s.; or corrosive liquids, n.o.s. in DOT Specification MC-304 or MC-307 cargo tanks or an MC-312 cargo tank. (Mode 1.)
4160-X	Dow Chemical Co., Plaquemine, La.	49 CFR 173.314	To renew E-4160 authorizing shipment of anhydrous hydrogen chloride in DOT specification 105A600W tank car tanks modified to permit a gaging device. (Mode 2.)
4248-X	Mallinckrodt, St. Louis, Mo.	49 CFR 173.245(a)(27), 173.268(d)	To amend SP 4248 by including ammonium hydroxide to be authorized to be shipped in a DOT specification 33A polystyrene case containing up to four 5-pt capacity glass bottles or 1 glass bottle with up to a 5-pt capacity. (Modes 1, 2, and 3.)
4282-X	Hercules Inc., Wilmington, Del.	49 CFR 173.93(a), 173.182(c)	To renew SP 4282 authorizing shipment of a propellant explosive (solid), class B and a slurry type nitro carbo nitrate in cargo tanks constructed in accordance with DOT specifications MC-310, MC-311 and MC-312 with certain exceptions. (Mode 1.)
4390-X	Mallinckrodt Inc., St. Louis, Mo.; Enthone Inc., West Haven, Conn.; G. Frederick Smith Chemical Co., Columbus, Ohio.	49 CFR 173.119 (a), (b), 173.289, 173.263(c), 173.125, 173.349, 173.269, 173.272, 173.245, 173.628(c).	To renew E 4390 authorizing shipments of various flammable liquids, corrosive liquids, and poisonous liquids, class B, in non-DOT specification carboys overpacked in an expanded polystyrene packaging. (Modes 1, 2, and 3.)
4490-X	National Aeronautics and Space Administration, Washington, D.C.	49 CFR 173.316(a)	To renew E 4490 authorizing shipment of liquefied hydrogen in non-DOT specification cargo tanks. (Mode 1.)
4497-X	Co-Ox Inc., Oklahoma City, Okla.	49 CFR 173.315(a)(1)	To renew E 4497 authorizing shipment of liquid oxygen and liquid nitrogen in non-DOT specification cargo tanks. (Mode 1.)
4612-X	MC/B Manufacturing Chemists, Norwood, Ohio.	49 CFR Part 173	To renew E 4612 authorizing shipment of various hazardous materials specially identified to and approved by the Bureau in glass bottles not over 2.2 lbs net weight overpacked in key opening metal cans in a 12B fiberboard box. (Modes 1 and 2.)
4852-X	Monsanto, St. Louis, Mo.	49 CFR 173.299(a)(2)	To renew SP 4852 authorizing shipment of etching acid liquid in a DOT specification 37M/2S or 2SL container or 6D/2SL container. (Modes 1, 2, and 3.)
5062-X	Dow Chemical Co., Freeport, Tex.	49 CFR 173.315	To amend E 5062 authorizing shipment of liquefied nonflammable gases in non-DOT specification cargo tanks. (Mode 1.)
5196-X	Air Products and Chemicals Inc., Allentown, Pa.	49 CFR 173.315(a)(1)	To renew SP 5196 authorizing shipment of liquid ethylene in non-DOT specification cargo tanks. (Mode 1.)
5242-X	Riches-Nelson Inc., Greenwich, Conn.; Mitsubishi International Corp., New York, N.Y.	49 CFR 173.266	To renew SP 5242 authorizing shipment of hydrogen peroxide in a DOT specification 34 container without overpack. (Mode 3.)
5243-X	Hercules Inc., Wilmington, Del.	49 CFR 173.66(g)(i), 173.103(a), 177.835(g).	To renew SP 5243 authorizing shipments of blasting caps as specified in § 173.66(g)(i) for electric blasting caps except each connector may be cushioned in a plastic sheath. (Modes 1, 2, and 3.)
5361-X	Thiokol Corp., Trenton, N.J.	49 CFR 173.302(a)	To renew SP 5361 authorizing shipments of inhibited tetrafluoroethylene in gaseous form in DOT specification 4BW240 cylinders. (Modes 1 and 2.)
5649-X	Drug Research Inc., Adrian, Mich.	49 CFR 173.154(a)	To renew SP 5649 authorizing shipments of compressed bromochlorodimethylhydantoin in form of sticks wrapped in a plastic bag in an inside fiberboard tube in an outside RSC C-flute fiberboard box. (Modes 1 and 2.)
5854-X	Sea-Land Service Inc., Elizabeth, N.J.	49 CFR 173.119, 173.128	To amend E 5854 by authorizing additional commodities to be shipped in a modified DOT Specification MC 306 portable tank. (Modes 1, 2, and 3.)
5876-X	FMC Corp., Philadelphia, Pa.	49 CFR Part 107, Appendix B, 173.365	To amend E 5876 by authorizing an additional packaging consisting of a non-DOT specification multiwall paper bag enclosed in a wirebound wooden box. (Modes 1, 2, and 3.)
6016-X	Industrial Gas & Supply Co., Bluefield, Va.; OE Meyer & Sons, Sandusky, Ohio; Wilson Welding Supply, Warren, MI.; Portland Welding Supply, Portland, Maine; Acety-Arc Inc., Paducah, Ky.	49 CFR 173.315	To renew SP 6016 authorizing transportation of liquefied oxygen, nitrogen or argon in non-DOT specification portable tanks. (Mode 1.)
6113-X	L. P. Transportation, Chester, N.Y.; Bostongas, Malden, Mass.	49 CFR 173.315(a)(1)	To renew SP 6113 authorizing shipment of methane, ethylene, ethane or liquefied petroleum gas in non-DOT specification steel cargo tanks. (Mode 1.)
6124-X	Hercules Inc., Wilmington, Del.	49 CFR 178.209-5, 178.209-10	To renew SP 6124 authorizing shipment of Class A, B, or C explosives presently authorized to be shipped in a DOT Specification 12B fiberboard box to be shipped in a modified 12B fiberboard box. (Mode 1, 2, and 3.)
6197-X	Philadelphia Gas Works, Philadelphia, Pa.; Capitol Truck Line, Compton, Calif.; Bostongas, Malden, Mass.	49 CFR 173.315(a)(1)	To renew SP 6197 authorizing shipment of liquefied natural gas or liquefied methane in a non-DOT specification cargo tank. (Mode 1.)
6205-X	American LNG Co., Oak Brook, Ill.	49 CFR 173.315(a)(1)	To renew SP 6205 authorizing shipment of liquefied natural gas or liquefied ethylene in a non-DOT specification aluminum cargo tank. (Mode 1.)
6228-X	Airco Welding Products, Springfield, N.J.	49 CFR 173.301(d)	To renew SP 6228 authorizing shipment of acetylene in a unit consisting of DOT specification 8 or 8AL cylinders. (Mode 1.)
6229-X	Portland Welding Supply, Portland, Maine.	49 CFR 173.315	To renew SP 6229 authorizing shipment of nonflammable cryogenic gases in a non-DOT specification portable tank. (Mode 1.)
6299-X	Abbott Welding Supply Co. Inc., Olean, N.Y.	49 CFR 173.315	To renew SP 6299 authorizing shipment of liquid oxygen, argon and nitrogen in non-DOT specification portable tanks. (Mode 1.)

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6325-X	Hercules Inc., Wilmington, Del	49 CFR 173.182	To renew SP 6325 authorizing shipments of nitro carbo nitrate in DOT Specification MC-306, MC-307 or MC-312 cargo tanks. (Mode 1.)
6464-X	Fall River Gas Co., Fall River, Mass.; Bostongas, Boston, Mass.	49 CFR 172.5, 173.315(a)(1)	To renew SP 6464 authorizing shipment of liquefied natural gas or liquefied ethylene in non-DOT specification aluminum cargo tanks. (Mode 1.)
6530-X	Airco Industrial Gases, Murray Hill, N.J.; Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.302(c)	To renew SP 6530 authorizing shipment of hydrogen or hydrogen mixed with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX cylinders. (Modes 1 and 2.)
6536-X	L. P. Transportation Corp., Chester, N.Y.	49 CFR 173.315(a)(1)	To renew SP 6536 authorizing shipment of liquefied natural gas in non-DOT specification aluminum cargo tanks. (Mode 1.)
6563-X	Mada Medical Products, Garfield, N.J.	49 CFR 173.302(a)(1), 176.24, 176.27, 172.302.	To renew SP 6563 authorizing shipment of medical oxygen and any other nonliquefied, nonflammable compressed gas specifically identified and acceptable to the Bureau in modified DOT specification 3E cylinders. (Modes 1, 2, 3, 4, and 5.)
6636-X	Pennwalt Corp., Philadelphia, Pa	49 CFR 173.264(a)(11), 179.201-3(b)	To renew SP 6636 authorizing shipment of hydrofluoric acid in 111A100W-4 tank cars. (Mode 2.)
6652-X	Airsearch Manufacturing Co. of Arizona, Phoenix, Ariz.; Goodyear Aerospace, Akron, Ohio.	49 CFR 173.302(a)(1)	To renew SP 6652 authorizing shipment of nitrogen, carbondioxide-nitrogen gas mixture, nitrogen-helium gas mixture in non-DOT specification filament wound fiberglass cylinders. (Modes 1 and 4.)
6668-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304(a)(2), 178.57	To renew SP 6668 authorizing shipment of oxygen in modified DOT specification 4L cylinders. (Modes 1 and 2.)
6671-X	Merck Chemical Manufacturing, Rahway, N.J.	49 CFR 173.1, Subpart C, Subpart E, Subpart G and 177.854.	To renew SP 6671 authorizing shipment of flammable liquids, Class B poisonous liquids, and corrosive liquids in DOT specification 17C open-head steel drums or non-DOT specification open-head stainless steel drums containing damaged, leaking or defective 17C or 17E drums. (Mode 1.)
6675-X	Olin Chemical, Stamford, Conn	49 CFR 173.315(a)(1)	To renew SP 6675 authorizing shipment of liquid synthetic plastic (foaming-in-place insulation), pressurized in twin MC-331 cargo tanks in tandem forming a tank motor vehicle. (Mode 1.)
6702-X	Sea-Land Service Inc., Elizabeth, N.J.	49 CFR Subparts C, E, and G	To amend E 6702 by removing the requirement that a copy of E 6702 be on each motor vehicle transporting the commodities authorized in the exemption. (Modes 1, 2, and 3.)
6705-X	MC/B Manufacturing Chemists, Norwood, Ohio.	49 CFR 178.205-12	To renew SP 6705 authorizing shipment of acids and corrosive liquids which are authorized in Part 173 Subpart E of 49 CFR overpacked in a DOT specification 12B fiberboard box to be packaged in a modified 12B box. (Modes 1, 2.)
6720-X	Sea-Land Service Inc., Elizabeth, N.J.	49 CFR 173.119, 173.128	To amend E 6720 by authorizing additional commodities, morpholine and varnish flammable liquids to be shipped in modified DOT specification MC-307 portable tanks. (Modes 1, 2, and 3.)
6774-X	Hydraulic Research Textron, Pacoima, Calif.	49 CFR 173.302(a)(2)	To renew SP 6774 authorizing shipment of helium in modified DOT specification 3 HT cylinders. (Modes 1 and 4.)
6775-X	Riverside Chemical Co., Memphis, Tenn.	49 CFR 173.358, 173.359	To amend E 6775 by adding additional class B poisonous liquids, identified to the Bureau, to be shipped in DOT specification MC-331 cargo tanks. (Mode 1.)
6815-X	Mobay Chemical Corp., Kansas City, Kan.	49 CFR 173.359	To renew SP 6815 authorizing shipment of organic phosphate compounds, liquid in DOT Specification MC-312 cargo tanks. (Mode 1.)
6816-X	Dept. of Defense, Washington, D.C	49 CFR 173.53(p)	To renew SP 6816 authorizing shipment of rocket ammunition with explosive projectile which does not comply with 49 CFR 173.53(p). (Modes 1 and 2.)
6904-X	Aldrich Chemical Co., Milwaukee, Wis.	49 CFR 173.246	To renew SP 6904 authorizing shipment of antimony pentafluoride in glass bottles inside a DOT specification 12B fiberboard box. (Modes 1, 3, and 4.)
6919-X	Northern Petrochemical Co., Des Plaines, Ill.; American LNG Co., Oak Brook, Ill.	49 CFR 172.5, 173.315(a)(1)	To renew SP 6919 authorizing shipment of methane, natural gas, ethylene and ethane, loaded to a pressure not exceeding 6 psig in non-DOT specification cargo tanks. (Mode 1.)
6921-X	Kansas Refined Helium, Wichita, Kan.; Airco Industrial Gases, Murray Hill, N.J.	49 CFR 172.101, 173.315	To renew SP 6921 authorizing shipment of helium in a non-DOT specification portable tank. (Modes 1 and 3.)
6998-X	Greer Hydraulics, Los Angeles, Calif.	49 CFR 173.34(d), 173.302(a)(1)	To amend E 6998 by increasing the pressure rating from 1,700 lb/in² to 2,979 lb/in². (Mode 1.)
7023-X	Western Electric, Allentown, Pa	49 CFR 173.272(g)(l)(24), 173.268(f)(5), 173.264(a), 173.245(a).	To renew SP 7023 authorizing shipment of sulfuric acid, nitric acid, hydrofluoric acid and ammonium fluoride-hydrofluoric acid mixture in nonspecification DOT portable tanks. (Mode 1.)
7023-X	Western Electric, Allentown, Pa	49 CFR 173.266, 173.272(g)(l)(24), 173.268(f), 173.264(a), 173.245(a).	To amend E 7023 by adding hydrogen peroxide and changing the tolerance ranges for the other acids. (Mode 1.)
7026-X	Hydraulic Research Textron, Pacoima, Calif.	49 CFR 173.304(a)(1), 178.47	To renew SP 7020 authorizing shipment of bromotrifluoromethane pressurized with nitrogen in non-DOT specification cylinders. (Modes 1, 4, and 5.)
7052-X	Mallory Battery Co., Tarrytown, N.Y.	49 CFR 173.206(d)(1)	To renew SP 7052 authorizing shipment of lithium batteries in non-DOT specification containers. (Modes 1, 2, 3, and 4.)
7064-X	Hercules Inc., Wilmington, Del	49 CFR 173.61, 178.209-8	To renew SP 7064 authorizing shipment of slurry type high explosives which have been identified to the Bureau in non-DOT specification polyethylene tubes in a non-DOT specification fiberboard box. (Mode 1.)
7066-X	Proctor & Gamble Manufacturing Co., Cincinnati, Ohio.	49 CFR 173.119(b)	To renew SP 7066 authorizing shipment of flammable liquids specifically identified to the Bureau in non-DOT specification cargo tanks. (Modes 1, and 3.)
7072-X	Container Corp., of America, Wilmington, Del.	49 CFR 173.271	To amend E 7072 by authorizing shipment of phosphorus oxychloride in non-DOT specification polyethylene containers. (Modes 1, 2, and 3.)
7250-X	Atlantica, New York, N.Y	49 CFR Part 176	To renew SP 7250 authorizing shipment of explosives and other hazardous materials on board vessels in accordance with the International Maritime Dangerous Goods Code. (Mode 3.)
7451-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304	To renew USCG SP 4-67 authorizing shipment of liquid argon in Linde Model 200-VCC transportable cold converter mounted in Matson dry freight containers. (Mode 3.)
7452-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	49 CFR Part 173, Subpart B	To renew USCG SP 23-73 authorizing shipment of class A explosives in 69 series or later containers owned by Sea-Land Service, Inc. or previously owned by Sea-Land and now owned by Puerto Rico Marine Management, Inc. (Mode 3.)
7064-X			
7453-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	49 CFR 173.90	To renew USCG SP 25-70 authorizing shipment of "Pourvex Extra" propellant explosives (liquid) Class B in polyethylene bags sealed against leakage, overpacked in Specification DOT-12H fiberboard boxes or DOT-14 wooden boxes. (Mode 3.)
7454-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	49 CFR 176.83	To renew USCG SP 49-69 authorizing shipment of nitro carbo nitrate in the same magazine with dynamite, commercial boosters and other nonpriming, noninitiating types of explosives which are compatible with dynamite without any type of bulk head separating the two. (Mode 3.)
7455-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	46 CFR 146.22-15	To renew USCG SP 31-71 authorizing shipment of nitro carbo nitrate in the same magazine with dynamite, commercial boosters, and other nonpriming, noninitiating types of explosives which are compatible with dynamite without any type of bulkhead separating the two. (Mode 3.)
7456-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	49 CFR 173.370	To renew USCG SP 33-71 authorizing shipment of sodium cyanide in steel flo-bin type containers on a platform-type Sea-Land or Puerto Rico Maritime Shipping Authority Container. (Mode 3.)
7457-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	49 CFR 176.76	To renew USCG SP 46-75 authorizing containerized shipments of Class A explosives. (Mode 3.)
7459-X	ASM Enterprises, Pine Bluff, Ark	49 CFR 173.315(a)(1)	To renew AA210 authorizing the Transportation of LPG and MAPP gas in a cargo tank complying with ASME Code, section U-69. (Mode 1.)
7462-X	Monsanto Corp., St. Louis, Mo	49 CFR 173.245	To renew USCG SP 36-75 authorizing transportation of glacial acetic acid in MC-307 or MC-312 cargo tanks on cargo vessels. (Modes 3.)
7463-X	R. J. Landry, Lafayette, La	49 CFR Part 173 subpart C	To renew USCG SP 34-72 authorizing transportation of unrefined petroleum products with a specific gravity of at least 0.7587 on board cargo vessels in portable tanks built to R. J. Landry's drawings 101-A and 102-A. (Mode 3.)

Application No.	Applicant	Regulation(s) affected	Nature of application
7464-X	Chevron Oil Co., New Orleans, La.	49 CFR 176.328(f)(2)	To renew USCG SP 7-67 authorizing transportation of 80/87 octane fuel in portable tanks on board vessels. (Mode 3.)
7465-X	Alaska Department Public Works, Juneau, Alaska.	49 CFR 176.328	To renew USCG SP 16-70 authorizing recreational vehicles which have as part of their equipment liquid petroleum gas cylinders to be transported on board vessels. (Mode 3.)
7484-X	Trans World Airlines Inc., Kansas City, Mo.	14 CFR 103.19	To renew FAA exemption 2169 authorizing transportation of nonspillable electric storage batteries in an inaccessible cargo pit or bin. (Mode 4.)
3744-P	Burris Chemical, Augusta, Ga.	49 CFR 173.266(b)(7)	To become a party to E 3744 authorizing shipments of hydrogen peroxide solution in DOT Specification 21P fiber drums with inside DOT Specification 2SL polyethylene containers not over 55 gallons capacity. (Modes 1 and 2.)
4390-P	Thompson-Hayward Chemical Co., Kansas City, Kan.	49 CFR 173.119(a)(b), 173.289, 173.263 (c), 173.125, 173.349, 173.268(e), 173.269, 173.272, 173.245.	To become a party to E 4390 authorizing shipments of various flammable liquids, corrosive liquids, and poisonous liquids, Class B, in non-DOT specification carboys over-packed in an expanded polystyrene packaging. (Modes 1, 2, and 3.)
5196-P	El Paso Products, Odessa, Tex.	49 CFR 173.315(a)(1)	To become a party to E 5196 authorizing shipment of liquid ethylene in non-DOT specification cargo tanks. (Mode 1.)
5322-P	Bostongas, Malden, Mass.	49 CFR 173.315(a)(1)	To become a party to E 5322 authorizing shipment of liquefied methane in non-DOT cargo tanks. (Mode 1.)
5372-P	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.182(c)	To become a party to E 5372 authorizing shipment of nitro carbo nitrate in DOT Specification 44P plastic bags. (Modes 1 and 2.)
6113-P	New Jersey Natura Gas Co., Asbury Park, N.J.; New Bedford Gas & Edison Light Co., New Bedford, Mass.	49 CFR 173.315(a)(1)	To become a party to E 6113 authorizing shipment of methane, ethylene, ethane or liquefied petroleum gas in non-DOT specification steel cargo tanks. (Mode 1.)
6197-P	El Paso Products, Odessa, Tex.	49 CFR 173.315(a)(1)	To become a party to E 6197 authorizing shipment of liquefied natural gas o liquefied methane in a non-DOT specification cargo tank. (Mode 1.)
6418-P	Great Lakes Chemical, Irvine, Calif.	49 CFR 173.357(b)	To become a party to E 6418 authorizing shipments of chlorpicrin mixtures in DOT specification MC-303, MC-304, MC-305 or MC-307 cargo tanks. (Mode 1.)
6464-P	Northern Petrochemical, Des Plaines, Ill.; New Jersey Gas Co., Folsom, N.J.	49 CFR 172.5, 173.315(a)(1)	To become a party to E 6464 authorizing shipment of liquefied natural gas or liquefied ethylene in non-DOT specification aluminum cargo tanks. (Mode 1.)
6563-P	Antelope Valley Sickroom & Surgical Supply, Lancaster, Calif.	49 CFR 173.302(a)(1), 176.24, 176.27, 172.302.	To become a party to E 6563 authorizing shipment of medical oxygen and any other non-liquefied, nonflammable compressed gas specifically identified and accepted to the Bureau in modified DOT specification 3E cylinders. (Modes 1, 2, 3, 4, and 5.)
6759-P	Hercules Inc., Wilmington, Del.	49 CFR 177.835(g)(2), 173.87	To become a party to E 6759 authorizing shipment of electric blasting caps, blasting caps, and various class A or B explosives to be contained within the same compartment or container. (Mode 1.)
6774-P	The Boeing Co., Seattle, Wash.	49 CFR 173.302(a)(2)	To become a party to E 6774 authorizing shipment of helium in modified DOT Specification 3HT cylinders. (Modes 1, and 4.)
6825-P	Lox Equipment Co., Livermore, Calif.; Stauffer Chemical Co., Westport, Conn.; El Paso Products Co., Odessa, Tex.	49 CFR 173.314	To become a party to E 6825 authorizing shipment of liquefied ethylene in non-DOT specification tank cars. (Mode 2.)
6904-P	Cationics Inc., Columbia, S.C.	49 CFR 173.246	To become a party to E 6904 and add mixture of antimony pentafluoride and fluorosulfonic acid and antimony pentafluoride and hydrofluoric acid. (Modes 1, 3, and 4.)
6998-P	Rockwell International, Raleigh, N.C.	49 CFR 173.34(d), 173.302(a)(1)	To become a party to E 6998 authorizing shipment of a hydraulic accumulator precharged with nitrogen to a maximum pressure of 1,700 lb/in² during transportation. (Mode 1.)
7007-P	Tanques Para Gas SA, Houston, Tex.; Delta Chemical Manufacturing Co., Baltimore, Md.	49 CFR 173.314(c), 179.3 (a), (b)	To become a party to E 7007 authorizing shipment of chlorine in DOT Specification 110A500W tank cars. (Modes 1 and 3.)
7236-P	Olin Chemicals Group, Stamford, Conn.	49 CFR 173.217(b)	To become a party to E 7236 authorizing shipment of trichloro-s-triazinetrione in non-DOT specification polyethylene containers. (Modes 1, 2, and 3.)
7253-P	Foote Mineral Co., Exton, Pa.	49 CFR Part 176	To become a party to E 7253 authorizing on deck in open, on deck under over, on deck protected, between decks, and under deck stowage of corrosive solids (Mode 3.)
7434-P	ICI United States Inc., Wilmington, Del.	49 CFR 173.1, Subpart C, E, G, 177.854	To become a party to E 7434 authorizing the use of a non-DOT specification steel drum for shipment of damaged, leaking, or defective DOT specification 17C or 17E metal drums. (Modes 1 and 2.)
7447-P	Northern Petrochemical, Des Plaines, Ill.	49 CFR 172.400	To become a party to E 7447 allowing the use of EPA poison label on packages of class B poisons instead of the DOT poison label. (Modes 1, 2, 3, and 4.)

Appearing elsewhere in the Proposed Rules section of this edition of the FEDERAL REGISTER is a notice of proposed rulemaking containing a number of proposed amendments to the regulations governing the transportation of hazardous materials based on existing exemptions, one or more of which may be the subject of a pending application for renewal or to become a party thereto. In the event the Materials Transportation Bureau decides not to adopt any of those proposals for which there is a pending renewal or party status application, that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B.
(49 CFR U.S.C. 1806; 49 CFR 1.53(e) and Part 107, Subpart B.)

Issued in Washington, D.C., on September 21, 1976.

Dr. C. H. THOMPSON,
Chief, Regulations Division, Office of Hazardous Materials Operations.

[FR Doc.76-28172 Filed 9-29-76;8:45 am]

National Highway Traffic Safety Administration

AIR BRAKE SYSTEMS STANDARD
Interpretation of "No Lockup" Requirements on Tandem Axles

Several persons have asked whether the requirements of S5.3.1 or S5.3.2 of Standard No. 121, *Air Brake Systems* (49 CFR 571.121), can be satisfied by using one antilock system to control both axles of a tandem, and whether the "controlled lockup" exception to those requirements is dependent on the number or location of wheel speed sensors used.

The basic requirement for "no lockup" performance is stated in performance terms, permitting a manufacturer to choose any brake system design that will ensure that the wheels do not lock up under the specified conditions.

One exception to the "no lockup" requirement permits "controlled lockup of wheels allowed by an antilock system." Manufacturers demonstrated, during the course of rulemaking, that properly functioning antilock systems might be designed to allow wheel lockup for a fraction of a second, and that antilock design should not be inhibited by a prohibition on all lockup. The agency made the "controlled lockup" exception a part of the standard (36 FR 3817, February 27, 1971) and has subsequently interpreted the term to permit manufacturers latitude in the design of their systems.

In compliance with the basic requirement, most manufacturers have equipped each axle of a vehicle with a valve to regulate the air pressure that applies the brakes, sensors at each wheel to send a signal when a wheel is locking up, and a logic module that receives the signals and instructs the valve when to release air pressure to prevent lockup ("axle-by-axle control"). Recently, some manufacturers have simplified their systems by utilizing only one valve and logic module to modulate the air supply to both axles of the typical tandem axle system found on many trucks and trailers ("tandem control"). Two approaches to

wheel speed sensor placement have been used for tandem control systems. If it is possible to predict which of the two axles will lock first during braking, sensors may be placed on this axle only, knowing that reduced air pressure in response to a signal from the "sensed" axle will also release the brakes on the "unsensed" axle. In other cases, where it is not possible to predict which axle will lock first, tandem control systems may have sensors on all four wheels of the tandem.

In November 12, 1974, and March 7, 1975, letters of interpretation to Dana Corporation, the NHTSA confirmed that a manufacturer may choose the number of wheel speed sensors and logic modules that he includes in his antilock system. Thus, tandem control is not prohibited by the standard, regardless of the number of wheel speed sensors provided. When Dana asked if lockup on the unsensed axle of a single-axle sensor system would qualify for the "controlled lockup" exception to the requirement, the agency said that it would not, reasoning that the logic module would not exert effective control over the lockup of the unsensed axle without benefit of input signals from wheels on that axle. Therefore, according to the interpretation sent to Dana Corp., the unsensed axle in a single-axle sensor system could not be allowed to lock at all, even momentarily, during the service brake stopping test. No data of actual performance was submitted with the Dana letter.

Recent letters from two vehicle manufacturers argue that the NHTSA's interpretation of "controlled lockup" (to Dana Corporation) created an anomalous and unjustified restriction on the use of "tandem control." Those submissions, and data received by the agency from other interested persons, demonstrate that the Dana interpretation does not adequately reflect the degree of control which a single-axle sensor system actually can exert over the unsensed axle of a tandem system. Based on analysis of the submitted data, it appears that the amount of lockup permitted on unsensed axles is closely controlled by the available antilock systems. While there is a measurable difference in stopping performance between "axle-by-axle" control and "tandem control," the standard already permits either of these means to satisfy the requirements. When the narrower question of the performance difference between sensors on one or both axles is analyzed, it is apparent that virtually no difference exists in the stopping distance of vehicles equipped these two ways. The effective lateral stability available during a stop also appears comparable regardless of placement of sensors on one or both axles.

For this reason, and based on review of test data unavailable at the time of the Dana interpretation, the agency concludes that its interpretation of "controlled lockup" in response to the question posed by Dana should be, and is hereby, withdrawn. It is the agency's interpretation that the "controlled lockup" exception is not dependent on the number or location of sensors used in an antilock installation.

Issued on September 23, 1976.

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

[FR Doc.76-28538 Filed 9-29-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY DECISIONAL PROCESSES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the first meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, October 15, 1976 in the library of the Administrative Conference, the Gelman Building, 2120 L Street, NW., Washington, D.C.

The Committee will meet to discuss current projects concerning (i) statutory time limits for agency action; (ii) scientific and technological decision making; and (iii) use of survey research data by the Federal Trade Commission.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact David M. Pritzker (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 24, 1976.

[FR Doc.76-28654 Filed 9-29-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29726]

AEROVIAS CONDOR DE COLOMBIA, S.A.; FOREIGN PERMIT AMENDMENT (COLOMBIA)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on October 27, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 13, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28687 Filed 9-29-76;8:45 am]

[Docket 27933]

AIRLIFT INTERNATIONAL, INC., ET AL.; ENFORCEMENT PROCEEDING

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future commnications should be addressed to Judge Argerakis.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28684 Filed 9-29-76;8:45 am]

[Docket 29645]

AUSTIN AIRWAYS LIMITED; CHARTER SERVICE APPLICATION (CANADIAN)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on October 20, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 6, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28686 Filed 9-29-76;8:45 am]

[Docket No. 23315; Order 76-9-129]

DELTA-NORTHEAST MERGER CASE

Order on Remand

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of September 1976.

The Committee of Former Northeast Stewardesses has petitioned the Board to issue an order directing Delta Air Lines, Inc., to submit to arbitration a claim that the integrated flight attendant seniority list adopted by Delta following merger with Northeast Airlines, Inc., is unfair as to former Northeast attendants.[1] By Or-

[1] The merger was approved by Orders 72-5-73/74 (served May 19, 1972), subject to the Board's standard labor protective provisions. Section 3 of the provisions provides for "the integration of seniority lists in a fair and equitable manner," and Section 13 provides for arbitration of disputes arising under the provisions. The Board retained jurisdiction vore the merger proceeding generally. It is pursuant to the labor protective provisions and the Board's retained jurisdiction that the petition is filed.

der 75–1–6 (January 2, 1975) the Board dismissed the petition, essentially on grounds that it would be inappropriate and inefficient for the Board to interpose itself as a forum in what it saw to be a contractual dispute, which ordinarily would be resolved in judicial proceedings.[2]

Petitioner sought court review and by an order dated May 27, 1975, the United States Court of Appeals for the District of Columbia Circuit, on motion for summary reversal, reversed and remanded the Board's order, "for a decision on the merits of petitioner's claims." [3] Following an unsuccesssful attempt to persuade the court to reconsider or clarify its order, the Board, on August 18, 1975, invited the parties to submit comments on the scope of the Board's inquiry in response to the remand. There followed two rounds of comments by Delta and the employee group, the last filed November 24, 1975.[4] This order is to comply with the court's order remanding the case to the Board.

The Court of Appeals' brief order does not address the concerns which prompted us to decline to entertain the petition initially. We continue to believe that Board-ordered, as compared to court-ordered, arbitration of specific labor-management disputes is not ordinarily a satisfactory or a speedy means of resolving such disputes.[5] This remains our view notwithstanding that the Court has apparently ruled against the necessary predicate for the Board's position, namely, that although jurisdiction with respect to the arbitration section of the labor protective provisions is shared by the Board and the courts, the Board has discretion to refer the parties to a judicial tribunal for its enforcement.[6] Given that ruling, however, it is evident that we must put aside our reservations about the efficacy of the relief requested of us and consider the request on its own merits. Upon such consideration, the Board has concluded that the petition should be granted as being in the public interest.

As a threshold matter, we must determine the scope of the Board's inquiry in reaching "a decision on the merits of petitioner's claims," as mandated by the court. It may be argued that the court, in relying on Carey, contemplated that the Board will here, as in that case, make a determination as to whether or not the existing seniority list has been integrated in a fair and equitable manner. Such action is indisputably within our power. Delta in essence takes this position, in arguing that a showing must be made by petitioner that the existing list is unfair or inequitable before relief may be granted. Petitioner, on the other hand, asserts that this question is one for the arbitrator.

We do not read the Court's order as requiring the Board itself to plumb the substance of petitioner's claim, beyond satisfying ourselves that the claim is not frivolous, see American-TCA Merger Case, Order 71–5–30 (May 7, 1971). It is the function of the arbitrator, as provided for by Section 13, to weigh the validity of petitioner's allegations of unfairness in light of all circumstances. Indeed, acceptance of Delta's argument would disembowel the labor protective provisions by rendering nugatory the arbitration clause. It would further place the substantive resolution of specific disputes and controversies, such as the integration of labor lists, with the Board, which has neither expertise nor resources to finally arbitrate such disputes. See "American Airlines v. C.A.B.," 445 F.2d 891 (C.A. 2.1971), *cret. denied*, 404 U.S. 1015 (1972), wherein the Second Circuit specifically upheld the Board's power to delegate this function to the arbitration process, in the absence of successful negotiation.[7] We find no compelling reason in the circumstances of this case warranting a departure from the Board's long-held and court-approved position that the resolution of specific disputes is best left for arbitration, and decline Delta's invitation to do so.[8]

As we noted in our original order in this matter, Delta concedes that it has received formal complaints regarding the equity of the seniority list integration, and requests for arbitration.[9] Indeed, there is no dispute that, pursuant to the labor protective provisions, Delta is under an obligation to arbitrate upon a valid request therefor. Delta's reason for failing to honor the requests it has received, aside from the above-discussed allegation that there has been no showing that the existing list was not developed fairly and equitably, is simply that the requests were untimely. It states that no formal complaint and request for arbitration was received by Delta until April 5, 1974, or some twenty months after the merger became effective. A delay in submission of this length is, in Delta's view, incompatible with the arbitration provision, which permits any party to refer any dispute or controversy arising under the labor protective provisions to arbitration "20 days after the controversy arises," and directs an arbitrator's decision "within 90 days after the controversy arises, unless an extention of time is mutually agreeable to all parties."

Ordinarily, the Board would consider the above recital of facts, if true, to be dispositive of the question of timeliness. As we pointed out in the Allegheny-Mohawk Merger Case, *supra*, delays in reaching arbitration prolong labor disputes and undermine harmonious labor relations. Open-ended availability of arbitration can only ferment further strife and is an invitation for abuse of the system adopted by the Board for the protection of employees affected by a merger, or a large-sale acquisition. Moreover, it is clear that the Board's arbitration provision contemplates a speedy resolution of disputes.

On the other hand, we cannot ignore the highly unusual circumstances and conflicting assertions attending the history of this particular seniority list integration dispute. This history is described in some detail in Order 73–9–42 (served September 13, 1973) and Order

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[2] Moreover, we found affirmative reasons for staying our hand. Particularly, we noted that the Board, unlike the courts, has no particular expertise as a tribunal in labor-management matters, and that resort to the Board instead of the courts would be likely to spawn additional litigation and consequent delay since, for one, the Board has no direct contempt power to enforce an order directing arbitration.

[3] Committee of Former Northeast Stewardesses v. C.A.B., D.C. Cir No., 75–1066.

[4] The second (unauthorized) round consists of a response by petitioner to Delta's comments in the form of a petition for leave to file an extraordinary document, and a subsequent motion by Delta requesting rejection of that document. We will deny the "petition" for lack of good cause being shown and untimeliness. Delta's motion, being moot, will be dismissed.

[5] See also our discussion of this point in the Allegheny-Mohawk Merger Case, Orders 72–4–31/32 (decided March 28, 1972), Opinion at 20–21. Indeed, the Board's redraft of the standard arbitration section in the Allegheny-Mohawk case, to the form applied here, was specifically designed to obviate the need for resort to the Board under its retained jurisdiction prior to any court enforcement of the arbitration provisions.

[6] The court's ruling is predicated upon the case of Carey v. J. J. O'Donnell, 506 F.2d 107 (1974), *cert. denied*, 95 S. Ct. 783 (1975). Carey concerned a Board order determining that a negotiated seniority list—arising out of the instant merger, and involving the Northeast pilots—had been integrated in a fair and equitable manner. That order was sustained on direct review by the Court of Appeals in a companion case, Northeast Master Executive Council v. C.A.B., 506 F.2d 97 (1974), *cert denied*, 95 S. Ct. 783 (1975). In Carey, a District Court's dismissal of a suit attacking the integrated seniority list, for want of jurisdiction, was under review. The Court of Appeals held that the petitioners in that case, having "had their day in court as contemplated by the statute" (*viz.*, the Board's determination with respect to the seniority list and direct Court of Appeals review of that determination) were not entitled to collaterally attack the Board's action in District Court, or any other forum. In other words, the Board having acted upon the merits of a claim that an integrated list is unfair, the only remaining remedy is review of the Board's action in a Court of Appeals pursuant to Section 1006 of the Federal Aviation Act, and district courts have no jurisdiction with respect to the subject matter.

[7] In American, the court sustained Board orders directing the carrier to arbitrate a seniority integration dispute arising out of the American-Trans Caribbean Merger Case. See Orders 71–5–30 (May 7, 1971) and 71–6–71 (June 11, 1971). It held that "[w]hat the Board can do, an arbitrator appointed pursuant to its order can likewise do." (445 F.2d at 896). Contentions were made to the Board in that case that the Board itself should resolve the fairness of the integrated seniority list, a course which the Board as a matter of discretion declined to take. The court approved the Board's action in the following terms: "If the Board's experience convinced it that the integration of seniority lists of employees of merging carriers was a function which it was not well suited to perform and which, in the absence of agreement, had best be left to arbitration, that was a judgment it was competent to make" (*Id.*, at 895).

[8] See Outland v. C.A.B., 284 F.2d 224 (D.C. Cir., 1960); O'Donnell v. Pan American World Airways, 200 F.2d 929 (2nd Cir., 1953); and American Airlines v. C.A.B., *supra*.

[9] Order 75–1–6 at 3.

75-1-6, *supra*, the pertinent portions of which we incorporate herein by reference, and need not be repeated here at length. Briefly, the dispute was under active negotiation between the former Northeast stewardesses, more precisely, their assumed representative the Transport Workers Union, since prior to the consummation of the merger; the negotiations failed; pursuit of arbitration by the Transport Workers Union, on behalf of the stewardesses, foundered because of problems with respect to the TWU's authority to represent the Northeast stewardesses (see Order 73-9-42, *supra*), and subsequent to TWU's withdrawal, a group of individual stewardesses took up the task of pursuing the arbitration remedy, culminating in the instant proceeding.

Moreover, while the record is rife with documents detailing various aspects of this continuing history, the material is in the form of numerous—and apparently conflicting—unsworn allegations of a factual, legal, and equitable nature, involving various aspects of labor-management relations as well as other matters. Relevant to the ultimate issue of timeliness raised by Delta appears to be the question of the representational capacity of various individuals and groups, and the TWU, involved in the negotiations and the quest for arbitration of the underlying seniority integration dispute. Also pertinent may be Delta's actual knowledge of dissatisfaction with the seniority list adopted by it following the failure of negotiations and the form that such dissatisfaction took, whether formal complaints or otherwise. Furthermore, there is in our mind some question as to the extent that Delta's own actions in this ongoing controversy may have served to defeat, through delay, legitimate rights to arbitration under the Board's labor protective provisions.

On the record before us, we are unable to definitively resolve these and other questions pertinent to the merits of Delta's argument that the arbitration provisions are untimely invoked. In some part, the record is short on reliable facts. Moreover, elements of labor law, practice, and custom appear to also be relevant to untangling the various contentions, particularly the representational aspects. The Board believes it is imprudent to devote its limited and already overburdened resources to the resolution of the involved questions presented, particularly in light of the substantive labor related factual issues involved.[10]

In light of the above, we believe that the wisest course to follow in furtherance of the Court of Appeals' ruling will be to order arbitration, but to include in the arbitrator's mandate a jurisdictional question. Specifically, the arbitrator is to determine, as an initial matter, his own jurisdiction to hear the merits of the claim with respect to the fairness of the integrated seniority list by first deciding whether, under all of the circumstances, the claim to arbitration was asserted within a reasonable time. If he finds not, his mandate ends. If he finds in the affirmative, he is then to consider the substantive matter of seniority integration. This is the type of inquiry in which an experienced labor arbitrator may well be able to shed more light, more quickly than the Board.[11] This delegation to the arbitrator represents, we believe, the most effective overall allocation of the resources of the Board as well as the parties, and is well within our competence to make, see "American Airlines v. C.A.B.", supra. The arbitrator and the parties may employ such procedures for the resolution of these matters as they deem appropriate.

We should emphasize that our action with respect to the timeliness issue is predicated upon the particular circumstances present and the record before us. Our normal inclination, given an adequate record not requiring further proceedings, would be to resolve the issue at this stage. However, this is not, to all appearances, such a case.

Finally, we shall provide that the interests of all flight attendance shall be taken into account to the maximum extent feasible, even if not participating in the ordered arbitration proceeding. Concomitantly, we expect this arbitration to put an end to all claims by Delta's flight attendants with respect to the integration of seniority lists arising out of the merger, and will therefore provide that the arbitration shall be binding upon Delta and all flight attendants as to whom a dispute exists, whether choosing to participate or not.[12] In this connection, it will be incumbent upon Delta to provide appropriate notice to affected employees with respect to the arbitration proceeding. In addition, we note that should the merits of petitioner's claims with respect to seniority list integration be reached, the existing seniority list, integration be reached, the existing seniority list, which has been in effect for some time, may be disturbed. This may raise issues of retroactivity, which should be considered in the arbitrator's decision in light of all of the equities involved.

Accordingly, it is ordered, That: 1. Ordering paragraph 1 of Order 75-1-6 (served January 6, 1975) be and it hereby is voided;

2. The petition of the Committee of Former Northeast Stewardesses, filed June 7, 1974, be and it hereby is granted to the extent ordered below;

3. Delta shall, within 60 days from the date of this order, participate in the selection of an arbitrator pursuant to the provisions of Section 13(a) of the labor protective provisions for the purposes enumerated in the text, above, the arbitration to be conducted in conformance with said Section 13(a): *Provided*, That nothing in this order shall preclude the parties from agreeing to proceed pursuant to Section 13(b) of the labor protective provisions within the above-named period;

4. In the event that any group of flight attendants of Delta or their representative(s) shall decline to participate in, or fail to cooperate with respect to the ordered arbitration proceedings, the procedures adopted shall be such as to ensure, to the maximum extent feasible under the circumstances, that the determination rendered by the arbitral tribunal shall fully consider the interests of such employees;

5. The determination of the arbitral tribunal shall be final and binding upon Delta and all flight attendants of Delta as to whom there exists a dispute with respect to seniority list integration which has been the subject of the arbitration proceedings ordered herein;

6. Delta shall provide appropriate notice to all affected employees or their representatives with respect to the institution of the arbitration proceedings, the issues to be decided, and the employees' right to participate therein;

7. Delta shall, upon the rendering of any arbitrator's decision, file 2 copies of such decision in the docket of this proceeding;

8. The Board shall retain jurisdiction in this proceeding for the purpose of taking such further action as it may deem necessary or appropriate in the public interest; and

9. Except to the extent granted herein, the petition of the Committee of Former Northeast Stewardesses and all petitions, motions and other requests related thereto be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28491 Filed 9-29-76;8:45 am]

[Docket 29171]

NATIONAL CARLOADING CORP. D/B/A ABC AIR FREIGHT ENFORCEMENT PROCEEDING

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

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[10] As we have often noted, the Board's premier function is the economic regulation of the nation's air transportation system in the public interest. To the extent that questions of labor relations affect that system, we may and do take cognizance of them, as for example by the promulgation of the labor protective provisions. However, we do not view ourselves as a labor tribunal for the resolution of specific disputes, for which other forums are generally available. Any other course would likely be at the expense, in time and effectiveness, of our other functions.

[11] We noted in our previous order denying TWU's petition and again in the initial order dismissing petitioner's request, that the question of whether a complaint against the integrated seniority list was filed within a reasonable time, as well as other issues, "are appropriate matters for resolution in the context of negotiations or an arbitration proceeding * * *." Order 73-9-42 at 4, footnote 5; 75-1-6 at 2, footnote 3. We continue to adhere to this view.

[12] American-TCA Merger Case, Order 71-5-30 (May 7, 1971), and Order 71-6-71 (June 11, 1971).

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-28685 Filed 9-29-76;8:45 am]

[Docket Nos. 26354, 29276; Order 76-9-119]

NORTH CENTRAL AIRLINES, INC., CERTIFICATE AMENDMENT AND EXEMPTION

Order Setting Application for Hearing and Granting Exemption in Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of September 1976.

Application of North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 86F (Milwaukee/Duluth/Superior-Winnipeg)—Docket 26354.

Application of North Central Airlines, Inc., for renewal and modification of a temporary exemption authorizing Duluth/Superior-Winnipeg service—Docket 29276.

On January 25, 1974, North Central Airlines filed an application in docket 26354 for an amendment to its certificate for route 86F so as to provide service between the coterminal points Milwaukee and Duluth/Superior and the terminal point Winnipeg. On March 8, 1974, the carrier filed a petition for an order to show cause or, in the alternative, a motion for an expedited hearing. Northwest Airlines, Inc., filed an answer alleging that the competitive implications of North Central's application mandated the imposition of two restrictions on the proposed service: (1) Flights serving Winnipeg and Chicago should make a minimum of four intermediate stops, and (2) flights serving Winnipeg should not serve Minneapolis/St. Paul. North Central filed a reply, along with a motion for leave to file an otherwise unauthorized document,[1] objecting to the restrictions. Subsequently, Northwest filed a response to North Central's reply.[2]

On June 26, 1974, North Central filed an application requesting exemption authority to operate between Duluth/Superior and Winnipeg for a period of 2 years or until 60 days after final order in docket 26354, whichever occurred first. In order to avoid delaying implementation of the Milwaukee/Duluth/Superior-Winnipeg segment, the carrier agreed to the restrictions suggested by Northwest. The carrier's request was granted, with these restrictions, by order 74-8-57, dated August 14, 1974.

On May 17, 1976, North Central filed an application requesting (1) renewal of the exemption authority for a period of 2 years or until 60 days after a final order in docket 26354, whichever occurs first, and (2) removal of the restrictions placed on that authority by order 74-8-57.[3]

In support of its application, North Central states, *inter alia*, that: it has done all that could reasonably be expected to develop this market within the constraints of order 74-8-57; given the restrictions on its service to Winnipeg, it is unlikely that North Central will be able to operate that service profitably in the foreseeable future;[4] although the carrier is not prepared to maintain such an uneconomic service indefinitely, it is prepared to continue its attempts to develop the Duluth-Winnipeg route for a further trial period; and, under the existing restrictions, the chances of success during a further trial will be slim. In addition, the carrier alleges that: there is no reasonable justification for the restrictions under which it now labors; a restriction that all flights to Winnipeg must serve Duluth offers sufficient protection against undue diversion from Northwest; the bilateral contemplated no greater restriction and it is foolish for the United States to impose restrictions on its own service to Canada which could render unusable a route which it has bargained for with another government; and, unless some means can be found to eliminate or reduce its current operating loss on the service, North Central will be forced to consider terminating its service to Winnipeg.

Northwest filed an answer in opposition to North Central's request stating, *inter alia*, that: North Central seeks a modification of its exemption authority so that it can enter the Winnipeg-Twin Cities/Chicago markets, where there is no public need for its services; North Central's service to Winnipeg has been a mistake which should be corrected by termination of the exemption authority since the existing authority is not economically justified; and the instant application is procedurally defective as to its request for modification of its existing authority.

North Central filed a reply, stating, *inter alia*, that: it will concede that Duluth-Winnipeg has not been a profitable route, but it contends the restrictions North Central agreed to accept for the protection of Northwest have made it impossible to operate the route profitably; and the question before the Board is whether the Board prefers to sacrifice the Duluth-Winnipeg route to insure an absolutely unnecessary degree of protection for Northwest.

Upon consideration of the pleadings and all the relevant facts, we have decided to (1) deny North Central's petition for an order to show cause, (2) set its application for certificate authority in docket 26354 for hearing, and (3) renew its present exemption authority, modified to permit two-stop operations in the Chicago-Winnipeg and Minneapolis/St. Paul-Winnipeg markets, until 60 days after final decision in docket 26354.

In light of the objections raised by Northwest, the use of show-cause procedures would be inappropriate in this instance. The disputed facts and issues in this matter can best be resolved on the basis of an evidentiary record after hearing.[5]

With regard to the exemption request, we find that: our findings and conclusions in order 74-8-57 remain generally valid; significant public benefits have arisen from implementation of the exemption authority we are renewing herein; and grant of the authority, as modified, is in the public interest.

In granting North Central its original Duluth-Winnipeg authority our primary concern was the swift implementation of the new United States-Canada bilateral route award. At that time, we noted that the exemption as restricted was uncontested and that no carrier had sought comparable authority. The restrictions placed on that authority were intended to protect Northwest's service in the Chicago/Minneapolis/St. Paul-Winnipeg markets, not to lessen North Central's chances for profitable operations. It appears that the route cannot be operated profitably under the current restrictions and that if North Central were given additional scheduling flexibility, the Duluth-Winnipeg segment might develop into a self-supporting route providing additional service to Minnesota and Wisconsin. To this end, we will modify the four-stop restriction in the Chicago-Winnipeg market and the single-plane restriction in the Minneapolis/St. Paul-Winnipeg market to two-stop restrictions. Although North Central has not submitted a specific service proposal for the Winnipeg-Chicago, and Winnipeg-Minneapolis/St. Paul markets, and Northwest has strenuously objected to any modification of North Central's present restrictions, we feel that relaxation of these restrictions should strengthen North Central's ability to develop the traffic potential in a Duluth-Winnipeg service pattern pending the outcome of the proceeding instituted herein. Since Northwest offers nonstop, one-stop, and two-stop service in the Winnipeg-Chicago market and nonstop and one-stop service in the Winnipeg-Minneapolis/St. Paul market, a two-stop restriction on North Central's service via Duluth should offer adequate protection for Northwest in these markets.

[1] We will grant the motion.

[2] Northwest's response was accompanied by a motion for leave to file an otherwise unauthorized document. We will grant the motion.

[3] The authority granted in order 74-8-57 expires on August 14, 1976. North Central has invoked the automatic extension provisions of 5 U.S.C. 558(c).

[4] In 1975 North Central experienced an operating loss on its Winnipeg service of $156,660, and estimates that it may experience a loss as high as $154,498 for the year ending Aug. 14, 1977.

[5] We do not interpret the motion of North Central for expedited hearing to request the use of extraordinary procedures or timing in the conduct of the case, and, accordingly, the normal procedures utilized in formal Board proceedings will be followed in this case.

Further, because the traffic and revenue generation of this market is marginal and the carrier's operations are necessarily limited by the restrictions imposed herein, to require the carrier to undergo a certification proceeding in order to perform the services contemplated would have the practical effect of precluding such operations and would constitute an undue burden on the carrier pending the outcome of the proceeding instituted herein. Such an approach would deprive the public of these needed services and be contrary to the public interest. Accordingly, we find that the enforcement of section 401 of the Act and the terms, conditions, and limitations of North Central's certificate for route 86, to the extent that they would otherwise prevent the carrier from providing the services authorized herein, would be an undue burden on North Central by reason of the limited extent of and unusual circumstances affecting its operations and is not in the public interest.

Finally, with regard to North Central's certificate application (docket 26354), the carrier has not submitted sufficient information for us to determine the environmental consequences of the proposed services at this time. Therefore, we will require the carrier to file the information set forth in Part 312 of the Board's Procedural Regulations within 30 days of the date of adoption of this order.

Accordingly, it is ordered, That:

1. The petition of North Central Airlines, Inc., in docket 26354 for an order to show cause be and it hereby is denied;

2. The motion of North Central Airlines, Inc., in docket 26354 for expedited hearing be and it hereby is granted;

3. The application of North Central Airlines, Inc., in docket 26354 be and it hereby is set for hearing before an administrative law judge of the Board at a time and place to be hereafter designated, as the orderly administration of the Board's docket permits;

4. The proceeding instituted in paragraph 3, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of North Central to engage in air transportation between Milwaukee and Duluth/Superior, on the one hand, and Winnipeg, on the other? and

(b) If so, what terms, conditions, or limitations, if any, should be placed on such operations?

5. The motions of North Central Airlines, Inc., and Northwest Airlines, Inc., for leave to file otherwise unauthorized documents in docket 26354 be and they hereby are granted;

6. North Central Airlines, Inc., be and it hereby is exempted from the provisions of section 401 of the Federal Aviation Act of 1958, as amended, insofar as they would otherwise prevent North Central from providing service between Duluth, Minn./Superior, Wis., on the one hand, and Winnipeg, Manitoba, Canada, on the other; *Provided*, That North Central shall schedule at least two intermediate stops on all flights between Chicago and Winnipeg and between Minneapolis/St. Paul and Winnipeg;

7. North Central shall file an environmental evaluation pursuant to § 312.12 of the Board's Procedural Regulations within 30 days of the adoption date of this order;

8. Except to the extent granted herein, all other motions and requests be and they hereby are denied; and

9. A copy of this order shall be served upon persons listed in North Central's certificates of service in dockets 26354 and 29276.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28688 Filed 9-29-76;8:45 am]

[Docket No. 29773; Order 76-9-128]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension Regarding North Atlantic Charter Transfer Rules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of September 1976.

By tariff revisions marked to become effective August 21, 1976,[1] Pan American World Airways, Inc. (Pan American) proposes to introduce a new tariff rule which would permit the transfer, at prevailing mileage-based charter rates, of transatlantic charter groups of not less than 180 persons to the economy-class section of Pan American's scheduled flights.[2] Trans World Airlines, Inc. (TWA) has filed a tariff revision for effect September 22, 1976 which would provide for a similar facility.[3] Pan American would obtain the charterer's permission for possible transfer of the group to scheduled service as a term of the charter contract. The transfer facility would be limited to 25 percent of the total economy-class capacity scheduled on Pan America's transatlantic sectors during the same week in the same direction.

In support of its filing, Pan American contends that its proposal will reduce costs, fuel consumption, and aircraft and crew time by grounding charter flights when there is sufficient capacity to carry the charter passengers in scheduled service. It alleges that the proposal will not undermine the structure of scheduled fares since, once the "charter transfer" feature is included in the IATA fare structure, IATA will set a minimum price for charters eligible for transfer to scheduled service. Moreover, because of the 25 percent limitation on capacity available for transfer of charter groups and the inherent conditions of the fare, substantial downgrading of passengers will not occur. Finally, since the transfer is at the carrier's discretion, Pan American contends that space will be allocated only on low load-factor flights and will, therefore, not displace higher-rated traffic.

Complaints have been filed by the member carriers of the National Air Carrier Association (NACA), Trans World Airlines, Inc. (TWA), and National Airlines, Inc. (National). NACA contends that charging planeload charter rates for scheduled service is patently uneconomic; that the rates are unjustly discriminatory; and that the new service would have a destructive competitive impact on the charter services of the supplemental carriers. TWA claims that the "charter transfer" facility would produce a more complex fare structure; would put the middleman (the charter organizer) in control of low, promotional-fare business which would ultimately make it more difficult for normal-fare traffic to obtain seats in the peak season; would aggravate the problem of fare enforcement; and would force the carriers either to withdraw from some markets or to purchase additional widebody capacity. In addition, TWA states that Pan American has underestimated the number of scheduled-service passengers who would downgrade to charter transportation in the hope that they would ultimately be transferred back to scheduled service. National contends that the charter transfer proposal would be unworkable on its Miami-London route because the market does not generate groups of the size proposed by Pan American (180 passengers per flight), and that National's DC-10-30 aircraft (which are configured with 284 seats) are too small to accommodate charter transfer groups and still maintain their obligations as a common carrier. National further alleges that Pan American has overstated its forecast of economy-fare usage and has understated usage of the charter-transfer fare.

In answer to the complaints, Pan American states that only five percent of its charter traffic will be transferred to scheduled service and that the program will save $5 million in charter operating costs. Pan American claims that the fare is not uneconomic since it will fill residual seats on scheduled service at a price above incremental cost and will therefore make a positive contribution to profits. Pan American claims that charter-transfer traffic will be limited because a substantial percentage of its charter traffic is off-line and cannot therefore be transferred; that the bulk of charter traffic occurs in the peak season and scheduled-service load factors would be too high to permit transfer; and that charter traffic using point-to-point rates would be ineligible for transfer. Pan American argues that the char-

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[1] Revisions to International Air Traffic Tariff Corp. Agent, Charter Tariff No. CH-6, C.A.B. No. 65, 24th and 25th Revised Pages 8-A.

[2] The proposed rule would exclude those charters operating at specific point-to-point rates.

[3] Revisions to Trans World Airlines, Inc., Charter Tariff No. CH-3, C.A.B. No. 290, 1st Revised Page 14-A. TWA's provision applies to charters of not less than 175 seats.

ter-transfer facility will not, therefore, have an impact on scheduled-service capacity levels, nor will it have a destructive competitive impact. The service is allegedly not discriminatory since charter-transfer passengers will not be permitted overnight connections or stopovers; they must be part of a group of at least 180 passengers; and their participation in a scheduled flight will not be as a matter of right.

In its answer to the complaints, the Department of Transportation (DOT) requests that Pan American's proposal be suspended until further data are provided. DOT states its support for "part-charter service," although it would oppose any proposal which would result in a significant number of passengers being denied scheduled service or adversely affect supplemental carriers. DOT believes that Pan American's estimate of the financial impact of its part-charter proposal may be in error. In addition, the risk of denying space to a significant number of passengers desiring to book on scheduled service cannot be known in advance. Finally, DOT opposes any attempt by the International Air Transport Association (IATA) to set minimum rates for part-charter services.

Upon consideration of Pan American's justification, the complaints and responses thereto, the Board concludes that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended pending investigation.[4]

Since Pan American's charter-transfer concept appears to be the opening wedge looking toward the evolution of a broader future program of so-called part charters, we believe the investigation should encompass all the various issues raised in recent years with respect to the "part-charter" concept. The main issue is the ability to offer scheduled service at charter prices under certain sets of conditions to a considerable degree fusing the two types of service into one. In this context, we believe it must be acknowledged that the proposal raises new and very basic questions as to the direction the complexly interrelated elements of the air transport system should take for the future—questions which we believe clearly involve the long-run interests of the traveling public as well as those of the industry. These questions go to the very heart of the fundamental question of the appropriate balance between the public need for adequate on-demand scheduled services and the so-called inefficiency inherent in the fact that, by its very nature, such services will involve the waste of some seat capacity.

The Board acknowledges the possibility that some sort of "fill-up" fare designed to maximize utilization of scheduled capacity, while making a reasonable contribution to the costs of providing the service, might benefit both the carriers and the traveling public. However, whether a part-charter program on scheduled service, even if properly administered and insulated against abuse, would be feasible and in the long-term interest of the industry's development as an efficient public service can only be determined after a full exploration of all the complex issues involved. We recognize the significance of this issue to the future direction of the industry and its importance to consumers and, for this reason, we intend to expedite the investigation ordered herein.

Also of concern, of course, is the threat of significantly impairing the pattern of charter services which has developed over the years in the North Atlantic market, which involves substantial participation by the U.S. supplemental charter carriers. First, and quite obviously, these carriers do not have the opportunity to offer the transfer facility, by virtue of the limitation on their operating authorization. Stated simply, to the extent that the charter transfer might be an advantageous marketing tool, the supplementals might be deprived of an equal competitive opportunity—notwithstanding their demonstrated role over the years in bringing low-priced air transportation to an increasing segment of the traveling public.

As previously indicated, the Board has also determined that Pan American's tariff should be suspended pending investigation. As Pan American itself acknowledges, it contemplates but limited utilization of the proposal, and the $5 million annual saving which it projects in charter operating costs is minimal in relation to the carrier's total operating expenses.[5] On the other hand, the ramifications of the Pan American proposal go far beyond the specifics of its tariff, and it seems inevitable that acceptance of the Pan American tariff would generate other "part-charter" proposals which would be difficult to suspend if Pan American's tariff were permitted to go into effect. In brief, we are concerned that what begins as a small-scale experiment in eliminating some unnecessary charter mileage could lead to the carriage of large amounts of traffic as scheduled passengers at charter levels without adequate controls to the ultimate burden of standard-fare passengers.[6]

Apart from the broad policy issues outlined above, substantial questions are raised as to the control and monitoring of the charter-transfer rules to prevent abuse. For example, it is the alleged intention to use the rules only to transport traffic which the carrier is committed, and otherwise intends, to carry on a planeload charter basis. However, it may prove difficult to prevent the tariff from being used as a device for carrying large groups on scheduled services, based upon "paper" charter commitments which were, in fact, never intended to be performed as planeload movements.

In summary, the Board is keeping an open mind as to the merits of a "fill-up" program in scheduled service, assuming one can be designed which is economically sound in itself, carries enforceable limitations, and does not jeopardize other essential forms of service. Such a program must insure against encroachment upon space properly provided for travelers desiring and willing to pay for scheduled service, and be so structured that revenues from those passengers for whom the service is provided cover their fair share of the cost of the operation. On the other hand, the entire history on the North Atlantic for the past 15 years has been one of continual introduction of new low fares designed for this purpose, increasing use of fares at the lower end of the spectrum, and pressures to increase fares at the higher end of the spectrum in an effort to maintain overall profitability. The present state of the industry in this market attests to the general failure of this approach so far. Against this background, it seems clear that any "fill-up" program, be it "part-charter" or some variation of that concept, must be subjected to the closest scrutiny in all its ramifications before it is permitted to take effect. It is important that such a full exploration of the issue be undertaken promptly since such program, if it can be suitably devised, might be of great benefit both to the industry and the traveling public.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That: 1. An investigation be instituted to determine whether the provisions of Rule 18 on 24th and 25th Revised Pages 8–A to Tariff C.A.B. No. 65, issued by International Air Traffic Tariffs Corp. Agent; and Rule 7(E) on 1st Revised Page 14–A to Tariff C.A.B. No. 290 issued by Trans World Airlines, Inc., and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board the tariff provisions specified in ordering paragraph one above are suspended and their use deferred to and including September, 1977, unless otherwise ordered by the Board; and that no change be made therein during the period of suspension except by order or special permission of the Board;

[4] We note that the tariff raises a number of issues which would be grounds for rejection. For example, it is indefinite with respect to the applicable free baggage allowance and excess-baggage charges and the application of tariffs respecting ferry-mileage charges and charges for in-flight amenities. However, we have determined at this time that the more appropriate procedure is to suspend the proposal pending investigation.

[5] In this connection we take note of the contention made by some complainants that Pan American has understated the usage of the transfer facility which can be expected.

[6] A 180-passenger group means a "beginning" load factor approaching 50 percent on B–747 aircraft and a 63 percent load factor on National's DC–10 aircraft, levels which would leave little room for occupancy by passengers willing to pay the price for convenient on-demand scheduled service.

3. This order shall be submitted to the President[7] and shall become effective September, 1976;

4. The investigation ordered herein be assigned for hearing before an administrative law judge at a time and place hereafter to be designated;

5. Except to the extent granted herein, the complaints in Dockets 29567, 29569, and 29576 be and hereby are dismissed; and

6. Copies of this order be filed in the aforesaid tariffs and be served upon Pan American World Airways, Inc., Trans World Airlines, Inc., National Airlines, Inc., the National Air Carrier Association, and the Department of Transportation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-28490 Filed 9-29-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ESTABLISHING IMPORT LEVELS FOR CERTAIN COTTON TEXTILES

Cotton Textile Products From India; Effective October 1, 1976

SEPTEMBER 29, 1976.

On August 6, 1974, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and India concluded a comprehensive bilateral cotton textile agreement concerning exports of cotton textiles and cotton textile products from India to the United States over a period of four years beginning on October 1, 1973 and extending through September 30, 1977. The agreement was amended on January 22, 1976 to provide, inter alia, for the inclusion of made-up and miscellaneous cotton textile products in Categories 28–38 and 64 within Group I and to establish a sublimit for those categories within the group limit. The amendment further provided for the establishment in the agreement year beginning on October 1, 1976 of group ceilings within the aggregate ceiling of 128,400,000 square yards equivalent for Group I (Categories 1–38 and 64) and 21,400,000 square yards equivalent for Group II (Categories 39–63), the latter amount including adjustment pursuant to paragraph 5 of the agreement. Within the aggregate and applicable group limits of the agreement, specific levels of restraint have been established for Categories 9/10, 18/19, 26 (other than duck), 28/29, 31, and 34/35.

On March 22, 1976, there was published in the FEDERAL REGISTER (41 FR 11867) a letter dated March 16, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, amending the certification procedures to exempt from the provisions of the bilateral agreement certain apparel products accompanied by a certification in the outline of an elephant, and establishing a special limit of 2.9 million dozen for these products during the agreement year which began on October 1, 1975.

There is published below a letter of September 29, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that for the twelve-month period beginning on October 1, 1976 and extending through September 30, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption in Group I (Categories 1–38 and 64), Group II (Categories 39–63), and individual categories 9/10, 18/19, 26 (other), 28/29, 31 and 34/35 be limited to the designated levels. During the twelve-month period beginning on October 1, 1976 the limitation for partially handmade apparel of handloomed cottage industry fabrics, accompanied by an elephant-shaped certification, will be 3 million dozen.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

September 29, 1976

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on October 1, 1976 and for the twelve-month period extending through September 30, 1977, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 in excess of the levels of restraint listed below. These goods shall be accompanied by an export visa.

Category	*Twelve-Month Level of Restraint*
1–38 and 64	128,400,000 yd², equivalent.
9/10	46,551,634 yd².
18/19	9,800,344 yd².
26 (other than duck) [1]	42,876,505 yd².
28–38 and 64	10,700,000 yd², equivalent.
28–29	7,910,794 units.
31	31,224,514 units of which not more than 18,734,710 units shall be in T.S.U.S.A. Nos. 366.1820, 366.1860, 366.2120, 366.2160, 366.2420, and 366.2460.
34/35	1,580,701 units.
39–63	21,400,000 yds², equivalent.

[1] In Category 26 the T.S.U.S.A. numbers for duck fabric are: 320. 01 through 04,06,08; 321. 01 through 04,06,08; 322. 01 through 04,06,08; 326 01 through 04,06,08; 327. 01 through 04,06,08; 328. 01 through 04,06,08.

Apparel products in Categories 39 through 63 made from handloomed fabrics of the cottage industry of India, not wholly by hand, and which are accompanied by an elephant-shaped certification, shall be permitted entry up to a level of 3 million dozen during the twelve-month period beginning on October 1, 1976 and extending through September 30, 1977, pursuant to the directive of March 16, 1976.

In carrying out this directive, entries of cotton textiles and cotton textile products in the foregoing categories, produced or manufactured in India and exported to the United States prior to October 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1975 through September 30, 1976. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

With the exception of apparel products in Categories 39 through 63, made from handloomed fabrics of the cottage industry, not wholly by hand, which are accompanied by the elephant-shaped certification, the levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of August 6, 1974, as amended, between the Governments of the United States and India which provide, in part, that: (1) within the aggregate and group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 10 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 1, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textiles and cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs func-

[7] This order was submitted to the President on September 15, 1976.

tions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-28905 Filed 2-9-76;9:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 624-5; PFT15]

AMERICAN CYANAMID CO.

Filing of Food Additive Petition

American Cyanamid Co., Agricultural Div., PO Box 400, Princeton, NJ 08540, has submitted a petition (FAP 6H5146) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 193.260 by establishing a food additive regulation permitting the use of the insecticide malathion in a proposed experimental program involving application of the insecticide in crack and crevice treatment in food service establishments, and for general treatment of food manufacturing establishments and food processing establishments with a tolerance limitation of 2 parts per million for residues of the insecticide in food and intermediate food products.

Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 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 should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5146." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 23, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-28511 Filed 9-29-76;8:45 am]

[FRL 624-4; PF44A]

BASF WYANDOTTE CORP. AND THOMPSON-HAYWARD CHEMICAL CO.

Filing of Pesticide Petitions; Correction

In FR Doc 76-24707, appearing at page 35758 in the issue of Tuesday, August 24, 1976, in the filing for PP 6F1832, the proposed analytical method for determining residues reading "a high-pressure liquid chromatographic procedure using UV spectrometry", should be corrected to read "a procedure in which the insecticide is hydrolized to form 4-chloroaniline. The hydrolysis product is then derivatized with heptafluorobutyric anhydride to form 4-chloro - N - (heptafluorobutryl) -anilide which is detected by gas chromatography with a ^{63}Ni electron capture detector".

Dated: September 22, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-28510 Filed 9-29-76;8:45 am]

[FRL 624-6; OPP-50085A]

UNITED STATES DEPARTMENT OF AGRICULTURE

Issuance of Experimental Use Permit To Use DDT on Cotton in Mississippi

On May 5, 1976, the Environmental Protection Agency (EPA) announced in the FEDERAL REGISTER (41 FR 18543) the receipt of an application from the Agricultural Research Service of the U.S. Department of Agriculture (USDA) for an experimental use permit allowing the use of approximately 250 pounds of DDT and approximately 500 pounds of toxaphene in a DDT/toxaphene formulation; this formulation would be applied to 60 acres of an instrumented watershed at Clarksdale, Mississippi. The permit was requested to evaluate post-application movement of DDT when applied to cotton. Since the Administrator, EPA, determined that issuance of the permit might be of regional or national significance, interested parties were invited to submit written comments regarding the application. A total of seven (7) comments were received, five of which supported the application.

The comments were received from another Federal agency, environmental groups, universities, an industrial organization, and a private citizen. The comments opposing issuance stated, among other things, that (1) the USDA failed to justify the need for the experimental program; (2) the USDA was not in compliance with the section 5 regulations under the amended Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and (3) a likely and critical result of granting this request for DDT experimentation on cotton would be to undermine the establishment of a newly-registered nuclear polyhedrosis virus and the innovative work being done on other promising, more specific alternatives.

However, it is the Agency's opinion that, while much of the data which is to be developed under this program has been previously gathered in terms of laboratory experiments, field data on volatilization of DDT are not generally available. While other chemicals might be used as a bench-mark for persistent low volatile compounds, the Agency agrees that there is an advantage in the large body of knowledge already available on DDT. The USDA emphasized that it hoped to establish a data base for model building or other techniques by which projections may be made; USDA feels that the probable confirmations of present estimates of the environment problems caused by DDT will be of much value in assessing the continued impact of DDT residues still remaining from past usage. The results could also be of great value in forecasting the environmental consequences of the continued use of the material in other parts of the world. Although section 5(a) of the amended FIFRA indicates that the Administrator may issue an experimental use permit if he determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide under the section 3 regulations, section 5(g) states:

> Notwithstanding the foregoing provisions of this section, the Administrator may issue an experimental use permit for a pesticide to any public or private agricultural research agency or educational institution which applies for such permit * * *. Such permit shall be issued under such terms and conditions restricting the use of the pesticide as the Administrator may require: *Provided*, That such pesticide may be used only by such research agency or educational institution for purposes of experimentation

Finally, it was considered that the environmental effects would be negligible for this 60-acre instrumented program in comparison to three (3) decades of DDT use. In addition, it was felt that no other pesticide could serve as well because DDT has properties especially desirable for this study, such as low solubility in water, low rate of volatilization, and long persistence.

Therefore, although approval of the experimental use permit based on section 5(a) could not be given, the Agency feels that the request for the experimental program is consistent with section 5(g) of the amended FIFRA. Based on the comments received and other available information, an experimental use permit has been issued to the Agricultural Research Service, USDA, Washington, DC 20250. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172 (section 5); Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11312-EUP-6) allows the use of DDT formulated in a mixture with toxaphene (1:2); the quantity of material authorized is as follows: 250 pounds DDT and 500 pounds toxaphene. This quantity represents twice the amount intended for actual application; this is to provide for reapplication in case a natural disaster negates the original application. A total of 60 acres is involved; the program is authorized only in the State of Mississippi. The experimental use permit is effective from August 18, 1976, to August 18, 1977. A permanent tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.138 and 180.147).

Interested parties wishing to review the experimental use permit are referred to

Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 22, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-28512 Filed 9-29-76;8:45 am]

[FRL 624-3; PP3G1381/T84]

2,4-DICHLOROPHENYL P-NITROPHENYL ETHER

Reextension of a Temporary Tolerance

On September 9, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 41835) that the 0.1 part per million (ppm) temporary tolerance for combined residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities wheat grain and wheat straw that had been established in response to a pesticide petition (PP 3G1381) submitted by Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105, was extended until October 4, 1976.

Rohm and Haas Co. has requested a one-year extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The scientific data reported and all other relevant material having been evaluated, it has been determined that an extension of the temporary tolerance will protect the public health, and it is concluded, therefore, that the temporary tolerance be extended on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires October 4, 1977. Residues in or on wheat grain and wheat straw not in excess of 0.1 ppm remaining after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such a revocation is necessary to protect the public health.

Dated: September 23, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-28509 Filed 9-29-76;8:45 am]

[FRL 624-7; OPP-50257]

E. I. DUPONT DE NEMOURS AND CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 352-EUP-91. E. I. DuPont de Nemours and Company, Wilmington, Delaware 19898. This experimental use permit allows the use of 5,400 pounds of the herbicide 3-Cyclohexyl - 6 - (dimethylamino) -1-methyl-1,3,5-triazine-2,4(1H,3H)-dione and 4,640 pounds of the herbicide diuron on sugarcane to evaluate pre- and post-emergence control of a large variety of weeds. A total of 3,800 acres is involved; the program is authorized only in the States of Florida, Hawaii, Louisiana, Texas, and Puerto Rico. The experimental use permit is effective from September 3, 1976, to September 3, 1977. A temporary tolerance for residues of the active ingredient in or on sugarcane has been established.

No. 748-EUP-9. PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. This experimental use permit allows the use of the remaining supply of 84,150 pounds of the fungicide sodium azide authorized in a previous experimental use permit; the pesticide will be used on green beans, tomatoes, and potatoes to evaluate control of Rhizoctonia, Pythium, Verticillium, and Fusarium. A total of 4,000 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from September 19, 1976, to March 1, 1977. Temporary tolerances for residues of the active ingredient in or on green beans, tomatoes, and potatoes have been established.

No. 1471-EUP-48. Elanco Products Company, Indianapolis, Indiana 46206. This experimental use permit allows the use of 455.5 pounds of the herbicide N-[[4-[Dipropylamino]-3,5-dinitrophenyl]sulfonyl] - S,S - dimethylsulfilimine on turfgrasses to evaluate control of crabgrass. A total of 201.5 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Nevada, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. The experimental use permit is effective from September 9, 1976, to September 9, 1977.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 22, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-28513 Filed 9-29-76;8:45 am]

[FRL 624-1]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to the State of Indiana

Pursuant to section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance on December 23, 1971 (36 FR 24876), and on March 8, 1974 (39 FR 9308), for five categories and seven categories of new stationary sources (NSPS), respectively. On April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112 (d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On July 23, 1973, the Regional Administrator, Region V, EPA, forwarded to the State of Indiana information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for NSPS and NESHAPS. On March 6, 1974, the Governor of Indiana submitted a request to the EPA, Region V office for delegation of authority to the Indiana Air Pollution Control Board (IAPCB). On December 3, 1974, and January 23, 1975, the IAPCB provided supplemental material; additionally on February 28, 1975, the IAPCB clarified the delegation request to include all twelve (12) categories of new sources in addition to the three hazardous emission standards. Included in the request was a description of the procedures to be utilized by the State in exercising the delegated authority. Also included were copies of the State law and regulations which provide the State

with the requisite authority to implement and enforce the NSPS and NESHAPS. After a thorough review of that request, the Regional Administrator has determined that delegation is appropriate for the source categories set forth in paragraphs (A) and (B) of the following official letter to the Governor of Indiana, subject to the terms set forth in conditions 1 through 10 of that letter:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable OTIS R. BOWEN, M.D.,
Governor of Indiana,
Indianapolis, Indiana 46204.

DEAR GOVERNOR BOWEN: This office has reviewed your March 6, 1974 submittal and the supplemental material provided by the Indiana Air Pollution Control Board on December 3, 1974; January 23, 1975; and February 28, 1975; all of which constitutes a request for delegation of authority to the State of Indiana for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

We have reviewed the submitted material, including pertinent laws and regulations of the State of Indiana, and have consulted with members of your Air Pollution Control Agency on May 30, 1974 and October 18, 1974. It has been determined that the State of Indiana has an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS. Therefore, subject to the specific conditions and exceptions set forth below, we hereby grant delegation of authority to implement and enforce the NSPS and NESHAPS to the State of Indiana as follows:

A. Authority for all sources located in the State of Indiana subject to the standards of performance for new stationary sources published in 40 CFR Part 60,[1] Subparts D through O as amended by 40 FR 46250 October 6, 1975 and 40 FR 58416 December 16, 1975. The 12 categories of new sources covered by the delegation are fossil fuel-fired steam generator units greater than 250 million BTUs per hour, incinerator units greater than 50 tons per day, portland cement plants, nitric acid plants, sulfuric acid plants, asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary brass and bronze ingot production plants, iron and steel plants, secondary lead smelters and sewage treatment plants.

B. Authority for all sources located in the State of Indiana subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61, Subparts B through E, as amended by 40 FR 48292, October 14, 1975. The three hazardous air pollutants covered by the delegation are asbestos, beryllium and mercury.

These delegations are based upon the following conditions:

1. Acceptance of this delegation of the presently promulgated NSPS and NESHAPS does not commit the State of Indiana to request or accept delegation of future standards and requirements for other source categories or pollutants. A new request for delegation will be required for such standards not included in the State's request of February 28, 1975.

2. Upon approval of the Regional Administrator of Region V, the Technical Secretary of the Indiana Air Pollution Control Board may subdelegate his authority to implement and enforce the NSPS and NESHAPS to other air pollution control agencies in the State when the agencies have demonstrated that they have equivalent or more stringent programs in force.

3. Since the two year period in which USEPA may grant waivers from compliance with NESHAPS has expired, EPA, Region V can not delegate waiver granting authority. Therefore, the State of Indiana will at no time grant a waiver of compliance with NESHAPS.

4. This delegation to the State of Indiana does not include the authority to implement and enforce NSPS and NESHAPS for sources owned or operated by the United States which are located in the State. This condition in no way relieves any Federal facility from meeting NSPS and NESHAPS.

5. Federal NSPS and NESHAPS (40 CFR Parts 60 and 61 as amended) do not have provisions for granting variances, hence this delegation does not convey authority to the State of Indiana to grant variances.

6. The Indiana Air Pollution Control Board and EPA, Region V will develop a system of communication for the purpose of insuring that each office is informed on (a) the current compliance status of subject sources in the State of Indiana, (b) the interpretation of applicable regulations, and (c) the description of sources and source inventory data.

7. At no time shall the State of Indiana enforce a State regulation less stringent than the Federal requirements for NSPS and NESHAPS (40 CFR Parts 60 and 61 as amended).

8. Enforcement of the NSPS and NESHAPS in the State of Indiana will be the primary responsibility of the State of Indiana. If, after appropriate discussion with the Indiana Air Pollution Control Board, the Regional Administrator determines that a State procedure for implementing and enforcing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Governor of the State of Indiana.

9. If the State of Indiana determines that a violation of a delegated NSPS and NESHAPS exists, the Indiana Air Pollution Control Board shall immediately notify EPA, Region V, of the nature of the violation together with a brief description of State efforts or strategy to secure compliance. EPA may exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended, with regard to any violations of the NSPS and NESHAPS regulations.

10. The Indiana Air Pollution Control Board will utilize the methods specified in 40 CFR Parts 60 and 61 as amended by 40 FR 46250 October 6, 1975 and 40 FR 48292 October 14, 1975 in performing source test pursuant to the regulations.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS from sources located in the State of Indiana shall be submitted to the Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206, as well as the EPA Region V Office. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) will be submitted to the State Agency only. Any such reports which have been or may be received by EPA, Region V, will be promptly transmitted to the Indiana Air Pollution Control Board.

Although this delegation is effective immediately, and although there is no requirement that the State notify EPA of its acceptance, we would appreciate written notice of acceptance or objection to the above conditions within 15 days of the date of receipt of this letter. Should no notice be received, we will proceed with public notice of the delegation in the FEDERAL REGISTER.

Sincerely yours,

GEORGE R. ALEXANDER, JR.,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Governor of Indiana on April 21, 1976, that authority to implement and enforce the standards of performance for new stationary sources and the national emission standards for hazardous air pollutants was delegated to the State of Indiana.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region V Office, 230 South Dearborn Street, Chicago, Illinois 60604.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources and the national emission standards for hazardous air pollutants for sources and pollutants listed in the above letter should be submitted to the EPA Region V Office and should also be submitted to the State Agency at the following address: Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the State Agency only.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended. 42 U.S.C.

GEORGE R. ALEXANDER, JR.,
Regional Administrator.

[FR Doc.76-28508, Filed 9-29-76;8:45 a.m.]

[1] All references to the CFR in this delegation refer to the Code of Federal Regulations revised as of July 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-274]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

SEPTEMBER 27, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

AMENDMENT

East Bank Cable TV, Inc., Kenner, Louisiana. For authority to modify its Certificates of Compliance and requesting authority to carry Station WTCG–TV, Channel 17, Atlanta, Georgia.

497–DSE–ML–76 Added Attractions, Inc. (KB71). Grand Island, Nebraska. Modification of license for authority to receive the signal of Station WTCG–TV, Channel 17, Atlanta, Georgia, from RCA SATCOM II at such time as the signal becomes available from that source.

498–DSE–P–76 Minot Cable System, Minot, North Dakota. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 48°12'42", Long. 101°17'24". Rec. freq.: 3700–4200 GHz. Emission (none listed). With a 10 meter antenna.

499–DSE–P–76 Western Tele-Communications, Inc., Knoxville, Tennessee. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 36°00'03", Long. 83°57'05". Rec. freq.: 3700–4200 GHz. Emission (none listed). With a 10 meter antenna.

501–DSE–P–76 Western Tele-Communications, Inc., Lookout Mtn., Colorado. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 47°30'09", Long. 122°17'37". Rec. freq.: 3700–4200 GHz. Emission (none listed). With a 10 meter antenna.

502–DSE–P/L–76 RCA American Communications, Inc., Barking Sands, Hawaii. For authority to construct, operate and establish channels of communication by means of a communications satellite earth station at this location, for operation with a domestic communication satellite system. Lat. 22°01'47", Long. 159°47'07". Rec. freq.: 3700–4200 MHz. Trans. freq.: 5945–6005–6045–6065–6125–6145 & 6405 MHz. Emissions 14000F9, 16000F9, 6000F9, 36000F9, 18000F9 & 36000F9. With a 10 meter antenna.

[FR Doc.76–28643 Filed 9–29–76;8:45 am]

[FCC 76–883]

SINGLE NOTICE PROVISION OF SPORTS PROGRAM

Deletion Rule Affirmed

SEPTEMBER 24, 1976.

With the onset of the professional football season, and in light of some apparent confusion, the Commission wishes to affirm for cable television operators, TV broadcasters and sports interests the applicability of the "blackout" notice provisions in §§ 76.67 (b) and (c) of the rules. The substance of the rule is found in § 76.67(a):

> No cable television system located in whole or in part within the specified zone of a television broadcast station licensed to a community in which a sports event is taking place, shall, on request of the holder of the broadcast rights to that event, or its agent, carry the live television broadcast of that event if the event is not available live on a television broadcast signal carried by the system pursuant to the mandatory signal carriage rules of this part.

Currently, in the case of televised professional football games, the Commissioner of the National Football League has agreed to carry out the provisions of now-expired Pub. L. 93–107, 47 U.S.C. 331, by allowing to be televised in a team's home market games which are sold out 72 hours in advance of starting time. We wish to state the applicability of § 76.67 (c) to the case of a game—previously announced as "blacked out" in a home team's market—which later becomes available for television because it is sold out.

Specifically, § 76.67(c) requires that notice of a sports event to be blacked out must be received by the cable systems in the affected market no later than the Monday preceding the calendar week (Sunday through Saturday) during which the program deletion is to be made. There is no express requirement that any further notice be given the cable operator by the holder of the sports broadcast rights, even though changed circumstances—such as a sell out crowd—change the TV status of the game from blacked out to available.

This is understandable, since in the usual case the direct effect of the change is felt by the local broadcast station which has the right to carry the game. Thus, ordinarily, the cable system simply is engaged in mandatory retransmission of that station's signal, as contemplated in § 76.67(a). Even if the cable system would benefit by advance knowledge of the change in the game's availability, this information appears easy to come by. We understand that when a game is sold out 72 hours in advance, this fact is widely disseminated in print and broadcast media. Naturally, a cable system is free to contact a holder of sports broadcast rights if it has any doubt as to the availability of a game for which it has any doubt as to the availability of a game for which it prevously has received black out notice under § 76.67(c).

The present rule is clear and unambiguous. We expect cable operators and other affected parties to adhere to it.

Action by the Commission September 23, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Fogarty.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–28644 Filed 9–29–76;8:45 am]

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE WARC–79 SATELLITE BROADCASTING SERVICE GROUP

Cancellation of Meeting and Establishment of New Meeting Date

SEPTEMBER 27, 1976.

The meeting of the WARC–79 Satellite Broadcasting Service Group previously scheduled for September 30, 1976 has been cancelled. Instead, the meeting of the Group has been rescheduled for Thursday, October 21, 1976 from 9:30 a.m. to 12:00 p.m. in Room 6331 of the Commission's offices located at 2025 "M" Street, N.W., Washington, D.C. 20554.

The Agenda will include the following:

1. Call to Order by the Chairman
2. Announcements
3. Approval of Minutes of last meeting
4. Reports of Task Groups
5. Further Discussion
6. Next Meeting Date and Adjournment

Chairman: Edward E. Reinhart
FCC Liaison: Charles H. Breig

The above meeting is open to broadcast industry representatives and interested members of the general public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–28645 Filed 9–29–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FUEL RESOURCES DEVELOPMENT CO.

Action Taken on Consent Order

Pursuant to 10 CFR 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order.

Under the terms of 10 CFR 205.197(c), no Consent Order involving sums in excess of $500,000 shall become effective until FEA publishes notice of its execution and solicits and considers public comments with respect to its terms. On July 19, 1976, FEA published notice of a Consent Order which was executed between Fuel Resources Development Company (Fuelco) and FEA (41 FR 29747 (July 19, 1976)). With that notice, and in accordance with 10 CFR 205.197 (c), FEA invited interested persons to comment on the Consent Order. A press release in conformity with 10 CFR 205.197(c) was issued simultaneously therewith.

No comments were received from any party concerning this Consent Order and, therefore, FEA has concluded that the Consent Order as executed between FEA and Fuelco is an appropriate resolution of the compliance proceedings described in the Notice published on July 19, 1976, and hereby gives Notice that the Consent Order shall become effective as proposed, without modification, September 30, 1976.

Issued in Washington, D.C., September 27, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–28620 Filed 9–27–76;1:52 p.m.]

OFFICE OF EXCEPTIONS AND APPEALS

Issuance of Decisions and Orders as of Week of August 16 through August 20, 1976

Notice is hereby given that during the week of August 16 through August 20, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the

Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Boston Gas Co.; Washington, D.C., FEA–0867; Propane

The Boston Gas Company (Boston Gas) filed an Appeal from a Decision and Order in which the FEA rescinded a previous exception which had been granted to the firm by FEA Region I on March 8, 1974. *Boston Gas Company*, 3 FEA Par. 87,026 (May 27, 1976). Under the terms of the March 8, 1974 Order, Boston Gas had been permitted to use propane as a feedstock for a synthetic natural gas (SNG) plant which it operates in Everett, Massachusetts. The Appeal if granted, would reverse the May 27, 1976 Order and reinstate the March 8, 1974 exception. In its submission Boston Gas contended that the FEA lacks the authority to revoke the March 8, 1974 exception, and that, even if it does have that authority, the FEA is estopped from rescinding the exception since Boston Gas has taken significant actions in reliance on the continuation of that relief. In considering the Appeal, the FEA observed that an exception is not a permanent waiver of the requirements of the FEA Regulations, and that it remains in effect only so long as it is necessary to alleviate or prevent the serious hardship or gross inequity which was found to exist. Since the underlying basis of the March 8, 1974 exception granted to Boston Gas was significantly altered upon the promulgation of the comprehensive regulatory program for SNG feedstock allocations set forth in 10 CFR 211.29, it was proper for the FEA to have reviewed that Order and determined that it was no longer necessary. The FEA also found that the applicable regulations now provide adequate administrative procedures through which Boston Gas may obtain an appropriate allocation of feedstock for its SNG plant, and the firm's claim that it may in some manner suffer an injury as a result of the requirement that it now pursue those procedures was highly speculative. Finally, the FEA determined that Boston Gas had submitted no evidence in its Appeal to support its contention that its right to procedural due process of law has been violated during any of the prior proceedings. The FEA therefore denied the Boston Gas Appeal.

Crystal Oil Co.; Washington, D.C.; FEA–0865; Refined Petroleum Products

The Crystal Oil Company (Crystal) filed an Appeal from a Decision and Order issued to it by the FEA. *Crystal Oil Company*, 3 FEA Par. 83,206 (May 24, 1976). In the Order which it issued the FEA approved exception relief which permitted Crystal to allocate the increased crude oil costs and non-product costs which it incurs in proportion to refinery yields rather than in proportion to product sales. Retroactive exception relief was also approved with respect to Crystal's cost allocation activities in the past. In its Appeal, Crystal requested additional retroacitve exception relief. In considering the Crystal Appeal, the FEA found that any possible uncertainty which Crystal might have encountered as to the proper method of allocating increased costs was dispelled by a Decision and Order which the FEA issued to Pasco, Inc. on July 3, 1975, which clearly set forth the proper interpretation of the applicable regulatory provisions. *Pasco, Inc.*, 2 FEA Par. 80,628 (July 3, 1975). Crystal presented no evidence in its Appeal which satisfactorily explained its failure to submit its exception application on a timely basis after the publication of the *Pasco* Decision or otherwise justified its continued violations of the applicable FEA Regulations subsequent to July 1975. The FEA further determined that if Crystal's request for exception relief for the period subsequent to July 1975 were approved the Agency would not only be in the position of condoning and ratifying the firm's illegal conduct, but the incentive which Crystal and other similar firms have to learn the applicable law and, where necessary, to seek administrative relief in a timely manner would also be significantly diminished. The FEA also determined that Crystal's reliance on *Vickers Petroleum Corp.*, 2 FEA Par. 83,351 (November 7, 1975) as a precedent for full retroactive relief was misplaced, because unlike Vickers, Crystal had continued to violate the provisions of the FEA Regulations subsequent to receiving notice of the proper interpretation of those regualtions and did not seek administrative relief in a timely fashion. Finally, the FEA found that Crystal had failed to demonstrate that the May 24 Decision and Order was procedurally defective in any manner or that any undue administrative delay had occurred in processing the firm's exception application which would justify additional exception relief. The FEA therefore denied Crystal's Appeal.

State of New Hampshire; Concord, New Hampshire; FEA–0910; Freedom of Information

The Attorney General of the State of New Hampshire appealed from an Order issued to it by the Information Access Officer of the FEA which denied in part a Request for Information which the State had filed under the Freedom of Information Act, 5 U.S.C. 552 (the Act). In its Request for Information, the State sought all documents related to the FEA's issuance of a Prohibition Order order to the Public Service Company of New Hampshire under the Energy Supply and Environmental Coordination Act (ESECA). In the Order which was issued, the Information Access Officer released 38 documents to the State, but withheld six entire documents and portions of four other documents on the grounds that the material withheld were intra-agency memoranda which were exempt from mandatory public disclosure under section 552(b)(5) of the Act. In considering the Appeal, the FEA noted that the Federal courts have consistently held that intra-agency memoranda which are pre-decisional in nature and reflect the agency's group thinking in the process of working out its policy are subject to the exemption of the Act. The FEA determined that all of the material withheld from the State fell into that exempt category since they were consisted of pre-decisional intra-agency documents which set forth issues, discussed alternative courses of action and offered recommendations as to various policy decisions which should be reached. However, the FEA also found that portions of two other documents withheld had previously been released to a firm, and it was therefore not in the public interest to withhold those two documents from the State. The FEA accordingly ordered that those two documents be released.

REQUESTS FOR EXCEPTION

Breckenridge Gasoline Co.; Breckenridge, Texas; FEE–2637; Natural Gas Liquid Products

Breckenridge Gasoline Company (Breckenridge) filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices which it charges for natural gas liquid products at its Eliasville and Lodi natural gas processing plants. In considering Breckenridge's exception request, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased materially in excess of the $.005 per gallon passthrough permitted under Section 212.165. *See Superior Oil Co.*, 2 FEA Par 80, 271 (August 29, 1975). The FEA determined that Breckenridge had made such a showing with respect to its Eliasville and Lodi plants and granted the firm excepiton relief for those plants for the period August 19, 1976 through December 31, 1976.

Cotton Petroleum Corp.; Denver, Colorado; FEE–2497; Crude Oil

Cotton Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the working interest owners of the North Goose Lake Unit to sell a sufficient quantity of crude oil produced from the Unit at upper tier ceiling prices to enable them to recover the increased operating expenses which they have incurred since May 15, 1973. Cotton also requested that any exception relief granted to the working interests also be applicable to the royalty interest owners in order to permit the working interests to comply with certain provisions of a unitization agreement applicable to the property. In considering Cotton's exception application, the FEA noted that the revenues which the firm will receive from continuing to operate the Unit exceed its costs and the working interests of the Unit therefore have a clear economic incentive to continue production from the property. The FEA also found that Cotton failed to substantiate its claim that additional capital expenditures were necessary to enable it to continue the waterflood project on the Unit. In addition, Cotton failed to provide any data to substantiate its contention that under current FEA Price Regulations the working interests have an economic incentive to close certain marginal wells or abandon the waterflood project. The Application for Exception which Cotton filed was accordingly denied.

Doric Petroleum, Inc.; Oklahoma City, Oklahoma; FEE–2772; Natural Gas Liquid Products

Doric Petroleum, Inc. (Doric) filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the non-product costs which it calculates pursuant to Section 212.165 for the natural gas liquid products produced at its New Castle natural gas processing plant. In considering Doric's exception application, the FEA determined that since the increase was less than $.005 per gallon the amount of nonproduct unit cost increases which the firm experienced was not material for the purposes of the exception process. Accordingly, the request for exception was denied.

Double U Oil Co.; San Antonio, Texas; FEE–2477; Crude Oil

The Double U Oil Company (Double U) filed an Application for Exception from the provisions of 10 CFR 211.63(b) which, if granted, would permit the firm to terminate its crude oil supplier/purchaser relationship with the Tesoro Petroleum Corporation (Tesoro) which was in effect on January 1, 1976. The firm further requested that the relief requested be made retroactive to August 31, 1975. Under the provisions of § 211.63(b) which are currently in effect, Double U is required to sell all of the crude oil which it produces from the Big Wells Field in Dimmit County, Texas to Tesoro. In considering the request for prospective exception relief, have agreed to a procedure which, if adhered to, will resolve the dispute between the firms as to the proper calculation of the lower tier ceiling price which is applicable to the crude oil involved. Since that settlement will re-

solve the situation which led Double U to file its request for prospective exception relief the FEA dismissed Double's request for prospective exception relief without prejudice. With respect to Double U's request for retroactive exception relief, the FEA found that the firm had failed to demonstrate that it would experience irreparable injury in the absence of retroactive relief and accordingly denied that portion of Double U's request.

Mar-Low Corp.; Lafayette, Louisiana; FEE–2725; Crude Oil

The Mar-Low Corporation (Mar-Low) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the exception relief previously granted to the firm and thereby permit Mar-Low to continue to sell a portion of the crude oil produced from the West Tepatate Field at upper tier ceiling prices. *Mar-Low Corp.*, 3 FEA Par. 83,132 (March 19, 1976). In considering Mar-Low's exception request, the FEA determined that the Field was continuing to experience increased operating costs and the working interest owners consequently lacked an incentive to maintain the production and sale of crude oil from the property at the lower tier ceiling price. In view of this determination and on the basis of the operating data which the firm had submitted for its most recently completed fiscal period, the FEA concluded that the exception relief previously granted should be extended to permit Mar-Low to sell 100 percent of the crude oil produced from the West Tepatate Field for the benefit of the working interest owners at upper tier ceiling prices for an additional six month period.

Mar-Low Corp.; Lafayette, Louisiana; FEE–2726; Crude Oil

Mar-Low Corporation (Mar-Low) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the exception relief previously granted to the firm and thereby permit Mar-Low to continue to sell a portion of the crude oil produced from the Maxie Broussard #1–D well at upper tier ceiling prices. *Mar-Low Corp.*, 3 FEA Par. 83,133 (March 19, 1976). In considering Mar-Low's exception request, the FEA determined that the Well was continuing to experience increased operating costs and the working interest owners lacked an incentive to maintain the production and sale of crude oil from the property at the lower tier ceiling price. In view of this determination and on the basis of the operating data which the firm had submitted for the most recently completed fiscal period, the FEA concluded that the exception relief previously granted should be extended to permit Mar-Low to sell 55.02 percent of the crude oil produced from the Maxie Broussard #1–D well for the benefit of the working interest owners at upper tier ceiling prices for an additional six month period.

McIntosh Propane, Inc.; McIntosh, South Dakota; FEE–2475; Propane

McIntosh Propane, Inc. (McIntosh) filed an Application for Exception from the provisions of 10 CFR 211.9. The request, if granted, would result in the assignment of Solar Gas, Inc. (Solar) as McIntosh's new base period supplier of propane to replace the Petrolane Intermountain Supply Co. Solar would also be directed to furnish McIntosh with its base period use of propane. In considering the Application, the FEA noted that in previous, similar cases exception relief has generally been denied where the applicant was able to purchase adequate supplies of surplus product from a supplier other than its base period supplier and was not therefore adversely affected by the requirements of Section 211.9. With respect to the situation encountered by McIntosh, the FEA determined that the firm was purchasing its total current supply requirements from Solar and was doing so at favorable prices. The FEA further found that neither McIntosh nor Solar provided any evidence to indicate that McIntosh's supply situation might be altered in the foreseeable future. The exception application was therefore denied.

Multnomah County, Oregon; Portland, Oregon; FEE–2840; Motor Gasoline

The County Counsel of Multnomah County, Oregon filed an Application for Exception from the provisions of the FEA Mandatory Petroleum Price Regulations. The exception request, if granted, would permit refiners, resellers and retailers of motor vehicle fuel operating in Multnomah County, to increase their selling prices to reflect a license tax imposed by the County on sellers of motor vehicle fuel. In considering the exception request, the FEA determined that the tax which the county proposes to levy is directly patterned after the motor vehicle fuel license tax imposed by the State of Oregon. In a previous proceeding, exception relief was approved which permitted the tax imposed by the State of Oregon to be reflected in the prices of motor fuel sold in the State. State of Oregon, 2 FEA Par. 83,320 (October 3, 1975). In that case the FEA determined that the burden to the State of either foregoing the tax increase or revamping its tax structure so outweighed any possible benefits as to result in a gross inequity to the State which warranted exception relief. Since the circumstances presented in the County's request for exception are very similar, the FEA granted the County exception relief on the basis of the previous precedent.

National Cooperative Refinery Association; McPherson, Kansas; FEE–2413; Covered Petroleum Products

The National Cooperative Refinery Association (NCRA) filed an Application for Exception from the FEA Mandatory Petroleum Price Regulations. The exemption request, if granted, would permit NCRA to increase its current selling prices for covered products to reflect non-product costs which it was unable to recover in 1974 as a result of its failure to fulfill the prenotification requirements which were in effect at that time under 10 CFR Part 212, Subpart I. In considering the firm's request, the FEA determined that the requirements in effect during 1974 that NCRA prenotify the FEA prior to instituting a price increase to reflect non-product cost increases was applicable to all refiners. The FEA also found that NCRA had presented no information in its exception application to demonstrate that it was uniquely or disproportionately affected by the provisions of Part 212, Subpart I. NCRA also failed to demonstrate that the FEA price regulations have adversely affected the investment capability or the overall profitability of the firm. The FEA therefore concluded the NCRA had failed to show that its inability to pass though the non-product costs which the firm incurred during 1974 resulted in a serious hardship or a gross inequity. NCRA's exception application was therefore denied.

Oil Development Corp. of Texas; Amarillo, Texas; FEE–2645; Natural Gas Liquid Products

The Oil Development Corporation of Texas (ODC) filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit ODC to increase the prices of the products produced by its natural gas processing plant in Tarzan, Texas in order to reflect the non-product cost increases which it had experienced. In considering ODC's Application, the FEA determined that between its fiscal quarter including May 15, 1973, and the first calendar quarter of 1976, ODC incurred non-product cost increases which exceeded the maximum permissible passthrough of $.005 permitted by 10 CFR 212.165. The FEA therefore concluded that the magnitude of the non-product cost increases which ODC incurred was material, and the showing made by the firm satisfies the criteria for the approval of exception relief established in previous similar cases. The FEA therefore approved exception relief to permit ODC to increase the selling prices of the natural gas liquid products produced at its Tarzan, Texas plant to recover the non-product cost increases incurred by the firm in excess of $.005 per gallon.

Payton Oil Co.; Stillwater, Oklahoma; FEE–2318; Motor Gasoline

Payton Oil Company (Payton) filed an application for Exception from the provisions of 10 CFR 212.93 which, if granted, would permit Payton to increase its selling prices for motor gasoline and diesel fuel in excess of the maximum permissible levels computed pursuant to § 212.93. Payton also requested relief retroactive to August 1973 to permit the firm to retain revenues which it previously obtained by charging unlawful prices. In considering the exception request, the FEA determined that Payton has operated at a net loss since 1973 and that an anticipated change in product mix by its base period supplier will exacerbate its present financial difficulties. The FEA determined that to the extent FEA Regulations prevent Payton from selling motor gasoline at price levels equal to the average competitive price in its marketing area, the regulations contribute to the firm's severe financial difficulties and unless Payton is granted exception relief, a strong possibility exists that the firm will be forced to terminate its business activities. Based on these considerations, the FEA granted exception relief to Payton to permit it to realize markups on its sales of covered products which are equivalent to the prevailing market situation. In order to effectuate the relief, the FEA permitted Payton to increase its maximum permissible prices by 1.98 cents per gallon for regular gasoline and 1.92 cents per gallon for premium gasoline. In considering the firm's request for retroactive exception relief, the FEA determined that Payton had not made a showing that it would incur an irreparable injury in the absence of such relief. Payton's request for retroactive exception relief was therefore denied.

Petronomics, Inc.; Houston, Texas; FEE–2614; Crude Oil

Petronomics, Inc. (Petronomics) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, which, if granted, would have permitted it to charge upper tier ceiling prices for a portion of the old crude oil produced from a property located in Liberty County, Texas. The exception relief requested would also have enabled the firm to recover revenues which it failed to realize during 1975 as a result of a cumulative deficiency in the base production control level which accrued following extensive flooding of the property. In considering the exception request, the FEA determined that Petronomics had failed to show that exception relief is necessary in order to maintain or increase production of crude oil from the property. The FEA also found that Petronomics had made no showing that the

continuation of its crude oil extraction operation on the property would be endangered in the absence of exception relief, or that the requirements which the FEA regulatory program impose on the firm were disproportionate to those generally experienced by other crude oil producers. The Application for Exception was accordingly denied.

Rothschild Oil Co.; Santa Fe Springs, California; FEE–2379; Crude Oil

The Rothschild Oil Company (Rothschild) filed an Application for Exception from the provisions of 10 CFR Part 212, which if granted, would permit Rothschild to sell crude oil produced from the Mennanite Church Lease No. 1 at upper tier ceiling prices. In considering Rothschild's Application, the FEA determined that the cost of producing crude oil from the lease had increased significantly in 1974 and 1975. The FEA also found that as a result of the cost increases, the firm's production costs exceed the lower tier ceiling price which Rothschild is permitted to charge and consequently, Rothschild does not have an economic incentive to continue to operate the lease. On the basis of previous decisions in similar cases the FEA granted exception relief to Rothschild which permits the firm to sell 80.2083 percent of the crude oil produced from the lease for the benefit of the working interest owners at upper tier ceiling prices.

Shell Oil Co.; Houston, Texas; FEE–2561 (Black Bayou), FEE–2562 (North Rincon), FEE–2563 (Sea Robin), FEE–2564 (Seeligson); Natural Gas Liquids

Shell Oil Company (Shell) filed Applications for Exception from the provisions of 10 CFR 212.165, which, if granted, would permit the firm to increase the prices which it is permitted to charge for natural gas liquids and natural gas liquid products produced its Black Bayou, North Rincon, Sea Robin, and Seeligson gas processing plants. In considering these applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the nonproduct costs which it has experienced since May 1973 have increased materially in excess of the $.005 per gallon passthrough permitted under Section 212.165. *See Superior Oil Co.,* 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Shell had made such a showing with respect to its Black Bayou, North Rincon, Sea Robin, and Seeligson plants and granted the firm exception relief for those plants for the period August 19, 1976 through September 30, 1976.

Sid Richardson Carbon & Gasoline Co.; Fort Worth, Texas; FEE–2776; Natural Gas Liquid Products

Sid Richardson Carbon and Gasoline Company (Richardson) filed an Application for Exception in which it requested that the exception relief previously granted to the firm by the FEA be extended for an additional period of time. *Sid Richardson Carbon and Gasoline Co.,* 3 FEA Par. 83,170 (April 23, 1976). In the prior determination, the FEA found that Richardson would experience a gross inequity as a result of the provisions of 10 CFR 212.165 and that exception relief should therefore be granted to permit the firm to increase the prices which it charges for natural gas liquid products at its Keystone natural gas processing plant. In considering Richardson's present request for an extension of exception relief for its Keystone plant, the FEA determined that the firm was continuing to incur nonproduct cost increases which were materially in excess of the $.005 per gallon passthrough permitted under Section 212.165. On the basis of that finding and the precedent which had been previously established in this case the FEA held that the exception relief which had previously been granted should be continued for the period September 1, 1976, through November 30, 1976.

USA Petroleum Corp.; Santa Monica, California; FEE–2616; Motor Gasoline

USA Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would have resulted in the issuance of an order assigning USA a new supplier of motor gasoline to replace one of its base period suppliers, UCO Oil Company. The new supplier would also be directed to furnish USA with UCO's portion of its base period use of motor gasoline. In considering the exception application, the FEA found that USA was purchasing only approximately one quarter of its total supply of motor gasoline from UCO and has been able to purchase significant quantities of surplus product to replace the motor gasoline UCO is obligated to supply. The FEA also found that even if USA purchased its total allocation from UCO, the firm's profitability would not be adversely affected. The FEA further concluded that USA's claim that the continuation of its supply relationship with UCO could jeopardize its supply of motor gasoline and at some point in the future was too speculative to form a proper basis upon which exception relief could be granted. The exception request was therefore denied.

Joe Webster d/b/a JW Oil Co.; Casper, Wyoming; FEE–2425; Crude Oil

Joe Webster d/b/a JW Oil Company (JW) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit JW to sell the crude oil currently produced from the Buffalo 016999(a) Lease at upper-tier ceiling prices. JW also requested retroactive exception relief to permit the firm to retain any revenues which it may have realized subsequent to January 1, 1975 from charging unlawful prices for crude oil produced from the Buffalo lease. In considering JW Applicaiton, the FEA determined that the costs of producing crude oil from the Buffalo lease have increased substantially and now exceed the lower-tier ceiling price which JW is permitted to charge. Consequently, JW has no economic incentive to continue to operate the Buffalo lease. The FEA also found that if JW were to abandon the Buffalo lease, a substantial amount of otherwise recoverable crude oil would be lost. On the basis of previous precedents involving similar situations, the FEA concluded that the application to JW of the lower-tier ceiling price rule resulted in a gross inequity and that exception relief should be granted. Based on an analysis of the specific financial and operating data which JW had submitted, the FEA determined that JW should be permitted to sell 34.49 percent of the crude oil produced for the benefit of the working interest owners at upper-tier ceiling prices for a period of three months. With respect to JW's request for retroactive relief, the FEA found that the financial data which the firm submitted indicated that the Buffalo lease will remain a viable economic entity even in the absence of retroactive exception relief. JW's request for retroactive exception relief was accordingly denied.

REQUEST FOR MODIFICATION OR RESCISSION

The Standard Oil Co. of Ohio; Cleveland, Ohio; FPI–0099; Crude Oil

The Standard Oil Company of Ohio (Sohio) filed a Request for Modification of a Decision issued to it by the FEA on April 9, 1976. *The Standard Oil Co. of Ohio,* 3 FEA Par. 83,149 (April 9, 1976). In that Decision, the FEA permitted Sohio to import, on a license fee-exempt basis, certain quantities of crude oil during the allocation period ended April 30, 1976. Sohio was also granted a refund of certain license fees which it had previously paid during the 1976 allocation period. Sohio's request, if granted, would result in the modification of the April 9, 1976 Order so as to permit the firm to import crude oil on a license free basis during the 1977 allocation period. Sohio claimed that the relief requested was necessary to compensate it for the refunds for which it was eligible but nevertheless failed to receive under the terms of the April 9, 1976 Order. In considering the request, the FEA determined that Sohio had been unable to obtain the refunds which the April 9, 1976 Order contemplated because of the firm's purchase of licenses from third parties. As a result Sohio had been unable to realize the benefits intended by the FEA's April 9 Order. Since Sohio continued to experience an exceptional hardship as a result of its inability to receive the full benefits of the April 9, 1976 Order, the FEA modified that Order and permitted Sohio to import 5,804,207 barrels of crude oil on a license fee exempt basis during the 1977 allocation period. In its petition for modification, Sohio also requested that the FEA adjust the relief previously granted to reflect the increase in the firm's average daily inputs into its Marcus Hook refinery. However, the FEA determined that any increase in the average daily inputs at the Marcus Hook refinery would have only a minimal effect on the relief, and therefore did not represent the type of significantly changed circumstances which would properly serve as the basis for the approval of an Application for Modification. The FEA therefore denied that portion of Sohio's request.

REQUEST FOR STAY

Cross Oil and Refining Co. of Arkansas; Smackover, Arkansas; FES–0919; Crude Oil

Cross Oil and Refining Company of Arkansas (Cross) requested a stay of its obligation to purchase 193,096 entitlements as specified in the July 19, 1976 Entitlement Notice. The relief was requested pending a final determination by the FEA on an Appeal which the firm filed from those obligations. In considering the Application for Stay, the FEA determined Cross had made a *prima facie* showing that it would incur an immediate serious hardship and irreparable injury unless its July entitlement purchase obligation were stayed. The Cross submission demonstrated that if the firm were to fulfill its obligation, it would have to expend a sum of money which is more than three times its total 1975 after-tax profit in purchasing entitlements during the month of July alone. Furthermore, Cross presented compelling evidence that the amount of the firm's entitlement purchase obligation might well have been erroneously computed and accordingly had demonstrated a considerable likelihood of success on the merits of its Appeal. The Application for Stay was therefore granted.

DISMISSALS

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Clark Equipment Co.; Buchanan, Michigan; FEE–2723.

MacMillan Oil Co. Inc.; Des Moines, Iowa; FEE–2700.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington,

D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

SEPTEMBER 27, 1976.

[FR Doc.76-28619 Filed 9-27-76;1:52 pm]

FEDERAL MARITIME COMMISSION

[Docket No. 76-35]

CANCELLATION OF CONSOLIDATION ALLOWANCE RULE PUBLISHED IN FREIGHT TARIFFS OF CONFERENCES AND RATE AGREEMENT OPERATING FROM UNITED STATES ATLANTIC PORTS TO PORTS IN UNITED KINGDOM, IRELAND, SCANDINAVIAN PENINSULA AND CONTINENTAL EUROPE

Order Denying Petition To Discontinue and Amending Order To Show Cause

This proceeding was initiated when the respondent carriers and conferences proposed to revise their tariffs to suspend payments of consolidation allowances in the eastbound trades between U.S. Atlantic Ports and the United Kingdom, Ireland, the Scandinavian Peninsula and Continental Europe. The Commission issued an Order for the Respondents to show cause why the Commission should not find (1) that the acts of implementing and suspending the consolidation allowance by concerted action taken without prior Commission approval is in violation of section 15 of the Shipping Act, 1916; (2) that an agreement authorizing uniform action with regard to consolidation allowances is detrimental to the commerce of the United States and contrary to the public interest; and (3) the cancellation of consolidation allowances only in the eastbound trade is in violation of section 16 of the Shipping Act, 1916.

Requests for permission to Intervene were granted for the Department of Justice (Justice), J. E. Bernard and Co., (Bernard), Boston Consolidation Service (Boston Consolidation), C. S. Greene and Company (Greene), Yellow Forwarding Company (d/b/a Yellow Freight International, herein referred to as Yellow Forwarding), National Customs Brokers and Forwarders Association of America, Inc. (National Forwarders), the New York Foreign Freight Forwarders and Brokers Association, Inc. (New York Forwarders), Trans Freight Lines, Inc., (Trans Freight), Pacific Westbound Conference (PWC) and Far East Conference (FEC).

Following issuance of the original Show Cause Order, Respondents gave notice that the suspension proposed would not be implemented by them. Thereafter, Respondents filed with the Commission revised consolidation rules to become effective on September 20, 1976 upon expiration of the then-existing rules.

Respondents have now filed a Petition to Discontinue this Proceeding. In support of their Petition Respondents state that the proposed suspension of the consolidation allowances which was to have become effective September 20, 1976 has been superseded by the tariff filings instituting amended consolidation rules. Since the consolidation allowances cancellation has been vitiated, the Respondents argue that there is no agreement to be examined in this proceeding. Furthermore, since no agreement was ever implemented, there are no section 15 issues to be decided.

With regard to the issue of unjust or undue discrimination under section 16, Respondents assert that they should be required to show cause only at such time as the Commission shall conclude that a valid regulatory purpose would be served by continued pursuit of the issues in light of the revision to the eastbound consolidation allowance rules. In any event, Respondents assert that a show cause proceeding is neither adequate nor appropriate for the resolution of issues under section 16. They contend that the section 16 issues cannot be determined solely as matters of law but require a factual record. Furthermore, they contend that the burden of going forward is with the Commission to prove a violation of section 16, not on Respondents to disprove a violation. Respondents therefore request the issuance of an Order instituting a full evidentiary hearing before an Administrative Law Judge as to these issues.

Hearing Counsel, the Department of Justice, and Intevenors Bernard, Boston Consolidation, Greene and Yellow Forwarding, filed replies to the Petition to Discontinue the Proceeding. All opposed that Petition.

Hearing Counsel argue that the section 15 issues framed in the Order to Show Cause include consideration of the legitimacy of the very action Respondents have taken in retaining their consolidation allowances and are, therefore, not moot. Additionally, Hearing Counsel state that they have no objection to the Commission removing the section 16 issue from the show cause proceeding in order to consider the merits of instituting a full evidentiary hearing with respect to that issue.

Intervenors Bernard, Boston Consolidation, Greene, and Yellow Forwarding argue that the revised consolidation rules raise questions of law regarding the applicability of section 15 to the concerted actions involved here. These intervenors also contend that the amended consolidation rules radically alter the present consolidation rules, and drastically increase the costs of consolidating small shipments which may result in the "complete elimination of the consolidator and non-vessel operating common carrier."

In its reply, the Department of Justice argues that this proceeding involves substantially more than just the conferences' authority to suspend the consolidation allowances, but includes the fundamental issue of "whether the Conference members are even authorized to agree on the existence of such allowances." The Department of Justice also asserts that even assuming Respondents' authorization to agree on the *payment* of consolidation allowances under an approved section 15 agreement, "the new tariff filings represent such a radical restructuring of present container handling practices as to be beyond the scope of any existing agreement approved under section 15." Furthermore, Justice points out that the new consolidation rules appear to shut out consolidators holding certificates of public convenience and necessity under Parts I, II, III or IV of the Interstate Commerce Act. Finally, Justice questions whether or not the new allowance is compensatory and whether or not the new rules discriminate between consolidators in a manner which was not present in the previously effective rules.

The institution of amended freight consolidation rules, while changing some of the circumstances which prompted the issuance of the original Order in this proceeding, does not make moot all of the issues raised there. Both the questions of authority of Respondents to take any joint action with regard to consolidation allowances and, if that authority is found to exist, the continued approvability of such authority under section 15 of the Shipping Act, 1916 remain viable and ripe for consideration. These issues can and should be resolved quickly in a Show Cause proceeding.

However, since the effects of the amended consolidation rules have not yet been ascertained, and may not be ascertained for some time, we also believe Hearing Counsel's suggestion to delete the section 16 issues from this proceeding is sound. An investigation and hearing may be required to examine the effects of the new consolidation rules. If that is required, it should be instituted by an appropriate Order of Investigation rather than by an Order to Show Cause.

Respondents have also filed a Motion to Clarify Issues. Petitioners express some misunderstanding as to the scope of the issues included in the Order to Show Cause and ask that the scope of the issues thus raised be narrowed by appropriate amendments to the Order. This Motion is opposed by Hearing Counsel and the Department of Justice by means of Replies, Intervenors Boston Consolidation, Bernard, Greene, and Yellow Forwarding oppose Respondents Motion by a Motion of their own entitled "Motion to Strike Motion to Clarify Issues." Hearing Counsel, Justice and the Intervenors uniformly urge that Repondents" Motion is merely a reply to a reply which is prohibited by the Commission's rules of practice and procedure, 46 CFR 502.74. We agree with these parties that Respondents' Motion is improper. However, since we have determined to amend the Order to Show Cause as hereinafter described, and since we have also thereby clarified the issues

involved in this proceeding, we see no need to rule upon Respondents' Motion.

Therefore, it is ordered, That the first five ordering paragraphs of the Order to Show Cause instituting this proceeding be deleted and the following paragraphs be inserted to read as follows:

Therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the conferences, rate agreements and member lines listed in the Appendix "A" be named as Respondents in this proceeding.

It is further ordered, That Respondents Show Cause why the Commission should not find that any concerted action of Respondents with regard to consolidation allowances are actions which implement unfiled, unapproved agreements in violation of section 15 of the Shipping Act, 1916.

It is further ordered, That since the joint fixing of consolidation allowances is a horizontal price fixing *per se* violation of the antitrust laws, Respondents Show Cause why, even if the concerted actions are pursuant to agreements approvide by the Commission under section 15 of the Shipping Act, 1916, the Commission should not find such agreements contrary to the public interest which should be disapproved or modified.

It is further ordered, That participation in this proceeding be limited to the submission of affidavits of fact, memoranda of law, and replies thereto. Should any party consider an evidentiary hearing to be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts and why such proof cannot be submitted through affidavit. Request for hearing shall be filed on or before October 18, 1976. Affidavits of fact and memoranda of law shall be filed by Respondents and served upon all parties no later than the close of business October 29, 1976. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, no later than close of business November 8, 1976.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX "A"

LIST OF CONFERENCES, RATE AGREEMENTS, CARRIERS TAKING TARIFF ACTION

North Atlantic Baltic Freight Conference (Agreement No. 7670).
North Atlantic Continental Freight Conference (Agreement No. 9214).
North Atlantic French Atlantic Freight Conference (Agreement No. 7770).
North Atlantic United Kingdom Freight Conference (Agreement No. 7100).
South Atlantic North Europe Rate Agreement (Agreement No. 9984).
Seatrain International, S.A.
(A member of the South Atlantic North Europe Rate Agreement which files separate tariffs).

LIST OF CARRIERS PARTICIPATING IN CONFERENCES/RATE AGREEMENT NAMED ABOVE

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.
Atlantic Container Line (G.I.E.), 80 Pine Street, New York, N.Y. 10005.
Dart Containerline Co., Ltd., Reid House, Reid Street, Hamilton, Bermuda.
Hapag-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.
Norwegian American Line, Den Norske Amerikalinje A/S, Jernbanetorget No. 2, Oslo, Norway.
Sea-Land Service, Inc., P.O. Box 900, Iselin, N.J. 08830.
United States Lines, Inc., One Broadway, New York, N.Y. 10004.
Transatlantic Container Management, N.V. (New England Express Line, N.V.), Frankwjkei 70, 200 Antwerp, Belgium.
Combi Line (a combined service of Hapag Lloyd AG & International Transport (ICT) B.V.), c/o HAPAG Lloyd AG, Ballin Damm 25, Zooo Hamburg 1, West Germany.
Seatrain International, S.A., Port Seatrain, Weehawken, New Jersey 07087.

[FR Doc.76-28499 Filed 9-29-76;8:45 am]

[Docket No. 76-54]

CONSOLIDATION ALLOWANCE RULES PUBLISHED IN FREIGHT TARIFFS OF CONFERENCES; INDEPENDENT CARRIERS AND RATE AGREEMENT OPERATING BETWEEN UNITED STATES ATLANTIC PORTS AND PORTS IN UNITED KINGDOM, IRELAND, SCANDINAVIAN PENINSULA AND CONTINENTAL EUROPE

Order of Investigation and Hearing

The common carriers in the foreign commerce of the United States set forth in Appendix A below operate under filed and effective tariffs in the trade between United States Atlantic Coast ports and ports in the United Kingdom, Ireland, the Scandinavian peninsula and Continental Europe. These tariffs include provisions which permit the payment of certain allowances, commonly referred to as "consolidation allowances," to certain segments of the shipping industry which are involved in the consolidation of less-than-container loads of cargo into full container-loads for ocean transport.[1]

On December 23 and 24, 1975, the Commission received notification from the Conferences whose member lines serve the export segment of the trade from North Atlantic ports as well as from the member lines of the South Atlantic North Europe Rate Agreement (Agreement 9984), to the effect that as of January 12, 1976, the respective tariff provisions of these Conferences and Rate Agreement which previously had permitted the payment of consolidation allowances by the member lines would be suspended indefinitely. The proposed suspension action resulted in the filing of protests by various segments of the shipping industry.

Within a short period of time after the receipt of these protests, the effective date of the suspensions was extended initially to March 22, 1976, and thereafter to May 7, June 16, and finally to September 20, 1976. Effective September 20, 1976, consolidation rules set forth in the governing tariffs for the member lines of the Conferences and Rate Agreement in the export segment of the trade were substantially amended. These amendments deleted the suspensions which were to have taken effect on that date.

Prior to September 20, 1976, the consolidation rules applicable to import and export cargo in the trade, with the exception of certain minor differences, provided for a fixed consolidation allowance of $525.00 per container unit to be paid to certain designated segments of the industry, namely, freight forwarders, consolidators and nonvessel operating common carriers (NVOCC's) (hereinafter referred to as consolidators) involved in the consolidation and de-consolidation of less-than-container loads of cargo. An additional allowance of 40 percent of the total gross ocean freight (excluding surcharges) was payable when the ocean freight charges on the cargo in any container unit exceeded $2100.00. A container unit is defined as either two containers of 19.5/20 feet each, or one container of 35/40 feet. The rules imposed certain mixing requirements as to the number of commodities and shippers and permitted the consolidators the option of utilizing the transporting carrier's terminal facility and stevedore to perform the physical consolidation of the cargo at a cost of $28.00 per long ton.

The amended consolidation rules effective September 20, 1976, for cargo shipped in the export segment of the trade provide for two types of allowances depending on whether the cargo is consolidated (stuffed) and de-consolidated (stripped) away from the carrier's terminal (house-to-house) or consolidated on the pier at the expense of the receiving carrier and de-consolidated away from the pier (pier-to-house).

Further, under the revised rules, house-to-house consolidated shipments may only be tendered by, and an allowance paid to, persons operating in compliance with the requirements of Parts I, II, III or IV of the Interstate Commerce Act. The allowance for house-to-house consolidated shipments is 12.5 percent of the gross ocean freight revenues up to $3500.00 and 15 percent of the gross ocean freight revenues exceeding $3500.00 (excluding surcharges). On pier-to-house consolidated cargo, the allowance is 22.5 percent of the gross ocean freight revenues.

Significant differences are apparent between the cancelled rules and the revised rules. Under the previous rules, common carriers were authorized to pay the same allowances to any person consolidating cargo in compliance with the provisions of the rules. The rules made no distinction as to whether these persons were located on the pier, in the port area, off-the-pier in port cities or at in-

[1] The pertinent tariff pages are listed in Appendix B below.

land points. Further, under the previous rules all consolidated cargo was rated under the Service Three rates of the tariffs which were rates applicable to shipments moving on a pier-to-pier basis, i.e., were consolidated and deconsolidated at the carriers' terminal by the carrier's stevedore.

Under the revised rules, the level of payments between house-to-house consolidated cargo and pier-to-house cargo is 10 percent, despite the obvious fact that the carrier is assuming the expense of stuffing the trailer. While it is noted that the house-to-house consolidated cargo is rated on a house-to-house or Service One basis, and the pier-to-house consolidated cargo is rated on a Service Three basis, the spread between Service One rates and Service Three rates, although different on certain commodities, is negligible between the two types of Service rates on the same commodity.

Thus, the revised rules permit the payment by carriers of a higher allowance to persons whose cargo is stuffed at the carriers' expense and who would, therefore, appear to be providing a lesser service to the carirers. Moreover, the requirement that only entities operating in compliance with the Interstate Commerce Act are eligible to receive allowances on house-to-house consolidated cargo, appears to prevent an off-the-pier consolidator, who may not possess operating rights issued by the Interstate Commerce Commission but who otherwise might be eligible for the allowance, from receiving such allowances.

It is further noted that shippers other than consolidators or those patronizing consolidators are prohibited from receiving an allowance despite the fact that such shippers may consolidate cargo off-the-pier or remove a trailer from the pier for de-consolidation. Similarly, shippers other than consolidators which tender cargo for consolidation at the pier and de-consolidate away from the pier are denied an allowance even though such shippers are utilizing the same carrier's terminal, or vessel, or both, and are thereby receiving a similar transportation service, albeit, without the benefit of allowances or discounts. Moreover, as these shippers are required to pay tariff rates on their commodities without the benefit of an allowance merely because they do not meet a mixing rule or because the services of a consolidator were not utilized, it would appear that the shippers denied the allowance are subsidizing the payment of allowances.

Further, the subject rules bring into focus several relationships which are of interest to the Commission. For example, Rule 13, VV, 7(B) in the North Atlantic Continental Freight Conference Tariff No. (29) FMC–4 refers to a consolidator's "document to cover his relation with the shipper." The consolidator-shipper relationship raises questions to whether the consolidators are in fact acting as non-vessel operating common carriers, independent ocean freight forwarders, or "pure consolidators." Statutory provisions, of course, require that those acting as NVOCC's file tariffs with the Commission and likewise, require entities acting as independent ocean freight forwarders to be licensed to perform those functions.

It is evident that the existing relationships between consolidators indicated in Appendix C, consolidators who have received allowances in the past, and shippers need to be scrutinized to determine more precisely the nature of that relationship.

Upon consideration of the above matters, the Commission is of the opinion that the consolidation rules presently in effect in the trade and the industry practices which have arisen in conjunction with such rules should be made the subject of a public investigation and hearing to determine, among other things, whether these rules make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of tariff, or subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in violation of section 16, First, of the Shipping Act, 1916; further, whether such rules are unjust, unreasonable, or otherwise unlawful under sections 17, 18(b)(3) and 18(b)(5) of the Shipping Act, 1916.

Therefore, it is ordered, That pursuant to Section 22 of the Shipping Act, 1916 (46 U.S.C. 82), a proceeding is hereby instituted to determine whether:

(1) The consolidation rules under which only those persons operating in compliance with the requirements of Parts I, II, III, or IV of the Interstate Commerce Act may receive an allowance constitute an undue or unreasonable preference or advantage in violation of section 16, First of the Shipping Act, 1916;

(2) The consolidation rules under which common carriers pay an allowance only to consolidators permit these carriers to subject other persons, localities or descriptions of traffic to undue prejudice or disadvantage in violation of section 16, First, Shipping Act, 1916;

(3) The consolidation rules, by permitting the payment of allowances for services performed by consolidators in excess of the value of such services, represent a device to remit a portion of the otherwise applicable rates and charges in violation of section 18(b)(3), Shipping Act, 1916;

(4) The consolidation allowances paid under the consolidation rules are rates or charges under the Shipping Act, 1916; and if so, whether the level of allowances paid constitutes the establishment of rates which are so unreasonably high or low as to be detrimental to the commerce of the United States in violation of section 18(b)(5) of the Shipping Act, 1916;

(5) The consolidation rules under which consolidators use a carrier's terminal facility and stevedore at no charge for consolidation of pier-to-house cargo, and which permit the payment of an allowance of 22 percent of the gross ocean freight, and only permit a carrier to pay an allowance of 12.5 percent on the gross ocean freight up to $3,500.00 and 15 percent over $3,500 to consolidators tendering house-to-house cargo are unjust, unreasonable or otherwise unlawful under sections 16, First and 17 of the Shipping, 1916;

(6) The consolidation rules which require a carrier to charge a consolidator higher pier-to-pier rates for pier-to-house service constitutes unjust discrimination in violation of section 17.

(7) Consolidators, without tariffs on file with the Commission, have, in fact, acted as non-vessel operating common carriers during the period January 1, 1976, to present in violation of section 18(b)(1);

(8) Consolidators, without ocean freight forwarding licenses, have, in fact, carried on the business of forwarding as defined in the Shipping Act, 1916, during the period January 1, 1976 to present in violation of section 44(a) of the Shipping Act, 1916.

It is further ordered, That the Conferences, Rate Agreement and member lines, and the non-conference lines listed in Appendix A; and, the consolidators set forth in Appendix C, be named respondents in this proceeding;

It is further ordered, That this proceeding be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge, but in any event the hearing shall commence no later than March 20, 1977; and

It is further ordered, That this Order be published in the FEDERAL REGISTER; and

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately, and petition for leave to intervene in accordance with § 502.72 of the Commission's rules of practice and procedure (46 CFR 502.72), with a notice to the Commission's Bureau of Hearing Counsel and all parties to this proceeding;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX A

CONFERENCES

North Atlantic Baltic Freight Conference (Agreement 7670): Mr. L. P. Kopley, Chairman, 17 Battery Place, New York, New York 10004.

North Atlantic Continental Freight Conference (Agreement 9214): Mr. L. P. Kopley, Chairman, 17 Battery Place, New York, New York 10004.

North Atlantic United Kingdom Freight Conference (Agreement 7100): Mr. L. P. Kopley, Chairman, 17 Battery Place, New York, New York 10004.
North Atlantic French Atlantic Freight Conference (Agreement 7770): Mr. L. P. Kopley, Chairman, 17 Battery Place, New York, New York 10004.
Scandinavian Baltic/U.S. North Atlantic Westbound Freight/Conference (Agreement 9982): Mr. D. J. Christiansen, Chairman, 74 Saint James' Street, London SW1A 1PS, England.
Continental North Atlantic Westbound Freight Conference (Agreement 8210): Mr. D. J. Christiansen, Chairman, 74 Saint James' Street, London SW1A 1PS, England.
North Atlantic Westbound Freight Association (Agreement 5850): Mr. D. J. Conway, Chairman, 74 Saint James' Street, London SW1A 1PS, England.

RATE AGREEMENT

South Atlantic North Europe 48 Hour Rate Agreement (Agreement 9984): Mr. L. P. Kopley, Eastbound Administrator, 17 Battery Place, New York, New York 10004.

CONFERENCE CARRIERS

American Export Lines, Inc., 17 Battery Place, New York, New York 10004.
Atlantic Container Line (G.I.E.), 80 Pine Street, New York, New York 10005.
Atlantic Gulf Service AB, c/o Strachan Shipping Company, American Bank Building, New Orleans, Louisiana 70130.
Combi Line, a combined service of Hapag-Lloyd Aktiengesellschaft and Intercontinental Transport (ICT) B.V., c/o Biehl & Co., Inc., 415 Common Street, New Orleans, Louisiana 70130.
Dart Containerline Co., Ltd., Five World Trade Center, Northeast Plaza Building, New York, New York 10048.
Hapag-Lloyd Aktiengesellschaft, c/o U.S. Navigation, Inc., 17 Battery Place, New York, New York 10004.
Den Norske Amerikalinje A/S, Trading as Norwegian America Line, Jernbanetorget No. 2, Oslo, Norway.
Sea-Land Service, Inc., P.O. Box 900, Edison, New Jersey 08817.
Seatrain International, S.A., Port Seatrain, Weehawken, New Jersey 07087.
United States Lines, Inc., One Broadway, New York, New York 10004.

NONCONFERENCE CARRIERS

Baltic Shipping Company, Trading as Balt-Atlantic Line, c/o Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.
Polish Ocean Lines, c/o Gdynia America Line, Inc., One World Trade Center, Suite 3557, New York, New York 10048.

APPENDIX B

CONSOLIDATION RULES CONFERENCES

North Atlantic Baltic Freight Conference, FMC-4, Page 43-A, Rule 14(v) and Page 43-C, Rule 14(vv).
North Atlantic Continental Freight Conference, FMC-4, Page 21-A, Rule 13(v) and Page 21-C, Rule 13(vv).
North Atlantic United Kingdom Freight Conference, FMC-3, Page 33-A, Rule 14(v) and Page 33-C, Rule 14(vv).
North Atlantic French Atlantic Freight Conference, FMC-2, Page 34-A, Rule 14(v) and Page 34-C, Rule 14(vv).
Scandinavian Baltic/U.S. North Atlantic Westbound Freight Conference, FMC-3, Page 34, Rule 19(v).
Continental North Atlantic Westbound Freight Conference, FMC-8, Page 27, Rule 22(vii).
North Atlantic Westbound Freight Association, FMC-37, Page 14, Rule 22(II).

RATE AGREEMENT

South Atlantic-North Europe Rate Agreement, FMC-1, Page 22-A, Rule 13(v) and Page 22-C, Rule 13(vv).
South Atlantic-North Europe Rate Agreement (French), FMC-2, Page 25-A, Rule 13(v) and Page 25-C, Rule 13(vv).
South Atlantic-North Europe Rate Agreement (United Kingdom), FMC-3, Page 43-A, Rule 13(26)(t) and Page 44-A, Rule 13(26)(tt).
South Atlantic-North Europe Rate Agreement (Baltic), FMC-4, Page 45, Rule 13(23) and Page 46-A, Rule 13(23-A).
South Atlantic-North Europe Westbound Rate Agreement (Continent), FMC-11, Page 27, Rule 22(vii).
South Atlantic-North Europe Westbound Rate Agreement (Baltic), FMC-9, Page 34, Rule 19(v).
As Member of South Atlantic-North Europe Rate Agreement: Seatrain International, S.A. (Continent), FMC-65, Page 21, Rule 13.
Seatrain International, S.A. (French), FMC-66, Page 24, Rule 13(v).
Seatrain International, S.A. (United Kingdom), FMC-67, Page 44-C, Rule 26(t).
Seatrain International, S.A. (Baltic), FMC-68, Page 50-A, Rule 13(23).

INDEPENDENTS

Polish Ocean Lines, FMC-58, U.S. South Atlantic to Continental Europe and United Kingdom, Page 21, Rule 13(v).
Polish Ocean Lines, FMC-48, Continental Europe Denmark to U.S. North and South Atlantic, Page 24, Rule 22(11).
Polish Ocean Lines, FMC-39, Continental Europe to U.S. North and South Atlantic, Page 9(L), Rule 25(VI).
Polish Ocean Lines, FMC-52, U.S. North Atlantic to Continental Europe and United Kingdom, Page 37, Rule 13(v).
Polish Ocean Lines, FMC-56, U.S. South Atlantic to Scandinavia, Page 47, Rule 13(23).
Polish Ocean Lines, FMC-49, U.S. North Atlantic to Scandinavia, Page 46A, Rule 13(w).

INDEPENDENTS

Baltic Shipping Company, FMC-10, Continental Europe to U.S. North Atlantic, Page 26, Rule 22(VII).
Baltic Shipping Company, FMC-15, United Kingdom to U.S. North and South Atlantic, Page 14, Rule 22(c).
Baltic Shipping Company, FMC-16, Scandinavia to U.S. South Atlantic, Page 28, Rule 18(II).
Baltic Shipping Company, FMC-25, Continental Europe to U.S. South Atlanitc, Page 25, Rule 22(VII).
Baltic Shipping Company, FMC-13, U.S. North Atlantic to Continental Europe, Page 43, Rule 13(v).
Baltic Shipping Company, FMC-14, U.S. North Atlantic to United Kingdom, Page 27, Rule 26(T).
Baltic Shipping Company, FMC-5, U.S. North and South Atlantic to Scandinavia, Page 36-C, Rule 33 (VII).
Baltic Shipping Company, FMC-26, U.S. South Atlantic to United Kingdom, Page 27, Rule 25(T).
Baltic Shipping Company, FMC-27, U.S. South Atlantic to Continental Europe, Page 40, Rule 13(v).

APPENDIX C

CONSOLIDATIONS

C. S. Greene and Company, Inc., 233 North Michigan Avenue, Chicago, Illinois 60601.
Alltrans International, 156 William Street, New York, New York 10038.
Boston Consolidation Service, Inc., P.O. Box 75, Boston, Massachusetts 02129.
Scanfreight, Inc., 79 Wall Street, New York, New York 10005.
Yellow Forwarding Company, P.O. Box 12264, Soulard Station, St. Louis, Missouri 63157.
J. E. Bernard and Company, Inc., 1111 Nicholas Boulevard, Elk Grove Village, Illinois 60007.
ECCA Freight System, One World Trade Center, New York, New York 10048.
Wilsons America Co., Inc., 34 Exchange Place, Jersey City, New Jersey 07302.
Universal Transcontinental Corp., 325 Spring Street, New York, New York 10013.
Andrews International, One Whitehall Street, New York, New York 10004.
Acotrans, c/o Amersted, 116 John Street, New York, New York 10038.
Rametex, c/o International Transportation Corporation, 17 Battery Place, New York, New York 10004.
Special Forwarding, 2340 Des Plaines Avenue, Des Plaines, Illinois 60018.
Schenkers International Forwarders, Inc., One World Trade Center, New York, New York 10048.
Max Gruehnut International, Inc., Five World Trade Center, New York, New York 10048.
Nacirema of Fall River, Inc., 141 Milk Street, Boston, Massachusetts 02109.

[FR Doc.76-28500 Filed 9-29-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-445]

BOSTON EDISON CO.

Tariff Change

SEPTEMBER 23, 1976.

Take notice that Boston Edison Company on September 1, 1976 tendered for filing proposed supplements to its all requirements wholesale for resale tariff which was effective for the locked-in period March 1, 1976 through July 23, 1976. The affected customers and the Federal Power Commission rate schedule designations of their contracts are as follows:

Customers:	*schedule No. FPC rate*
Concord	47
Norwood	48
Reading	49
Wellesley	51

The proposed supplements change the energy charges in the above tariffs from 21.71 mills per kwh to 21.52 mills per kwh for the first 250 kwh per kVa of billing demand and from 19.51 mills per kwh to 19.32 mills per kwh for the excess kwh. The supplements also change Fb/Sb from 15.4640 to 16.1490. The effect of the filing is to reduce charges during the locked-in period by $275,537.78.

The filing is intended to comply with the requirements of the Commission's fuel clause Order No. 517. It amends the Company's prior Order No. 517 filing by changing the treatment of fuel costs associated with the preliminary operation of the Company's new Mystic 7 generating unit and employs actual data for 1975, the fuel clause base period. Provision is also made for recovery of a $65,735.81 underbilling of November 1975 fuel adjustment revenues.

Copies of the filing were served upon the public utility's jurisdictional customers and the Massachusetts Department of Public Utilities.

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 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28635 Filed 9-29-76;8:45 am]

[Docket No. RP72-142; PGA76-8]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 23, 1976.

Take notice that Cities Service Gas Company (Cities Service) on September 10, 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. 770 and giving effect to Ordering Paragraph (B) (2) of the Commission's Opinion No. 742-A, it proposes to increase its rates effective October 27, 1976, to reflect increased purchase gas costs.

Such revised rates are reflected on Second Revised Sixteenth Revised Sheet PGA-1 which reflects a current adjustment of 9.62¢ per Mcf.

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 RP76-135.

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 October 13, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28632 Filed 9-29-76;8:45 am]

[Docket No. ER76-894]

CONSUMERS POWER CO.

Filing of Amendment to Interconnection Agreement

SEPTEMBER 23, 1976.

Take notice that on September 7, 1976, Consumers Power Company ("Consumers Power") tendered for filing with the Federal Power Commission an amendment (denoted Supplemental Agreement No. 6) to an existing Interconnection Agreement between Consumers Power and Northern Michigan Electric Cooperative, Inc., Wolverine Electric Cooperative, Inc., the City of Grand Haven, Michigan, and the City of Traverse City, Michigan. The Interconnection Agreement is denoted Consumers Power Company Rate Schedule FPC No. 34, and became effective on November 1, 1973.

Supplemental Agreement No. 6 provides for the establishment of a fourth interconnection point between the electric systems of Consumers Power and the other parties, and is dated June 1, 1976. Construction of the facilities needed to effect the interconnection is expected to be complete on or about July 1, 1977.

Supplemental Agreement No. 6 does not affect the rates charged for electric power and energy interchanged under the terms of the Interconnection Agreement. It does provide, however, for Northern Michigan Electric Cooperative, Inc., to bear the capital cost of installation of certain faciilties that will be owned by Consumers Power.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 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 application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 76-28629 Filed 9-29-76; 8:45 am]

[Docket No. ER76-895]

CONSUMERS POWER CO.

Filing of Amendment to Interconnection Agreement

SEPTEMBER 23, 1976.

Take notice that on September 7, 1976, Consumers Power Company ("Consumers Power") tendered for filing with the Federal Power Commission an amendment (denoted Supplemental Agreement No. 8 and Supplement G) to an existing Interconnection Agreement, as amended, between Consumers Power and Northern Michigan Electric Cooperative, Inc., Wolverine Electric Cooperative, Inc., the City of Grand Haven, Michigan, and the City of Traverse City, Michigan ("MMCPP members"). The Interconnection Agreement is denoted Consumers Power Company Rate Schedule FPC No. 34 and became effective on November 1, 1973.

Supplemental Agreement No. 8 and Supplement G provide for the transmission by Consumers Power, when conditions on Consumers Power's system permit, of capacity and energy provided by the City of Lansing, Michigan, Board of Water and Light, to the MMCPP members. Supplemental Agreement No. 8 also modifies the rates and conditions of service under which Consumers Power wheels power and energy furnished by The Detroit Edison Company to the MMCPP members. The effect of the changes in rate for this wheeling service is a small reduction in charges for the transmission service.

Consumers Power states that, as modified, the charges for transmission service, except for adjustment for transmission losses, will be the same for power and energy furnished by Detroit Edison and the City of Lansing.

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., Washingon, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 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 application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28627 Filed 9-29-76;8:45 am]

[Docket No. ER76-897]

CONSUMERS POWER CO.

Filing of Amendment to Interconnection Agreement

SEPTEMBER 23, 1976.

Take notice that on September 7, 1976, Consumers Power Company ("Consumers Power") tendered for filing with the Federal Power Commission an amendment (denoted Supplemental Agreement No. 7 and Supplement A—Revision 1) to an existing Interconnection Agreement, as amended, between Consumers Power and Northern Michigan Electric Cooperative, Inc., Wolverine Electric Cooperative, Inc., the City of Grand Haven, Michigan, and the City of Traverse City, Michigan ("MMCPP members"). The

Interconnection Agreement is denoted Consumers Power Company Rate Schedule FPC No. 34 and became effective on November 1, 1973.

Consumers Power states that Supplemental Agreement No. 7 defines two peak load seasons related to deliveries of seasonal capacity and energy. The reserve responsibilities of the parties are clarified, and the sections dealing with unilateral filing rights under Section 205 of the Federal Power Act have been clarified.

Consumers Power states that Supplement A—Revision 1 continues the charge for seasonal capacity at $0.50 per kilowatt per week, and deletes some obsolete contract language.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 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 application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28626 Filed 9-29-76;8:45 am]

[Docket No. ID-1602]

DEAN B. SEIFRIED

Application

SEPTEMBER 23, 1976.

Take notice that on September 10, 1976, Dean B. Seifried (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, 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 October 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 available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28613 Filed 9-29-76;8:45 am]

[Docket No. ER76-903]

KANSAS POWER AND LIGHT CO.

Filing of Rate Schedule Changes

SEPTEMBER 23, 1976.

Take notice that on September 13, 1976, the Kansas Power and Light Company (KP&L) tendered for filing a proposed Amendment dated August 24, 1976 to its Power Service Agreement with the Ark Valley Electric Cooperative Association, Inc. KP&L requests a waiver of Section 35.11 of the Commission's Regulations so as to allow an effective date for this filing of August 24, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28628 Filed 9-29-76;8:45 am]

[Docket No. ER76-906]

KANSAS POWER AND LIGHT CO.

Filing of Rate Schedule Changes

SEPTEMBER 23, 1976.

Take notice that on September 13, 1976, the Kansas Power and Light Company (KP&L) tendered for filing a proposed Amendment dated August 25, 1976, to its Power Service Agreement with the Doniphan Electric Cooperative Association, Inc. KP&L requests a waiver of Section 35.11 of the Commission's Regulations so as to allow an effective date for this filing of August 25, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure should be filed on or before October 14, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28631 Filed 9-29-76;8:45 am]

[Docket Nos. CP72-217, CP73-222]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

SEPTEMBER 23, 1976.

Take notice that on September 1, 1976, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket Nos. CP72-217 and CP73-222, a petition to amend the orders issued June 20, 1972, and August 14, 1973, in said dockets, respectively, issuing certificates of public convenience and necessity in said dockets pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization (1) to increase the maximum withdrawal limitation with respect to its Sayre Storage Field from 300,000 Mcf per day to 400,000 Mcf per day and (2) to substitute for the present seasonal withdrawal limitation on Sayre of 42,000,000 Mcf a limitation of 55,000,000 Mcf of net withdrawals for any 12-month period, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is stated that Petitioner received authorization to increase the peak day withdrawal capacity of its Sayre Storage Field from 202,000 Mcf per day to 300,000 Mcf per day in Docket No. CP72-217 by Commission order of June 20, 1976, and that the Sayre Field is used by Petitioner as a scheduled source of supply during the winter. Further, Petitioner states that the Field serves as a source of supply to offset emergency outages or supply failures which may occur on the supply end of Petitioner's system. It is asserted that the flexibility to make the maximum possible withdrawals from Sayre on any given day is critical to meet emergency conditions. Petitioner therefore requests authorization to withdraw up to 400,000 Mcf per day from the Sayre Field in order to meet customer winter entitlements and to avoid winter curtailment, but not to support any new or increased service to Petitioner's customers.

The petition also indicates that Petitioner received authorization for the seasonal withdrawal limitation for the Sayre Field of 42,000,000 Mcf by Order of the Commission issued August 14, 1973, in Docket No. CP73-222 and that the Sayre Field has an inventory limitation of 86,000,000 Mcf certificated by the Commission on August 13, 1976, in Docket No. CP74-254.

Petitioner maintains that the Sayre Field serves on a year-round basis as a source of supply to offset outages at the

supply end and help maintain customer entitlements, thus avoiding unanticipated curtailment, and that withdrawals for this purpose may occur at any time during the year. Petitioner therefore proposes that the net withdrawal limitation be increased to 55,000,000 Mcf during any twelve-month period. It is stated that the figure of 55,000,000 Mcf represents approximately the maximum amount of gas which could physically be withdrawn in any twelve-month period. Petitioner asserts that the twelve-month withdrawal authorization would help to meet customer entitlements throughout the year and to avoid curtailment, but would not be utilized to support any new or increased service to Petitioner's customers.

Petitioner does not propose the construction of any new facilities. It is alleged that the proposal would provide Petitioner with additional flexibility to maximize the use of existing storage facilities in enhancing the reliability of existing service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28637 Filed 9-29-76;8:45 am]

[Docket No. CP74-286]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

SEPTEMBER 23, 1976.

Take notice that on September 13, 1976, Natural Gas Pipeline Company (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-286 a petition to amend the order of January 12, 1976, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to increase the withdrawal limitation to 115,000 Mcf per day and 14,000,000 Mcf for any twelve-month period with respect to the North Lansing Field, Harrison County, Texas, and to eliminate the authorization to retain cushion gas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by the order of January 12, 1976, issued in the instant docket, Petitioner is authorized to withdraa wup to 5,900,000 Mcf over the winter season, with 10,900,000 Mcf to be retained as cushion gas. The stated inventory limit is 30,000,000 Mcf. Petitioner further indicates that in addition to the 16,-800,000 Mcf to be injected into North Lansing Field for Petitioner's own account, about 11,000,000 Mcf would be injected for its customers so that the invenory limitation should be approached by the start of the 1976-77 winter storage withdrawal season, thereby increasing peak day withdrawal capability. Consequently, Petitioner maintains that there would be many days when up to 115,000 Mcf per day could be withdrawn from the North Lansing Field with existing facilities, if permitted by conditions on the main transmission pipeline, and over a twelve-month period, up to 14,000,000 Mcf could be withdrawn with existing facilities.

Petitioner proposes that the withdrawal limitation be increased to 115,000 Mcf per day and up to 14,000,000 Mcf in any twelve-month period. Petitioner maintains that these increases in peak day and seasonal withdrawal authorizations would help meet customer entitlements for 1976-77 tariff year, and thus avoid deeper and unexpected curtailment, but would not be utilized to support any new or increased service to Petitioner's customers.

The proposed withdrawal authorizations would further require elimination of the authorization granted Petitioner with respect to the retention of cushion gas in the North Lansing Field. Petitioner proposes to account for all gas injected into the North Lansing Field for its own use as top inventory current or non-current, rather than to account for the 10,900,000 Mcf as recoverable cushion gas in accordance with the present authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 15, 1976, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28614 Filed 9-29-76;8:45 am]

[Docket No. ER76-818]

NORTHERN STATES POWER CO. (MINNESOTA)

Motion for Approval of Settlement Agreement

SEPTEMBER 23, 1976.

Take notice that on September 13, 1976, Northern States Power Company, (NSP) submitted a Settlement Agreement dated September 2, 1976, and executed between itself and fourteen total requirement municipal customers intervening in this proceeding. Under the Agreement NSP agreed to new rates revising the proposed rates which were filed on July 29, 1976, in this Docket and agreed not to increase the revised rates prior to July 1, 1978. By order issued August 27, 1976, the Commission accepted the proposed rates for filing, suspended their use until January 1, 1977, pending a hearing and final decision, and granted intervention to fourteen of the sixteen municipal wholesale customers to whom the proposed rates will apply.

Any person wishing to do so may submit comments in writing concerning the above filing. Comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should be submitted on or before October 8, 1976. Copies of the company's filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28624 Filed 9-29-76;8:45 am]

[Docket No. ER76-899]

OHIO EDISON CO.

Filing of Supplement to Rate Schedule

SEPTEMBER 23, 1976.

Take notice that Ohio Edison Company on September 8, 1976, tendered for filing a letter agreement dated July 13, 1976, with the City of Niles, Ohio, for service to Niles at 138 KV.

According to Ohio Edison, the letter agreement supplements the present provision for service under FPC No. 111.2 by providing for service at 138 KV when Niles is ready to take such service and by providing for a discount in the rate for such service.

A copy of the filing was served on the Director of Public Service and the Superintendent of Utilities of Niles.

Any person desiring to be heard or to protest said proposal 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 October 5, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

testants 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28625 Filed 9-29-76;8:45 am]

[Docket No. ER76-900]

OHIO EDISON CO.

Filing of Supplement to Rate Schedule

SEPTEMBER 23, 1976.

Take notice that Ohio Edison Company on September 8, 1976, tendered for filing a letter agreement dated May 24, 1976, with the Village of Hudson, Ohio, for additional service to Hudson.

According to Ohio Edison, the letter agreement supplements the present provision for service under FPC No. 106.2 by providing for service from a temporary 12.5 KV connection for approximately 325 KVA capacity requirements for about a year during construction of improvements to the Hudson system by Hudson.

A copy of the filing was served on the Mayor of Hudson.

Any person desiring to be heard or to protest said proposal sh ›uld 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 October 5, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 76—28636 Filed 9-29-76; 8:45 am]

[Docket No. ER76-901]

PUBLIC SERVICE CO. OF INDIANA, INC.

Supplement to Agreement

SEPTEMBER 23, 1976.

Take notice that on September 9, 1976 Public Service Company of Indiana, Inc. (PSI) tendered for filing a supplemental agreement dated July 27, 1976 between it and Henry County Rural Electric Membership Corporation; this agreement is the second supplement to the contract between these parties and filed as part of PSI's FPC Electric Tariff, Original Volume No. 1.

PSI states the supplement provides for the amending of "Exhibit A" to the contract by changing the reference to the nominal voltage at Harrisburg and Spiceland Delivery points from 69,000 volts to 7200/124704 volts. These changes were made and were effective for billing purposes on July 27, 1976, according to PSI.

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 October 15, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28633 Filed 9-29-76;8:45 am]

STUDY SUBGROUP ON GAS RESERVES AND RESOURCES CLASSIFICATIONS

Meeting

Conference Room 6200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, October 15, 1976, 9:30 a.m.

Presiding: Mr. William J. McCabe, National Gas Survey, Federal Power Commission.

1. Call to Order—Mr. William J. McCabe.
2. Discussion of Draft Papers on Reserves—Resources Nomenclature and Classifications. Dr. Richard F. Meyer, Subgroup Leader.
3. Other Business.
4. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the subgroup—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 subgroup.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28544 Filed 9-29-76;8:45 am]

[Docket No. ER76-629]

TAMPA ELECTRIC CO.

Revised Fuel Adjustment Clause

SEPTEMBER 23, 1976.

Take notice that on September 3, 1976 Tampa Electric Company (Tampa) tendered for filing a revised fuel adjustment clause. Tampa states this revised clause complies fully with Order No. 517.

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 October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28634 Filed 9-29-76;8:45 am]

[Docket No. ID-1479]

THOMAS C. ROE

Application

SEPTEMBER 23, 1976.

Take notice that on September 9, 1976, Thomas C. Roe (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:

Chairman of the Board, Delmarva Power & Light Company, Public Utility.

Delmarva Power & Light Company is principally engaged in the generation, transmission and distribution of electrical energy throughout the State of Delaware. Owns and operates transmission lines, interconnecting with similar facilities of Delmarva Power & Light Company of Maryland, Philadelphia Electric Company, Atlantic City Electric Company and Conowingo Power Company. Also owns and operates plants and properties for the manufacture and distribution of gas within New Castle County, Delaware.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28630 Filed 9-29-76;8:45 am]

FEDERAL TRADE COMMISSION

ENERGY EFFICIENCY LABELING RULES

Opportunity To Provide Comments Concerning the Range of Comparability for Certain Appliances

Prior to publishing in the FEDERAL REGISTER proposed energy efficiency la-

beling rules pursuant to section 324(b)(1) of the Energy Policy and Conservation Act (hereinafter the "Act"), 42 USC 6291, the Federal Trade Commission (hereinafter the "Commission") is soliciting comments to assist it in making a tentative determination of the range of comparability to be included in the proposed rules for certain covered products as set out in section 322(a) of the Act. Interested persons have until on or before November 15, 1976 to submit comments.

The Act sets out a regulatory framework under which trade regulation rules will be promulgated requiring energy consumption and efficiency information to be disclosed on labels attached to those consumer products covered under the Act. Section 324 of the Act places responsibility on the Commission for determining the form and content of the labels, and for issuing a proposed and final labeling rule for each covered product. The Commission has not yet published proposed rules under Section 324. The purpose of this Notice is to solicit comments that will aid the Commission in preparing such proposals.

The Act specifically requires that at least two informational disclosures be included on every label: (a) the estimated annual operating cost of the product, or in lieu thereof some other useful measure of energy consumption, and (b) information respecting the range of estimated annual operating costs, or in lieu thereof information respecting the range of some other useful measure of energy consumption, for comparable products to which the rule applies.

The purpose of the first disclosure is to inform the consumer of the energy consumption, measured in terms of estimated annual operating cost or some other useful measure of energy consumption, of the particular model the purchase of which the consumer is contemplating. The second disclosure is to inform the consumer of where the model under consideration ranks in energy efficiency in comparison to other models which are comparable to the one under consideration.

The establishment of comparable ranges is essentially a technical problem involving two separate determinations. First, it is necessary to establish a common unit measure of comparability for all models of a specific type of consumer product covered by the Act. For example, for refrigeration appliances it may be appropriate to use cubic foot size as the unit measure of comparability because it relates most directly to the intended function of these appliances, providing space for food preservation. For room aid conditioners, the British Thermal Unit per hour (BTU/hr.) may be the appropriate measurement of comparability because it relates directly to the cooling capacity function of this appliance.

The second determination involves identifying (in terms of the chosen measurement of comparability) the group of models each of which will satisfy the consumer's purposes to approximately the same degree; those models that are in this sense functionally comparable will comprise the range.

The Commission has made a tentative determination as to what may be appropriate ranges for the following consumer products covered by section 322(a) of the Act: (1) Refrigerators, (2) Refrigerator-freezers, (3) Freezers, (4) Dishwashers, (5) Clothes dryers, (6) Water heaters, (7) and Room air conditioners. The Commission staff has not made a tentative determination with respect to what range(s) may be appropriate for television sets, but is soliciting comments in this regard to certain questions set out in the section of this notice captioned "Invitation to Comment on Tentative Range Proposals." The definition of each of these covered consumer products is identical to those definitions set out in Section 430.2 of the Federal Energy Administration's Proposed Rulemaking and Public Hearings Regarding Efficiency Improvement Targets (41 Federal Register 19977, Friday, May 14, 1976).

Tentative Range Proposals

A model with a manufacturer's rated size falling within the limits of any of the lines in the left column shall, for purposes of this proposal, be deemed to fall within the proposed range designated on the corresponding line in the right column. For example, a refrigerator with a manufacturers' rated size of 11.0 cubic feet would fall within the proposed range of 9.5 and 12.5 cubic feet. In this example, all refrigerators on the market having between 9.5 and 12.5 cubic feet would be deemed comparable for the consumer's needs to an 11.0 cubic feet model. Accordingly, the consumer would be provided with information on the label showing how the 11.0 cubic feet model compares in energy consumption to the range of energy consumption from the least efficient model to the most efficient model on the market within the range of 9.5 to 12.5 cubic feet. A 12.0 cubic feet model would be compared to the efficiency range of all models within the capacity range of 10.5 to 13.5 cubic feet. Thus, each refrigerator would be compared with other models over a range of from one to two cubic feet larger and smaller in capacity. (Although there would be no theoretical difficulty in simply establishing a discrete comparison range for each specific refrigerator size of, for example, all models within one cubic foot larger or smaller, the statistical complication that would involve does not appear warranted, especially in view of the imprecision of capacity measurements.) This principle applies as well as the initial range proposals for refrigerators-freezers, water heaters and room air conditioners.

(1) *Refrigerators*

Manufacturer's rated total refrigerated volume in cubic feet	*Ranges of comparability of total refrigerated volume in cubic feet*
Less than 2.5	15.5 and less
2.5 to 3.4	1.5 to 4.5
3.5 to 4.4	2.5 to 5.5
4.5 to 5.4	3.5 to 6.5
5.5 to 6.4	4.5 to 7.5
6.5 to 7.4	5.5 to 8.5
7.5 to 8.4	6.5 to 9.5
8.5 to 9.4	7.5 to 10.5
9.5 to 10.4	8.5 to 11.5
10.5 to 11.4	9.5 to 12.5
11.5 to 12.4	10.5 to 13.5
12.5 to 13.4	11.5 to 14.5
13.5 to 14.4	12.5 to 15.5
14.5 to 15.4	13.5 to 16.5
15.5 to 16.4	14.5 to 17.5
16.5 and over	15.5 and over.

Source.—Department of Commerce, Voluntary Energy Conservation Specification for Refrigerators, 40 Federal Register 32426, August 1, 1975.

(2) *Refrigerator-freezers*

Manufacturer's rated total refrigerated volume in cubic feet	*Ranges of comparability of total refrigerated volume in cubic feet*
Less than 10.5	11.5 and less
10.5 to 11.4	9.5 to 12.5
11.5 to 12.4	10.5 to 13.5
12.5 to 13.4	11.5 to 14.5
13.5 to 14.4	12.5 to 15.5
14.5 to 15.4	13.5 to 16.5
15.5 to 16.4	14.5 to 17.5
16.5 to 17.4	15.5 to 18.5
17.5 to 18.4	16.5 to 19.5
18.5 to 19.4	17.5 to 20.5
19.5 to 20.4	18.5 to 21.5
20.5 to 21.4	19.5 to 22.5
21.5 to 22.4	20.5 to 23.5
22.5 to 23.4	21.5 to 24.5
23.5 to 24.4	22.5 to 25.5
24.5 to 25.4	23.5 to 26.5
25.5 to 26.4	24.5 to 27.5
26.5 to 27.4	25.5 to 28.5
27.5 to 28.4	26.5 to 29.5
28.5 to 29.4	27.5 to 30.5
29.5 and over	28.5 and over.

Source.—Department of Commerce, Voluntary Energy Conservation Specification for Refrigerator-freezers, 40 Federal Register 32437, August 1, 1975.

(3) *Freezers*

Manufacturer's rated total refrigerated volume in cubic feet	*Ranges of comparability of total refrigerated volume in cubic feet*
Less than 5.5	6.5 and less
5.5 to 6.4	4.5 to 7.5
6.5 to 7.4	5.5 to 8.5
7.5 to 8.4	6.5 to 9.5
8.5 to 9.4	7.5 to 10.5
9.5 to 10.4	8.5 to 11.5
10.5 to 11.4	9.5 to 12.5
11.5 to 12.4	10.5 to 13.5
12.5 to 13.4	11.5 to 14.5
13.5 to 14.4	12.5 to 15.5
14.5 to 15.4	13.5 to 16.5
15.5 to 16.4	14.5 to 17.5
16.5 to 17.4	15.5 to 18.5
17.5 to 18.4	16.5 to 19.5
18.5 to 19.4	17.5 to 20.5

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of comparability of total refrigerated volume in cubic feet
19.5 to 20.4	18.5 to 21.5
20.5 to 21.4	19.5 to 22.5
21.5 to 22.4	20.5 to 23.5
22.5 to 23.4	21.5 to 24.5
23.5 to 24.4	22.5 to 25.5
24.5 to 25.4	23.5 to 26.5
25.5 to 26.4	24.5 to 27.5
26.5 to 27.4	25.5 to 28.5
27.5 to 28.4	26.5 to 29.5
28.5 to 29.4	27.5 to 30.5
29.5 and over	28.5 and over.

SOURCE.—Department of Commerce, Voluntary Energy Conservation Specification for Freezers, 40 Federal Register 32450, August 1, 1975.

(4) *Dishwashers*

A single range is proposed as appropriate for dishwashers which range shall consist of all of the models which are available in the marketplace.

SOURCE.—Informal discussions between Commission staff and staff of the National Bureau of Standards.

(5) *Clothes dryers*

Two separate ranges are proposed for clothes dryers. The first range shall include all "regular" or "standard" models available in the marketplace. The terms "regular" or "standard", which are interchangeable, refer to a full size, household clothes dryer with a drum capacity of at least 0.038 cubic meters (4.4 cubic feet) that is tested with a 3.18 kilogram (7-pound) "bone dry" load for the purpose of measuring energy consumption.

The second range shall include all "compact" models available in the market place. The term "compact" refers to a household clothes dryer with a drum capacity of less than 0.038 cubic meters (4.4 cubic feet) that is tested with a 1.36 kilogram (3-pound) "bone dry" load for the purpose of measuring energy consumption.

SOURCE.—Informal discussions between Commission staff and staff of the National Bureau of Standards.

(6) *Water Heaters*

Manufacturer's hot water supply rating (gallons)	Ranges of comparability of hot water supply rating (gallons)
Up to 36	Up to 39
37	34 to 40
38	35 to 41
39	36 to 42
40	37 to 43
41	38 to 44
42	39 to 45
43	40 to 46
44	41 to 47
45	42 to 48
46	43 to 49
47	44 to 50
48	45 to 51
49	46 to 52
50	47 to 53
51	48 to 54
52	49 to 55
53	50 to 56
54	51 to 57
55	52 to 58
56	53 to 59
57	54 to 60
58	55 to 61
59	56 to 62
60	57 to 63
61	58 to 64
62	59 to 65
63	60 to 66
64	61 to 67
65	62 to 68
66	63 to 69
67	64 to 70
68	65 to 71
69	66 to 72
70	67 to 73
71	68 to 74
72	69 to 75
73	70 to 76
74	71 to 77
75	72 to 78
76	73 to 79
77	74 to 80
78	75 to 81
79	76 to 82
80	77 to 83
81	78 to 84
82	79 to 85
83	80 to 86
84	81 to 87
85	82 to 88
86	83 to 89
87	84 to 90
88	85 to 91
89	86 to 92
90	87 to 93
91	88 to 94
92	89 to 95
93	90 to 96
94	91 to 97
95	92 to 98
96	93 to 99
97	94 to 100
98	95 to 101
99	96 to 102
100	97 to 103
101	98 to 104
102	99 to 105
103	100 to 106
104	101 to 107
105	102 to 108
106	103 to 109
107	104 to 110
108	105 to 111
109	106 to 112
110	107 to 113
111	108 to 114
112	109 to 115
113	110 to 116
114	111 to 117
115	112 to 118
116	113 to 119
117	114 to 120
118	115 to 121
119	116 to 122
120	117 to 123
121	118 to 124
122	119 to 125
123	120 to 126
124	121 to 127
125	122 to 128
126	123 to 129
127	124 to 130
128	125 to 131
129	126 to 132
130	127 to 133
131	128 to 134
132	129 to 135

SOURCE.—Department of Commerce, Voluntary Energy Conservation Specification for Water Heaters, 40 Federal Register 34177, August 14, 1975.

(7) *Room air conditioners*

Manufacturer's rated cooling capacity of model to be labeled Btu per hour	Comparability range of cooling capacity for use on label Btu per hour
Up to 4,799	Up to 5,100
4,800 to 5,299	4,500 to 5,600
5,300 to 5,799	5,000 to 6,100
5,800 to 6,299	5,500 to 6,600
6,300 to 6,799	6,000 to 7,100
6,800 to 7,299	6,500 to 7,600
7,300 to 7,799	7,000 to 8,100
7,800 to 8,299	7,500 to 8,600
8,300 to 8,799	8,000 to 9,100
8,800 to 9,299	8,500 to 9,600
9,300 to 9,799	9,000 to 10,100
9,800 to 10,299	9,500 to 10,600
10,300 to 10,799	10,000 to 11,100
10,800 to 11,299	10,500 to 11,600
11,300 to 11,799	11,000 to 12,100
11,800 to 12,299	11,500 to 12,600
12,300 to 12,799	12,000 to 13,100
12,800 to 13,299	12,500 to 13,600
13,300 to 13,799	13,500 to 14,600
13,800 to 14,299	14,000 to 15,100
14,300 to 14,799	14,500 to 15,600
14,800 to 15,299	15,000 to 16,100
15,300 to 15,799	15,500 to 16,800
15,800 to 16,499	13,000 to 14,100
16,500 to 17,499	26,000 to 29,000
17,500 to 18,499	28,000 to 31,000
18,500 to 19,499	30,000 to 34,000
19,500 to 20,499	32,500 to 36,000
20,500 to 21,499	16,200 to 17,800
21,500 to 22,499	17,200 to 18,800
22,500 to 24,499	18,200 to 19,800
24,500 to 26,499	19,200 to 20,800
26,500 to 28,499	20,200 to 21,800
28,500 to 30,499	21,200 to 22,800
30,500 to 33,499	22,000 to 25,000
33,500 to 36,000	24,000 to 27,000

SOURCE.—Department of Commerce, Voluntary Energy Conservation Specification for Room Air Conditioners, 41 Federal Register 14404, April 5, 1976 amended revisions.

INVITATION TO COMMENT ON THE TENTATIVE RANGE PROPOSALS

All interested persons are hereby notified that they are invited to submit written comments regarding the tentative range proposals. The tentative range proposals set out above do not reflect any final or proposed Commission rule. As stated earlier, the Commission has not yet proposed rules under Section 324. The above ranges have been published to solicit comments to ensure maximum public participation to assist the Commission in determining the appropriate ranges applicable to these consumer products for the purpose of publishing these ranges as part of proposed labeling rules for these consumer products.

Interested persons should submit their written comments, data, views or arguments with respect to the initial range proposals to the Assistant Director for National Advertising, Federal Trade Commission, Washington, D.C. 20580, on or before November 15, 1976. To assure prompt consideration of a comment, it should be identified as a "Proposed Comment on Consumer Appliance Ranges" and, when feasible and not burdensome, submitted in five (5) copies.

The data, views, arguments and comments received concerning the initial range proposals will be available for examination during regular business hours in the Commission's Division of Legal and Public Records, Room 130, Federal

Trade Commission, Washington, D.C. 20580.

The Commission invites comment particularly with respect to the following questions with regard to television sets:

(a) Is it appropriate to establish a single range for all color television sets, and a single range for all monochrome television sets without regard to either screen size or style (console as opposed to portable models)?

(b) Is it appropriate to establish various ranges for both color and monochrome television sets based on screen size?

(c) Is it appropriate to establish various ranges for both color and monochrome television sets based on style (console as opposed to portable models)?

(d) Is it appropriate to consider for the purpose of range determinations the type of electronic components utilized in both color and monochrome television sets (solid state as opposed to partially solid state)?

(e) Are there additional factors which should be considered to assist the Commission in determining appropriate ranges for television sets?

Issued: September 29, 1976.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-28388 Filed 9-29-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 23, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before October 18, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL MARITIME COMMISSION

The Federal Maritime Commission requests clearance of a new single time Intermodal Through Bill of Lading Questionnaire that has been developed by the Interagency Committee on Intermodal Cargo. The questionnaire will be sent to approximately 1400 shippers and 700 rail, motor, air, and water carriers and will request information about the extent of use of and private sector views of need for an intermodal through bill of lading that would enable them to use only one bill of lading for an entire shipment from point of origin to final destination, instead of the present arrangement of using a bill of lading for each mode of transportation used. Responses are voluntary and FMC estimates respondent burden to average approximately one-half hour for each response.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.76-28640 Filed 9-29-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. E-42, Supplement 2]

ADP AND TELECOMMUNICATIONS REQUIREMENTS CHECKLIST

• 1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E-42. •

2. *Effective date.* This regulation is effective September 30, 1976.

3. *Expiration date.* This regulation expires March 31, 1977, unless sooner superseded or canceled.

4. *Explanation of changes.* The expiration dates contained in paragraph 3 of FPMR Temporary Regulation E-42 and Supplement 1 are revised to March 31, 1977.

Dated: September 20, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-28659 Filed 9-29-76;8:45 am]

[FPMR Temp. Reg. A-11; Supp. 3]

FEDERAL TRAVEL

Changes to Regulations

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation A-11 and supplement 1 thereto, and amends the provisions of the regulation by increasing mileage, per diem, and other travel expense allowance rates and by designating additional high rate geographical areas.

2. *Effective date.* The provisions of attachment A to this supplement are effective for travel performed on or after October 3, 1976.

3. *Expiration date.* This regulation expires April 30, 1977, unless sooner superseded or canceled.

4. *Background.* a. The Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975) authorizes the Administrator of General Services to issue regulations prescribing, within statutory limits, per diem and mileage allowance rates as well as maximum reimbursement for actual subsistence travel in designated high rate geographical areas. With regard to the exercise of this authority, the act requires the Administrator to (1) conduct periodic investigations of the cost of travel and operation of privately owned conveyances for official business; (2) report the results of these investigations to the Congress; and (3) implement, within 30 days after reporting to the Congress, changes to mileage and travel allowance rates determined necessary as the result of the investigations.

b. A recently concluded investigation conducted as required by the above act indicates the need to increase certain mileage and other travel allowance rates and to designate certain additional areas as high rate geographical areas. These changes have been reported to the Congress and are implemented by this supplement.

5. *Explanation of changes.* Attachment A to this supplement amends the Federal Travel Regulations, as amended by FPMR Temporary Regulation A-11, as follows:

a. Paragraph 1-4.2 is amended to increase the mileage allowances for use of privately owned conveyances when such use is advantageous to the Government.

b. Paragraph 1-7.2a is revised to increase the maximum per diem allowance for official travel within the conterminous United States.

c. Paragraph 1-7.3c(1) is amended to increase the uniform rate for the meals and miscellaneous expenses allowance.

d. Paragraph 1-8.6 is amended to (1) increase the maximum actual subsistence expense rates for designated high rate geographical areas; (2) redefine the boundaries of certain high rate geographical areas; and (3) add Philadelphia, Pennsylvania, and Newark, New Jersey, as designated high rate geographical areas.

6. *Effect on other issuances.* Supplement 2 to FPMR Temporary Regulation A-11 is canceled.

JACK ECKARD,
Administrator of General Services.

SEPTEMBER 28, 1976.

CHANGES TO FEDERAL TRAVEL REGULATIONS, FPMR 101-7

1. Paragraph 1-4.2 is amended as follows:

1-4.2. *When use of a privately owned conveyance is advantageous to the Government.*—a. *Mileage rate determinations.* When it is determined that use of a privately owned conveyance by the traveler is advantageous to the Government as provided in 1-2.2c(3), the reimbursement mileage rates shall be as follows:

(1) 11 cents per mile for use of a privately owned motorcycle.

(2) 15½ cents per mile for use of a privately owned automobile.

(3) 24 cents per mile for use of a privately owned airplane.

* * * * *

c. *To and from common carrier terminals and office.*—(1) *Round trip when in lieu of taxicab to carrier terminals.* In lieu of the use of a taxicab under 1-2.3c, payment on a mileage basis at the rate of 15½ cents per mile and other allowable costs as set forth in

1-4.1c shall be allowed for the round-trip mileage of a privately owned automobile used by an employee going from either his home or place of business to a terminal or from a terminal to either his home or place of business. However, the amount of reimbursement for the round trip shall not in either instance exceed the taxicab fare, including tip, allowable under 1-2.3c for a one-way trip between the applicable points.

(2) *Round trip when in lieu of taxicab between residence and office on day of travel.* In lieu of the use of a taxicab under 1-2.3d, payment on a mileage basis at the rate of 15½ cents per mile and other allowable costs as set forth in 1-4.1c shall be allowed for round-trip mileage of a privately owned automobile used by an employee going from his residence to his place of business or returning from place of business to residence on a day travel is performed. However, the amount of reimbursement for the round trip shall not exceed the taxicab fare, including tip, allowable under 1-2.3d for a one-way trip between the points involved.

* * * * *

2. Paragraph 1-7.2a is revised as follows:

1-7.2. *Maximum locality rates.*

* * * * *

a. *Conterminous United States.* Reimbursement for official travel within the limits of the conterminous United States shall be a daily rate not in excess of $35 except when actual subsistence expense travel is authorized or approved due to the unusual circumstances of the travel assignment or for travel to a designated high rate geographical area as provided in 1-8.1.

* * * * *

3. Paragraph 1-7.3c(1) is amended as follows:

1-7.3. *Agency responsibility for authorizing individual rates.*

* * * * *

c. *When lodgings are required.* (1) For travel in the conterminous United States when lodging away from the official duty station is required, the per diem rate shall be established on the basis of the average amount the traveler pays for lodging, plus an allowance of $16 for meals and miscellaneous subsistence expenses. Calculation shall be as follows:

* * * * *

4. Paragraph 1-8.6 is amended as follows:

1-8.6. *Designated high rate geographical areas.*

* * * * *

Designated High Rate Geographical Areas:	Prescribed Maximum Daily Rates
Boston, MA (all locations within the corporate limits of Boston and Cambridge, MA)	$49
Chicago, IL (all locations within the corporate limits thereof)	43
Los Angeles, CA (all locations within the outer boundaries of the corporate limits of the city of Los Angeles, including those areas surrounded by the city of Los Angeles and the Pacific coastline)	40
Newark, NJ (all locations within the corporate limits thereof)	42
New York, NY (all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island)	50
Philadelphia, PA (all locations within the city of Philadelphia)	46
San Francisco, CA (all locations within the corporate limits of San Francisco and Oakland, CA)	41
Washington, DC (all locations within the corporate limits of Washington, DC; the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland)	50

[FR Doc.76-28926 Filed 9-29-76;10:48 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ECOLOGICAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Ecological Sciences.
Date and time: October 21 and 22, 1976—8:30 a.m. to 5:00 p.m. each day.
Place: Room 517, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. William A. Reiners, Program Director, Ecosystem Studies Program, Rm. 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5854.
Purpose of panel: To provide advice and recommendations concerning support for research in ecological sciences.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. Rebecca Winkler,
Acting Committee Management Officer.

September 29, 1976.

[FR Doc.76-28708 Filed 9-29-76;8:45 am]

ADVISORY COMMITTEE FOR RESEARCH

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Research.
Place: Rm. 540, National Science Foundation, 1800 G St. NW., Washington, D.C.
Date and time: October 21 and 22, 1976; 9 a.m. each day.
Type of meeting: Open.
Contact person: Mr. Leonard Gardner, Executive Secretary, National Science Foundation, Rm. 307, Washington, D.C. 20550, telephone (202 632-4278.
Purpose of Advisory Committee: To provide advice and counsel concerning research activities and potential in the United States and consult on problems in the administration of research support.
Summary minutes: May be obtained from the Committee Management Coordination staff, Division of Personnel and Management, Rm. 214, National Science Foundation, Washington, D.C. 20550.
Agenda:

Thursday, October 21

9:00—Introductory Remarks—Chairman
9.15—NSF Response to Recommendations by Task Groups—Chairman
9:30—Recent Developments on the Washington Scene Involving NSF—Dr. R. C. Atkinson, Acting Director
10:30—Task Group #12 Report—Dr. W. R. Dawson, T. G. Chairman
12:00—Recess
1:30—New Tasks and Task Assignments—Chairman
1:45—General Discussion of Tasks—Committee
4:30—Adjourn

Friday, October 22

9:00—Task Groups 14, 15, 16, and 17 convene separately to discuss new assignments
3:00—Task Group Chairmen report to full committee on plans for carrying out assignments
4:30—Adjourn

M. Rebecca Winkler,
Acting Committee Management Officer.

September 29, 1976.

[FR Doc.76-28709 Filed 9-29-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-40]

SPECIAL STUDY; ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aviation Special Study.—The National Transportation Safety Board has released its special study, "General Aviation Accidents Involving Aerobatics, 1972-1974." As indicated by the study, many aerobatic accidents result from careless and reckless operation by pilots who lack aerobatic knowledge, training, or proficiency.

The study, No. NTSB-AAS-76-4 released September 22, contains a discussion of the 105 accidents involving aerobatics which occurred in various small, fixed-wing, U.S. general aviation airplanes during the period 1972 through 1974. Detailed statistical information is given regarding the number of injuries, kind of flying, type of accident, accident causes, and pilot experience. The study evaluates the adequacy and applicability of airworthiness standards relating to aerobatic certification, the fundamental importance of proper aerobatic training and orientation, and regulatory controls applicable to airshows. The several most significant types of accidents associated with aerobatics—stalls and spins; collisions with ground/water, wires/poles, trees; and airframe failure in flight—are reviewed in detail. The study con-

cludes with 11 recommendations to the Federal Aviation Administration (Nos. A–76–105 through A–76–115, issued August 20, 1976) intended to reduce accidents involving aerobatics. (See 41 FR 36091, August 26, 1976.).

Highway Accident Report.—The crash of a gasoline truck and trailer in a heavy rainstorm in Seattle, Washington, last December 4 is the subject of report NTSB–HAR–76–7 released September 24 by the Safety Board. The truck, owned by Union Oil Company of California, was equipped with antilock braking which meets a new Federal standard (FMVSS–121) for truck, trailer, and bus air brakes; the full trailer which the truck was towing had conventional air brakes. More than 8,000 gallons of gasoline caught fire after the crash. Two firemen were injured in the resulting blaze, and property damage was estimated at $750,000.

The Board determined that probable cause of the accident was the failure of the driver to reduce the speed of the combination vehicle to permit safe negotiation of the curve under existing road and weather conditions. Contributing to the loss of vehicle control was the marginal traction capability of the pavement for the posted speed limit.

As a result of its investigation of this accident, the Safety Board, by separate letters also issued on September 24, recommended that:

National Highway Traffic Safety Administration test and resolve the apparent problem of operating any vehicle combination over the full-speed range and road and weather conditions encountered in normal operations if one of the units is equipped with an FMVSS–121 antilock brake system and the other unit is not. (Recommendation H–76–28, designated Class II, for priority followup.

Washington State Highway Commission conduct skid tests on the viaduct roadway to determine whether there is a problem relative to the road surface and, if such is the case, improve the road surface (H–76–29); and post warning signs on the viaduct to advise drivers that the viaduct is slippery when wet (H–76–30). Both recommendations are for priority followup.

Aviation Safety Recommendation Letters.—The Safety Board's continued concern about the number of accidents that occur in low visibility environments during the completion of an instrument landing system approach (ILS) is expressed in a letter dated September 19 to the Federal Aviation Administration, issuing recommendations A–76–122 through A–76–128. Accident and incident data, examined for a Board study, has disclosed that almost every mishap occurred after the flightcrew had seen either the ground, the airport, or the runway environment and was trying to transition from instrument to visual flight procedures. The Board's special study, "Flightcrew Coordination Procedures in Air Carrier Instrument Landing System Accidents," will be released in the near future.

As a result of its study, the Safety Board now recommends that FAA expedite evaluation and developmental programs for advanced landing systems (A–76–122), and institute procedures which require air traffic controllers to release an aircraft from all airspeed restrictions at least 3 to 4 miles outside of the outer marker on all ILS approaches when the reported weather is below basic VFR minima (A–76–123).

The Board further recommends that FAA, in conjunction with the air carriers: Implement flightcrew coordination procedures to insure continuous monitoring of the aircraft's instruments from the outer marker to landing, the wording of monitoring tasks to be specific (A–76–124); develop flightcrew coordination procedures which will limit sighting callouts to those visual cues which are associated with the runway environment, unrequired callouts which can result in premature abandonment of instrument procedures to be prohibited (A–76–125); develop a standard flightcrew coordination procedure within each carrier for altitude callouts to be used on all approaches under all conditions (A–76–126); encourage flightcrews to keep the autopilot-coupler engaged until its minimum certified altitude has been reached (A–76–127); and include in air carrier training programs flightcrew discussions of formal reports involving approach and landing accidents or incidents, placing special emphasis on mishaps involving human limitations (A–76–128). Recommendations A–76–122, A–76–123, A–76–126, and A–76–127, are designated Class II for priority followup; recommendations A–76–124, A–76–125, and A–76–128 are Class III, for longer-term followup.

Recommendations A–76–129 through A–76–131, subject of Board letter of September 21 to the Federal Aviation Administration, ask for further corrective action on McCauley propeller hubs. The Board's metallurgical laboratory has recently examined five of the hubs involved in four separate incidents investigated by FAA and one fatal accident investigated by the Board. The hubs failed as a result of fatigue cracks which originated in the blade-retention thread area. Failure of the hub in this area allows propeller blade(s) to separate from the hub, the Board stated. While the Board is aware of actions taken by the manufacturer and by FAA to prevent these failures, the problem still exists.

Accordingly, the Board recommends that FAA evaluate the service life of hubs with truncated and shot-peened retention threads and limit the life of the hubs accordingly (A–76–129); until an appropriate life limit is established on these propellers, issue an airworthiness directive (AD) to require periodic inspection of the threaded area (A–76–130); and issue and AD to require that the relevant provisions of AD–75–24–12 are applied to all model propellers which have been involved in ground strikes or sudden stops (A–76–131). The Board asks priority followup action.

Letters in Response to Safety Board Recommendations.—The following addresses of earlier recommendations have recently responded to the Board:

Federal Aviation Administration. Letter of September 15 responds to recommendations A–76–82 through A–76–84, which concern combustion air ducts. (See 41 FR 26079, June 24, 1976.) The FAA is currently conducting a regulatory study with respect to the first two recommendations, the study scheduled for completion next February. Decision for further action will be based on study results, according to FAA. Re A–76–84, FAA states that General Aviation Inspection Aids, Supplement No. 3, dated November 1976 will carry an inspection aid emphasizing the importance of preflight and followup inspection of combustion air inlet hoses and plenums on Beech D95A and similarly equipped aircraft.

U.S. Coast Guard. Letter of September 14 responds to recommendation 69–M–40, issued as a result of the Board's 1969 special study, "Recreational Boat Accidents, Boating Safety Programs, and Preventive Recommendations." The recommendation asked for regulation of grabrails or handholds for use by boaters to cling to an upturned boat. Coast Guard indicates that grabrails or handholds present many adverse problems which cannot be adequately counteracted, e.g., increased manufacturing costs, decrease in boat's ability to slide in a fast turn, and increase in boat's drag and fuel consumption. Coast Guard states that snagging or scraping the grabrails or handholds will cause undue stress on the hull and may tear holes in the bottom of the boat; grabrails could adversely affect a hull's dynamic and sea-keeping characteristics. As an alternative to grabrails or handholds, Coast Guard considers that the new level flotation standard included in its proposed rulemaking of April 29, 1976 (41 FR 18032) meets the intent of this recommendation.

Pennsylvania Department of Transportation (PennDOT). Letter of August 26 concerns recommendations R–76–42 through R–76–44 which resulted from Board investigation of the Chicago Transit Authority train collision last January 9. The recommendations asked that trains with inoperative automatic train control or cab signals be prohibited from departing a terminal for main track operation, and that procedures be developed for discharging passengers for immediate removal of trains from service where problems develop en route. (See 41 FR 34125, August 12, 1976.)

PennDOT, speaking for recommendation addressee Southeastern Pennsylvania Transportation Authority which operates under contract with PennDOT, states, ". . . the recommendations, while well intentioned are neither practical nor safe." PennDOT further comments, "In rapid transit operations, terminals are often double-track, stub-end with no provision for holding a train without blocking the line and trapping all other passengers in stalled trains in dark tun-

nels or on high trestles. It is mandatory and necessary to move the train out of the way over the main line. By removing passengers, the train will run without stopping, creating greater danger to loaded trains ahead. A safer regulation would require that such a problem train report in, and operate at restricted speed to a point where the offending car, not the whole train, can be serviced or removed."

"Similarly," PennDOT continues, "it would not be safe to put people off a train in some desolate station, then operate the train nonstop without full safety protection. The better practice would be to require reporting the problem and operate under strict discipline. The train ahead with people on it is in just as much jeopardy as the imperfect train with people on it, and in more jeopardy than an empty train."

Safety Board Replies to Recommendation Responses—Board letter of September 23 in reply to PennDOT's letter of August 26, above, states that investigation of this and other accidents clearly indicates that it is unsound practice to start trains out with inoperative or faulty automatic train control and cab signals. "Obviously," the Board states, "if the failure occurs underway the train should be removed from service as soon as possible. Operating in the manual mode places a large burden on the human factor. Additionally, under such circumstances there is generally less attention to sources of failure and to back-up modes of operation. The use of the manual mode is in fact a regression to a less safe mode of operation." The Board further states, "The defective train must be managed in accordance with system rules for such operation. The operation of an empty train will in no way increase the potential for an accident. It will, on the other hand reduce the possibility of an accident and thus death and injury by removing it from the main line at the earliest practical time." The Board concludes that each system will, however, have to consider factors such as those raised by PennDOT in developing practices and procedures appropriate to its system configuration and characteristics.

To Massachusetts Bay Transportation Authority (MBTA). Board letter of September 23 replies to response dated August 5 (41 FR 34125, August 12, 1976) re the same recommendations, R–76–42 through R–76–44. The letter indicates that MBTA's response to R–76–44 is consistent with Board intent. Re R–76–42 and R–76–43, the Board asks to be advised when MBTA decides to use the automatic train operation-automatic train control system which is in place without the manual block operation.

To the Connecticut Department of Transportation. Board letter of September 23 replies to letter of September 2 concerning recommendations R–76–48 and R–76–49, which were issued following investigation of the collision of two commuter trains in New Canaan, Connecticut, last July 13. (See 41 FR 39846, September 16, 1976.) The Board considers MBTA's actions to be "very responsive." The recommendations will be continued in open status until the Board is advised that MBTA's proposed 7-step improvement program is operational.

The special study, the accident report, and the safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations, and Safety Board replies thereto, may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C.

Multiple copies of the study and the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2), 307 Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

SEPTEMBER 27, 1976.

[FR Doc.76–28732 Filed 9–29–76;8:45 am]

[Docket No. 50–324]

NUCLEAR REGULATORY COMMISSION

CAROLINA POWER AND LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–62 issued to Carolina Power & Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility) located in Brunswick County, North Carolina.

The amendment would eliminate the requirement to inert the primary containment atmosphere with nitrogen during reactor power operation. The amendment is proposed by the licensee's application for amendment dated June 30, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 1, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of this amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Richard E. Jones, Esquire, Carolina Power & Light Company, 336 Fayetteville Street, Raleigh, North Carolina 27602, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated June 30, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Md., this 22d day of September 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–28647 Filed 9–29–76;8:45 am]

[Docket No. 50–247; OL No. DPR–26]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT STATION, UNIT NO. 2)

Determination of Preferred Alternative Closed-Cycle Cooling System; Order Convening Evidentiary Hearing

At a prehearing conference convened in White Plains, New York, on Septem-

ber 22, 1976, consideration was given to the convening of an evidentiary session of hearings to consider certain environmental considerations related to the recommendation of the parties respecting the preferred alternative closed-cycle cooling tower system.

Due to the congestion of court calendars and the availability of space in the Westchester County Courthouse, October 5 and 6 are the only dates to permit use of a courtroom. The first day of the evidentiary session will include the opportunity for members of the public to present statements by way of limited appearance related to the foregoing consideration.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that an evidentiary session of hearings shall convene at 9:00 a.m. on Tuesday, October 5, 1976, in the Ceremonial Courtroom on the first floor of the Westchester County Courthouse, 111 Grove Street, White Plains, New York.

Issued: September 24, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-28892 Filed 9-29-76;9:19 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO., HARTFORD ELECTRIC LIGHT CO., WESTERN MASSACHUSETTS ELECTRIC CO. AND CONNECTICUT LIGHT AND POWER CO.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Connecticut Light and Power Company (the licensees) for operation of the Millstone Nuclear Power Station Unit No. 1, located in Waterford, Connecticut.

The amendment would revise the provisions of the Technical Specifications to allow installation of high density spent fuel racks in the spent fuel pool, in accordance with the licensees' application for amendment, dated July 15, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By November 1, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of the FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 15, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated in Bethesda, Md., this 24th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-28648 Filed 9-29-76;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR POWER PLANTS)

Availability of NRC Final Environmental Statement for the Siting and Operation of Floating Nuclear Plants

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in Appendix M to 10 CFR Part 50 and 10 CFR Part 51, notice is hereby given that Part II of the Final Environmental Statement related to the generic considerations of siting and operation of floating nuclear power plants in the coastal waters of the Atlantic Ocean and the Gulf of Mexico and in certain riverine and estuarine locations has been prepared by the Commission's Office of Nuclear Reactor Regulation. This Final Environmental Statement is Part II of the environmental review related to the issuance of a manufacturing license to Offshore Power Systems (an unincorporated joint venture of Westinghouse Electric Corporation and Westinghouse International Power Systems Company, Incorporated).

The statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.; the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida; the Stockton State College Library, Pomona, New Jersey; and the New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, Louisiana. This Final Statement is also being made available at the Bureau of Intergovernmental Relations, Division of State Planning, Department of Administration, 660 Apalachee Parkway, Tallahassee, Florida, and at the Jacksonville Area Planning Board, 330 E. Bay Street, Jacksonville, Florida.

The notice of availability of the Part II Draft Environmental Statement for the siting and operation of floating nuclear power plants and request for comments from interested persons was published in the FEDERAL REGISTER on December 10, 1975 (40 FR 57520). The comments received from Federal, State, local and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Statement (Document No. NUREG-0056) may be purchased from the National Technical Information Service, Springfield, Virginia, 22161 (Volume I, $16.25; Volume II, $10.00 for printed copies and $2.25 for microfiche).

This portion of the Final Environmental Statement focuses on the siting and operation of floating nuclear plants. Also pursuant to the National Environmental Policy Act and the Commission's regulations cited above, the Office of Nuclear Reactor Regulation will prepare Part III of the Draft Environmental Statement covering the consequences of accidental releases of radioactivity through liquid

pathways. Notice of availability of the Draft Environmental Statement—Part III—will be published in the FEDERAL REGISTER with opportunity for comments from interested persons. Upon consideration of comments submitted with respect to the third Draft Environmental Statement, the Commission will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Rockville, Maryland, this 14th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-28057 Filed 9-29-76;8:45 am]

[Docket Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO., PUBLIC SERVICE ELECTRIC AND GAS CO., DELMARVA POWER AND LIGHT CO. AND ATLANTIC CITY ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 26 and 25 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments will revise the provisions in the Technical Specifications relating to the Aquatic Environmental Surveillance and Special Study Programs conducted to monitor the effects of the operation of Units Nos. 2 and 3 on the aquatic community in Conowingo Pond.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 15, 1975 and (2) Amendments Nos. 26 and 25 to Licenses Nos. DPR-44 and DPR-56. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-28650 Filed 9-29-76;8:45 am]

[Docket Nos. STN 50-546, STN 50-547]

PUBLIC SERVICE COMPANY OF INDIANA, INC., ET AL.

Availability of Final Environmental Statement for Marble Hill Nuclear Generating Station, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement (FES) prepared by the Commission's Office of Nuclear Reactor Regulation, related to the Construction of Marble Hill Nuclear Generating Station Unit Nos. 1 and 2 in Jefferson County, Indiana proposed by the applicants, the Public Service Company of Indiana, Inc., the Northern Indiana Public Service Company, the East Kentucky Power Cooperative, and the Wabash Valley Power Association, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana. The Final Environmental Statement is also being made available at the Office of the Clearinghouse Review Officer, Indiana Budget Agency, 212 State House, Indianapolis, Indiana and at the Region 12 Development Commission, P.O. Box 127, Versailles, Indiana.

The Draft Environmental Statement was issued in March 1976, with a request for comments from Federal, state and local agencies and from interested members of the public. These comments, and responses to them by the NRC staff, are included in the FES.

Copies of the Final Environmental Statement (Document No. NUREG-0097) may be purchased from the National Technical Information Service, Springfield, Virginia, 22161, at a cost of $10.75 for printed copies and $2.25 for microfiche.

Dated at Rockville, Md., this 22 day of September 1976.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.76-28651 Filed 9-29-76;8:45 am]

[Docket No. 50-224]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Proposed Renewal of Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering renewal of Facility Operating License No. R-101 issued to The Regents of the University of California (the licensee), for operation of the TRIGA Mark III research reactor, located on the campus of the University of California at Berkeley.

The renewal would extend the expiration date of Facility Operating License No. R-101 to February 3, 2005, in accordance with the Licensee's application for renewal, dated December 30, 1974, and the supplement thereto dated February 18, 1976.

Prior to renewal of Facility Operating License No. R-101, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 1, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to renewal of the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating

only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, be becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for license renewal dated December 30, 1974, and the supplement thereto dated February 18, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. The license and the Safety Evaluation, when issued, may be inspected at the above location and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-28649 Filed 9-29-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe nad make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.122, "Development of Floor Design Response Spectra for Seismic Design of Floor-Supported Equipment or Components," describes methods acceptable to the NRC staff for developing two horizontal and one vertical floor design response spectra at various floors or other equipment-support locations of interests from the time-history motions resulting from the dynamic analysis of the supporting structure.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.122 will, however, be particularly useful in evaluating the need for an early revision if received by November 26, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland this 22d day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-28653 Filed 9-29-76;8:45 am]

[Docket Nos. 50-266, 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 20 and 25 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

These amendments consist of changes in the Technical Specifications that will revise the operational radiological environmental monitoring program.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 10, 1975 (supplements dated July 12 and August 12, 1976), (2) Amendment No. 20 to License No. DPR-24, (3) Amendment No. 25 to License No. DPR-27, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C., and at the University of Wisconsin—Stevens Point Library, ATTN: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-28652 Filed 9-29-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5122]

COTTMAN CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Cottman Capital Corporation (CCC), 575 Virginia Drive, Fort Washington, Pennsylvania 19034, a Federal licensee under section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has filed an application pursuant to § 107.1004(b)(5) (13 CFR 107.1004 (1976)), for approval of a conflict of interest transaction.

CCC was licensed by the Small Business Administration (SBA) on January 13, 1976. The licensee's voting stock is owned by Cottman Franchises Internationale, Inc. (CFI). CFI has extensive experience in franchising transmission system repair centers.

On June 18, 1976, Mr. Larry I. Park, through his corporation, Park Transmission, Inc., agreed to purchase a Cottman Transmission Center located in Jacksonville, Florida. This Center is being operated by an affiliate of Cottman Transmission Systems, Inc., a wholly-owned subsidiary of CFI.

CCC has proposed to provide a 9½ percent, 8½ year, $21,250 loan to Park Transmission, Inc., and purchase a 9½ percent, 8-year, $10,750 convertible debenture. The debtenture can be converted into 30 percent of the small concern's stock.

The transaction falls within the purview of § 107.1004 by reason of the fact that CCC and Cottman Transmission Systems, Inc. are subsidiaries of CFI, and the financing will be used by Park Transmissions, Inc. to acquire property from an associate of the licensee.

Notice is hereby given that any person may submit to SBA written comments, no later than October 15, 1976, on this financing. Any such communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in the Fort Washington, Pennylvania area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 21, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-28600 Filed 9-29-76;8:45 am]

[License No. 04/04-5113]

FINANCIAL OPPORTUNITIES, INC.

Conflict of Interest Transactions

Notice is hereby given that Financial Opportunities, Inc. (Licensee), 981 South Third Street, Louisville, Kentucky, 40202, and having a branch office located at 210 Summit Avenue, Montvale, New Jersey 07645, was licensed by the Small Business Administration on October 17, 1974, to operate as a small business investment company pursuant to the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 USCA 611 et seq.).

Licensee is a wholly-owned subsidiary of Convenient Industries of America, Inc. (CIAI), 981 South Third Street, Louisville, Kentucky 40203, franchisor of Convenient Food Mart Stores (CFM) in the States of Kentucky, Indiana, Illinois, Tennessee, New York, Masachusetts, New Jersey and Connecticut.

As a section 301(d) company, licensee's investment policy is to provide assistance solely to small business concerns at least 50 percent owned and managed by socially or economically disadvantaged persons. In its application for license, licensee proposed to assist socially or economically disadvantaged persons in acquiring and operating CFM stores under franchises from CIAI.

Early in 1975, certain E-Z Food shops located in New York and New Jersey were acquired by CIAI and organized as separate corporations for operation under CFM store franchises.

Licensee's plan of operation contemplates providing financial assistance to socially or economically disadvantaged persons for the purpose of purchasing CFM store franchises from CIAI or from subsidiary of CIAI. CIAI and CIA Food CIA Food Mart, Inc., a wholly-owned Mart, Inc., are associates of the licensee as defined in 13 CFR 107.3 (1976). Except as permitted by 13 CFR 107.1001(g) (1976), financing of an associate by a licensee for the purpose of purchasing property from an associate is prohibited by 13 CFR 107.1004(b) (1976) unless an exemption is granted by SBA in furtherance of the purposes of the Act.

Under the provisions of 13 CFR 107.1001(g) (1976), no funds may be provided by a licensee to a small business concern if 75 percent or more of such funds are used to purchase goods or services from a supplier which is an associate of the licensee.

It has been determined that the purchase of stock or capital asset from an associate supplier of a licensee does not come within the permissible financing under 13 CFR 107.1001(g) (1976).

Before granting an exemption under the provisions of 13 CFR 107.1004(b) (1976), SBA is affording an opportunity for persons interested to submit to SBA, not later than October 15, 1976, written comments on licensee's proposed plan of operation as above outlined. All such communications should be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

After the period for comment has expired, SBA may grant an exemption from the provisions of § 107.1004 on the basis of all relevant data submitted, subject to the requirement that each particular transaction entered into between the licensee and a franchisee pursuant to the above-described plan shall be published in a newspaper of general circulation in the locality most directly affected by the transaction, in accordance with Section 312 of the Act.

(Catalog of Federal Domestic Assistance Program No. 59011 Small Business Investment Companies)

Dated: September 22, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-28601 Filed 9-27-76;8:45 am]

HONOLULU DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Honolulu District Advisory Council will hold a public meeting at 9:00 a.m., Friday, October 22, 1976, at the Maui Beach Hotel, 170 Kaahumanu Avenue, Kahului, Maui, Hawaii, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call David K. Nakagawa, U.S. Small Business Administration, 1149 Bethel Street—Room 402, Honolulu, Hawaii 96813, (808) 546-8950.

Dated: September 20, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-28595 Filed 9-29-76;8:45 am]

[Proposal No. 07/07-0076]

INTERCAPCO WEST, INC.

Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1976)) by Intercapco West, Inc., 7800 Bonhomme Avenue, St. Louis, Missouri 63105 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and shareholders are:

Name	Title	Percent of proposed ownership
Thomas E. Phelps, 7800 Bonhomme Ave., St. Louis, Mo. 63105.	President, treasurer, and director.	8.75
Patrick M. Donelan, 7800 Bonhomme Ave., St. Louis, Mo. 63105.	Vice president, secretary, and director.	8.75
Glenn Golenberg, Investment Plaza, Cleveland, Ohio 44114.	(1)	3.0
Ronald E. Weinberg, Investment Plaza, Cleveland, Ohio 44114.	(1)	3.0
Jeffrey A. Cole, Investment Plaza, Cleveland, Ohio 44114	(1)	.75
Wendell W. Robinson, Investment Plaza, Cleveland, Ohio 44114.	(1)	.75

[1] These individuals are officers and/or directors of Intercapco, Inc., another license applicant in Cleveland, Ohio. Further, these individuals will be directly responsible for providing advisory services to the applicant pursuant to an investment advisory agreement between Intercapco, Inc., and the applicant.

The applicant will begin operations with a capitalization of approximately $604,000 depending on the success of the private sale of Class A common stock, and will be a source of equity capital and long term loan funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any person may, not later than October 15, 1976, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in St. Louis, Missouri and Cleveland, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 22, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-28602 Filed 9-29-76;8:45 am]

JACKSON DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Jackson District Advisory Council will hold a public meeting at 9:00 a.m., Friday, October 22, 1976, at the Board of Director's room, First Mississippi National Bank, 455 East Capitol Street, Jackson, Mississippi, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Ardis Jones, U.S. Small Business Administration, 690 Petroleum Building, 200 E. Pascagoula, Jackson, Mississippi 39201, (601) 490-4363.

Dated: September 20, 1976.

HENRY V. Z. HYDE,
Deputy Advocate for Advisory Councils.

[FR Doc.76-28596 Filed 9-29-76;8:45 am]

OKLAHOMA CITY DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Oklahoma City District Advisory Council will hold a public meeting at 8:00 a.m., Friday, October 15, 1976, at the Hilton Inn Northwest, 2945 N.W. Expressway, Oklahoma City, Oklahoma, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Truman Branscum, U.S. Small Business Administration, Suite 840, 50 Penn Place, Oklahoma City, Oklahoma 73116, (405) 736-5237.

Dated: September 20, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-28597 Filed 9-29-76;8:45 am]

PHILADELPHIA AND PITTSBURGH DISTRICT ADVISORY COUNCILS

Public Meeting

The Small Business Administration's Philadelphia and Pittsburgh District Advisory Councils will hold a joint public meeting at 9:00 a.m., Wednesday, October 20, 1976, at the Hershey Hotel, Hershey, Pennsylvania, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call William B. Patterson, U.S. Small Business Administration, Suite 400-East Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pennsylvania, 19004 (215) 596-5801 or Jack C. Forbes, U.S. Small Business Administration, 1401 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222 (412) 722-2784.

Dated: September 20, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-28598 Filed 9-29-76;8:45 am]

SEATTLE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Seattle District Advisory Council will hold, a public meeting at 9:00 a.m. Thursday, October 28, 1976, in the New Federal Building, 915 Second Avenue, Seattle, Washington 98174, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Robert F. Caldwell, District Director, same address as above, (206) 399-7791.

Dated: September 20, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-28599 Filed 9-29-76;8:45 am]

[License No. 02/02-5318]

TAROCO CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On July 1, 1976, a notice was published in the FEDERAL REGISTER (40 FR 27143) stating that Taroco Capital Corporation, located at 258 Broadway, New York, New York 10007, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1976) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business July 16, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 02/02-5318 to Taroco Capital Corporation on September 10, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: September 23, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-28603 Filed 9-29-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

CERTAIN ALLOY TOOL STEEL QUANTITATIVE LIMITATIONS

Modification

By Proclamation 4445 of June 11, 1976 (41 FR 24101, June 15, 1976), temporary quantitative limitations were placed on the importation into the United States of certain articles of stainless or alloy tool steel. The Proclamation, inter alia, implements an agreement entered into on June 11, 1976 between the Government of the United States and the Government of Japan concerning the importation into the United States of such steel articles.

Under paragraph (5) of the Proclamation, the Special Representative is directed to perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment or termination of the agreement with the Government of Japan. The Special Representative is also authorized to make any changes in the Tariff Schedules of the United States (TSUS) as may be necessary to carry out the agreement.

Under paragraph 3 of the Notes constituting the agreement, and Annex C thereto, a one percent limit is placed on the maximum increase in the amount of alloy tool steel (TSUS item 923.24) which may be imported from Japan in excess of the specified base limit (3500 short tons) for the period June 14, 1976 through June 13, 1977. The effect of the following amendment to the TSUS is to change the maximum increase allowable in the base limit for this category to 100% for this restraint period (June 14, 1976–June 13, 1977). Under the agreement, any increase which is made in any category must be offset by equal tonnage reductions in other categories. Electing to use these "shift" provisions does not, therefore, result in any increase in the total amount of steel which may be entered in all categories.

This action has been agreed between the United States Government and the Government of Japan to deal with a problem which has arisen due to the counting of certain high carbon chrome steel suitable for bearings as alloy tool steel within item 923.24 and the existence of questions concerning the statistical classification of this steel prior to June 14, 1976.

Accordingly, paragraph (f) of headnote 2, subpart A, part 2 of the Appendix to the TSUS (19 U.S.C. 1202), is modified with respect to item 923.24 for the restraint period June 14, 1976–June 13, 1977, by changing the percentage in the column headed "Maximum Increase" from "1" to "100".

This modification will be effective on September 30, 1976.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

[FR Doc.76-28933 Filed 9-29-76;11:27 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 157]

ASSIGNMENT OF HEARINGS

SEPTEMBER 27, 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.

No. 36312, U.S. Energy Research and Development Administration V. The Akron, Canton & Youngstown Railroad Company, Et. Al., No. 36336, General Electric Company v. The Akron Canton & Youngstown Railroad Company, Et al. No. 36330, GPU Service Corp., et al v. The Akron Canton & Youngstown Railroad Company, et al., No. 36313, Allied General Nuclear Services et al v. The Akron Canton & Youngstown Railroad Company, et al and No. 36335, Commonwealth Edison Company, et al v. the Akron Canton & Youngstown Railroad Company, et al now assigned October 19, 1976, at Washington, D.C., is postponed to November 29, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12872, East Texas Motor Freight Lines, Inc., dba Etmf Systems Purchase (Portion)—Transamerican Freight Lines, Inc., and MC-F-12713, Campbell sixty six Express, Inc.—Purchase (Portion)—Transamerican Freight Lines, Inc., now assigned for pre-hearing conference on October 13, 1976, at St. Louis, Mo., in Courtroom 3, 5th floor, 1114 Market Street. *Immediately following pre-hearing conference the hearing will begin in MC-F-12713, Campbell Sixty-Six Express, Inc. only.*

MC 126305 (Sub-Nos. 13, 14, 22, 24, 25, 28, 29, 30, 31, 37, 39 & 40), Boyd Brothers Transportation Co., Inc., now assigned October 13, 1976 at Birmingham, Alabama; will be held in the Kahler Plaza Hotel, 808 South 20th Street.

MC 109397 (Sub-No. 318), Tri-State Motor Transit Co., now assigned October 14, 1976 at Birmingham, Alabama; will be held in the Kahler Plaza Hotel, 808 South 20th Street.

MC 121006 (Sub-No. 2), Gadsden Truck Line, Inc., now assigned October 18, 1976 at Birmingham Alabama; will be held in the Kahler Plaza Hotel, 808 20th Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-28694 Filed 9-29-76; 8:45 am]

[Notice No. 158]

ASSIGNMENT OF HEARINGS

SEPTEMBER 27, 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 35835 (Sub No. 31), Jensen Transport, Inc., MC 127840 (Sub No. 44), Montgomery Tank Lines, Inc., MC 136774 (Sub. No. 5), MC-MOR-HAN Trucking Co., Inc., MC 114194 (Sub No. 182), Kreider Truck Service, Inc., MC 115331 (Sub No. 404), Truck Transport, Inc., MC 112801 (Sub No. 180), Transport Service Co., MC 107496 (Sub No. 1027),

MC 67450 (Sub No. 58), MC 124078 (Sub No. 684), Schwerman Trucking Co., and MC 119974 (Sub No. 52), L.C.L. Transit Company now being assigned December 9, 1976 (2 days) at Chicago, Illinois instead of December 8, 1976 at Chicago, Illinois.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-28695 Filed 9-29-76;8:45 am]

[Rule 19; Ex Parte No. 241, 25th Rev. Exemption No. 10]

ATCHISON, TOPEKA AND SANTA FE RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 400 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company.
Reporting Marks: ATSF.

Atlanta and Saint Andrews Bay Railway Company.
Reporting Marks: ASAB.

The Baltimore and Ohio Railway Company.
Reporting Marks: BO.

Bangor and Aroostook Railroad Company.
Reporting Marks: BAR.

Bessemer and Lake Erie Railroad Company.
Reporting Marks: BLE.

The Chesapeake and Ohio Railway Company.
Reporting Marks: CO-PM.

Chicago, Rock Island and Pacific Railroad Company.
Reporting Marks: RI-ROCK.

Chicago, West Pullman & Southern Railroad Company.
Reporting Marks: CWP.

The Denver and Rio Grande Western Railroad Company. Reporting Marks: DRGW.

Detroit and Mackinac Railway Company. Reporting Marks: D&M-DM.

Elgin, Joliet and Eastern Railway Company. Reporting Marks: EJE.

Illinois Terminal Railroad Company. Reporting Marks: ITC.

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

Louisville, New Albany & Corydon Railroad Company. Reporting Marks: LNAC.

Missouri-Kansas-Texas Railroad Company. Reporting Marks: MKT.

Missouri Pacific Railroad Company. Reporting Marks: CEI-MI-MP-TP.

NOTE.—New Jersey, Indiana & Illinois Railroad Company and Norfolk and Western Railway Company eliminated.

Southern Railway Company. Reporting Marks: CG-NS-SA-SOU.

St. Louis-San Francisco Railway Company. Reporting Marks: SLSF.

Union Pacific Railroad Company. Reporting Marks: UP.

Western Maryland Railway Company. Reporting Marks: WM.

Effective 12:01 a.m., September 22, 1976 and continuing in effect until further order of this Commission.

Issued at Washington, D.C., September 15, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-28700 Filed 9-29-76;8:45 am]

[Rule 19; Ex Parte No. 241, 4th Rev. Exemption No. 128]

ATCHISON, TOPEKA AND SANTA FE RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To:

The Atchison, Topeka and Santa Fe Railroad Company, Chicago & Eastern Illinois Railroad Company, Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Rock Island and Pacific Railroad Company, Illinois Central Gulf Railroad Company, Louisville and Nashville Railroad Company, Missouri-Illinois Railroad Company, Missouri Pacific Railroad Company, St. Louis Southwestern Railway Company, Seaboard Coast Line Railroad Company, Southern Railway Company, The Texas and Pacific Railway Company.

It appearing, that the thirteen railroads listed below have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM", "FM"—less than 200,000 lbs., "GA", "GB", "GD", "GH", "GS", and "GT" and bearing reporting marks assigned to such carriers.

It further appearing that these thirteen railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other twelve roads as systems, with the Car Service Division of the AAR acting as agent.

It is ordered, That pursuant to the authority vested in me by Car Service Rule

19, empty plain cars described in the Official Railway Equipment Register I.C.C.-R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XM", "FM"—less than 200,000 lbs., "GA", "GB", "GD", "GH", "GS", and "GT" and bearing the following reporting marks are exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b), while on the lines of any of the above named railroads.

The Atchison, Topeka and Santa Fe Railroad Company.
Reporting Marks: ATSF Effective August 22, 1976.
Chicago & Eastern Illinois Railroad Company.
Reporting Marks: CEI Effective July 15, 1976.
Chicago and North Western Transportation Company.
Reporting Marks: CNW–CGW–CMO–FDDM–MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
Reporting Marks: MILW Effective July 15, 1976.
Chicago, Rock Island and Pacific Railroad Company.
Reporting Marks: RI–ROCK September 12, 1976.[1]
Illinois Central Gulf Railroad Company.
Reporting Marks: ICG–GM&O–IC Effective August 22, 1976.
Louisville and Nashville Railroad Company.
Reporting Marks: L&N–CIL–MON–NC Effective August 15, 1976.
Missouri-Illinois Railroad Company.
Reporting Marks: MI Effective July 15, 1976.
Missouri Pacific Railroad Company.
Reporting Marks: MP Effective July 15, 1976.
St. Louis Southwestern Railway Company.
Reporting Marks: SSW Effective July 25, 1976.
Seaboard Coast Line Railroad Company.
Reporting Marks: SCL–ACL–C&WC–SAL Effective August 15, 1976.
Southern Railway Company.
Reporting Marks: SOU–AEC–CG–GF–NS–SA Effective July 15, 1976.
The Texas and Pacific Railway Company.
Reporting Marks: T&P Effective July 15, 1976.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project starting July 15, 1976, the Car Service Division to issue appropriate notification to Project participants, and to advise the undersigned.

Expires: February 15, 1977.

Issued at Washington, D.C., September 9, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–28699 Filed 9–29–76;8:45 am]

[1] Effective date inserted.

[Rule 19; Ex Parte No. 241, 17th Rev. Exemption No. 90]

ATLANTA & SAINT ANDREWS BAY RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company.
Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company.
Reporting Marks: BO.
The Chesapeake and Ohio Railway Company.
Reporting Marks: CO–PM.
Elgin, Joliet and Eastern Railway Company.
Reporting Marks: EJE.
Green Mountain Railroad Corporation.
Reporting Marks: GMRC.
Illinois Terminal Railroad Company.
Reporting Marks: ITC.
Louisville and Wadley Railway Company.[1]
Reporting Marks: LW.
Louisville, New Albany & Corydon Railroad Company.
Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Company.
Reporting Marks: BKTY–MKT.
New Jersey, Indiana & Illinois Railroad Company.
Reporting Marks: NJII.
Norfolk and Western Railway Company.
Reporting Marks: N&W–NKP–P&WV–WAB.
Pearl River Valley Railroad Company.
Reporting Marks: PRV.
The Pittsburgh and Lake Erie Railroad Company.
Reporting Marks: P&LE.
Raritan River Rail Road Company.
Reporting Marks: RR.
Sacramento Northern Railway.
Reporting Marks: SN.
St. Johnsbury & Lamoille County Railroad.
Reporting Marks: SJL.
Sierra Railroad Company.
Reporting Marks: SERA.
Tidewater Southern Railway Company.
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Company.
Reporting Marks: TPW.
Vermont Railway, Inc.
Reporting Marks: VTR.
WCTU Railway Company.
Reporting Marks: WCTR.
Western Maryland Railway Company.
Reporting Marks: WM.
Yreka Western Railroad Company.
Reporting Marks: YW.

[1] Addition.

Effective September 15, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., September 7, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–28698 Filed 9–29–76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 27, 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 on or before October 15, 1976.

FSA No. 43244—*Newsprint Paper from Trois Rivieres, Quebec, Canada.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No. 3054), for interested rail carriers. Rates on paper, newsprint, in carloads, as described in the application, from Trois Rivieres, Quebec, Canada, to Fort Lauderdale and Hollywood, Florida.

Grounds for relief—Water competition.

Tariff—Supplement 57 to Canadian Freight Association tariff No. 760, I.C.C. No. 325. Rates are published to become effective on October 30, 1976.

FSA No. 43245—*Joint Water-Rail Container Rates—Pacific Far East Line, Inc.* Filed by Pacific Far East Line, Inc., (No. 10), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Gulf Seaboard, to Egyptian, Mediterranean, Middle Eastern and Turkish ports.

Grounds for relief—Water competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–28696 Filed 9–29–76;8:45 am]

[Notice No. 39]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications

filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before November 1, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76731, filed September 3. 1976. Transferee: H. J. Russell's, Inc., 2275 Old Vestal Road, Vestal, N.Y. 13850. Transferor: Nealon Trucking, Inc., 26 Alice Street, Binghamton, N.Y. 13904. Applicants' representative: Richard H. Pille, Attorney-at-Law, Security Mutual Building, 724, Binghamton, N.Y. 13901. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-40640 (Sub-No. 3), issued February 8, 1971, as follows: Contractors' excavation and construction equipment which because of unusual size or weight requires special handling or the use of special equipment between Binghamton, N.Y., and points within 50 miles of Binghamton, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania, subject to specified restrictions. Transferee is presently authorized to operate as a common carrier under Certificate No. MC-35677. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-28697 Filed 9-29-76;8:45 am]

Office of Proceedings

[Volume No. 50]

TABLE OF CONTENTS LISTING

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

SEPTEMBER 24, 1976.

Permanent authority petitions and applications; finance matters (including temporary authorities); railroad abandonments; alternate route deviation letter-notices; and intrastate applications concurrently seeking authority on interstate or foreign commerce.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights auhority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner in no representative is named.

No. MC 730 (Sub-No. 150) (Notice of Filing of Petition to Modify Certificate), filed September 9, 1976. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Petitioner's representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, Va. 22209. Petitioner holds a motor *common carrier* Certificate in No. MC 730 (Sub-No. 150), issued March 29, 1962, authorizing transportation, as pertinent, over regular routes, of *general commodities* (except bank bills, coin, currency, deeds, drafts, notes, postage stamps, precious metals or articles manufactured therefrom, precious stones, revenue stamps, valuable and negotiable papers, articles or papers of extraordinary value, tank truck shipments, wild animals, dead animals, classes A and B explosives, coal, sand and gravel, automobiles, and household goods as defined by the Commission), between Omaha, Nebr., and Chicago, Ill., serving all intermediate points without restriction, and off-route points within the Chicago, Ill. Commercial zone, as defined by the Commission, restricted to the transportation of *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): from Omaha over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Iowa Highway 212, thence over Iowa Highway 212 to Belle Plaine, Iowa, thence over Iowa Highway 131 to junction U.S. Highway 30, thence over U.S. Highway 30 to Clinton, Ill., thence over Alternate U.S. Highway 30 via Fulton, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway about four miles east of Round Grove, Ill., thence over unnumbered highway via Emerson, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction unnumbered highway east of Sterling, Ill., thence over unnumbered highway via Prairieville and Palmyra, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, and return over the same route. By the instant petition, petitioner seeks to add that portion of U.S. Highway 30 between Iowa Highway 330 and Ames, Iowa to its authority described above. Petitioner previously held authority between Ames, Iowa and Iowa Highway 330 over a parallel route identified as U.S. Highway 30 now named Lincolnway.

No. MC 110525 (Sub-No. 1047) (Notice of Filing of Petition to Modify Restriction), filed September 15, 1976. Petitioner: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downington, Pa. 19335. Petitioner's representative: Thomas J. O'Brien (same address as applicant). Petitioner holds a motor *comomn carrier* Certificate in No. MC 110525 (Sub-No. 1047), issued November 26, 1973, authorizing transportation over irregular routes, of *corn products*, in bulk, (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cargill, Incorporated located at Dayton, Ohio. By the instant petition, petitioner seeks to modify the above restriction to include Car-Mi, Inc. as an additional origin plantsite.

No. MC 112801 (Sub-No. 142) (Notice of Filing of Petition to Modify Restriction), filed September 13, 1976. Petitioner: TRANSPORT SERVICE CO., a Corporation, Two Salt Creek Lane, Hinsdale, Ill. 60521. Petitioner's representative: Donald B. Levine, 39 South La Salle Street, Chicago, Ill. 60603. Petitioner holds a motor *common carrier* Certificate in No. MC 112801 (Sub-No. 142), issued December 11, 1973, authorizing transportation over irregular routes, of

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

corn products in bulk (except corn oil), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plant site and warehouse facilities of Cargill, Inc. located at Dayton, Ohio. By the instant petition, petitioner seeks to modify the restriction to include CAR–MI, Inc., so that it reads: "restricted to the transportation of traffic originating at the plant site and warehouse facilities of Cargill, Inc. and CAR-MI, Inc. at Dayton, Ohio."

No. MC 134477 (Sub-No. 66) (Notice of Filing of Petition to Modify Commodity Description and Restriction), filed September 14, 1976. Petitioner: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Petitioner's representative: Robert P. Sack (same address as petitioner). Petitioner holds a motor *common carrier* Ceritificate in No. MC 134477 (Sub-No. 66), issued March 17, 1976, authorizing transportation over irregular routes, of (1) *Frozen pizza,* from Minneapolis, Minn., to points in Pennsylvania, Ohio, Michigan, Indiana, and Illinois; and (2) *materials and supplies* used in the manufacture and distribution of frozen pizza (except in bulk), from points in the above-named states, to Minneapolis, Minn., restricted in (1) and (2) above to traffic originating at or destined to the facilities of Totino's Finer Foods, Inc., located at or near Minneapolis, Minn. By the instant petition, petitioner seeks (I) to broaden the commodiy description in (1) and (2) above by substituting *Foodstuffs, frozen* in lieu of *Frozen pizza;* and (II) to modify the restriction by substituting The Pillsbury Company in lieu of Totino's Finer Foods, Inc.

No. MC 136342 (Sub-No. 5) (Notice of Filing of Petition To Modify Commodity Description), filed September 9, 1976. Petitioner: JACKSON AND JOHNSON, INC., Rte. 31, P.O. Box 327, Savannah, N.Y. 13146. Petitioner's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Petitioner holds a motor *contract carrier* Permit in No. MC 13642 (Sub-No. 5), issued June 18, 1976, authorizing transportation over irregular routes, of *cranberires and cranberry products* (except in bulk), from Hanson, Onset and Middleboro, Mass., and Bordentown, N.J., to points in New York, under a continuing contract, or contracts, with Ocean Spray Cranberries, Inc. By the instant petition, petitioner seeks to broaden the commodity description to include *"grapefruit, grapefruit juice, barbecue sauce;* in containers" in the above authority.

No. MC 140267 (Sub-No. 2) (Notice of Filing of Petition To Add an Origin Point), filed September 8, 1976. Petitioner: R A TRANSPORTATION, INC., 115 Jacobus Ave., S. Kearny, N.J. 07032. Petitioner's representative: S. Michael Richards (same address as petitioner). Petitioner holds a motor *contract carrier* Permit in No. MC 140267 (Sub-No. 2), issued January 14, 1976, authorizing transportation over irregular routes, of *flour,* in bags, from Buffalo, N.Y., to Perth Amboy, N.J., under a continuing contract, or contracts, with Metzendorf Bros., Inc. By the instant petition, petitioner seeks to add Lockport, N.Y. as an additional origin point in the above authority.

Republications of Grants of Operating Rights Authority Prior to Certification

NOTICE

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 115821 (Sub-No. 18) (Republication), filed December 12, 1975, published in the Federal Register issues of January 22 and March 11, 1976, and third publication this issue. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. An Order of the Commission, Review Board Number 2, dated August 31, 1976, and served September 14, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting, *Fly ash,* in bulk, in tank vehicles, from East Alton, Ill., to points in Indiana, Kentucky, Arkansas, and Tennessee and points in Missouri (except those located on or within an area bounded by a line beginning at the Missouri-Illinois State line and extending west along U.S. Highway 36 to junction U.S. Highway 63; thence south along U.S. Highway 63 to junction U.S. Highway 60, thence east along U.S. Highway 60 to the Missouri-Illinois State line, and thence north along the Missouri-Illinois State line to the point of beginning), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify applicant's territorial description exception as stated above in lieu of (except those points located on and south of U.S. Highway 36, on and east of U.S. Highway 63, and on and north of U.S. Highway 60).

Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of

the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 392), filed August 12, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Lord Kinematics/Division of Lord Manufacturing Co., located at or near Cambridge Springs, Pa., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa.; Cleveland, Ohio or Washington, D.C.

No. MC 2202 (Sub-No. 518), filed August 11, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of McGregor Printing Corporation located at or near York, Ala. as an off-route point in connection with applicant's present authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 9644 (Sub-No. 5), filed August 9, 1976. Applicant: B. T. L., INC., 631 Santa Fe, Kansas City, Mo. 64101. Applicant's representative: William J. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between the Kansas City, Kans.-Kansas City, Mo. Commercial Zone and Roca, Nebr., serving no intermediate points: From the Kansas City, Kans.-Kansas City, Mo. Commercial Zone over Interstate Highway 71 to St. Joseph, Mo., thence over U.S. Highway 36 to Marysville, Kans., thence north over U.S. Highway 77 to junction Nebraska Highway 33, thence east over unnumbered county road to Roca, Nebr., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 13250 (Sub-No. 134), filed August 26, 1976. Applicant: J. H. ROSE TRUCK LINE INC., 5003 Jensen Drive., P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment*, (2) *attachments and parts* of mining equipment, and (3) *equipment, materials and supplies* used in the manufacture of mining equipment, between the facilities of Reading, U. S., Inc., located at or near Orange Park, Fla., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Washington, D.C.

No. MC 30887 (Sub-No. 227), filed August 19, 1976. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, P.O. Box 3483, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural latex*, in bulk, from Baltimore, Md. to Kingstree, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 42405 (Sub-No. 35), filed August 20, 1976. Applicant: MISTLETOE EXPRESS SERVICE, INC., doing business as MISTLETOE EXPRESS, P.O. Box 25125, 111 N. Harrison, Oklahoma City, Okla. 73125. Applicant's representative: Max G. Morgan, 223 Ciudad Building, 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 Pettit Bay, Bay Hollow, Elk Creek, Flintridge, Cookson, and Cookson Bend located in Cherokee County, Okla.; Buncomb Creek, Texhoma Lodge and Catfish Bay, located in Marshall County, Okla.; Westport Marina, Keystone Yamaha and Indiana Hills Electric Co-op, located in Osage and Creek Counties, Okla.; and Drummond, Freedom, Fox, Graham, Ratliff City, County Line, Tatums and Velma, Okla., as off-route points in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 50307 (Sub-No. 80), filed August 27, 1976. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th St., New York City, N.Y. 10001. Applicant's representative: Herbert Burstein, Suite 2373, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture of wearing apparel, between points in Pennsylvania, Morgantown, W. Va., and Mayfield and Cleveland, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 52704 (Sub-No. 132), filed August 19, 1976. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between the plantsite and warehouse facilities of Union Camp Corporation, at or near Savannah, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 55889 (Sub-No. 45), filed August 20, 1976. Applicant: AAA COOPER TRANSPORTATION, a Corporation, P.O. Box 2207, Dothan, Ala. 36301. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Andalusia and Mexia, Ala.: From Andalusia, Ala. over U.S. Highway 84 to Mexia, Ala., serving all intermediate points, (2) between Brewton, Ala. and junction U.S. Highway 84 and Alabama Highway 41: From Brewton, Ala. over Alabama Highway 41 to junction U.S. Highway 84, serving no intermediate points; and (3) between Brewton, Ala. and junction U.S. Highway 84 and U.S. Highway 31: From Brewton, Ala. and junction U.S. Highway 31 to junction U.S. Highway 84, serving no intermediate points.

NOTE:—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 58035 (Sub-No. 11), filed August 9, 1976. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, Colo. 80216. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric household appliances and equipment; kitchen and bathroom appliances and equipment; oral hygiene appliances and equipment; hydro therapy equipment; sink and shower fixtures; smoke alarms; food processing machines; and filters*, (a) between the plantsites and storage facilities utilized by Teledyne Water Pik, located in Larimer County, Colo., and points at or near Los Angeles, Calif., Addison, Ill.; Atlanta, Ga.; and New Brunswick, N.J.; and (b) from the plantsites and storage facilities of Teledyne Water Pik located in Larimer County,

Colo.; and points at or near Los Angeles, Calif., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Mexico, New York, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacture or distribution of the commodities named in (1) above, (a) between the facilities utilized by Teledyne Water Pik located in Larimer County, Colo., and points at or near Los Angeles, Calif.; Addison, Ill.; Atlanta, Ga.; and East Brunswick, N.J.; and (b) from points in California, Connecticut, Illinois, Indiana, Missouri, Nebraska, New York, Pennsylvania, Rhode Island, Tennessee, Texas, West Virginia and Wisconsin, to the plantsites and storage facilities of Teledyne Water Pik located in Larimer County, Colo., at points at or near Los Angeles, Calif., restricted in (1) (a) and (b) above to traffic originating at the plantsites and storage facilities utilized by Teledyne Water Pik, and further restricted in (2) (a) and (b) above to shipments destined to the named facilities utilized by Teledyne Water Pik.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 59117 (Sub-No. 52), filed Aug. 4, 1976. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, Okla. 74301. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials, and urea*, in bulk, and in bags, from points in Mayes County, Okla., to points in New Mexico; and (2) *nitric acid*, from Military, Kans., to the plantsite of Agrico Chemical Company, at or near Verdigris, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 61502 (Sub-No. 9), filed July 19, 1976. Applicant: WM. McCULLOUGH TRANSPORTATION CO., INC., 1130 U.S. Highway No. 1, Elizabeth, N.J. 07201. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: (1) *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); and (2) *empty used containers, used trailers and used trailer chassis*, between Philadelphia, Pa., and Baltimore, Md., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, and points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line, and extending along U.S. Highway 219 to Wilcox, Pa., thence, along unnumbered highway to Kane, Pa., thence along U.S. Highway 6 to Lantz Corners, Pa., thence along U.S. Highway 219 to the Pennsylvania-New York State line, and the District of Columbia, restricted to shipments having an immediately prior or subsequent movement by water. Note: Applicant states that it intends to tack its existing authority at Philadelphia, Pa. to provide service to points in New York, Connecticut, New Jersey, Pennsylvania, Rhode Island and Massachusetts.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 61592 (Sub-No. 393), filed Aug. 16, 1976. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. Devine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from points in Chicago, Ill.; Portage, Ind.; and Houston, Tex.; to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 64932 (Sub-No. 565), filed August 12, 1976. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorocarbon cleaning compounds*, in bulk, in tank vehicles, from the plantsite of E. I. duPont deNemours & Co., located at Montague, Mich., to Boulder, Colo., and (2) *paint solvents*, in bulk, in tank vehicles, from Flint, Mich., to Arthur and Elgin, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 65697 (Sub-No. 52), filed August 2, 1976. Applicant: THEATERS SERVICE COMPANY, INC., P.O. Box 1695, Atlanta, Ga. 30301. Applicant's representative: Max G. Morgan, 223 Ciudad Building, 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, (1) Between Vicksburg, Miss., and Macon, Ga.: From Vicksburg over U.S. Highway 80 to Macon; (2) Between Vicksburg, Miss. and Toomsuba, Miss.: From Vicksburg over Interstate Highway 20 to Toomsuba, (3) Between the Alabama-Mississippi State line, near Cuba, Ala. and Bristol, Tenn.: (a) From the Alabama-Mississippi State line, near Cuba, Ala., over Interstate Highway 59 to Chattanooga, Tenn., thence over U.S. Highway 11 to Knoxville, Tenn., thence over U.S. Highway 11-E to Bristol, Tenn.; and (b) From the Alabama-Mississippi State line near Cuba, Ala., over Interstate Highway 75 to Knoxville, thence over Interstate Highway 81 to Bristol, Tenn.; (5) Between Knoxville and Bristol, Tenn.: From Knoxville over U.S. Highway 11W to Bristol; (5) Between Montgomery, Ala. and Opp, Ala.: From Montgomery over U.S. Highway 331 to Opp; (6) Between Dothan, Ala., and Westmoreland, Tenn.: From Dothan over U.S. Highway 231 to Westmoreland; (7) Between Andalusia, Ala. and Hartwell, Ga.: From Andalusia over U.S. Highway 29 to Hartwell; (8) Between Tuskegee, Ala. and Atlanta, Ga.: From Tuskagee over Interstate Highway 85 to Atlanta; (9) Between Andalusia, Ala., and Thomasville, Ga.: From Andalusia over U.S. Highway 84 to Thomasville; (10) Between Opp, Ala. and Albany, Ga.: From Opp over Alabama Highway 52 to the Alabama-Georgia State line, thence over Georgia Highway 62 to its junction with Georgia Highway 91, thence over Georgia Highway 91 to Albany. (11) Between Dothan, Ala. and Nashville, Tenn.: From Dothan over U.S. Highway 431 to Nashville; (12) Between Greenville, Ala. and Westmoreland, Tenn.: From Greenville over U.S. Highway 31 to Nashville, thence over U.S. Highway 31E to Westmoreland; (13) Between Greenville, Ala. and Nashville, Tenn.: From Greenville over Interstate Highway 65 to Nashville, Tenn.; (14) Between Pulaski, Tenn. and Nashville, Tenn.: From Pulaski over U.S. Highway 31A to Nashville, Tenn.; (15) Between Reform, Ala. and Sylvester, Ga.: From Reform over U.S. Highway 82 to Sylvester; (16) Between Birmingham, Ala. and Americus, Ga.: From Birmingham over U.S. Highway 280 to Americus; (17) Between Sulacauga, Ala. and Piedmont, Ala.: From Sylacauga over U.S. Highway Alternate 231 to Talladega, Ala., thence over Alabama Highway 21 to Piedmont; (18) Between Hamilton, Ala. and Athens, Ga.: From Hamilton over U.S. Highway 78 to Athens; (19) Between Birmingham, Ala. and Atlanta, Ga.: From Birmingham over Interstate Highway 20 to Atlanta, Ga.; (20) Between Florence, Ala. and Aliceville, Ala.: From Florence over U.S. Highway 43 to Hamilton, Ala., thence over Alabama Highway 17 to Aliceville; (21) Between Red Bay, Ala. and Decatur, Ala.: From Red Bay over Alabama Highway 24 to Decatur; (22) Between Florence, Ala. and Kimball, Tenn.: From Florence over U.S. Highway 72 to its junction with U.S. Highway 41 near Kimball, Tenn.: (23) Between Huntsville, Ala. and Tuscumbia, Ala.: From Huntsville over U.S. Highway Alternate 72 to Tuscumbia; (24) Between Springfield, Tenn. and Macon, Ga.: From Springfield over U.S. Highway 41 to Macon; (25) Between Nashville, Tenn. to Macon, Ga.: From Nashville over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to Macon; (26) Be-

tween Nashville, Tenn. and Newport, Tenn.: From Nashville over Interstate Highway 40 (U.S. Highway 70 and 70N) to Newport, Tenn.; (27) Between Lebanon, Tenn., to Crab Orchard, Tenn.: From Lebanon over U.S. Highway 70 to Crab Orchard, Tenn.: (28) Between Lebanon, Tenn. and Monterey, Tenn.: From Lebanon over U.S. Highway 70N to Monterey; (29) Between Westmoreland, Tenn. and Livingston, Tenn.: From Westmoreland over Tennessee Highway 52 to Livingston; (30) Between Murfreesboro, Tenn. and Livingston, Tenn.: From Murfreesboro over U.S. Highway 70S to its junction with Tennessee Highway 42, thence over Tennessee Highway 42 to Livingston.

(31) Between Chestnut Mound, Tenn. and Celina, Tenn.; From Chestnut Mound over Tennessee Highway 53 to Celina; (32) Between Nashville, Tenn. and Monteagle, Tenn.: From Nashville over U.S. Highway 41A to Monteagle; (33) Between Fayetteville, Tenn. and McMinnville, Tenn.: From Fayetteville over Tennessee Highway 50 to its junction with Tennessee Highway 55, thence over Tennessee Highway 55 to McMinnville, Tenn.; (34) Between Oneida, Tenn. and Bainbridge, Ga.: From Oneida over U.S. Highway 27 to Bainbridge; (35) Between Carrolton, Ga. to Columbus, Ga.: From Carrolton over U.S. Highway Alternate 27 to Columbus; (36) Between Newport, Tenn. and the Tennessee-Kentucky State line: From Newport over U.S. Highway 25W to the Tennessee-Kentucky State line; (37) Between Elizabethton, Tenn. and Leeds, Ala.; From Elizabethton over U.S. Highway 321 to Johnson City, thence over U.S. Highway 411 to Leeds; (38) Between Thomasville, Ga. and Murphy, N.C.: From Thomasville over U.S. Highway 19 to Murphy; (39) Between Morgan, Ga. and Manchester, Ga.: From Morgan over Georgia Highway 41 to Manchester; (40) Between Moultrie, Ga. and Brundidge, Ala.: From Moultrie over Georgia Highway 37 to the Georgia-Alabama State line, thence over Alabama Highway 10 to Brundidge; (41) Between Thomasville, Ga. and Sylvester, Ga.: From Thomasville over U.S. Highway 319 to Moultrie, thence over Georgia Highway 33 to Sylvester; (42) Between Manchester, Ga. and Atlanta, Ga.: From Manchester over Georgia Highway 85 to Atlanta; (43) Between McCaysville, Ga. and the junction of Georgia Highway 5 and U.S. Highway 41 near Marietta, Ga.: From McCaysville over Georgia Highway 5 to its junction with U.S. Highway 41 near Marietta, Ga.; (44) Between Dalton, Ga. and Clayton, Ga.: From Dalton over U.S. Highway 76 to Clayton; (45) Between Murphy, N.C. and Hayesville, N.C.: From Murphy over U.S. Highway 64 to Hayesville.

(46) Between Madison, Ga. and Clayton, Ga.: From Madison over U.S. Highway 441 to Clayton; (47) Between Atlanta, Ga. and the Georgia-South Carolina State line; From Atlanta over U.S. Highway 23 to Cornelia, Ga., thence over U.S. Highway 123 to the Georgia-South Carolina State line; (48) Between Covington, Ga. and Commerce, Ga.: From Covington over U.S. Highway 278 to its junction with Georgia Highway 11, thence over Georgia Highway 11 to Jefferson, Ga., thence over Georgia Highway 15 to Commerce; (49) Between Athens, Ga. and the Georgia-South Carolina State line: From Athens over Georgia Highway 72 to the Georgia-South Carolina State line; (50) Between Knoxville, Tenn. and Murphy, N.C.: From Knoxville over U.S. Highway 128 to Murphy; (51) Between Athens, Ga. and the junction of Georgia Highway 75 and U.S. Highway 76 near Hiawasee, Ga.: From Athens over U.S. Highway 129 to Cleveland, Ga., thence over Georgia Highway 75 to its junction with U.S. Highway 76 near Hiawasee; (52) Between Gallatin, Tenn. and Lafayette, Tenn.: From Gallatin over Tennessee Highway 25 to its junction with Tennessee Highway 10, thence over Tennessee Highway 10 to Lafayette; (53) Between Nashville, Tenn. and Bowling Green, Ky.: From Nashville over U.S. Highway Alternate 41 to Clarksville, Tenn., thence over U.S. Highway 79 to Russellville, Ky., thence over U.S. Highway 68 to Bowling Green, Ky.; (54) Between Bowling Green, Ky. and Goodlettsville, Tenn.: From Bowling Green over U.S. Highway 31W to Goodlettsville; (55) Between Demopolis, Ala. and the junction of U.S. Highway 43 and Alabama Highway 13 near Spruce Pine, Ala.: From Demopolis over U.S. Highway 43 to its junction with Alabama Highway 13 near Spruce Pine; (56) Between Luverne, Ala. and Greenville, Ala.: From Luverne over Alabama Highway 10 to Greenville; (57) Between Knoxville, Tenn. and Wartburg, Tenn.: From Knoxville over Tennessee Highway 62 to Wartburg; (58) Between Etowah, Tenn. and Dayton, Tenn.: From Etowah over Tennessee Highway 30 to Dayton; (59) Between Harpersville, Ala. and Centreville, Ala.: From Harpersville over Alabama Highway 25 to Centreville.

(60) Between Kingsport, Tenn. and Erwin, Tenn.: From Kingsport over U.S. Highway 23 to Erwin; (61) Between Helen, Ga. and Elberton, Ga.: From Helen over Georgia Highway 17 to Elberton; (62) Between Heflin, Ala. and Atlanta, Ga.: From Heflin over Alabama Highway 46 to its junction with Georgia Highway 166, thence over Georgia Highway 166 to Atlanta; (63) Between the junction of U.S. Highway 31 and Alabama Highway 22 near Verbena, Ala. and Peachtree City, Ga.: From the junction of U.S. Highway 31 and Alabama Highway 22 near Verbena, Ala., over Alabama Highway 22 to its junction with Georgia Highway 34, thence over Georgia Highway 34 to Peachtree City; (64) Between Hamilton, Ala. and Augusta, Ga.: From Hamilton over U.S. Highway 278 to Augusta, Ga.; and (65) Between Atlanta, Ga., and Augusta, Ga.: From Atlanta over Interstate Highway 20 to Augusta, and return over all the foregoing routes as pertinent, serving all intermediate points in (1) through (65) above inclusive, restricted in (1) and (2) above within Mississippi to serving the intermediate points of Jackson and Meridian, and further restricted against performing local service between Nashville, Tenn., on the one hand, and points in Mississippi, on the other, but shall authorize the interlining of traffic moving to or from Nashville; and restricted in (55) above when moving between Union Point and Augusta, Ga. against the transportation of shipments having a prior or subsequent movement by air and against motion picture film and supplies when moving to or from places of exhibition.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 73688 (Sub-No. 70), filed August 11, 1976. Applicant: SOUTHERN TRUCKING CORPORATION, P.O. Box 7182, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, siding, insulating materials and asphalt* (except in bulk), from points in Pulaski County, Ark., to points in Alabama, Florida, Indiana, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 82841 (Sub-No. 189), filed August 10, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings and accessories* necessary for the installation thereof; from the facilities of Certain-Teed Products Corporation located at or near McPherson, Kans., to points in California, Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, Nevada, North Dakota, South Dakota, Texas, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 82841 (Sub-No. 191), filed Aug. 5, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable confinement hog feeding units*, from points in Hutchinson and Potter Counties, Tex., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 85696 (Sub-No. 8) filed June 25, 1976. Applicant: DIAMOND FREIGHTWAYS, INC., Friend, Nebr. 68359. Applicant's representative: John

E. Jandera, 641 Harrison Street, Topeka, Kans.66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, commodities requiring special equipment, household goods as defined by the Commission, commodities in bulk, and Classes A and B explosives), (1) between Fairmont and Hastings, Nebr.: From Fairmont, Nebr. over U.S. Highway 6 to Hastings, Nebr. and return over the same route, serving all intermediate points, (2) between Grand Island and Hastings, Nebr.: From Grand Island, Nebr. over U.S. Highway 281 to Hastings, Nebr. and return over the same route, serving all intermediate points and the off-route point of Trumbull, Nebr.; and (3) between Grand Island and McCool Jct., Nebr.: From Grand Island, Nebr. over U.S. Highway 34 to junction U.S. Highway 81, thence over U.S. Highway 81 to McCool Jct., Nebr. and return over the same route, serving the intermediate points between Aurora and McCool Jct., Nebr., including Aurora and McCool Jct., and the off-route points of Henderson and Giltner, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with the reopening proceedings in MC-F-11735 at either Omaha, Nebr. or Washington, D.C.

No. MC 88380 (Sub-No. 24), filed August 17, 1976. Applicant: REB TRANSPORTATION INC., 2400 Cold Springs Road, P.O Box 4309, Fort Worth, Tex. 76106. Applicant's representative: John L. Payne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the facilities of Chaparral Steel, Inc. located at or near Midlothian, Tex., to points in Alabama, Illinois, Kansas, Missouri and Nebraska.

NOTE.—If a hearing is deemed necessary, the application requests it be held at either Dallas or Fort Worth, Tex.

No. MC 94350 (Sub-No. 367), filed August 11, 1976. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and buildings, in sections, mounted on wheeled undercarriages, from points in Scotland County, N.C., to points in Delaware, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 95876 (Sub-No. 190), filed August 26, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings and accessories* used in the installation thereof, from the facilities of Certain-Teed Corporation, located at McPherson, Kans., to points in Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, Wisconsin and Wyoming. Note: Common control may be involved.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 96818 (Sub-No. 6), filed August 10, 1976. Applicant: SOUTHERN MARYLAND TRANSPORTATION CO., INC., 4112 Dewmar Court, Kensington, Md. 20795. Applicant's representative: Thomas M. Auchincloss, Jr., 918–16th Street, N.W., Washington, D.C 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, commodities in bulk, and commodities requiring special equipment), serving the plantsite and warehouse facilities of Londontown Corporation located at or near Eldersburg, Md., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 46), filed August 12, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 Seventeenth Street, N.W., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoe dressing, cleaning compounds, dyes, toilet articles, racks, materials* used in sale and display of the involved commodities, from points in New York to points in Arkansas, California, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Nevada, Ohio, Pennsylvania, Tennessee and Texas and border crossing points in New Hampshire, New York and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 104683 (Sub-No. 40), filed August 25, 1976. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, Miss. 39205. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from points in Escambia County, Ala. and Santa Rosa County, Fla., to points in Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 106074 (Sub-No. 28), filed August 17, 1976. Applicant: B & P MOTOR LINES, INC., P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: Charles G. Dennis, Suite 101, 10205 Oasis Street, San Antonio, Tex. 78216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquor beverages*, other than bulk, and *advertising materials and supplies* used in connection therewith (not to exceed 10% of weight), from San Antonio, Tex., to points in Georgia (except Atlanta), and points in North Carolina, South Carolina, Virginia, and points in Tennessee on and east of U.S. Highway 27.

NOTE.—Applicant holds contract carrier authority in MC 140842 (Sub No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, Tex. or Charlotte, N.C.

No. MC 106398 (Sub-No. 750), filed Aug. 2, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, 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: *Single wide and double wide mobile homes*, irrespective of their intended use, in initial movements, in truckaway service, from points in Nebraska, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106674 (Sub-No. 203), filed August 9, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from the plant, warehouse and storage facilities owned or utilized by GAF Corporation, located in Posey and Vanderburgh Counties, Ind., to points in Alabama, Iowa, Kansas, Michigan, Nebraska, Pennsylvania, South Carolina, and Wisconsin, restricted to the transportation of traffic originating at and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 106674 (Sub-No. 208), filed August 20, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings, pipe, couplings, connections, valves and accessories*, used in the

installation thereof, from the plantsite and warehouse facilities of Clow Corporation, located at or near Coshocton, Ohio, to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 106707 (Sub-No. 10) filed August 30, 1976. Applicant: ADAMS TRUCKING, INC., 1711 West Second St., Webster City, Iowa 50595. Applicant's representative: Ronald Adams (same address applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery; (2) tractors* (except truck tractors); when moving in mixed loads with commodities named in (1) above; and (3) *parts and attachments* for commodities in (1) and (2) above when moving in mixed loads with these commodities, (a) from Rock Island, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, and (b) from Moline and East Moline, Ill., to points in Kansas, Minnesota, Missouri, Nebraska and South Dakota, restricted in (a) and (b) above to shipments originating at the warehouse and facilities of International Harvester Co. located at the above named origins and destined to the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 107002 (Sub-No. 490), filed Aug. 6, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, (1) from Memphis, Tenn., to Wichita, Kans.; and (2) from points in Arkansas, to Memphis, Tenn., and Marks, Miss.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107002 (Sub-No. 491), filed August 30, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, from Memphis, Tenn., to points in California and Georgia; and (2) *pine oil*, in bulk, in tank vehicles, from Hattiesburg, Miss., to Inspiration, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or Atlanta, Ga.

No. MC 107295 (Sub-No. 825), filed August 11, 1976. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Siding;* and (2) *materials, equipment and supplies* used in the manufacture, distribution or installation of the commodities in (1) above (except commodities in bulk), between the plantsite and storage facilities of Alsar, Inc., located at Southfield, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 107452 (Sub-No. 5) (Amendment), filed May 3, 1976, published in the FEDERAL REGISTER issue of June 17, 1976, and republished as amended this issue. Applicant: R. D. BROWN, doing business as DAN BROWN TRUCKING, Greybull Heights, Greybull, Wyo. 82426. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and (2) *machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing maintenance, and dismantling of pipelines including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main and trunk pipeline), (a) between points in Nevada, Montana, Colorado, and Utah, on the one hand, and, on the other, points in that part of North Dakota on and west of a line beginning at the International Boundary Line between the United States and Canada and extending along North Dakota Highway 30 through St. John, York and Medina to Lehr, thence along unnumbered highway (formerly North Dakota Highway 30) to Ashley, and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line and those points in that portion of South Dakota west of the Missouri River and on and north of U.S. Highway 14.

(b) Between points in Wyoming, on the one hand, and on the other, points in Utah, Colorado, Montana, and points in that part of North Dakota on and west of a line beginning at the International Boundary Line between the United States and Canada and extending along North Dakota Highway 30 through St. John, York and Medina to Lehr, thence along unnumbered highway (formerly North Dakota Highway 30) to Ashley, and thence along North Dakota Highway 3 to the North Dakota-South Dakota state line and those points in that portion of South Dakota west of the Missouri River and on and north of U.S. Highway 14; and (c) between points in Colorado and Utah, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming state line at or near Alzada, and extending along U.S. Highway 212 to Miles City, thence along Montana Highway 22 to Jordan, thence northwesterly in a straight line to Malta, and thence along unnumbered highway (formerly Montana Highway 19), to the International Boundary Line between the United States and Canada. Note: the purpose of this republication is to amend applicant's request for authority and to indicate its request to eliminate the gateways at points in Wyoming within 75 miles of Worland, Wyo., including Worland.

NOTE.—If a hearing is deemed necessary, the applicant's requests it be held at either Denver, Colo. or Billings, Mont.

No. MC 107715 (Sub-No. 10), filed August 11, 1976. Applicant: DUQAL, LTD, 3308 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bulk, from points in San Diego County, Calif., to points in Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 108375 (Sub-No. 36) filed August 6, 1976. Applicant: LEROY L. WADE & SON, INC., 10550 "I" Street, P.O. Box 27053, Omaha, Nebr. 68127. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made automobiles and trucks*, in secondary movements, in truckaway service, from Des Moines, Iowa, to points in Iowa, restricted to traffic having an immediately prior movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 109689 (Sub-No. 302), filed August 17, 1976. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 80487. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals used for or in soil sealing or binding*, from the plantsite of Seepage Control Inc., located at Maricopa County, Ariz., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 109821 (Sub-No. 49), filed August 20, 1976. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Dewey T. Whitford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel and tin cans and parts thereof;* and (2) *materials, supplies and equipment* used in the manufacture, packaging, sale or distribution of steel and tin cans (except in bulk), (1) from the facilities and warehouses of the Borden Company in Canandigua, Hall, Lyons, and Newark, N.Y. to points in Pennsylvania east of U.S. Highway 15; and (2) from points in Pennsylvania east of U.S. Highway 15 to Canandaigua, Hall, Lyons and Newark, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa. or New York, N.Y.

No. MC 111045 (Sub-No. 133), filed Aug. 9, 1976. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand and foundry sand additives*, in bulk, and in bags, from Columbus, Ohio, and Albion, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Montgomery, Ala.

No. MC 111940 (Sub-No. 65), filed August 18, 1976. Applicant: SMITH'S TRUCK LINES, R.D. No. 2, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, mixtures of salt and calcium chloride, pepper* in packages in mixed shipments with salt, and *materials and supplies* used in the agricultural, wholesale grocery, water treatment, food processing, and institutional supply industries, from points in Chemung, Livingston, Schuyler, Tompkins, and Wyoming Counties, N.Y.; to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 112520 (Sub-No. 318), filed August 27, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, in bulk, in tank vehicles, from Decatur County, Ga., to points in Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 113678 (Sub-No. 634), filed August 17, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland Massachusetts, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be heard on a consolidated record with Watkins Motor Lines, MC 95540 (Sub-No. 959), Colonial Refrigerated Transportation, Inc., MC 115841, and Greenstein Trucking Co., MC 107818 at Atlanta, Ga.

No. MC 114091 (Sub-No. 91), filed August 26, 1976. Applicant: HUFF TRANSPORT CO., INC., 3601 South 7th Street Road, Louisville, Ky. 40216. Applicant's representative: C. L. Huff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil*, in bulk, in tank vehicles, from Cumberland, Fentress, Grundy, Morgan, Pickett and Scott Counties, Tenn., to the Ashland Pipeline Company facilities, located in Wolfe County, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 114211 (Sub-No. 283), filed August 19, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, millwork, lumber and wood products* (except commodities in bulk), between points in Idaho, Montana, Oregon and Washington, on the one hand, and, on the other, points in Arkansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 114273 (Sub-No. 256), filed August 30, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276 (except Oilfield commodities, as defined by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459 and commodities which because of size or weight require the use of special equipment and/or special handling), from Sterling and Rock Falls, Ill., to points in Colorado and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 257), filed August 27, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap brass and finished brass rods*, between Anson, Mo. and Fort Madison, Iowa, on the one hand, and, on the other, Bellefonte, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 258), filed August 30, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 2720 First Avenue N.E., P.O. Box 1943, Suite 315 Commerce Exchange Bldg., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers, weed cutters, earth aerators, lawn edgers, outboard motors, chain saws, power racks, sod cutters, and parts and accessories* for the above described commodities, from Galesburg, Peoria and Waukegan, Ill. and Beloit, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 145), filed August 4, 1976. Applicant: SHAFFER TRUCKING, INC., Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and products produced by packinghouses*, in vehicles with temperature control devices (except hides, animal feed and animal feed ingredients, and commodities in bulk), from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Penn-

sylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., or Washington, D.C.

No. MC 115322 (Sub-No. 119), filed August 4, 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: *Frozen bakery products* (except commodities in bulk), from Marysville, Pa., to Toronto, Ontario, Canada and Montreal, Quebec, Canada, through ports of entry on the International Boundary line between the United States and Canada located at points on the Niagara and St. Lawrence Rivers.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 115826 (Sub-No. 263), filed August 11, 1976. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and nonfrozen potato products* (except commodities in bulk), from points in Idaho, Oregon, Washington, and Utah, to points in Colorado and Wyoming and Scottsbluff County, Nebr., restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo.; Portland, Oreg. or Seattle, Wash.

No. MC 115841 (Sub-No. 526), filed August 23, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 107 Vulcan Rd., Vulcan Life Bldg., Suite 200, Birmingham, Ala. 35202. Applicant's representative: C. F. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, when moving in mixed loads with meats, meat products, meat byproducts, and articles distributed by meat packinghouses (presently authorized), from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., at or near Goodlettsville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia; and (2) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture, sale, or distribution of foodstuffs, meats, meat products, meat by-products, and articles distributed by meat packinghouses, from points in the states named in (1) above, to the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc. at or near Goodlettsville, Tenn., restricted to shipments originating at above facilities and destined to points in states named.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Chicago, Ill.

No. MC 115904 (Sub-No. 56), filed July 15, 1976. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 84301. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, gypsum, and gypsum products*, used in the manufacture and distribution thereof, (1) from points in Big Horn County, Wyo., (a) to points in Washington; and (b) to the ports of entry on the International Boundary line between the United States and Canada, at or near Roosville, Flathead, Port of Chief Mountain, Port of Piegan, Del Bonita, Sweetgrass, Whitlash, Simpson, North Havre, Treelon, Port of Morgan, Opheim, Port of Scobey, Whitetail and Raymond, Mont.; and Fortuna, Ambrose, Noonan, Portal, Northgate, Sherwood, Antler, Westhope, Carbury, Dunseith, Rolla, Hanboro, Calvin, Hannah, Langdon, Maida, Walhalla, Neche, and Pembina, N. Dak., restricted to the transportation of traffic destined to points in the Provinces of Alberta and Saskatchewan, Canada; and (2) from points in Sevier County, Utah, to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Salt Lake City, Utah.

No. MC 116200 (Sub-No. 9) (Partial correction), filed July 26, 1976, published in the FEDERAL REGISTER issue of September 9, 1976, republished as corrected this issue. Application: UNITED PARCEL SERVICE, INC., 643 West 43rd Street, New York, N.Y. 10036. Applicant's representtaive: S. Harrison Kahn, 733 Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (2) between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to packages originating at, or destined to, the premises of Montgomery Ward Catalog Houses in Baltimore, Md.; Albany, N.Y.; Chicago, Ill.; Denver, Colo.; Ft. Worth, Tex.; Kansas City, Mo.; Oakland, Calif.; Portland, Oreg.; and St. Paul, Minn., and further restricted to packages having an immediately prior or subsequent movement by United Parcel Service, Inc. (an Ohio Corporation).

NOTE.—The purpose of this partial correction is to add Maine to the above authority which was previously omitted, the rest of the publication remains the same. Applicant holds contract carrier authority in MC 63063 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 117068 (Sub-No. 67), filed August 23, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Wash. Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic cranes, mountable on truck chassis, tire service bodies and tire-handling equipment, and related air compressors, parts and accessories* (except commodities which require special equipment by reason of size and weight), from Garner, Iowa, to points in the United States (except Arizona, Connecticut, Florida, Georgia, Kentucky, Missouri, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Utah, and Washington); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from the destinations specified in (1), to Garner, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 117119 (Sub-No. 593), filed August 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores* (except commodities in bulk and wearing apparel, loose on hangers), from points in the New York, N.Y. Commercial Zone, to the warehouse facilities of Dillard Department Stores, Inc., located at Little Rock, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 117589 (Sub-No. 38), filed August 26, 1976. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, P.O. Box 24507, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Ellensburg and Seattle, Wash., to points in Ada, Canyon and Payette Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 117815 (Sub-No. 252), filed August 27, 1976. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal products, charcoal briquets, and pellets, wood chips, charcoal lighter, vermiculite (other than crude) fireplace logs, plant bedding, and potting base*, from Belle, Mo. and East St. Louis, Ill., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 118831 (Sub-No. 137), filed August 10, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 2608, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, from Chattanooga, Tenn., to points in Alabama, Georgia, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 206), filed August 16, 1976. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, 791 E. Main St., Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardsurface facing. or floor coverings and related installation and maintenance materials and supplies* (except in bulk), from East Hemfield Township, Pa., to Indianapolis and Richmond, Ind., and Cincinnati, Ohio, restricted to traffic originating at the plantsite and/or storage facilities of Armstrong Cork Company and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 118159 (Sub-No. 184), filed August 30, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366 Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novelty ice cream products and water ices* (except in bulk), in mechanically refrigerated trailers, from Ocala, Fla., to points in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 144), filed August 26, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, (1) from the warehouse site of National Can Corporation located at Sharonville, Ohio, to points in Indiana, Kentucky, and Wisconsin; and (2) from the plantsite of National Can Corporation located at Marion, Ohio, to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 118989 (Sub-No. 145), filed August 26, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal, paper or composite, and container closures, container components, and materials and supplies* used in the manufacture or distribution of containers, from the plant and warehouse sites of Continental Can Company U.S.A. a member of the Continental Group, Inc., located at Alsip, Bridgeview, Chicago, Danville, Itasca, and Peoria Heights, Ill.; Burns Harbor, Chesterton, Elwood, and Portage, Ind.; Kansas City and Lenexa, Kans.; Louisville, Ky.; Shoreham, Mich.; Arden Hills, Mankato, and St. Paul, Minn.; St. Joseph and St. Louis, Mo.; Omaha, Nebr.; Bedford Heights, Cincinnati, Cleveland, Columbus, Sharonville and Worthington, Ohio; Oil City and West Mifflin, Pa.; La Crosse, Milwaukee and Racine, Wis. to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New York, Nebraska, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119226 (Sub-No. 94), filed Aug. 16, 1976. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products, and blends*, containing corn products, from the facilities of the A. E. Staley Manufacturing Company, located at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill.; or Washington, D.C.

No. MC 119767 (Sub-No. 337), filed August 25, 1976. Applicant: BEAVER TRANSPORT CO., a Corporation, 6414 Copps Avenue, Madison, Wis. 53716. Applicant's representative: Joseph K. Reber, P.O. Box 186, Pleasant Prairie, Wis. 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from points in Brown, Clermont, and Hamilton Counties, Ohio, to points in Illinois, Iowa, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Cincinnati, Ohio.

No. MC 119774 (Sub-No. 90), filed August 19, 1976. Applicant: EAGLE TRUCKING COMPANY, 301 East Main Street, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Pipe, couplings, connections, valves, and materials and supplies* for the installation thereof, from the plantsite and storage facilities of the Clow Corporation, located at or near Coshocton, Ohio to points in the United States (except Ohio).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Dallas, Tex.

No. MC 119789 (Sub-No. 300), filed August 27, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from points in Washington, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Atlanta, Ga.

No. MC 119974 (Sub-No. 60), filed August 2, 1976. Applicant: L. C. L. TRANSIT COMPANY, a Corporation, P.O. Box 949, 949 Advance St., Green Bay, Wis. 54304. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Knoxville, Iowa, to points in Illinois, Indiana and Michigan, restricted to traffic

originating at the named origin and destined to the named points; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Illinois, Indiana and Michigan, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Knoxville, Iowa, restricted to traffic originating at the named origins and destined to the named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Washington, D.C.

No. MC 123407 (Sub-No. 325), filed August 26, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building wall sections*, from Farmingdale, N.J., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123872 (Sub-No. 54), filed August 25, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses (except commodities in bulk and foodstuffs), from St. Cloud, Minn., to Nashville, Tenn.; Charlotte, N.C.; Atlanta, Ga.; Little Rock, Ark.; Shreveport, La.; New Orleans, La. and Denver, Colo., restricted to the transportation of shipments originating at the facilities of Fingerhut Manufacturing Co. Service, Inc. for immediate and subsequent movement by U.S. Mail or by United Parcel Service, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Minneapolis, Minn.

No. MC 124078 (Sub-No. 700), filed Aug. 6, 1976. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's represenative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products derived from corn, and blends*, containing products derived from corn, in bulk, in tank vehicles, from the Clinton Corn Processing Company plantsite, at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above described facilities.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124328 (Sub-No. 109), filed August 31, 1976. Applicant: BRINK'S, INCORPORATED, 1 Crossroads of Commerce, Algonquin Rd. & Rt. 53, Suite 710, Rolling Meadows, Ill. 60008. Applicant's representative: Chandler L. van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals*, between Chicago, Ill. and Winslow, N.J., under a continuing contract, or contracts, with Simmons Refining Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 125114 (Sub-No. 8), filed July 19, 1976. Applicant: COMMERCIAL TRANSPORT, INC., 2413 Lakeside Drive, P.O. Box 2295, Lynchburg, Va. 24501. Applicant's representative: Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source materials, special nuclear materials*, and *by-products materials, radioactive materials*, and *related reactor experiment equipment, component parts and associated materials*, from points in the United States (except those in Alaska, Georgia, Hawaii, Ohio, Indiana, North Carolina, South Carolina, and Virginia, points in that part of Michigan on and south of Michigan Highway 21, and those in the Chicago, Ill., Commercial Zone, as defined by the Commission, the Milwaukee, Wis., Commercial Zone, as defined by the Commission, and the St. Louis, Mo., Commercial Zone, as defined by the Commission), to points in Campbell County, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 125146 (Sub-No. 4), filed August 20, 1976. Applicant: BOB WHITAKER, doing business as BOB WHITAKER & SON, P.O. Box 65, Roswell, N. Mex. 87201. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Bldg., Albuquerque, N. Mex. 87102. 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*, from the facilities of Glover Packing Co., at or near Roswell, N. Mex., to points in Arizona, California and Texas, and a continuing contract with Glover Packing Co., at Roswell, N. Mex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 126898 (Sub-No. 4), filed August 10, 1976. Applicant: BULLDOG HIWAY EXPRESS, a Corporation, P.O. Box 506, Charleston, S.C. 29402. Applicants' representative: R. D. Moseley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in containers or trailers, between points in the Charleston, S.C. Commercial Zone, restricted to the transportation of traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston or Columbia, S.C.

No. MC 126899 (Sub-No. 103), filed August 30, 1976. Applicant: USHER TRANSPORT, INC., 3125 Old Benton Road, P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Malt beverages*, in containers, and *empty malt beverage containers* on return, between the site of the Pabst Brewing Co., located at or near Perry, Ga., and Newport, Ky.: From the site of the Pabst Brewing Co., located at or near Perry, Ga., over Georgia Highway 247 to its junction with Georgia Highway 341, thence over Georgia Highway 341 to its junction with Interstate Highway 75, thence over Interstate Highway 75 to its junction with Kentucky Highway 8, thence over Kentucky Highway 8 to Newport, Ky., and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Louisville, Ky.

No. MC 127739 (Sub-No. 3), filed August 26, 1976. Applicant: BOYCE BRUCE, 417 North Metts Street, Louisville, Miss. 39339. Applicant's representative: John A. Crawford, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, between the plantsite and other facilities of Delta-Macon Brick & Tile Company, Inc., located at or near Macon, Miss., on the one hand, and, on the other, points in Indiana, Kentucky, Missouri, Oklahoma and Texas, under a continuing contract, or contracts, with Delta Brick & Tile Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 127834 (Sub-No. 113), filed August 25, 1976. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* from Hope, Ark., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles, from points in the United States (except Alaska and Hawaii), to Hope, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville or Memphis, Tenn., or Birmingham, Ala.

No. MC 128270 (Sub-No. 15), filed August 27, 1976. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, steel strand tendons, concrete reinforcement coil, and items incidental to* the installation thereof, between Downers Grove Township (Du Page County), Ill., on the one hand, and, on the other, points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128270 (Sub-No. 16), filed August 27, 1976. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets*, and related commodities, used in the installation of plastic pipe and plastic conduit (except commodities described in *Mercer Ext.-Oilfield Commodities*, 74 M.C.C. 459), from the plantsites and storage facilities of the Clow Corporation, located at or near Columbia, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 128555 (Sub-No. 14), filed August 16, 1976. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unfrozen foodstuffs* (except in bulk), (A) from Owensboro and Henderson, Ky., and Austin, Ind., not to exceed 5,000 lbs. per shipment, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, and the District of Columbia, and (B) from Henderson, Ky., and Austin, Ind., not to exceed 5,000 lbs. per shipment, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *materials, supplies and equipment* used in the manufacture of the commodities in (1) above, from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Owensboro and Henderson, Ky., and Austin, Ind., not to exceed 5,000 lbs. per shipment (except as presently authorized), restricted in (1) and (2) above to traffic originating at or destined to the plantsites or warehouse facilities of Ragu Foods, Inc., and under a continuing contract or contracts with Ragu Foods, Inc.

NOTE.—Applicant holds common carrier authority in MC 136123, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Rochester or Buffalo, N.Y.

No. MC 128988 (Sub-No. 85), filed August 30, 1976. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Compressors, air conditioners, air conditioning products and equipment;* and (b) *parts and accessories* for the commodities named in (1) above, from the plantsite and facilities of Westinghouse Electric Corporation, located at or near Verona, Va., to points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (2) *Materials, equipment, and supplies*, utilized in the manufacture, production, and distribution of the commodities named in (1) above, from points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, to the plantsite and facilities of Westinghouse Electric Corporation, located at or near Verona, Va., under a continuing contract, or contracts, in (1) (a), (b) and (2) above with Westinghouse Electric Corporation, restricted in (1) (a), (b) and (2) above against the transportation of commodities which by reason of size or weight require the use of special equipment and commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Los Angeles, Calif.

No. MC 128988 (Sub-No. 86), filed August 30, 1976. Applicant: JO/KEL, INC., 159 South Seventh Avenue, Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor lighting fixtures and parts*, from the facilities of Westinghouse Electric Corporation located at or near Cleveland, Ohio, to points in the United States on and west of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn. to the International Boundary line between the United States and Canada (except Arizona, California, Nevada, Oregon, and Washington), restricted against the transportation commodities in bulk and commodities which by reason of size or weight require the use of special equipment, and further restricted to a transportation service to be performed under a continuing contract or contracts, with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Los Angeles, Calif.

No. MC 129226 (Sub-No. 4), filed August 17, 1976. Applicant: TO-JON TRUCKING, INC., 6 Verly Court, Bethpage, N.Y. 11714. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, 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 or used by a department store, between points in the New York, N.Y. Commercial Zone, on the one hand, and, on the other, points in Westchester, Suffolk and Nassau Counties, N.Y., Passaic, Bergen, Hudson, Essex, and Union Counties, N.J., under a continuing contract with Service Merchandise Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, New Jersey or Nashville, Tenn.

No. MC 129282 (Sub-No. 33), filed August 11, 1976. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* used in the manufacture and distribution thereof, from Fort Worth, Tex., to Hernando, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Fort Worth, Tex.

July 21, 1976. Applicant: MACKINAW COMPANY, 1500 Pine Street, Essexville, Mich. 48732. Applicant's representative: John W. Bryant, 900 Guardian Building,

Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicle, from the plantsite of Martin-Marietta Corporation (Martin-Marietta Cement, Northern Division), located at Essexville, Mich., to the International Boundary between the United States and Canada, located at Detroit, Mich., restricted to traffic destined to the Province of Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 133095 (Sub-No. 110), filed August 23, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in vehicles equipped with mechanical refrigeration, from Fort Worth, Tex., to points in Colorado.

NOTE.—Applicant holds contract carrier authority in MC-136032 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 133566 (Sub-No. 57), filed August 23, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fresh or frozen, meat products, and products produced by meat packing houses*, from the plantsite of Farmland Foods, located at or near Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Washington, D.C.

No. MC 133566 (Sub-No. 59), filed August 30, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 17th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), from the plantsite and storage facilities utilized by Deran Confectionery, Div. of Borden Foods located at or near Cambridge, Mass. and the C. S. Allen, Div. of Deran Confectionery located at or near Grosvenordale, Conn. to points in Pennsylvania, Ohio, Indiana, Michigan, Kentucky, Texas, Florida, Georgia, Louisiana, Alabama, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, North Carolina, Oklahoma, South Carolina, West Virginia, Virginia, Arkansas, and Mississippi, restricted to traffic originating at the above named points and destined to points in the named states. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass. or Washington, D.C.

No. MC 133796 (Sub-No. 34), filed August 5, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric lamps, lighting fixtures, and accessories*, (1) from Hazelton, Pa., to Atlanta, Ga., Nashville, Tenn., Hialeah, Fla., Dallas, Tex., Seattle, Wash., City of Industry, Calif., Boston, Mass., Chicago, Ill., Kansas City, Mo., and Portland, Oreg., (2) from City of Industry, Calif., to Seattle, Wash., Dallas, Tex., Hialeah, Fla., Atlanta, Ga., Nashville, Tenn., Pittsburgh, Philadelphia, and Hazleton, Pa., and Fall River, Mass., and (3) from Fall River, Mass., to Atlanta, Ga., Nashville, Tenn., Hialeah, Fla., Dallas, Tex., Seattle, Wash., City of Industry, Calif., Boston, Mass., Chicago, Ill., Kansas City, Mo., Portland, Oreg., and Hazleton, Pa.

NOTE.—Applicant holds contract carrier authority in MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134150 (Sub-No. 7), filed August 26, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning equipment*, from Columbus and Bellevue, Ohio to points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with Johnson Corporation of Columbus, Ohio.

NOTE.—Applicant holds common carrier authority in MC 138157 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 134282 (Sub-No. 15), filed August 19, 1976. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and materials and supplies* used in the installation thereof, from the plantsite of the Flintkote Company, located at Ennis, Tex., to points in Kansas, New Mexico, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., New Orleans, La. or Washington, D.C.

No. MC 134349 (Sub-No. 21), filed August 26, 1976. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Eugene M. Malkin, 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: *Small live animals, birds, fish and foods, medicines, toys, books, accessories and supplies*, related to their care and treatment, *and such other commodities* as are dealt in or used by a manufacturer and distributor thereof, between Harrison, Jersey City and Bloomfield, N.J., and Tampa, Fla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, under contract with The Hartz Mountain Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134387 (Sub-No. 36), filed August 19, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Warren N. Grossman, 606 South Olive Street, #825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper towels, paper napkins, and toilet tissue*, from Halsey, Oreg., to Pacoima, Commerce, and Corona, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134922 (Sub-No. 192), filed August 9, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including preservations, jams, jellies, pickles, peanut butter, and ice cream topping*, in vehicles equipped with mechanical refrigeration (except in bulk), from Orrville and Medina, Ohio; New Bethlehem, Pa.; Paw Paw, Mich.; and Memphis, Tenn., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Cleveland, Ohio.

No. MC 136008 (Sub-No. 76), filed August 11, 1976. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, N.E., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, from points in Wyoming, to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 136315 (Sub-No. 12), filed August 30, 1976. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, from the facilities of Weyerhaeuser Company located at Lamar County, Ala., to points in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin; and (2) *equipment, materials, and supplies* (except in bulk), from points in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin, to the facilities of Weyerhaeuser Company located at Lamar County, Ala.

NOTE.—Applicant holds contract carrier authority in No. MC 123905 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or Memphis, Tenn.

No. MC 136343 (Sub-No. 91), filed Aug. 16, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, pulpboard, pulpboard products, corrugated and other than corrugated, pulpboard containers, and paper boxes or cartons* (except commodities in bulk), from the facilities of St. Regis Paper Co., Laminated & Coated Products Division, at Bridgeview, and St. Regis Paper Co., at Cicero, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 138104 (Sub-No. 36), filed August 19, 1976. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, Tex. 76116. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Chaparral Steel Company, Inc., at or near Midlothian, Tex., to points in Texas, restricted against the following: (1) *Commodities*, which because of size or weight require the use of special equipment, and parts thereof, when moving in connection therewith; (2) *commodities*, as described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459; (3) *commodities* used in, or in connection with the drilling of water wells; (4) *commodities* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products; and (5) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with earth drilling type operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 138126 (Sub-No. 5), filed August 27, 1976. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from warehouse and storage facilities utilized by Pepperidge Farms, Inc., located at points in Delaware, Maryland, and Pennsylvania, to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, the District of Columbia, and points in Tennessee on and east of U.S. Highway 127, restricted to traffic originating at the warehouse and storage facilities utilized by Pepperidge Farms, Inc., and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138157 (Sub-No. 27), filed August 26, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum wire and rod*, from the facilities of Southwire Company, located at or near Hawesville, Ky., to points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment.

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 138336 (Sub-No. 10), filed August 6, 1976. Applicant: CROSSLIN-GRADER CORPORATION, P.O. Box 5807, 1022 Sixth Avenue, North, Nashville, Tenn. 37208. Applicant's representative: Edward C. Blank II, Middle Tennessee Bank Building, P.O. Box 1004, Columbia, Tenn. 38401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters and water heater parts and associated packing material*, from Ashland City, Tenn., to Henderson, Nev., under a continuing contract or contracts with State Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 138375 (Sub-No. 21), filed August 11, 1976. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, 909 Brown Street, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities the transportation of which because of their size or weight requires the use of special equipment), from Sherman, Tex., to Peoria, Ill., under a continuing contract or contracts with Keystone Consolidated Industries, Inc.

NOTE.—Applicant holds common carrier authority in MC 139973 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 139286 (Sub-No. 2), filed August 30, 1976. Applicant: DON McINTYRE, an Individual, doing business as McINTYRE TRUCKING, 935 Starlite Place, Grants Pass, Oreg. 97526. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from the plantsite of Sun Studs, Inc. located near Roseburg, Oreg., to points in Idaho, Utah, and Washington, under a continuing contract, or contracts, with Sun Studs, Inc. located near Roseburg, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Roseburg or Grants Pass, Oreg.

No. MC 139404 (Sub-No. 6), filed August 11, 1976. Applicant: WILLIAM G. BROWN, 207 North Third Street, Bards-

town, Ky. 40004. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barrels*, set up, from Memphis, Tenn., to Lawrenceburg, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 139495 (Sub-No. 162), filed August 7, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps*, from St. Marys, Pa.; Versailles, Ky.; and Dyersburg, Tenn.; to points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 163), filed August 10, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related promotional materials* when moving in the same vehicle, from Fort Worth, Tex., to points in Colorado, Kansas, and Oklahoma; and (2) *empty containers* on return, from the destination territory in (1) above, to the origin point in (1) above.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth, Tex. or Denver, Colo.

No. MC 139495 (Sub-No. 164), filed August 19, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags and scrap paper*, from Orange, Tex., to Birmingham, Ala.; Atlanta, Ga.; Chicago, Ill.; Wichita, Kans.; Florence and Louisville, Ky.; New Orleans, La.; Kansas City and St. Louis, Mo.; Secaucus, N.J.; Buffalo and Rochester, N.Y.; Cleveland, Ohio; Oklahoma City, Okla.; Philadelphia and Pittsburgh, Pa.; Madison and Milwaukee, Wis.; and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC–133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139923 (Sub-No. 20), filed August 11, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Wilbur L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass articles*, from the plantsite and storage facilities of Midland Glass Co., Inc. located at or near Henryetta, Okla., to points in the United States (except Alaska, Hawaii, and Oklahoma).

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Oklahoma City, Okla, or Dallas, Tex.

No. MC 140563 (Sub-No. 7), filed August 23, 1976. Applicant: W. T. MYLES TRANSPORTATION COMPANY, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, including meats and meat by-products*, requiring refrigeration, in containers with refrigerated units, from points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, to the ports located at or near Mobile, Ala.; Jacksonville, Miami, and Tampa, Fla.; Brunswick and Savannah, Ga.; New Orleans, La.; Baltimore, Md.; Gulfport, Miss.; Wilmington, N.C.; Philadelphia, Pa.; Charleston, S.C.; Houston, Tex.; Norfolk, Va.; and ports in New Jersey and New York; and (2) *containers* with refrigerated units, from the ports in (1) above to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, restricted in (1) above to traffic having a prior or subsequent movement by water.

NOTE.—Applicant holds contract carrier authority in MC 138869 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 140829 (Sub-No. 22), filed August 27, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morrison, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Deodorants, disinfectants, breath freshners, cleaning compounds, swimming pool treatment compounds, insecticides, and materials, supplies and equipment* used by deodorant and cleaning compound manufacturers (except commodities in bulk, in tank vehicles), from Carlstadt, N.J. and St. Peters, Mo., to points in California.

NOTE.—Applicant holds contract carrier authority in No. MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 141274 (Sub-No. 1), filed August 11, 1976. Applicant: C. C. ANKENEY, INC., P.O. Box 1034, Whittier, Calif. 90609. Applicant's representative: Charles C. Ankeney (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic scrap, pellets, flakes and powders* (except commodities in bulk, in tank vehicles), from Beaumont, Tex., to Warren, Ohio, points in Louisiana and Texas, Mayfield, N.Y., Woodland, Calif., and points in Los Angeles, Orange, and San Francisco Counties, Calif., under a continuing contract or contracts with Go-Plas Enterprise.

NOTE.—If a hearing is deemed necessary, the applicant requests it to held at either Los Angeles or San Francisco, Calif.

No. MC 141326 (Sub-No. 6), filed August 27, 1976. Applicant: C. C. SALTER AND C. W. SALTER, doing business as S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Ala. 36027. Applicant's representative: George M. Boles, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Knocked-down prefabricated metal buildings*, from the plantsite, warehouse and storage facilities of American Buildings Co., Inc., located in Barbour County, Ala., to points in Alabama, Florida, Georgia, Mississippi, South Carolina and Tennessee; and (2) *materials, equipment and supplies* used in the manufacture of knocked-down, pre-fabricated metal buildings, on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 141804 (Sub-No. 20), filed August 16, 1976. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., a Corporation, P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Individually portion control *packaged foodstuffs*, not frozen, (except meat, meat products, and meat by-products), from the plant site and storage facilities of Serv-A-Portion, Inc. located at or near Chatsworth, Calif., to points located on or east of U.S. Highway 61, restricted to traffic originating at the above location; and (2) *plastic laminated packaging material*, from Rochester, N.Y., to the plant site and storage facilities of Serv-A-Portion, Inc., located at or near Chatsworth, Calif., restricted to traffic originating at the above location.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Lincoln, Nebr.

No. MC 141804 (Sub-No. 21), filed August 18, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Petersonn, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or dealt in by retail donut stores, between the plantsite and storage facilities of Winchell's Donut House, Inc., located at or near La Mirada, Calif., on the one hand, and, on the other, the plantsite and storage facilities of Winchell's Donut House, Inc., located at or near Franklin Park, Ill., restricted to traffic originating at the above-named plantsites.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Lincoln, Nebr.

No. MC 141864 (Sub-No. 1), filed August 30, 1976. Applicant: JAMES D. DICKSON, an Individual, Route 2, Box 356, Watertown, Wis. 53094. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural chemicals and sprayers, tanks, containers*, and *materials, equipment*, and *supplies* used or useful in the manufacture, sale, production, or distribution of fertilizer, agricultural chemicals and sprayers, tanks, and containers, between points in Illinois, Indiana, Iowa, Minnesota, Ohio, and Wisconsin, restricted to a transportation service to be performed for the account of Farm Better Service, Inc. located at Dousman, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 141874 (Sub-No. 1), filed August 20, 1976. Applicant: E & M ENTERPRISES, a Partnership, 250 N.W. Blaine Lane, Gresham, Oreg. 97030. Applicant's representative: Philip G. Skofstad, N.E. 13th and Linden Sts., P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, in temperature-controlled trailers, from points in Alameda, Contra Costa, San Francisco and Santa Clara Counties, Calif., to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 141903 (Sub-No. 2), filed August 23, 1976. Applicant: HENRY FISET AND SONS LIMITED, P.O. Box 160, Elk Lake, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos fibers, milling equipment, and materials and supplies* used in the manufacture or production of asbestos fibres, between the Township of Midlothian, District of Timiskaming, Ontario, Canada, on the one hand, and, on the other, points in Michigan, New York, and Ohio, through ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, under a continuing contract or contracts with United Asbestos Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 142028 (Sub-No. 2), filed Aug. 16, 1976. Applicant: ELI G. TRAVIS, doing business as TRAVIS TRUCKING COMPANY, RD 1, Benton, Pa. 17814. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic products; toothpick dispensers; sporting goods and accessories*, from Wilton, Maine, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington and Wyoming, under contract with Forster Manufacturing Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 142032 (Sub-No. 1), filed August 9, 1976. Applicant: KEEP ON TRUCKING, INC., 1 Madison Ave., East Rutherford, N.J. 07073. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods and equipment, materials and supplies*, used in the manufacture, production, distribution, and repair of such commodities, between the facilities of Sony Corp. of America located at Moonachie, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone as defined by the Commission, under a continued contract or contracts with Sony Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 142051 (Sub-No. 2), filed August 24, 1976. Applicant: V & J DERSTINE, INC., 438 Derstine Road, M. R. No. 1, Hatfield, Pa. 19440. Applicant's representative: Edwin L. Scherlis, Suite 420, 1315 Walnut Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, dressed, swinging and/or boxed, in refrigerated trailers and *refused or rejected meat product*, in refrigerated trailers, from the plant sites of Moyer Packing Company located in Souderton, Blooming Glen, and Bernville, Pa., to points in Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Maine, Maryland, Massachusetts, Michigan, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia, under a continuing contract or contracts with Moyer Packing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 142126 (Sub-No. 2) (Correction), filed July 26, 1976, published in the FEDERAL REGISTER issue of September 2, 1976, republished as amended this issue. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, Mass. 01887. Applicant's representative: Arthur M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, **by motor vehicle, over irregular routes**, transporting: (1) *Urethane foam*, loose, wrapped or in containers, between the plantsite GSF Corp., Andover, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island and Vermont, under a continuing contract, or contracts, with GSF Corp. located at Andover, Mass.

NOTE.—The purpose of this republication is to correct the requested authority and to indicate change of address for the applicant. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 142231 (Sub-No. 1) (Correction), filed July 29, 1976, published in the FEDERAL REGISTER issue of September 2, 1976, and republished as corrected this issue. Applicant: TRI-L CONTRACT CARRIER, INC., 2400 Tower Place, 3340 Peachtree Rd., N.E., Atlanta, Ga. 30326. Applicant's representative: Richard M. Tettelbaum, 3370 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire impregnated iron or steel pipe, and iron or steel articles;* and (2) *such commodities* as are used by or are useful in the manufacture, distribution or sale of wire impregnated iron or steel pipe and iron or steel articles (except commodities which because of size or weight, require the use of special equipment), between the plantsite and facilities utilized by the Oxylance Corporation, in Cobb County, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Oxylance Corporation.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 142260, filed June 16, 1976. Applicant: OBERG'S GARAGE, INC., Cross Street, Danbury, Conn. 06810. Applicant's representative: John J. Pow-

ers, 152 Greenwood Avenue, Bethel, Conn. 06801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, between Danbury, Conn., and points in Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, under a continuing contract or contracts with McLaughlin Ford, Inc., Dan-Ridge Chevrolet Co., Parker Sunoco, Bird Imported Motors, Inc., Blackman's Service Station, R.S.M., Inc., Ridgefield European Motors, Inc., Connecticut Motor Club, Romsey Mobil Service Center, and Kastl Shell.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Danbury or Hartford, Conn.

No. MC 142348 (Sub-No. 1), filed August 26, 1976. Applicant: FULTON TRUCKING CO., INC., 1195 Milton Terrace, S.E., Atlanta, Ga. 30315. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as *a contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic industrial containers*, from the plantsite and warehouse facilities of Roper Plastics, Inc., located at Forest Park, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, under a continuing contract, or contracts, with Roper Plastics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 142359, filed August 16, 1976. Applicant: PORT EAST TRANSFER, INC., 1800 South Newkirk Street, Baltimore, Md. 21214. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container chassis, and trailers* (except those designed to be drawn by passenger automobiles); and (2) *general commodities* (except commodities in bulk, Classes A and B explosives, household goods, and commodities because of their size and weight require special equipment), between Baltimore, Md., and points in its Commercial Zone, restricted to traffic having an immediate prior or subsequent movement by rail or water.

NOTE.—Application filed with "Motion to Dismiss". Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142365, filed July 30, 1976. Applicant: CANUSA TRANSPORT, LTD., 880 Malkin Avenue, Vancouver, B.C., Canada V6A 2K6. Applicant's representative: Bob Gleason, 15 South Grady Way, Suite 217, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between ports of entry on the International Boundary line between the United States and Canada, at or near Blaine, Wash., on the one hand, and, on the other, Bellingham, Wash., restricted to parcels of 100# limitation, or a total shipment of 400#, and further restricted to transportation of traffic destined to points in the Province of Vancouver, B.C., Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 142368, filed July 29, 1976. Applicant: DANNY HERMAN TRUCKING, INC., 15626 Rausch Road, City of Industry, Calif. 91744. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* dealt in or utilized by precious metal reclaiming, or processing companies, (a) between Berkeley, Fontana and Los Angeles, Calif.; Chicago, Ill.; Old Bridge and South Plainfield, N.J.; and New York, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (b) from points in the United States (except Alaska and Hawaii), to Gallatin, Tenn.; (2) *commodities* dealt in or utilized by scrap film processing or salvaging companies, (a) from points in the United States (except Alaska and Hawaii), to Los Angeles, Calif., Mountain City, Tenn.; and Caven Point, N.J.; (b) from Los Angeles, Calif., to New York, N.Y.; Norfolk, Va.; points in New Jersey, and points in the Los Angeles Harbor, Calif. Commercial Zone, as defined by the Commission; and (c) from Mountain City, Tenn., to Ft. Lee, N.J.; New York, N.Y.; and Norfolk, Va.; and (3) *hides, pelts and skins*, (a) from Consolidated Packers Hide Co. facilities in Potter County, Tex., to the Los Angeles Harbor, Calif. Commercial Zone, as defined by the Commission; and (b) from Roswell, N. Mex., to Consolidated Packers Hide Co. facilities, in Potter County, Tex., and to the Los Angeles Harbor, Calif. Commercial Zone as defined by the Commission, restricted against the transportation of commodities in bulk, and those which by reason of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 142395, filed August 5, 1976. Applicant: JAMES TRUCKING COMPANY, Route 9, Statesville, N.C. 28677. Applicant's representative: D. H. Markstein, Jr., 512 Massey Bldg., 2025 Third Avenue North, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk in tank vehicles, from points in Palm Beach, Fla. to Port of Palm Beach, Riviera Beach, Fla. for subsequent water transport (but not restricted to shipments having a subsequent movement by water).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Palm Beach, Fla. or Washington, D.C.

BROKER APPLICATIONS

No. MC 130401, filed August 2, 1976. Applicant: BOB LESSER TOURS, INC., 4 Ridgefield Road, Peabody, Mass. 01960. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Peabody, Mass., to sell or offer to sell the transportation of *passengers and their baggage*, in round trip sightseeing and pleasure tours by motor carriers, beginning and ending at Peabody, Mass., and extending to points in the United States (excluding Alaska and Hawaii), restricted to students accompanied by tour directors or chaperones, in all expense tours.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Peabody or Boston, Mass.

No. MC 130406, filed August 13, 1976. Applicant: DAVIS TOURS, INCORPORATED, Route 1, Box 183, Flat Rock, N.C. 28731. Applicant's representative: Lawrence E. Linderman, 425 13th St., N.W., Washington, D.C. 20004. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Hendersonville, N.C., to sell or offer to sell the transportation of *passengers and their baggage*, as individuals and in groups, in round-trip sightseeing and pleasure tours, beginning and ending at points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Polk, Rutherford, Swain, Transylvania, and Yancy Counties, N.C., Anderson, Greenville, Oconee, Perkins, and Spartanburg Counties, S.C., and Blount, Bradley, Cocke, Loudon, McMinn, Monroe, and Polk Counties, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hendersonville or Asheville, N.C.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease, operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Section 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representa-

tive, or applicant if no representative is named.

No. MC–F–12975. Authority sought for purchase by CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, N.C. 28445, of a portion of the operating rights of ROAD RUNNER TRUCKING, INC., P.O. Box 37491, and for acquisition by C.W. FLETCHER, P.O. Box 26, Holly Ridge, N.C. 28445, of control of such rights through the purchase. Applicants' attorney: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006, and Donald L. Stern, 7100 West Center Road, Omaha, NE 68106. Operating rights sought to be transferred: *Frozen foods* as a *common carrier* over irregular routes from the facilities of Kitchens of Sara Lee Corporation at Deerfield and Chicago, IL to points in Maine, New Hampshire, Ohio, Vermont, Virginia, and West Virginia, from the facilities of Kitchens of Sara Lee Corporation at New Hampton, Iowa to points in Connecticut, Delaware, Illinois, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; *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* (except hides and commodities in bulk), from the plantsite of Swift Fresh Meat Co. at Grand Island, Nebr., to points in Tennessee, North Carolina, South Carolina, Georgia, and Florida. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12976. Authority sought for purchase by LIME CITY TRUCKING COMPANY, INCORPORATED, 1455 Swan Street, Huntington, IN 46750, of the operating rights and property of HOCKER TRANSFER, INC., Post Office Box 1465, North Liberty, IN 46554, and for acquisition by CLEM R. GETTY, 1455 Swan Street, Huntington, IN, 46750, of control of such rights through the purchase. Applicants' attorney: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, IN 46204. Operating rights and property sought to be transferred: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between South Bend, Ind., and Walkerton, Indiana, serving the intermediate points of North Liberty, Indiana and the off-route points of Koontz Lake and Grovertown, Indiana. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, New York, Ohio, Pennsylvania, Kentucky, and Michigan. Application has not been filed for temporary authority under Section 210a(b).

No. MC–F–12978. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, CO 80223, of the operating rights of UTICA TRANSFER, INC., 4800 N. Colorado Blvd., Denver, CO 80216, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY, DAVID H. RATNER, 310 South Michigan Avenue, Chicago, IL 60604, of control of such rights through the purchase. Applicants' attorneys: Leonard R. Kofkin, Esq., Axelrod, Goodman, Steiner & Bazelon, 39 S. LaSalle Street, Chicago, IL 60603 and Donald L. Stern, Esq., Stern, Harris, Feldman, Becker & Thompson, P.C., 7100 W. Center Road, Univac Bldg., Omaha, NE 68106. Operating rights sought to be transferred: *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, as a *common carrier* over regular routes, between Utica, Nebr., and Omaha, Nebr., serving the intermediate points of Lincoln, Milford, Beaver Crossing, Goehner, Tamora, Grafton, Lushton, Fairmont, Friend, and Exeter, Nebr.; Between Utica, Nebr., and Wilber, Nebr., serving the intermediate points of Goehner, Beaver Crossing, Dorchester, and Wilber, Nebr., and the off-route point of Friend, Nebr.; Between Utica, Nebr., and Lincoln, Nebr., serving the intermediate points of Tamora, Nebr.; Between Utica, Nebr., and Henderson, Nebr., serving York, Nebr., and points on U.S. Highway 34 between York and Utica as intermediate points. *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, over irregular routes between Utica, Nebr., and points within 15 miles thereof; Between Utica, Nebr., and points within 15 miles thereof, on the one hand, and, on the other, points in Nebraska. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nebraska, Nevada, New Mexico, New York, Ohio, Oklahoma, Tennessee, Texas, Utah, Virginia, and Wyoming. Application has been filed for temporary authority under Section 210a(b).

No. MC–F–12977. Authority sought for purchase by FARRIS TRUCK LINE, Box 224, Faucett, MO., 64448, of the operating rights of AMERICAN NATIONAL BANK OF ST. JOSEPH, SUCCESSOR IN INTEREST TO WALT KEITH TRUCKING, INC., 6th and Francis Streets, St. Joseph, MO., 64502, and for acquisition by LOWELL E. FARRIS, Box 224, Faucett, MO., 64448, of control of such rights through the purchase. Applicants' attorney: Tom B. Kretsinger, 910 Brookfield Bldg., 101 W. 11th St. Kansas City, MO., 64105. Operating rights sought to be transferred: *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. 209 and 766 (except hides and commodities in bulk, in tank vehicles), as a *contract carrier* over irregular routes from the plant site of Missouri Beef Packers, Inc., at Phelps City, Mo., to points in Kansas, Missouri, Illinois, and Oklahoma, from the facilities of World Wide Meats at or near Denison, Iowa, to points in that part of the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, with restrictions. Vendee is authorized to operate as a *contract carrier* in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC F–12979. Authority sought for control by ALLEGHENY FREIGHT LINES, INC., P.O. Box 601, Winchester, VA. 22601, of UNITED DISPATCH, INC., 113 Ann Street, Parkersburg, W. VA. 26101, and for acquisition by J. M. GROVE, J. E. MCABOY, AND F. E. SIRBAUGH, P.O. Box 601, Winchester, VA. 22601, of control of UNITED DISPATCH, INC. through the acquisition by J. M. GROVE, J. E. MCABOY, AND F. E. SIRBAUGH. Applicants' attorneys: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036 and Charles H. Rudolf, Jr., PBN Square, Parkersburg, W. VA. 26101. Operating rights sought to be controlled: *General commodities,* with exceptions as a *common carrier* over regular routes between Cincinnati, Ohio and Parkersburg, W. Va., with service at the intermediate points of McArthur, Ohio restricted to automobile tires and accessories on westbound traffic, and Athens, and Chillicothe, Ohio without restriction; and the off-route points of Greenfield, Ohio, those in Hamilton County, Ohio; those in Wood County, W. Va.; and those in Kentucky within ten miles of Cincinnati, Ohio: from Cincinnati, Ohio over U.S. Highway 50 to Parkersburg, and return over the same route: *chocolate products* from Hershey, Pa., to points in Wood County, W. Va., and return with no transportation for compensation except as otherwise authorized: *linoleum,* from Lancaster and Marcus Hook, Pa., to points in Wood County, W. Va., and return, with no transportation for compensation except as otherwise authorized: *General commodities* with exceptions between points in Wood County, W. Va., on the one hand, and, on the

other, points in Ohio and West Virginia within 40 miles of Parkersburg, W. Va.: *heavy machinery, construction materials, and machinery materials, supplies, and equipment,* incidental to, or used in the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Wood County, W. Va., on the one hand, and, on the other, points in Ohio: *rayon products, cases, trays, cones, and materials,* used or useful in the manufacture of rayon, between Parkersburg, W. Va., and points within five miles of Parkersburg, on the one hand, and, on the other points in Pennsylvania. Vendee is authorized to operate as a *common carrier* in Kentucky, Missouri, Ohio, Pennsylvania, Virginia, and West Virginia. Application has been filed for temporary authority under section 210 a(b).

No. MC–F–12980. Authority sought for control by ROY O. WETZ, DBA/R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, OH, 45750, of HUB FREIGHT SYSTEMS, INC., P.O. Box 729, Marietta, OH. 45750 and for acquisition by ROY O. WETZ, 212 Pike Street, Marietta, OH. 45750, of control of HUB FREIGHT SYSTEMS, INC. through the acquisition by ROY O. WETZ. Applicants' attorney: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH. 43215. Operating rights sought to be controlled: Under No. MC–136728, *General commodities,* with exceptions, as a *common carrier* over irregular routes between Marietta, Ohio, on the one hand, and, on the other, points in Ohio and West Virginia within 25 miles of Marietta; and No. MC–136728 (Sub-No. 1) (Pending), general commodities (except those of unusual value, household goods as defined by the Commission, and those requiring special equipment), between Riverview, Ohio, on the one hand, and, on the other, points in Ohio and West Virginia within 35 miles of Marietta, Ohio, conditions: (1) restricted to service at Riverview, Ohio, for the purpose of interchange of traffic only; (2) the authority granted herein shall not be severable by sale or otherwise from applicants' authority in No. MC–136728 authorizing the transportation of general commodities, with the exceptions noted above, between Marietta, Ohio, on the one hand, and, on the other, points in Ohio and West Virginia within 35 miles of Marietta; (3) restricted against the transportation of traffic originating at or destined to Riverview, Ohio; and (4) the certificate authorized herein shall be limited in point of time to a period expiring 5 years from the effective date thereof. Vendee is authorized to operate as a *common carrier* in Delaware, the District of Columbia, Indiana, Illinois, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12981. Authority sought for merger by KENAN TRANSPORT COMPANY, P.O. Box 2729, Chapel Hill, N.C., 27514, with FELTS TRANSPORT CORPORATION also of Chapel Hill, N.C., 27514, and for acquisition by Frank H. Kenan and Lee P. Shaffer, P.O. Box 2729, Chapel Hill, N.C., 27514, of control of such rights through the merger. Applicants attorney: Francis W. McInerny, 1000 16th Street, N.W., Washington, D.C., 20036. Operating rights sought to be merged: *Gasoline, fuel oil and kerosene,* as a *common carrier* over irregular routes from Friendship, N.C., to points and places in that portion of Virginia, on and east of U.S. Highway 21, and, on and west of the county lines beginning at the Virginia-North Carolina border and extending along the county lines between Patrick and Henry, to the intersection of the county lines of Patrick, Franklin, and Henry Counties; thence along the county line between Patrick and Franklin Counties to the intersection of the county lines of Patrick, Franklin and Floyd Counties; thence along the county line between Floyd and Montgomery, Roanoke, Franklin and Floyd Counties intersect; thence along the county line between Roanoke and Montgomery Counties to the points of intersection of the county lines of Montgomery, Craig and Roanoke Counties; thence following the county line of Craig and Roanoke Counties to the intersection of the Botetourt County line; thence along the county line between Craig and Botetourt to the intersection of the county lines of Alleghany, Botetourt and Craig; thence along the county line between Craig and Alleghany Counties to the West Virginia border; *liquefied petroleum gas,* in bulk, in tank vehicles, from the site of the pipe line terminal of the Dixie Pipe Line Company near Apex, N.C., to points in that part of Virginia on the west of U.S. Highway 29 and south of U.S. Highway 60; *petroleum products* (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, from terminals off the Colonial pipeline at or near Montvale, Va, and terminals off the Plantation pipeline at or near Roanoke, Va., to points in Tazewell and Buchanan Counties, Va., and that part of West Virginia in, south and east of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties, W. Va.

Petroleum products, except petrochemicals, in bulk, in tank vehicles, from Chesapeake, Va., to points in Mercer, Wyoming, and McDowell Counties, W. Va.; liquid petroleum and petroleum products, except petroleum chemicals, in bulk, in tank vehicles, from Friendship, N.C., to points in that part of Virginia bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to Richmond, Va., thence along U.S. Highway 33 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line, to point of beginning including points on the indicated portions of the highways specified, except points in Bland and Wythe Counties, Va.; (TA) petroleum lubricating Oil, in bulk, in tank vehicles, (1) from Hugheston, W. Va., points in Buchanan, Russell, Tazewell, and Wist Counties, Va., (2) from Bluefield, W. Va. points in Russell County (except Carbo), Dickenson County (except Bartlick and Duty), and Wise County (except Coeburn), Va., expires with October 22, 1976 unless sooner canceled, changed, or extended; (Pending) petroleum lubricating oil, in bulk, in tank vehicles, (1) from Hugheston, W. Va. points in Buchanan, Russell, Tazewell, and Wise Counties, Va., (2) from Bluefield, W. Va. (Except points within the Bluefield, W. Va. commercial zone located in Virginia), to points in Russell County (except Carbo), Dickenson County (except Bartlick and Duty), Tazewell County, and Wise County (except Coeburn), Va. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—By an order served in MC–F–11547 on January 29, 1973 KENAN TRANSPORT COMPANY, INC. was granted control of FELTS TRANSPORT CORPORATION.

No. MC–F–12984. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Avenue, Richmond, Virginia 23224 of portion of the operating rights of POINT EXPRESS, INC., Box 418, Columbus, Ohio 43216 and for acquisition by J. HARWOOD COCHRANE, of the Richmond, Virginia 23224 address, of control of such rights through the purchase. Applicants attorney: Eugene T. Liipfert, 1660 L Street, N.W. Washington, D.C. 20006. Operating rights and property sought to be transferred: *General Commodities,* with exceptions as a *common carrier* over regular routes; between Portsmouth, Ohio and Columbus, Ohio over U.S. Highway 23 serving all intermediate and off-route points within 10 miles of Columbus, Ohio; Serving Ford, Kentucky as an off-route point in connection with carriers regular route operation, authorized herein, to and from Winchester, Kentucky; between West Liberty, Kentucky and Huntington, West Virginia serving all intermediate points, and the off-route points of Royalton, Burning Fork, Bradley, Sublett, Hendricks, Bloomington, Swampton and Wringley, Kentucky. From West Liberty over U.S. Highway 460 to Paintsville, Kentucky; thence over U.S. Highway 23 to junction Kentucky Highway 1 near Louisa, Kentucky, thence over Kentucky Highway 1 via Fallsburg, Kentucky, to junction Kentucky High-

way 3, thence over Kentucky Highway 3 via Estep, Boltsfork, and Mavity, Kentucky to junction U.S. Highway 23, thence over U.S. Highway 23 to Ashland, and thence over U.S. Highway 60 to Huntington and return over same route; between Kermit, West Virginia and Paintsville, Kentucky, serving all intermediate points: From Kermit by bridge to junction Kentucky Highway 40, thence over Kentucky Highway 40 to Paintsville, and return over same route; Between Jenkins, Kentucky, and Vicco, Kentucky, serving all intermediate points and off-route points within five (5) miles of the described route, restricted against the pickup and delivery of traffic originating at, destined to or interchanged at either Lexington, Kentucky or Louisville, Kentucky; from Jenkins over U.S. Highway 119 to junction Kentucky Highway 15, and thence over Kentucky Highway 15 to Vicco, and return over the same route.

Between junction Kentucky Highway 80 and junction U.S. Highway 23 and junction Kentucky Highway 122 and U.S. Highway 119, near Virgie, Kentucky, serving all intermediate points, and the off-route points within five (5) miles of the described route: From junction Kentucky Highway 80 and U.S. Highway 23 over Kentucky Highway 80 to junction Kentucky Highway 122, thence over Kentucky Highway 122 to junction U.S. Highway 119, and return over the same route; between Pikeville, Kentucky and Jenkins, Kentucky, serving all intermediate points, and the off-route points within five (5) miles of the described route, from Pikeville over U.S. Highway 119 to Jenkins, and return over same route; between Paintsville, Kentucky and Williamson, West Virginia, serving all intermediate points, and off-route points within five (5) miles of the described route, restricted to westbound movements; and the off-route point of Martha, Kentucky, without restriction: From Paintsville, over U.S. Highway 23 to Pikeville, Kentucky; thence over U.S. Highway 119 to Williamson and return over same route; between Louisa, Kentucky, and junction West Virginia 37 and U.S. Highway 52, serving all intermediate points; and the off-route points within five (5) miles of the described route, excluding points on and east of U.S. Highway 52: From Louisa, across the Big Sandy River, thence over West Virginia Highway 37 to junction U.S. Highway 52, and return over the same route; between junction U.S. Highway 119 and Kentucky Highway 80 and the Kentucky-Virginia State line, serving all intermediate points, and off-route points in Kentucky within five (5) miles of the described route: From junction U.S. Highway 119 and Kentucky Highway 80, over Kentucky Highway 80 to the Kentucky-Virginia State line, and return over the same route; between Regina, Kentucky, and Ashcamp, Kentucky, serving all intermediate points, and off-route points in Kentucky within five (5) miles of described route: From Regina over Kentucky Highway 195 to Ashcamp, and return over same route; between Ashcamp, Kentucky and Elkhorn City, Kentucky, serving all intermediate points and off-route points in Kentucky within five (5) miles of the described route: From Ashcamp over Kentucky Highway 197 to Elkhorn City, and return over the same route; between junction Kentucky Highway 80 and U.S. Highway 460 and the Kentucky-Virginia State line, serving all intermediate points, and off-route points in Kentucky within five (5) miles of the described route: From junction Kentucky Highway 80 and U.S. Highway 460 over U.S. Highway 460 to the Kentucky-Virginia State line and return over the same route; between Nigh, Kentucky and Majestic, Kentucky serving all intermediate points, and off-route points in Kentucky within five (5) miles of described route: From Nigh over Kentucky Highway 194 to Majestic and return over same route.

Between Phelps, Kentucky and junction Kentucky Highway 199 and U.S. Highway 119, serving all intermediate points, and off-route points in Kentucky within five miles of the described route: From Phelps over Kentucky Highway 199 to junction U.S. Highway 119 and return over same route; Between Lexington, Kentucky and West Liberty, Kentucky serving all intermediate points; from Lexington over U.S. Highway 60 via Winchester, Kentucky to Mount Sterling, Kentucky and thence over U.S. Highway 460 via Index, Kentucky to West Liberty, and return over the same route; between Hazel Green, Kentucky and Index, Kentucky serving all intermediate points over Kentucky Highway 191; Between Mt. Sterling, Kentucky and Ashland, Kentucky, serving the intermediate point of Salt Lick, Kentucky, and all intermediate points between Salt Lick and Ashland, Kentucky and serving all off-route points within three miles of that part of U.S. Highway 60 between Salt Lick and Ashland, Kentucky over U.S. Highway 60 and return over same route; between junction U.S. Highway 60 and Kentucky Highway 180, and junction Kentucky Highway 180 and Kentucky Highway 3; from junction U.S. Highway 60 and Kentucky Highway 180 over Kentucky Highway 180 to junction Kentucky Highway 3 and return over the same route; between junction U.S. Highway 23 and Kentucky Highway 80, and the Perry-Knott County line Kentucky, serving all intermediate points, and the off-route points within three miles of the described route, with service between Hindman, Kentucky, and the Perry-Knott County line restricted against the pickup and delivery of traffic originating at, destined to, or interchanged at either Lexington, Kentucky or Louisville, Kentucky; from junction U.S. Highway 23 and Kentucky Highway 80 over Kentucky Highway 80 via Hindman, Kentucky to Dwarf, Kentucky, thence over Kentucky Highway 15 via Hazard and Vicco, Kentucky, to the Perry-Knott County line, and return over the same route; between junction U.S. Highway 119 and Kentucky Highway 15, near Whitesburg, Kentucky, and Harlan, Kentucky serving all intermediate points, and the off-route points within five miles of the described route; From junction U.S. Highway 119 and Kentucky Highway 15 over U.S. Highway 119 to Harlan, and return over the same route; between Lackey, Kentucky, and Neon, Kentucky, serving all intermediate points, and off-route points within three miles of the described route, with service between Hemphill, Kentucky, and Neon, Kentucky, including Hemphill and Neon, restricted against the pickup and delivery of traffic originating at, destined to or interchanged at either Lexington, Kentucky or Louisville, Kentucky.

From Lackey over Kentucky Highway 7 to Kite, Kentucky, thence over Kentucky Highway 275 to Hemphill, Kentucky, thence over Kentucky Highway 275 to Neon, and return over same route; General Commodities with exception between specified points in Kentucky serving all intermediate points, and off-route points within three miles of the described routes as follows: From Louisa over Kentucky Highway 3 to Inez and return over the same route. From Salversville over Kentucky Highway 114 to Prestonburg, and return over same route. From Prestonburg over Kentucky Highway 404 to David and return over the same route. From Toler over unnumbered highway (formerly Kentucky Highway 319) to Matewan, and return over the same route. From Hindman over Kentucky Highway 160 to Cody and return over the same route. From Isom over Kentucky Highway 7 via Blackey, and Cornettsville to junction Kentucky Highway 15 near Hazard, and return over the same route. From Tillie over Kentucky Highway 160 to Roxana, and return over the same route. From Whitesburg over Kentucky Highway 588, passing through Hot Spot and Roxana to Blackey and return over same route. From West Liberty over Kentucky Highway 7 to Sandy Hook, thence over Kentucky Highway 32 to Louisa and return over same route. General Commodity with exception, between Morehead, Kentucky, and West Liberty, Kentucky serving all intermediate points, and the off-route points within five miles of the described route: From Morehead over Kentucky Highway 32 to junction Kentucky Highway 7, thence over Kentucky Highway 7 to West Liberty, and return over same route; Between Grayson, Kentucky, and junction Kentucky Highways 7 and 32; serving all intermediate points, and the off-route points within five miles of the described route: From Grayson over Kentucky Highway 7 to junction Kentucky Highway 32, and return over the same route; Between junction Kentucky Highways 32 and 173 and junction Kentucky Highways 173 and 7: serving all intermediate points, and the off-route points within five miles of the described route: From junction Kentucky Highways 32 and 173 over Kentucky Highway 173 to junction Kentucky Highway 7, and return over same route; Between junction U.S. Highway 23 and Kentucky Highway 1 near Louisa, Kentucky, and

junction Kentucky Highway 3 and U.S. Highway 23 South of Catlettsburg, Kentucky, serving all intermediate points: From junction U.S. Highway 23 and Kentucky Highway 1 over U.S. Highway 23 to junction U.S. Highway 3, and return over same route; Between Jenkins, Kentucky and Big Stone Gap, Virginia over U.S. Highway 23 and return over same route. Irregular Routes—*General Commodities* with exception between Pikesville, Kentucky and Williamson, West Virginia on the one hand, and, on the other, points in Pike, Floyd, Knott, and Letcher Counties, Kentucky and Buchanan, Dickenson, and Russell Counties, Virginia. Vendee is authorized to operate as a common carrier in Alabama, Florida, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Ohio, Delaware, Maryland, New Jersey, Georgia, and Indiana. Application has been filed for temporary authority under section 210a(b).

NOTICE

SEABOARD COAST LINE RAILROAD COMPANY, P.O. Box 27581, Richmond, Virginia 23261, represented by Mr. Charles M. Rosenberger, P.O. Box 27581, Richmond, Virginia 23261, hereby give notice that on the 9th day of September, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of tracks 4 and 5 and part of track 3 and to acquire certain other trackage incidental thereto over the Albany Passenger Terminal Company, all located in the City of Albany, Dougherty County, Georgia, which application is assigned Finance Docket No. 28282.

It is proposed that applicant will acquire and operate, for use in connection with its freight service, certain station tracks of Albany Passenger Terminal Company (APT), whose facilities have not been used for passenger operations since applicant's last passenger train through Albany was discontinued on April 30, 1971, pursuant to the National Rail Passenger Act of 1970. This application is made contingent upon the issuance of an appropriate certificate of public convenience and necessity by the Commission in Docket No. AB–118 of APT's application to abandon its entire line of railroad.

The portion of the line proposed to be acquired and operated by applicant consists of two passenger tracks of APT. These tracks are the easternmost tracks of APT, and lie adjacent to those tracks of APT which the Central of Georgia is attempting to acquire and operate under Finance Docket No. 28038. Tracks Nos. 3 and 4 connect on the south with other SCL trackage at a point approximately 500 feet south of the center line of Roosevelt Avenue, if extended over APT's tracks and connect on the north with trackage to be acquired and operated by the Central of Georgia under Finance Docket No. 28038. Track No. 5 connects on the south with other SCL trackage at a point approximately 450 feet south of the center line of Roosevelt Avenue, if extended over APT's tracks, and connects on the north with other SCL trackage at a point approximately 475 feet south of the center line of Society Avenue. All three tracks to be acquired are located in the City of Albany, Dougherty County, Georgia.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—Nat'l Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

SEABOARD COAST LINE RAILROAD COMPANY

NOTICE

WARREN & SALINE RIVER RAILROAD COMPANY, 810 West Pine Street, Bradley County, Warren, Arkansas 71671, represented by Mr. Harold E. Spencer and Mr. Richard W. Gillis, Belnap, McCarthy, Spencer, Sweeney & Harkaway, 20 North Wacker Drive, Chicago, Illinois 60606, hereby give notice that on the 3rd day of September, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the Warren & Saline River Railroad Company to acquire and operate a portion of the line of the Warren & Ouachita Valley Railway Company, a distance of approximately two miles, which runs from Cloquet to Warren in Bradley County, Arkansas, which application is assigned Finance Docket No. 28267. This application is made contingent upon the issuance of an appropriate certificate of public convenience and necessity by the Commission in Docket No. AB–133 of Warren & Ouachita Valley Railway Company's (W&OV) application to abandon its entire line of railroad. Another concurrent application assigned Finance Docket No. 28268 seeks Commission approval of the acquisition of trackage rights by the Warren & Saline River Railroad Company (W&SR) from the Missouri Pacific Railroad Company (MoPac).

It is proposed that this acquisition will assure continued rail service to all shippers presently served by the W&OV. Abandonment of W&OV will eliminate unneeded track and relieve its parent company Rock Island, of the burden of repairing and maintaining the track. Only two miles of W&OV's track are needed to maintain present service. The remainder of W&OV's track can be abandoned with no loss of rail service to shippers on the line. Service will be provided more efficiently and economically by the W&SR which will emerge as a viable shortline carrier.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

WARREN & SALINE RIVER RAILROAD COMPANY

NOTICE

MISSOURI PACIFIC RAILROAD COMPANY, 210 North 13th Street, St. Louis, Missouri 63103, represented by Mr. Richard S. M. Emrich, III, Assistant General Attorney, Missouri Pacific Railroad Company, 210 North 13th Street, St. Louis, Missouri 63103, AND BURLINGTON NORTHERN, INC., 547 West Jackson Boulevard, Chicago, Illinois, represented by Mr. Richard J. Schreiber, Associate Regional Counsel, Burlington Northern, Inc., 547 West Jackson Boulevard, Chicago, Illinois 60606, hereby give notice that on the 15th day of September, 1976, they filed with the Interstate Commerce Commission at Washington, D.C.

a joint application under Section 5(2) of the Interstate Commerce Act for an order authorizing them to purchase the Atchison Bridge Company and to operate the properties thereof, consisting of a bridge over the Missouri River between Atchison, Kansas, and Winthrop, Missouri, together with approach tracks, as a joint facility, which application is assigned Finance Docket No. 28289.

The nature of the proposed transaction consists of the purchase of the Atchison Bridge Company by applicants and the operation thereafter of its sole asset, the bridge, as a joint facility.

The properties in question consist of a bridge over the Missouri River between Atchison, Kansas, and Winthrop, Missouri, together with approach tracks. Upon completion of this transaction the Missouri Pacific Railroad Company and Burlington Northern, Inc. will own the subject property. The approval of the proposed transaction will not result in the discontinuance of any operation, and no service to any shipper will be adversely affected.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commisison action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commisison, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Docket Clerk, Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

MISSOURI PACIFIC RAILROAD COMPANY
BURLINGTON NORTHERN, INC.

NOTICE

WARREN & SALINE RIVER RAILROAD COMPANY, 810 West Pine Street, Bradley County, Warren, Arkansas 71671, represented by Mr. Harold E. Spencer, and Mr. Richard W. Gillis, Belnap, McCarthy, Spencer, Sweeney, & Harkaway, 20 North Wacker Drive, Chicago, Illinois 60606, hereby give notice that on the 3rd day of September, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order to acquire trackage rights from the Missouri Pacific Railroad Company (MP) at Warren, Arkansas, which application is assigned Finance Docket No. 28268. Warren & Saline River Railroad Company (W&SR) seeks to acquire trackage rights permitting connection of its existing line with a two-mile segment of the line of the Warren & Quachita Valley Railway Company (W&OV) which will be acquired in Finance Docket No. 28267, which also requires approval by the Interstate Commerce Commission. In addition to the trackage rights connecting W&SR with W&OV, Applicant will purchase MP's interest in certain track at Warren, Arkansas, that is jointly owned by MP and W&SR.

The track and trackage rights to be acquired are within the City of Warren, Arkansas. The contract between the carriers involved in this transaction provides for purchase by W&SR of MP's interest in jointly owned track described as follows:

An undivided one-half (½) interest in three railroad tracks, known as Vendors Track No. 172–18, LESS AND EXCEPT the northeasterly 80 track feet thereof, containing 3,743 track feet, more or less; Track No. 172–19, containing 630 track feet, more or less; and Track No. 172–20, containing 661 track feet, more or less; together with all appurtenances thereto belonging.

W&SR will also be granted trackage rights over certain portions of MP's line in order to establish a connection with the segment of the W&OV that is to be acquired by applicant. The tracks over which W&SR will acquire the right to operate are described in the contract as follows:

(a) That section of MP's main track of its Warren Subdivision, 1,306.6 feet in length, between, on the East, MP's Engineer Chainange Station (ECS) 13893+00 and, on the West, the end of MP's main track at ECS 13906+06.6 at Warren, Arkansas;

(b) MP's Track No. 172–18, 80 feet in length, with point of switch at MP's ECS 13903+55, at Warren, being MP's existing connecting track between MP's main track and main track of W&SR which is now owned, jointly and equally, by MP and W&SR;

(c) MP's Track No. 8, 160 feet in length, with point of switch at MP's ECS 13904+47.7, at Warren, being MP's existing connecting track between MP's main track and side track of W&OV.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Docket Clerk, Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

COMPANY
WARREN & SALINE RIVER RAILROAD

ABANDONMENT APPLICATIONS; NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this Federal Register publication unless the instructions set forth in the notices are followed.

[Docket No. AB-7 (Sub-No. 12)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN HOPKINTON AND JACKSON JUNCTION IN DELAWARE, CLAYTON, FAYETTE, AND WINNESHIEK COUNTIES, IOWA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 30, 1976, a finding, which is administratively final, was made by the Administrative Law Judge, 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 the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, not prior to February 1, 1977, of that portion of its line extending from milepost 33.48 at Hopkinton to milepost 109.33 at Jackson Junction in Delaware, Clayton, Fayette and Winneshiek Counties, Iowa. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-10 (Sub-No. 3)]

NORFOLK AND WESTERN RAILWAY COMPANY ABANDONMENT BETWEEN ABINGDON, VIRGINIA, AND WEST JEFFERSON, NORTH CAROLINA, IN WASHINGTON AND GRAYSON COUNTIES, VIRGINIA, AND ASHE COUNTY, NORTH CAROLINA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an initial decision and order entered on March 24, 1976, to which no exceptions were filed and which has been adopted as the order of the Commission, Commissioner Brown, by an order entered on July 30, 1976, which is administratively final, found that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q.R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Norfolk and Western Railway Company of a branch line of railroad, called the Abingdon Branch, extending from railroad milepost N-393 on the main track of the Rudford Division, Pulaski District at or near Abingdon, Virginia, to the present end of the Abingdon Branch at or near milepost A-55 at or near West Jefferson, North Carolina, a distance of 56.04 miles of track, of which 34.89 miles are lying within Washington and Grayson Counties, Virginia, and 21.15 miles lying within Ashe County, North Carolina. A certificate of abandonment will be issued to the Norfolk and Western Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Aail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-33 (Sub-No. 8)]

UNION PACIFIC RAILROAD COMPANY ABANDONMENT—PORTION OF LEAVENWORTH BRANCH, LEAVENWORTH COUNTY, KANSAS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 22, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q.R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Union Pacific Railroad Company of its operations over a portion of its Leavenworth Branch, in Leavenworth County, Kansas, extending from milepost 0.00 at Leavenworth, Kansas, to milepost 21.03 at Tonganoxie, Kansas. A certificate of abandonment will be issued to the Union Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon

notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abondonment 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-46 (Sub-No. 9)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN HARTLEY AND SIBLEY, IN O'BRIEN AND OSCEOLA COUNTIES, IOWA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 29, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, 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 the abandonment by the Chicago, Rock Island and Pacific Railroad Company of a segment of line between milepost 515.39 near Hartley, Iowa, and milepost 533.88 near Sibley, Iowa, not including Hartley, Iowa, a distance of 18.49 miles all in Osceola and O'Brien Counties, Iowa. A certificate of abandonment will be issued to the Chicago, Rock Island and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-82]

MARIANNA AND BLOUNTSTOWN RAILROAD ABANDONMENT BETWEEN MARIANNA AND BLOUNTSTOWN, FLORIDA

[Docket No. AB-82 (Sub-No. 1)]

MARIANNA AND BLOUNTSTOWN RAILROAD ABANDONMENT AT MARIANNA, FLORIDA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a report and order entered July 21, 1976, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q.R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Marianna and Blountstown Railroad Co. of its entire line of railroad extending from (a) the north bank of the Chipola River Bridge to the end of track at the Apalachicola River at Blountstown, and (b) the connection with the Louisville and Nashville Railroad Company at Marianna, Fla., to the north bank of the Chipola River Bridge. A certificate of abandonment will be issued to the Marianna and Blountstown Railroad based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be countinued; 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.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 714), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed September 14, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Marshall, Mich., over old U.S. Highway 27 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction unnumbered highway east of Battle Creek, Mich., with the following access route: (a) From junction Interstate Highway 94 and Interstate Highway 69 over Interstate Highway 69 to junction unnumbered highway west of Marshall, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and

the same property over a pertinent service route as follows: From Marshall, Mich., over unnumbered highway to junction Interstate Highway 94 east of Battle Creek, Mich., and return over the same route.

Motor Carrier Alternate Route Deviations

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

Motor Carriers of Property

No. MC–80430 (Deviation No. 20), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601, filed September 13, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., south over U.S. Highway 67 to junction U.S. Highway 63, thence southeast over U.S. Highway 63 to junction Arkansas Highway 39 near Jonesboro, Ark., thence south over Arkansas Highway 39 to junction Arkansas Highway 14, thence west over Arkansas Highway 14 to junction U.S. Highway 67 near Newport, Ark., thence southwest over U.S. Highway 67 to Little Rock, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, Mo., across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 3 to junction Illinois Highway 146, thence over Illinois Highway 146 and the Mississippi River Bridge to Cape Girardeau, Mo., thence over U.S. Highway 61 to junction U.S. Highway 60 near Sikeston, Mo., thence over U.S. Highway 60 to Dexter, Mo., thence over Missouri Highway 25 to junction Missouri Highway 84, thence over Missouri Highway 84 via Kennett, Mo., to junction County Highway EE, thence over County Highway EE to junction Missouri Highway 25, thence over Missouri Highway 25 to the Missouri-Arkansas State line, thence over Arkansas Highway 25 via Paragould, Ark., to junction Arkansas Highway 1, thence over Arkansas Highway 1 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction unnumbered highway (formerly U.S. Highway 63), thence over unnumbered highway via Bay, Davis, and Trumann, Ark., to junction U.S. Highway 63, thence over U.S. Highway 63 to junction unnumbered highway (formerly U.S. Highway 61), thence over unnumbered highway via Turrell, Clarkdale, Jericho, and Marion, Ark., to junction U.S. Highway 63, thence over U.S. Highway 63 to West Memphis, Ark., thence over U.S. Highway 70 to junction Arkansas Highway 17, thence over Arkansas Highway 17 to junction unnumbered highway (west of Keevil, Ark.), thence over unnumbered highway to junction U.S. Highway 79, thence over U.S. Highway 79 to Stuttgart, Ark., thence over Arkansas Highway 130 to Rose City, Ark., thence over U.S. Highway 70 to Little Rock, Ark., and return over the same route.

No. MC–95540 (Deviation No. 5), WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802, filed September 13, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 95 and U.S. Highway 66 near Needles, Calif., over U.S. Highway 95 to junction Alternate U.S. Highway 95 near Schurz, Nev., thence over Alternate U.S. Highway 95 to junction Interstate Highway 80 near Wadsworth, Nev., thence over Interstate Highway 80 to junction U.S. Highway 395 near Reno, Nev., (2) From junction U.S. Highway 95 and U.S. Highway 66 near Needles, Calif., over U.S. Highway 95 to junction Alternate U.S. Highway 95 near Fallon, Nev., thence over Alternate U.S. Highway 95 to junction Interstate Highway 80 near Wadsworth, Nev., thence over Interstate Highway 80 to junction U.S. Highway 395 near Reno, Nev., (3) From junction California Highway 99 and California Highway 46, near McFarland, Calif., over California Highway 46 to junction U.S. Highway 101, near Paso Robles, Calif., (4) From junction Interstate Highway 5 and California Highway 46, near Lost Hills, Calif., over California Highway 46 to junction U.S. Highway 101, near Paso Robles, Calif., (5) From junction U.S. Highway 80 and U.S. Highway 280 near Columbus, Ga., over U.S. Highway 280 to junction Georgia Highway 26, thence over Georgia Highway 26 to junction U.S. Highway 341 near Hawkinsville, Ga., thence over U.S. Highway 341 to junction Georgia Highway 46 near Eastman, Ga., thence over Georgia Highway 46 to junction Interstate Highway 16 near Denmark, Ga., thence over Interstate Highway 16 to junction U.S. Highway Alternate 17A near Savannah, Ga., thence over U.S. Highway Alternate 17A to junction U.S. Highway 80, and (6) From junction U.S. Highway 82 and U.S. Highway 80 near Montgomery, Ala., over U.S. Highway 82 to junction U.S. Highway 27 near Cuthbert, Ga., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) and (2) From Blythe, Calif., over U.S. Highway 95 to Needles, Calif., thence over U.S. Highway 66 to junction California Highway 58, thence over California Highway 58 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Interstate Highway 80 near Reno, Nev., (3) (a) From Los Angeles, Calif., over Interstate Highway 5 to junction California Highway 99, thence over California Highway 99 to junction California Highway 46 near McFarland, Calif., and (b) From Los Angeles, Calif., over U.S. Highway 101 to junction California Highway 46 near Paso Robles, Calif., (4) (a) From Los Angeles, Calif., over Interstate Highway 5 to junction California Highway 46 and (b) From Los Angeles, Calif., over U.S. Highway 101 to junction California Highway 46 near Paso Robles, Calif., (5) From San Diego, Calif., over U.S. Highway 80 to junction U.S. Highway Alternate 17A near Savannah, Ga., and (6) From San Diego, Calif., over U.S. Highway 80 to junction U.S. Highway 27 near Columbus, Ga., thence over U.S. Highway 27 to junction U.S. Highway 82 near Cuthbert, Ga., and return over the same routes.

No. MC–120098 (Deviation No. 1), UINTAH FREIGHTWAYS, 1030 S. Redwood Rd., Salt Lake City, Utah 84104, filed September 14, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Provo, Utah over combined U.S. Highways 50 and 6 to junction Utah Highway 33 at Castle Gate, Utah, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Provo, Utah over U.S. Highway 189 to Heber City, Utah, thence over U.S. Highway 40 to Duchesne, Utah, thence over Utah Highway 33 to junction combined U.S. Highways 6 and 50 and return over the same route.

No. MC–2202 (Deviation No. 154), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed September 13, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Shreveport, La., over U.S. Highway 80 to junction Louisiana Highway 3 near Bossier City, La., thence over Louisiana Highway 3 to the Louisiana-Arkansas State line, thence over Arkansas Highway 29 to junction Interstate Highway 30, thence over Interstate Highway 30 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 65 near Conway, Ark., thence over U.S. Highway 65 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Missouri Highway 125, thence over Missouri Highway 125 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 32, thence over Missouri High-

way 32 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Missouri Highway 19, thence over Missouri Highway 19 to junction U.S. Highway, 61, thence over U.S. Highway 61 to Davenport, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Shreveport, La., over U.S. Highway 80 to Dallas, Tex., thence over U.S. Highway 75 to Denison, Tex., thence over U.S. Highway 69 to junction U.S. Highway 60 near Vinita, Okla., thence over U.S. Highway 66 to Springfield, Ill., thence over Illinois Highway 29 to La Salle, Ill., thence over U.S. Highway 51 to Mendota, Ill., thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Davenport, Iowa, and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 56161 (Partial correction), filed December 30, 1975, published in the FEDERAL REGISTER of August 12, 1976, and republished as corrected this issue. Applicant: ARROW TRUCKING CO. OF CALIFORNIA, INC., 920 Heinz Avenue, Berkeley, Calif. 94710. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points on or within 25 miles of points on the following routes: 1. U.S. Highway 101 between San Rafael and Salinas, inclusive; 2. State Highway 17 between San Rafael and Santa Cruz, inclusive; 3. State Highway 1 between Santa Cruz and Monterey, inclusive; 4. Interstate Highway 80 between San Francisco and Sacramento, inclusive; 5. State Highway 4 between its junction with Interstate Highway 80 near Pinole and Stockton, inclusive; 6. Interstate Highway 580 between Oakland and its junction with Interstate Highway 5 near the San Joaquin-Stanislaus County boundary line, inclusive; 7. Interstate Highway 205 between its junctions with Interstate Highways 580 and 5, inclusive; 8. Interstate Highway 5 between Stockton and its junction with State Highway 152, near Los Banos, inclusive; 9. State Highway 99 between Sacramento and Fresno, inclusive; and 10. State Highway 152 between its junction with Interstate Highway 5, near Los Banos, and State Highway 99, near Chowchilla. Restrictions: No service shall be provided: (a) To, from, or between points on or within 5 miles of U.S. Highway 101 north of Novato; and (b) For the transportation of containers that have had a prior or will have a subsequent movement by air.

In performing the service herein authorized applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service, except that pursuant to the authority herein granted, carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store, and institutional furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B. 2. Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stage, swine or wethers. 4. Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Logs. 8. Articles of extraordinary value. 9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and 10. Fresh fruits and vegetables.

NOTE.—The purpose of this republication is to eliminate the previously published restriction in (b). Intrastate, interstate and foreign commerce sought.

Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 760643–CCT, filed September 13, 1976. Applicant: FLORIDA TERMINALS & TRUCKING COMPANY, 1401 East Landstreet Road, Orlando, Fla. 32809. Applicant's representative: James E. Wharton, 100 S. Orange Avenue, Orlando, Fla. 32801. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those of unusual value, Classes A and B explosives, commodities requiring special equipment, and commodities in bulk, having a prior or subsequent movement in interstate commerce by motor common or contract carrier, or shipper vehicle), between Orlando, Fla., on the one hand, and, on the other, points in Alachua, Brevard, Broward, Charlotte, Citrus, Collier, Dade, DeSoto, Glades, Hardee, Hendry, Hernando, Highlands Hillsborough, Indian River, Lake, Lee, Manatee, Marion, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Luice, Sarasota, Seminole, Sumter, and Volusia Counties, Fla. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

Miami Docket No. 760647–CCT, filed September 13, 1976. Applicant: MIAMI DISTRIBUTION, INC., 1401 East Landstreet Road, Orlando, Fla. 32809. Applicant's representative: James E. Wharton, 100 S. Orange Avenue, Orlando, Fla. 32801. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except Classes A and B explosives, articles of unusual value, articles, which because of size and weight require the use of special equipment, and commodities in bulk), to, from, and between points in Dade and Broward Counties, Fla. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 Adams, Street, Tallahasee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

GORDON H. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-28514 Filed 9-29-76;8:45 am]

federal register

THURSDAY, SEPTEMBER 30, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

PART II:

DEPARTMENT OF TRANSPORTATION

Coast Guard

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BOATS AND ASSOCIATED EQUIPMENT

Proposed Safety Standards for Boat Gasoline Fuel Systems

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 74-209]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Safety Standards for Boat Gasoline Fuel Systems

This notice proposes regulations which apply to all gasoline-powered inboard boats and boats with permanently installed gasoline-powered auxiliary engines. These proposed regulations do not apply to outboard engines, portable engines, or portable fuel tanks.

The safety standards contained in this proposal are intended to reduce the number of deaths and injuries and the amount of property damage caused by fires and explosions of gasoline on boats. The reason for the exclusion of outboard engines, portable engines, or portable fuel tanks is because a review of 1973 boating statistics published in the 1973 Nationwide Boating Survey showed there was only one fire or explosion of fuel for every 9.9 million exposure hours on outboard boats. On inboard boats there was one fire or explosion of fuel for every 843,000 exposure hours. The statistics also revealed that more than 93% of the fire or explosion of fuel accidents occurred on boats with gasoline engines. Based on these facts, these regulations apply only to inboard boats that have gasoline engines. The Coast Guard has determined that adherence to these proposed minimum safety standards for fuel systems will significantly reduce the probability of release of gasoline liquid and vapor which could otherwise be easily ignited, causing a fire or explosion.

According to proposed § 183.501, the various sections of the proposed regulations will become effective at different times, depending on the nature of the requirement and the amount of time required to comply. Those sections of the proposed regulation that do not require tooling changes and which may only require minor design changes will become effective six months after publication of the final rule. These sections include those requirements that the boat manufacturer can easily comply with and which require parts that are readily available on the market. Other sections because they require the use of components and parts that are not readily available or require other changes that may involve some minor tooling changes by manufacturers will become effective 12 months after publication of the final rule. Certain sections dealing with the design of fuel tanks, hoses, carburetors, and fuel pumps will require major tooling changes. Therefore the longest possible lead time is necessary for manufacturers to comply. These sections will become effective 18 months after publication of the final rule.

The National Boating Safety Advisory Council (NBSAC) has been consulted in meetings open to the public. Its opinion and advice have been considered in the formulation of these proposed regulations.

The NBSAC has given unanimous approval to these proposed regulations. Transcripts of the meetings are available for examination in Room 4310, U.S. Coast Guard Trans Point Building, 2nd and V Streets, S.W., Washington, D.C. The minutes of these meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BA/62), U.S. Coast Guard, Washington, D.C.

The Coast Guard has awarded a grant pursuant to §§ 25 and 27(d) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1451) to the American Boat and Yacht Council, Inc. (ABYC). Under the grant, ABYC is preparing a compliance manual for these regulations. The manual will contain explanatory and interpretative information, illustrations, and diagrams to aid manufacturers in complying with the regulations. The manual will not dictate the method a manufacturer must follow to comply with the regulations, but it will be a guide to methods that, if followed, will be acceptable to the Coast Guard as meeting the intent and purpose of the rules. The manual will be distributed by the Coast Guard through the National Technical Information Service and will be available to the public at cost before the Final Rule becomes effective.

The Proposed Fuel System regulations are divided into two groups of sections, Equipment Standards and Manufacturer Requirements, for the convenience of the user. A particular manufacturer may be subject to the requirements of either one or both sections depending on the operation which he performs. The following is a brief explanation of the proposed requirements.

Section 183.510 requires testing of fuel tanks for strength. Before the tank is installed, all sides of the tank are accessible and visible and are therefore, susceptible to tests which use a soap solution on the seams, inert gas detection probes, or other similar tests. A static pressure test is required for each tank prior to installation. This will test the fuel tank's ability to withstand pressure and determines if there are any leaks in the tank. The pressure drop method of detecting the location of the leak is not acceptable because this is not reliable for locating small leaks within a short period of time.

Fuel tanks must also be capable of meeting one of the following structural test requirements: for any tank, a shock test which would determine if the fuel tank will withstand impacts while the boat is in service; for tanks 25 to 99 gallons, a pressure impulse test; for tanks over 99 gallons, a slosh test and a pressure impulse test. These mechanical tests are required to determine if the tank will survive the physical stresses encountered in a boat while underway.

Section 183.512(a) prohibits the use of certain materials for the construction of non-portable fuel tanks. The prohibition in § 183.512(a) exists because of the possibility that trapped moisture will cause corrosion and subsequent fuel leakage. Ternplate and black iron or carbon steel offer insufficient protection from corrosion and their use has resulted in fuel leakage. In addition, organic coatings such as paint or plastic may blister or be scratched or gouged, after which the bare metal would be exposed to corrosion which could cause leaks.

Section 183.514 requires a label with certain information to be affixed to each fuel tank. Section 183.514(b)(5) indicates the manufacturer's statement as to what pressure the tank will test satisfactorily.

Section 183.516 gives specifications for cellular plastics used to encase fuel tanks. The density requirement for polyurethane cellular plastic in paragraph 183.516(d) allows for a standard manufacturing tolerance (i.e., 0.4 pounds per cubic foot) from the density recommended by foam manufacturers for marine structural application. This density and the water absorption requirement in paragraph 183.516(b) prevents corrosion of the tank by water absorbed by the cellular plastic.

Section 183.518 restricts the location of openings in the fuel tank so that a loose fitting would not cause the bilges to be flooded with fuel.

Section 183.520 requires a vent system for fuel tanks. This is necessary because either temperature changes or overfilling can cause destructive pressure rise in the fuel tank. Air trapped in a fuel tank can cause fuel to blow back through the fill opening in some fuel tanks without vents. Also air must be allowed to enter the fuel tank to replace fuel used by the engine.

An accessible flame screen or flame arrestor required by § 183.520(b) must be capable of being cleaned so that it does not lose its capacity for relieving pressure inside the fuel tanks due to corrosion or clogging with debris.

Paragraph 183.524(a) requires that a diaphragm pump will not leak fuel if the diaphragm fails. Most diaphragm fuel pumps used in automotive applications have an external vent which permits fuel to leak out of the pump if the diaphragm is punctured.

Paragraph 183.524(b) enhances safety in case of a carburetor float valve leakage when the engine ignition is inadvertently energized and the engine is not operating. In such an instance fuel would be pumped into the engine intake manifold from which it could vaporize into the engine compartment.

Section 183.526 inhibit's fuel leakage from flooded or overflowing carburetors. Five cubic centimeters of fuel seepage is allowed per paragraph 183.526(b). The amount allowed is sufficiently small so the fuel vapor mixture within the engine compartment does not reach the explosive range.

Paragraph 183.526(c) requires updraft and horizontal carburetors to be equipped with drip collectors having a return line to dispose of leaking fuel safely, by causing it to be drawn into the engine intake manifold. The intent of this paragraph is to prevent excess fuel from flowing into the engine room.

Paragraph 183.528(a) requires that electrically operated valves be installed so that they open only when the boat's ignition is on. These valves must also be

capable of being operated manually. These valve specifications will enable boat operators to shut off fuel in emergency situations and for routine maintenance.

Section 183.536 specifies that gaskets and seals must form an unsplit ring and specifies a test to insure that they will not leak fuel. The fuel specified for the test has 50 percent aromatic content. This is required in order to provide realistic testing of many synthetic rubber compounds because some fuels used in boats have very high aromatic content which causes deterioration of gaskets and seals.

Section 183.538 specifies material and a minimum wall thickness for distribution lines in the fuel system. Paragraph 183.538(a) excludes that section of the fuel feed line mounted on the engine which is between the fuel pump and carburetor. This section of the fuel feed line may be either USCG Type "A" hose or steel tubing or one of the copper alloys listed in § 183.538. The heat of the engine and the oily conditions which exist will protect steel tubing from corrosion. Steel tubing is not permitted to be used for any of the other fuel lines in the boat.

Section 183.550(c) prohibits fuel tanks from providing structural support for decking, bulkheads, or other components of the boat structure. Bulkheads and decking are not considered to be structurally supported by the fuel tank if they can continue to perform their normal function after removing the fuel tank which was in incidental contact with the bulkheads or decking. Protective covers or panels which are not part of the boat structure are not included in this prohibition.

Paragraph 183.550(f) provides that cellular plastic cannot be used to support a metallic fuel tank. Even though the cellular plastic might be structurally adequate to support a metallic fuel tank, the high stresses developed between the metal and the cellular plastic can cause separation of the cellular plastic from the metal and permit moisture to be trapped, causing corrosion of the fuel tank.

Section 183.552 allows fuel tanks to be encased in plastic with certain restrictions regarding installation. Improper encasement in plastic can result in a safety hazard due to corrosion. The section has special requirements for metallic tanks encased in plastic because of the possibility of the corrosion of the metal. The adhesion requirement in paragraph 183.552(c) provides protection against corrosion resulting from water trapped against the tank's surface.

Section 183.554 sets forth accessibility requirements for the fuel system components. These requirements enable the operator to prevent or repair fuel leaks caused by loose fittings, joints, and connections. Also, the static pressure test required by § 183.582 can be performed more easily when the fittings are accessible.

Paragraph 183.556(a) prohibits the installation of fittings for the purpose of draining fuel from the tank or line. Investigations have shown that several fires and explosions have occurred when fuel drainage fittings were inadvertently left open or vibrated open while the boat was underway. Paragraph 183.556(b) is an exception to the general prohibition of drain plugs set forth in paragraph 183.556(a). A plug that is not readily removable and will not leak or vibrate open, may be installed for the purpose of servicing filters and strainers.

Section 183.558 specifies hose types used for vent, fill, and distribution lines. The performance requirements for USCG Type "A" and USCG Type "B" hose are similar except that Type "A" hose must pass the 2½ minute fire test without leaking. Type "A" hose must be used when more than 5 ounces of fuel is discharged in 2½ minutes if the hose were severed at any point. Type "B" hose is permitted to be used if five ounces or less fuel would be released due to failure of the hose. The addition of five ounces or less fuel to a fire which is already burning with sufficient intensity to destroy the hose would not add significantly to the danger.

Paragraph 183.558(d) specifies fit tolerances for the mating of hoses and spuds, pipes, or hose fittings in order to prevent loosening of the connections or leaks.

Paragraph 183.560(d) requires that hose used with hose clamps be a type which is designed for use with clamps because some wire reinforced hose cannot be clamped securely. Paragraph 183.560 (d) prohibits the use of spring clamps because these clamps weaken and lose tension with the passage of time and cannot be tightened.

Section 183.562(a) requires a flexible section in the fuel line where it passes from a rigid connection on the hull to an engine which may flex and vibrate. This prevents loosening of fittings and cracking of metallic fuel lines. A loop or coil of rigid tubing is not acceptable for this purpose because the metal used might harden and crack under vibration. Section 183.562(b) requires the rigid fuel line which is attached to the boat structure to be clamped within four inches of the connection to the flexible fuel line to minimize transmission of vibration and stress from the flexible line to the rigid line.

Section 183.564(a) requires the deck fill fitting for the fuel system to be located or arranged so that fuel which accidentally overflows during fueling will not flow into the boat. Section 183.564 (b)(3) requires two hose clamps to be used on each end of a fill hose which is clamped so that the relatively stiff construction of the fill hose will not cause the hose to slide off the fitting or twist into a position which would cause a leak.

The location requirement of § 183.566 for a fuel pump limits the length of fuel line which is under pressure for minimum chance of rupture.

Section 183.568 requires either a system design or an automatic valve in the fuel line from each fuel tank that will prevent accidental siphoning of fuel from the tank and eliminate the hazard of a parted fuel line draining the fuel tank.

Section 183.570 specifies that fuel filters and strainers must be mounted independently on the engine or boat structure to reduce failure of fuel line connections due to vibration.

The grounding requirements of § 183.572 prevents harmful accumulations of static electric charge which could be a source of ignition of fuel or fuel vapor. Only the fuel fill system metallic components and metal parts of the fuel tank which are in contact with the fuel are required to be grounded because static electricity is generated in a fuel system only where high flow velocities and air are present.

After the entire fuel system has been installed, it must be pressure tested under the conditions proposed in § 183.582. This testing requirement is in addition to the pre-installation testing of the fuel tank required by § 183.510. Because much of the fuel tank will be inaccessible after installation, the pressure drop method is allowed to test for tank leakage. All fittings, joints, and connections of the fuel system must be tested for leakage by a method other than the pressure drop method, because it will often fail to detect a small leak in a joint or fuel line fitting.

Paragraphs 183.584(b), 183.586(b), and 183.588(c) require nonmetallic fuel tanks to be preconditioned with fuel for 30 days prior to mechanical testing in order to detect any attack on the fuel tank material by high aromatic content fuels.

Section 183.584 sets forth requirements for shock testing of fuel tanks. Tanks located forward of the half length of a boat are exposed to higher vertical accelerations and are therefore tested to a level of 25 times the acceleration of gravity (25 g) while tanks located in the after half of the boat are tested to 15 g.

Larger fuel tanks require a longer time to be fully extended by the internal pressure of the fuel when subjected to a vertical shock. For that reason, fuel tanks of 25 or more gallons capacity are tested with a vertical shock duration of 35 to 45 milliseconds while tanks of less than 25 gallons capacity are tested to a duration of 6 to 14 milli-seconds.

Section 183.586 sets forth the requirements for pressure impulse testing of fuel tanks of 25 or more gallons capacity. This simulates the effects of the weight of fuel acting on the inside of the fuel tank while the boat is running in a seaway.

Section 183.588 sets for the requirements for a slosh test for fuel tanks of 100 or more gallons capacity. This test simulates the effects of fuel surging against the baffles and end plates when a boat is in a seaway.

Section 183.590 sets forth requirements for a fire test of fuel system components which exposes the test item to open flame from burning heptane for 2½ minutes. Heptane will be used by the Coast Guard for compliance testing because it has more uniform burning characteristics than the gasoline sold in various parts of the country.

Items being tested as installed on an engine or in a boat are permitted to take advantage of the protection to be derived from the structure of the boat or engine.

The Coast Guard is proposing that the time limit of the fire test be 2½ minutes because the Motorboat Committee of the National Fire Protection Association considers that a minimum of 2½ minutes should be allowed for the boat operator to attempt to extinguish the fire with a portable extinguisher before any major leakage of fuel could be caused by the fire.

The standards and codes referenced in these regulations have been approved for incorporation by reference by the Director of the Federal Register and they are on file in the Federal Register Library.

Any interested person may submit written data, views, or arguments concerning this notice to the Executive Secretary, Marine Safety Council, U.S. Coast Guard, Room 8117, 400 7th Street, SW., Washington, D.C. 20590. All communications received before December 1, 1976, will be considered before the final rule is published.

Each person submitting comments should include his name and address, identify this notice (CGD 74–209) and give reasons and supporting data for any recommendations. All comments will be available for examination in Room 8117, Coast Guard Headquarters, 400 7th Street, SW., Washington, D.C. 20590. No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The economic and inflationary impacts, and the evaluation of benefits of these proposed regulations have been carefully evaluated in accordance with Office of Management and Budget Circular A–107. The proposed regulations should result in a cost to industry of approximately $2.75 million to $9.35 million per year. These industry costs should result in an increased cost to the consumer of .16 percent to 3.3 percent, depending on the size of the boat purchased. The benefit of the proposed regulations is the reductions in the amount of property damage, the number of injuries, and the number of lives lost. No Inflationary Impact Statement is required.

In consideration of the foregoing, it is proposed to amend Part 183 of Chapter 1 of Title 33 of the Code of Federal Regulations by adding a new Subpart J to follow Subpart I and to read as follows:

Subpart J—Fuel Systems

Subpart J—Fuel Systems

GENERAL

Sec.
183.501 Applicability.
183.505 Definitions.
183.507 General.

EQUIPMENT STANDARDS

183.510 Fuel tanks.
183.512 Fuel tanks: prohibited materials.
183.514 Fuel tanks: labels.
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183.518 Fuel tank openings.
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183.550 Fuel tanks: installation.
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183.568 Anti-siphon protection.
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TESTS

183.580 Static pressure test for fuel tanks.
183.582 Static pressure test for fuel systems.
183.584 Shock test.
183.586 Pressure impulse test.
183.588 Slosh test.
183.590 Fire test.

AUTHORITY: 46 U.S.C. 1454; 49 CFR 1.46 (n)(1).

Subpart J—Fuel Systems

GENERAL

§ 183.501 Applicability.

(a) This subpart applies to all boats that have gasoline engines, except outboard engines, for electrical or mechanical power for propulsion.

(b) The sections in this subpart are effective on the following dates:

(SIX MONTHS AFTER PUBLICATION OF THE FINAL RULE)

183.501	183.562
183.505	183.566
183.507	183.568
183.518	183.572
183.520	183.580
183.528	183.582
183.534	183.584
183.536	183.586
183.538	183.588
183.542	183.590
183.556	

(12 MONTHS AFTER PUBLICATION OF THE FINAL RULE)

183.510	183.550
183.514	183.554
183.522	183.560
183.530	183.564
183.532	183.570

(18 MONTHS AFTER PUBLICATION OF THE FINAL RULE)

183.512	183.540
183.516	183.552
183.524	183.558
183.526	

§ 183.505 Definitions.

As used in this subpart—

"ASTM" means American Society for Testing and Materials. ASTM standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., S.W., Washington, D.C. 20590 and may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"Flame arrestor" means a device or assembly that prevents passage of flame through a fuel vent.

"Fuel system" means the entire assembly of the fuel fill, vent, tank, and distribution components, including pumps, valves, strainers, carburetors, and filters.

"SAE" means Society of Automotive Engineers, Inc. SAE standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., S.W., Washington, D.C. 20590 and may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Dr., Warrendale, PA 15096.

"Static floating position" means the attitude in which a boat floats in calm water, with each fuel tank filled to its rated capacity, but with no person or item of portable equipment on board.

"UL" means Underwriters' Laboratories, Inc. UL standards in this subpart may be examined at Coast Guard Headquarters, Room 4314, Trans Point Building, 2100 2nd St., S.W., Washington, D.C. 20590 and may be obtained from Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, IL, 60611.

"USCG Type A Hose" means hose that meets the requirements of—

(1) SAE Standard J30B, dated August, 1973, and the requirements of § 183.590; or

(2) UL Standard 1114 dated September 15, 1976.

"USCG Type B Hose" means hose that meets the requirements of SAE Standard J30B, dated August, 1973.

§ 183.507 General.

Each fuel system component on a boat to which this subpart applies must meet the requirements of this subpart unless the component is part of an outboard engine or is part of portable equipment.

EQUIPMENT STANDARDS

§ 183.510 Fuel tanks.

(a) Each fuel tank in a boat must have been tested by its manufacturer under § 183.580 and not leak.

(b) Each fuel tank must not leak if subjected to the fire test under § 183.590. Leakage is determined by the static pressure test under § 183.580, except that the test pressure must be at least one-fourth PSIG.

(c) Each fuel tank of less than 25 gallons capacity must not leak if tested under § 183.584.

(d) Each fuel tank with a capacity of 25 to 99 gallons must not leak if tested—

(1) Under § 183.584; or

(2) § 183.586.

(e) Each fuel tank of 100 gallons capacity or more must not leak if tested—
(1) Under § 183.584; or
(2) §§ 183.586 and 183.588.

§ 183.512 Fuel tanks: prohibited materials.

(a) A fuel tank must not be constructed from terneplate.
(b) Unless it has an inorganic sacrificial galvanic coating on the inside and outside of the tank, a fuel tank must not be constructed from black iron or carbon steel.
(c) A fuel tank encased in cellular plastic or in fiber reinforced plastic must not be constructed from a ferrous alloy.

§ 183.514 Fuel tanks: labels.

(a) Each fuel tank must have a label that meets the requirements of paragraphs (b) through (d) of this section.
(b) Each label required by paragraph (a) of this section must contain the following information:
(1) Fuel tank manufacturer's name (or logo) and address.
(2) Month (or lot number) and year of manufacture.
(3) Capacity in U.S. gallons.
(4) Material of construction.
(5) The pressure the tank is designed to withstand without leaking.
(6) Shock test classification in "g's", if applicable.
(7) Model number, if applicable.
(8) The statement, "This tank has been tested under 33 CFR 183.580."
(9) If the tank is tested under § 183.584 at less than 25g vertical accelerations the statement, "Must be installed aft of the boat's half length."
(c) Each letter and each number on a label must—
(1) Be at least $\frac{1}{16}$ inch high and
(2) Contrast with the basic color of the label or be embossed on the label.
(d) Each label must—
(1) Withstand the combined effects of exposure to water, oil, salt spray, direct sun light, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and
(2) Resist efforts to remove or alter the information on the label without leaving some obvious sign of such efforts.

§ 183.516 Cellular plastic used to encase fuel tanks.

Cellular plastic used to encase metallic fuel tanks must—
(a) Have compressive strength of at least 60 pounds per square inch at five percent deflection measured under ASTM D–1621, "Compressive Strength of Rigid Cellular Plastics," dated August 31, 1964;
(b) Not absorb more than one-half percent water by volume measured under ASTM C–272, "Water Absorption of Core Materials for Structural Sandwich Constructions," dated September 15, 1963;
(c) Not change volume by more than five percent or dissolve after being immersed in any of the following liquids for 24 hours at 29° C:
(1) Reference fuel B ASTM D–471, dated December 18, 1968.
(2) No. 2 reference oil of ASTM D–471, dated December 18, 1968.
(3) Five percent solution of trisodium phosphate in water; and
(d) If the material is polyurethane cellular plastic, have a density of at least 3.6 pounds per cubic foot measured under ASTM D–1622, "Apparent Density of Rigid Cellular Plastics," dated September 30, 1963.

§ 183.518 Fuel tank openings.

Each opening into the fuel tank must be at or above the topmost surface of the tank.

§ 183.520 Fuel tank vents.

(a) Each fuel tank must have a vent that prevents pressure in the tank from exceeding 80 percent of the pressure marked on the tank label under § 183.514 (b) (5).
(b) Each vent must—
(1) Have a flame arrester that can be cleaned unless the vent is itself a flame arrestor; and
(2) Not allow a fuel overflow at the rate of up to two gallons per minute to enter the boat.

§ 183.522 Fuel tank fill fitting.

Fuel must not blow back through the fuel fill fitting when a tank is—
(a) Between one-fourth and three-fourths full; and
(b) Refueled at a rate of at least nine gallons per minute.

§ 183.524 Fuel pumps.

(a) Each diaphragm pump must not leak fuel from the pump if the primary diaphragm fails.
(b) Each electrically operated fuel pump must not operate except when the engine is operating or when the engine is started.
(c) If tested under § 183.590, a fuel pump must not leak fuel.

§ 183.526 Carburetors.

(a) If tested under § 183.590, a carburetor must not leak fuel.
(b) Each carburetor must not leak more than five cubic centimeters of fuel in 30 seconds when—
(1) The float valve is open;
(2) The carburetor is at half throttle; and
(3) The engine is cranked without starting; or
(4) The fuel pump is delivering the maximum pressure specified by its manufacturer.
(c) Each updraft and horizonal draft carburetor must have a device that—
(1) Collects and holds fuel that flows out of the carburetor venturi section toward the air intake;
(2) Prevents collected fuel from being carried out of the carburetor assembly by the shock wave of a backfire or by reverse air flow; and
(3) Returns collected fuel to the engine induction system after the engine starts.

§ 183.528 Fuel stop valves.

(a) Each electrically operated fuel stop valve in a fuel line between the fuel tank and the engine must—
(1) Open electrically only when the ignition switch is on; and
(2) Operate manually.
(b) If tested under § 183.590, a fuel stop valve must not leak fuel.

§ 183.530 Spud, pipe, and hose fitting configuration.

Except when used for a tank fill line, each spud, pipe, or hose fitting used with hose clamps must have—
(a) A bead;
(b) A flare; or
(c) A series of annualar grooves or serrations no less than 0.015 inches deep, except a continuous helical thread, knurl, or groove.

§ 183.532 Clips, straps, and hose clamps.

(a) Each clip, strap, and hose clamp must—
(1) Be made from a corrosion resistant material; and
(2) Not cut or abrade the fuel line.
(b) When tested under § 183.590, a clip, strap, or hose clamp must not separate under a one pound tensile force.
(c) The minimum band width of a hose clamp is determined under Table 7 by the outside diameter of the hose.

TABLE 7

Outside hose diameter (inches):	*Minimum clamp band width (inches)*
Less than $\frac{7}{16}$	$\frac{1}{4}$
$\frac{7}{16}$ to $\frac{7}{8}$	$\frac{5}{16}$
Greater than $\frac{7}{8}$ to 1$\frac{1}{2}$	$\frac{3}{8}$
Greater than 1$\frac{1}{2}$	$\frac{1}{2}$

§ 183.534 Fuel filters and strainers.

When tested under § 183.590, each fuel filter and strainer must not leak fuel from the filter, strainer, or its connections.

§ 183.536 Seals and gaskets in fuel filters and strainers.

(a) Each gasket and seal used in a fuel filter and strainer must form an unsplit ring.
(b) Each gasket and each sealed joint in a fuel filter and strainer must not leak when subjected for 24 hours to a gasoline that has at least a 50 percent aromatic content at the test pressure determined under § 183.582(a).

§ 183.538 Fuel line materials.

Each metallic fuel line connecting the fuel tank with the fuel inlet connection on the engine must—
(a) be made of seamless annealed copper, nickel copper, or copper-nickel; and
(b) except for corrugated flexible fuel line, have a minimum wall thickness of 0.029 inches.

§ 183.540 Hoses: identification.

(a) Each "USCG Type A" hose and each "USCG Type B" hose must be identified by the manufacturer by a marking on the hose itself. If the complete text of the marking is not on a section of hose,

the boat manufacturer must attach a tag that meets the requirements of paragraphs (b) and (c) of this section.

(b) Each marking and tag must contain the following information in English:

(1) The statement "USCG TYPE (insert A or B) HOSE."

(2) The year in which the hose was manufactured.

(3) The manufacturer's name or registered trademark.

(c) Each character must be block capital letters and numerals that are at least one-eighth inch high.

(d) Each marking must be permanent, legible, and on the outside of the hose at no less than 12 inch intervals.

§ 183.542 Fuel systems.

Each fuel system in a boat must have been tested under § 183.582 by the boat manufacturer and not leak.

MANUFACTURER REQUIREMENTS

§ 183.550 Fuel tanks: installation.

(a) Each fuel tank must not be integral with any boat structure or mounted on an engine.

(b) Each tank must not move at the mounting surface more than one-fourth inch in any direction.

(c) Each fuel tank must not support a deck, bulkhead, or other structural component.

(d) Water must drain from the surface of each metallic fuel tank when the boat is in its static floating position.

(e) Each tank support, chock, or strap that is not integral with a metallic fuel tank must be insulated from the tank surface by a nonmoisture absorbing material.

(f) Cellular plastic must not be the sole support for a metallic fuel tank.

(g) If cellular plastic is the sole support of a non-metallic fuel tank, the cellular plastic must meet the requirements of § 183.516(a) and (d).

(h) Each fuel tank labeled under § 183.514(b)(9) for installation aft of the boat's half length must be aft of the boat's half length.

§ 183.552 Plastic encased fuel tanks: installation.

(a) Each fuel tank encased in cellular plastic foam or in fiber reinforced plastic must have the connections, fittings, and labels accessible for inspection and maintenance.

(b) If a metallic fuel tank is encased in cellular plastic or in fiber reinforced plastic, water must not collect between the plastic and the surface of the tank or be held against the tank by capillary action.

(c) If the plastic is bonded to the surface of a metallic tank, the adhesive strength of the metal to the plastic bond must exceed the cohesive strength of the plastic.

§ 183.554 Fittings, joints, and connections.

Each fuel system fitting, joint, and connection must be arranged so that it can be reached for inspection, removal, or maintenance without removal of permanent boat structure.

§ 183.556 Plugs and fittings.

(a) A fuel system must not have a fitting for draining fuel.

(b) A plug used to service the fuel filter or strainer must have a tapered pipethread or be a screw type fitted with a locking device other than a split lock washer.

§ 183.558 Hoses and connections.

(a) Each hose between the fuel pump and the carburetor must be "USCG Type A" hose.

(b) Each hose used for a vent line or fill line and each hose from the fuel tank to the fuel inlet connection on the engine must be—

(1) "USCG Type A" hose; or

(2) "USCG Type A" or "USCG Type B" hose, if no more than five ounces of fuel is discharged in 2½ minutes when—

(i) The hose is severed at the point where maximum drainage of fuel would occur,

(ii) The boat is in its static floating position, and

(iii) The fuel system is filled to the capacity marked on the tank label under § 183.514(b)(5).

(c) Each hose must be secured by—

(1) A swaged sleeve;

(2) A sleeve and threaded insert; or

(3) A hose clamp.

(d) The inside diameter of a hose must not exceed the actual minor outside diameter of the connecting spud, pipe, or fitting by more than the distance shown in Table 8.

TABLE 8

If minor outside diameter of the connecting spud, pipe, or fitting is—	The inside diameter of the hose must not exceed the minor outside diameter of the connecting spud, pipe, or hose fitting by more than the following distance:
Less than ⅜ in	0.29 in.
⅜ in to 1 in	0.035 in.
Greater than 1 in	0.065 in.

§ 183.560 Hose clamps: installation.

Each hose clamp on a hose from the fuel tank to the fuel inlet connection on the engine, a hose between the fuel pump and the carburetor, or a vent line must—

(a) Be used with hose designed for clamps;

(b) Be at least one clamp width from the hose end;

(c) Be beyond the bead, flare, or over the serrations of the mating spud, pipe, or hose fitting; and

(d) Not depend solely on the spring tension of the clamp for compressive force.

§ 183.562 Metallic fuel lines.

(a) Each metallic fuel line that is mounted to the boat structure must be connected to the engine by a flexible fuel line.

(b) Each metallic fuel line must be attached to the boat's structure within four inches of its connection to a flexible fuel line.

§ 183.564 Fuel tank fill system.

(a) Each fuel fill opening must be located so that a gasoline overflow of up to five gallons per minute will not enter the boat when the boat is in its static floating position.

(b) Each hose in the tank fill system must be secured to a pipe, spud, or hose fitting by—

(1) A swaged sleeve;

(2) A sleeve and threaded insert; or

(3) Two adjacent metallic hose clamps that do not depend solely on the spring tension of the clamps for compressive force.

(c) Each hose clamp in the tank fill system must be used with a hose designed for clamps.

(d) Hose clamps used in the tank fill system must—

(1) Have a minimum band width of at least one-half inch; and

(2) Be over the hose and the spud, pipe, or hose fitting and not less than one-half inch from the end of the hose.

§ 183.566 Fuel pumps: placement.

Each fuel pump must be on the engine it serves or within 12 inches of the engine, unless it is a fuel pump used to transfer fuel between tanks.

§ 183.568 Anti-siphon protection.

Each fuel line from the fuel tank to the fuel inlet connection on the carburetor must—

(a) Be above the level of the tank top;

(b) Have an anti-siphon device at the tank withdrawal fitting; or

(c) Have an electrically operated fuel stop valve at the tank withdrawal fitting.

§ 183.570 Fuel filters and strainers: installation.

Each fuel filter and strainer must be supported on the engine or boat structure independent from its fuel line connections, unless the fuel filter or strainer is inside a fuel tank.

§ 183.572 Grounding.

Each metallic component of the fuel fill system and fuel tank which is in contact with fuel must be statically grounded so that the resistance between the ground and each metallic component of the fuel fill system and fuel tank is less than 100 ohms.

TESTS

§ 183.580 Static pressure test for fuel tanks.

A fuel tank is tested by performing the following procedures in the following order:

(a) Fill the tank with air or inert gas to the pressures marked on the tank label under § 183.514(b)(5). The pressure is measured by a calibrated pressure gauge with a pressure range not exceeding three times the test pressure required by this paragraph or by a manometer.

(b) Examine each tank fitting and seam for leaks using a leak detection method other than the pressure drop method.

§ 183.582 Static pressure test for fuel systems.

A fuel system is tested by performing the following procedures in the following order:

(a) Fill the system with air or inert gas to the greater of the following pressures:

(1) Three PSIG.

(2) One and one-half times the pressure created at the lowest point in the fuel system when the fill or vent line, whichever is lower in height, is filled to its top with fuel.

(b) Read the pressure. The pressure is measured by a calibrated pressure gauge with a pressure range not exceeding three times the test pressure required by this paragraph or by a manometer.

(c) Wait at least five minutes and thereafter wait one additional minute for each 10 gallon increment, or fraction thereof, in the tank's capacity greater than 50 gallons.

(d) Read the pressure in accordance with paragraph (b) of this section. A pressure drop measured at the end of the time required by paragraph (c) of this section is due to leakage.

(e) If no pressure drop is measured by the manometer or pressure gauge, then while the system remains pressurized, examine each fuel fitting, joint, and connection for leaks, using a leak detection method other than the pressure drop method.

§ 183.584 Shock test.

A fuel tank is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) If the tank is non-metallic, fill it to capacity with a gasoline that has at least a 50 percent aromatic content. Keep the fuel in the tank at 21° C or higher for 30 days prior to testing.

(c) Mount the tank to the platform of an impact test machine.

(d) Fill the tank to capacity with water.

(e) Cap and seal each opening in the tank.

(f) Apply one of the following accelerations within three inches of the center of the horizontal mounting surface of the tank. The duration of each vertical acceleration pulse is measured at the base of the shock envelope. Each vertical acceleration pulse must approximate a half sine wave.

(1) If the tank is not labeled under § 183.514(b) (9) for installation aft of the half length of the boat, apply 1000 cycles of 25g vertical accelerations at a rate of 80 cycles or less per minute. The duration of the acceleration pulse must be between six and 14 milliseconds for tanks of less than 25 gallons capacity and between 35 and 45 milliseconds for tanks of 25 or more gallons capacity.

(2) If the tank is manufactured for installation with its center of gravity aft of the half length of the boat, apply 1000 cycles of 15g vertical accelerations at a rate of 80 cycles or less per minute. The duration of the shock pulse must be between six and 14 milliseconds for tanks of less than 25 gallons capacity and between 35 and 45 milliseconds for tanks of 25 or more gallons capacity.

(h) Perform the static pressure test under § 183.580.

§ 183.586 Pressure impulse test.

A fuel tank is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) If the tank is non-metallic, fill it to capacity with a gasoline that has at least a 50 percent aromatic content. Keep the fuel in the tank at 21° C or higher for 30 days prior to testing.

(c) Mount the tank on a test platform.

(d) Fill the tank to capacity with water.

(e) Cap and seal each opening in the tank.

(f) Apply 25,000 cycles of pressure impulse at the rate of no more than 15 impulses per minute varying from zero to three PSIG to zero inside the tank top from a regulated source of air, inert gas, or water.

(g) Perform the static pressure test under § 183.580.

§ 183.588 Slosh test.

A fuel tank is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) Perform the pressure impulse test under § 183.586.

(c) If the tank is non-metallic, fill it to capacity with a gasoline that has at least a 50 percent aromatic content. Keep the fuel in the tank at 21° C or higher for 30 days prior to testing.

(d) Secure the tank to the platform of a tank rocker assembly.

(e) Fill the tank to one-half capacity with water.

(f) Cap and seal each opening in the tank.

(g) Apply 500,000 cycles of rocking motion 15 degrees to each side of the tank centerline at the rate of 15 to 20 cycles a minute. The axis of rotation of the rocker and fuel tank must be perpendicular to the centerline of the tank length at a level six inches or less above or below the tank's bottom.

(h) Perform the static pressure test under § 183.580.

§ 183.590 Fire test.

(a) A piece of equipment is tested under the following conditions and procedures:

(1) Fuel stop valves, "USCG Type A" hoses, clips, straps, and hose clamps are tested in a fire chamber.

(2) Fuel filters, strainers, pumps, and carburetors are tested in a fire chamber or as installed on the engine.

(3) Fuel tanks must be tested filled with fuel to one-fourth the capacity marked on the tank in a fire chamber or in an actual or simulated hull section.

(b) Each fire test is conducted with free burning heptane and the component must be subjected to a flame for 2½ minutes.

(c) If the component is tested in a fire chamber—

(1) The temperature within one inch of the component must be at least 648°C sometime during the 2½ minute test;

(2) The surface of the heptane must be eight to 10 inches below the component being tested; and

(3) The heptane must be in a container that is large enough to permit the perimeter of the top surface of the heptane to extend beyond the vertical projection of the perimeter of the component being tested.

(d) If the component is being tested as installed on an engine, heptane sufficient to burn 2½ minutes must be poured over the component and allowed to run into a flat bottomed pan under the engine. The pan must be large enough to permit the perimeter of the top surface of the heptane to extend beyond the vertical projection of the perimeter of the engine.

(e) If a fuel tank is being tested in an actual or simulated hull section, the actual or simulated hull section must be of sufficient size to contain enough heptane to burn for 2½ minutes in a place adjacent to the tank.

Dated: September 24, 1976.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.76-28692 Filed 9-29-76;8:45 am]

federal register

THURSDAY, SEPTEMBER 30, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing— Federal Housing Commissioner

■

SUBSIDIZED AND HUD-OWNED PROJECTS

Tenant Eviction Procedures

Title 24—Housing and Urban Development

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER J—TENANT EVICTION PROCEDURES

[Docket No. R-76-386]

PART 450—EVICTIONS FROM CERTAIN SUBSIDIZED AND HUD-OWNED PROJECTS

The Department gave notice on April 22, 1976, at 41 FR 16924, that it was proposing to amend Title 24 of the Code of Federal Regulations by adding a new Subchapter J, "Tenant Eviction Procedures", a new Part 450, "Evictions from Subsidized Projects and HUD-owned Projects", Subpart A, "Subsidized Projects" and Subpart B, "HUD-owned Projects." The comment period closed May 24, 1976.

The Department has received more than 200 comments from sources outside the Department and a number of comments from offices within the Department in response to the April 22, 1976, publication. All comments were carefully considered, and changes have been made to the proposed regulation, as set forth below, based on these comments. A discussion of the principal changes and of the more recurrent and significant comments is set forth below.

Initially, a change in terminology should be noted. The term "rental agreement" has been substituted for "lease agreement" and is defined in § 450.2(c).

Major Changes

Three major changes have been made and these are discussed below.

1. *Applicability modified to exclude coverage of existing rental agreements.* A number of comments were critical of the fact that that proposed regulation was applicable not withstanding contrary provisions in existing rental agreements. We have considered these comments carefully. The Department has concluded that while it does have the legal power to implement the regulation in the manner proposed, it would be more in the public interest not to attempt to modify existing rental agreements entered into in accordance with HUD guidelines. Accordingly, § 450.3(c) of the proposed regulation, which would supersede existing rental agreements, has been deleted. In addition, § 450.1 has been changed to provide that the regulation shall be effective only with respect to future tenancies. With respect to new tenants (where occupancy commences after the effective date of the regulation), the regulation applies if the rental agreement is executed on or after the 30th day following the effective date of Subpart A, or if occupancy commences on or after the 45th day following the effective date of Subpart A, regardless of when the rental agreement is executed. Further, Subpart A applies to all existing tenants and to new tenants not covered by the prior sentence on and after the date of the first renewal of the rental agreement which occurs on and after the 30th day following the effective date of Subpart A.

2. *Coverage of Section 8 substantially restricted.* A number of comments, both within and outside the Department, urged that the Section 8 Program (Section 8 of the United States Housing Act of 1937) be excluded from coverage of the regulation. Some commentators expressed the position that inclusion of the Section 8 Program would greatly reduce private interest in the program. Other comments noted that the current Section 8 regulations and contracts and leases entered into pursuant to these regulations were inconsistent with the proposed regulation. In addition, the Office of General Counsel has reconsidered the question of Congressional intention as manifested in the Housing and Community Development Act of 1974. In light of these considerations, the following significant changes have been made.

a. The Section 8 New Construction and Substantial Rehabilitation Programs have been excluded from coverage. In so doing, the Department has been influenced by the statutory language contained in Section 8(e)(2) of the United States Housing Act of 1937, as follows:

> The contract between the Secretary and the owner with respect to newly constructed or substantially rehabilitated dwelling units shall provide that all ownership, management, and maintenance responsibilities, including the selection of tenants and the termination of tenancy, shall be assumed by the owner (or any entity, including a public housing agency, approved by the Secretary, with which the owner may contract for the performance of such responsibilities).

In the Department's view, this expresses an intention of Congress that the Section 8 Program can serve the nation best by vesting in private owners the fullest measure of management responsibilities. In the absence of a definitive court decision invalidating this provision or construing it differently, the Department has determined to exclude new construction and substantial rehabilitation under Section 8.

The regular Section 8 Existing Housing Program has also been excluded. This program is premised on the so-called "finders-keepers" concept. A family is issued a Certificate of Family Participation and is free to find acceptable housing. If evicted, the family is free to find another dwelling unit and continue to receive the benefit of the Certificate to Family Participation. The Department has, accordingly, determined that the inclusion of the regular Section 8 Existing Housing Program would be inconsistent with the basic philosophy of the program.

On the other hand, pursuant to the regulation at 41 FR 12170 issued on March 23, 1976, some contract authority under the Section 8 Existing Housing Program has been made available to existing projects with HUD-insured or HUD-held mortgages. (Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages). These approvals are made on a project basis. While the regular Section 8 Existing Housing Program focuses on the family, not the project, the contract authority made available under 41 FR 12170 is project oriented. Accordingly, the Department has determined that the Additional Assistance Program being carried out pursuant to 41 FR 12170 should be included within the coverage of this regulation.

3. *Administrative complaint procedure deleted.* The greatest volume of comments were directed at the informal administrative procedure provided for by § 450.4 of the proposed regulation. The main thrust of the comments was that as a result of statutory protection currently afforded tenants under state law, together with delays in court proceedings due to heavy judicial workload, the eviction process generally takes several months. Further, informal grace periods are common in nonpayment of rent cases before formal proceedings commence. Since a very large percentage of evictions are due to nonpayment of rent, each further delay produces a further financial loss to the project. The main thrust of the comments was that the administrative procedure would increase the time of the eviction process substantially without adding significant protection to tenants.

The preamble to the proposed regulation stated that the proposed administrative procedure was not incorporated into the regulation so as to satisfy due process requirements. A due process procedure will be afforded the tenant in the eviction proceeding in the state court. The purpose of the administrative procedure under proposed § 450.4 was to help resolve controversies in an amicable manner. On further consideration, the Department has determined the additional protection flowing to tenants from the proposed administrative procedure will probably be minimal and would not justify the large financial losses to projects caused by these delays. Accordingly, the administrative procedure permitting a tenant response to the landlord's termination notice and a landlord redetermination has been deleted.

Adequacy of State Judicial Eviction Procedures

The preamble to the proposed regulation stated that if members of the public had reason to believe that, notwithstanding the issuance of Subpart A, courts in any state would not provide tenants with hearings conforming with due process standards, such information should be included in comments addressed to the Rules Docket Clerk. In the case of two states, comments were received expressing doubt as to whether judicial eviction procedures conformed with due process standards. After consideration of these comments, the Department has concluded that the material was not persuasive enough to justify a conclusion at this time that the procedures of these states did not assure tenants a fair adjudication. The Department does not, however, want to foreclose further con-

sideration of the issue. Accordingly, bar associations, attorneys and other members of the public who feel that judicial eviction procedures in any given jurisdiction do not assure fundamental fairness to tenants are invited to submit memorandums of law on this issue. Such memorandums of law should, if possible, be submitted within 60 days and should be addressed to the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

OTHER CHANGES MADE; CONSIDERATION OF OTHER SIGNIFICANT COMMENTS

PROPOSED § 450.3

1. A number of comments stressed the desirability of retaining the landlord's common law right to terminate occupancy at the expiration of a term with or without good cause. Many of these comments noted that the viability of a project depended in part on the ability of management to evict tenants who disrupted the livability of the project. In the opinion of these commentators, tenants are frequently reluctant to testify at an evidentiary hearing against a fellow tenant.

After carefully considering this category of comment, the Department has determined that this position cannot be accepted. The basic purpose of the proposed regulation is to reflect the increasing body of judicial opinions that occupancy in a subsidized housing project is in the nature of a welfare entitlement and that tenants in these units are entitled to basic substantive and procedural protections. The right of management to make management decisions without the need to prove its case at an evidentiary hearing must be balanced against the countervailing consideration that persons receiving the benefits of subsidized housing not be denied these benefits arbitrarily.

2. Section 450.3 (a) and (b) have been merged into a simplified revised § 450.3 (a). In addition, the revised § 450.3(a) contains two significant changes. First, it reflects the fact that at least in some states the failure of the tenant to carry out obligations imposed by a state landlord and tenant act constitutes a basis for eviction. The regulation permits such evictions. A definition of the term "state landlord and tenant act" has been added in revised § 450.2(d).

Second § 450.3 (a) and (b) of the proposed regulation provided for termination of the tenancy if the tenant "substantially failed to comply with the provisions of the lease agreement". This language has been changed; revised § 450.3(a) provides for termination for "material noncompliance with the rental agreement". This modification brings the regulation into harmony with the Uniform Residential Landlord and Tenant Act. The term "material noncompliance with the rental agreement" is defined in revised § 450.3(c) to include one or more major violations of the rental agreement, or repeated minor violations of the rental agreement which disrupt the livability of the project, adversely affect the health or safety of any person or the right of any tenant to the quiet enjoyment of the dwelling unit or surrounding premises, or interfere with the management of the project or have an adverse financial effect on the project. The application of the material noncompliance test to nonpayment of rent and late payment of rent is also set forth in revised § 450.3(c).

3. Section 450.3(b) of the proposed regulation provided that the landlord could modify the terms and conditions of the lease agreement by giving 30 days advance written notice. Further, the tenant was presumed to accept the modification unless he advised the landlord within 10 days that he intended to vacate the dwelling unit. Several comments were critical of this rule as denying the tenant adequate protection. On reconsideration, the Department has concluded that this provision should be modified. The new provision, found in § 450.4(d) of the revised regulation, provides that the landlord must notify the tenant of the proposed modification and tender a revised rental agreement or addendum at least 30 days prior to the last date on which the tenant has the right to terminate the tenancy without being bound by the modified terms and conditions. Further, the provision creating a presumption of acceptance has been deleted. *Proposed § 450.4.* As indicated earlier, the administrative procedure for the resolution of complaints has been deleted. On the other hand, the requirement that the landlord serve a termination notice on the tenant informing him of the termination of the tenancy is retained. Several modifications, however, have been made.

1. Many comments stressed the fact that state law regulates evictions for nonpayment of rent and other violations of the rental agreement in considerable detail and that tenants are generally afforded substantial protection. In order to avoid any possible conflicts with state law and resulting confusion in cases where the eviction is based on material noncompliance with the rental agreement or with violations of the state landlord and tenant act, the revised regulation does not speak to the question of the number of days of notice to which the tenant is entitled. This subject will continue to be fully controlled by state law and by any pertinent provisions of the rental agreement. On the other hand, the right of the tenant to a continued renewal of the term unless good cause is shown is created by this regulation (and implementing leases) and is generally not based on state law. In such case, it has been concluded that it is important to provide a rule on the timing of the notice. Revised § 450.4(c) sets forth such a rule: the notice shall provide for termination of the tenancy to be effective at the end of a term and in accordance with the rental agreement, but in no case earlier than 30 days after receipt by the tenant of the notice.

2. The proposed regulation provided a form of notice which was set forth in Appendix 1. It has been determined to eliminate any form of notice from the revised regulation on the ground that it is unnecessary and may cause confusion if the form is inconsistent with notice requirements of state law.

3. Some comments raised questions as to how specific the termination notice must be. The Department is of the view that it is difficult to develop a general standard which provides more guidance than that stated in revised § 450.4(a)(2) (proposed § 450.4(b)(2)) that the notice be stated without enough specificity so as to enable the tenant to prepare a defense. However, the revised regulation does incorporate a test for nonpayment of rent cases. Section 450.5(d) of the revised regulation provides that in nonpayment of rent cases, a notice meets the specificity rule if it states the dollar amount of the balance due on the rent account and the date of such computation.

4. Section 450.4(b) of the proposed regulation provides that the termination notice must be served either personally or by registered or certified mail, return receipt requested. A number of commentators urged a change in this requirement on the ground that a tenant might be able to thwart effective service by avoiding personal service and refusing to accept the certified or registered letter. The Department concluded that there may be merit in this position. Accordingly, the revised regulation provides in § 450.4(b) that service shall be accomplished by the use of first class mail, together with service of a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door. Service shall not be deemed to be effective until both notices have been accomplished. The date of receipt by the tenant is deemed to be the date the first class letter is mailed, or the date service is made at the dwelling unit, whichever is later.

5. Section 450.4(b) of the proposed regulation provided that termination for good cause could not be relied upon as a basis for termination of tenancy unless the landlord had given the tenant prior actual or constructive notice that said conduct constitutes good cause justifying eviction. A number of comments suggested modifications in this provision. One change has been made. Further protection is afforded the tenant by eliminating the provision permitting constructive notice to be given. This provision on notice of good cause is now set forth in § 450.3(b) of the revised regulation.

Other changes that have been made are of an editorial or minor technical nature.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

Accordingly, Chapter IV of Title 24 of CFR is amended by adding a Subchapter J to read as set forth above and a new Part 450, to read as follows:

Subpart A—Subsidized Projects

Sec.
450.1 Applicability.
450.2 Definitions.
450.3 Entitlement of tenants to occupancy.
450.4 Termination of notice.
450.5 Inapplicability to substantial rehabilitation or demolition.
450.6 State and local law.
450.7 Implementation.

Subpart B—HUD-Owned Projects

450.8 Incorporation by reference.
450.9 Applicability of procedures.
450.10 Inapplicability to substantial rehabilitation or demolition; right of disposition unimpaired.

AUTHORITY: Sec. 7(d), Department of HUD Act; (42 U.S.C. 3535(d)).

Subpart A—Subsidized Projects

§ 450.1 Applicability.

Except as provided herein and in §§ 450.5 and 450.6, the provisions of this subpart shall apply to all decisions by a landlord to terminate the occupancy of a tenant in a subsidized project as defined in § 450.2(e). A tenant who commences his occupancy of the unit after the effective date of this subpart shall be deemed a "new tenant." A tenant who is in occupancy of the unit on the effective date of this subpart is deemed an "existing tenant." This subpart shall apply to new tenants in any case in which the rental agreement is executed on or after the 30th day following the effective date of this subpart (regardless of when occupancy commences) or in which occupancy commences on or after the 45th day following the effective date of this subpart (regardless of when the rental agreement is executed.) This Subpart shall apply to all existing tenants, and to new tenants not covered by the prior sentence, with respect to all rental agreements in which a renewal becomes effective on or after the 60th day following the effective date of this subpart. A tenancy shall be deemed to be renewed in any case in which both the landlord and tenant fail to terminate the tenancy pursuant to a rental agreement permitting either party to terminate.

§ 450.2 Definitions.

(a) "Eviction" means the dispossession of the tenant from the leased unit as a result of the termination of the tenancy, including a termination prior to the end of a term or at the end of a term.

(b) "Landlord" means either the owner of the property or his representative, or the managing agent or his representative, as shall be designated by the owner.

(c) "Rental agreement" means all agreements, written or oral, between the landlord and tenant (and valid rules and regulations adopted by the landlord pursuant to a written agreement) relating to the use and occupancy of a dwelling unit and surrounding premises.

(d) "State landlord and tenant act" means any state statute or local ordinance which imposes obligations on a landlord and tenant in connection with the occupancy of a dwelling unit and surrounding premises and which provides that violations of such obligations by the tenant constitute grounds for eviction.

(e) "Subsidized project" means a multifamily housing project (with the exception of a project owned by a cooperative housing mortgagor corporation or association) which receives the benefit of subsidy in the form of (1) below-market interest rates pursuant to section 221(d)(3) and (5) or interest reduction payments pursuant to section 236 of the National Housing Act, or (2) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965, or (3) direct loans pursuant to section 202 of the Housing Act of 1959, or (4) payments under the Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages pursuant to Section 8 of the United States Housing Act of 1937 and the regulation at 41 FR 12170, published on March 23, 1976.

§ 450.3 Entitlement of tenants to occupancy.

(a) *General.* The landlord may not terminate any tenancy in a subsidized project except upon the following grounds:

(1) Material noncompliance with the rental agreement,

(2) Material failure to carry out obligations under any state landlord and tenant act, or

(3) other good cause.

No termination by a landlord under subparagraph (1) or (2) of this paragraph shall be valid to the extent it is based upon a rental agreement or a provision of state law permitting termination of a tenancy without good cause. No termination shall be valid unless it is in accordance with the provisions of § 450.4.

(b) *Notice of good cause.* The conduct of a tenant cannot be deemed other good cause under § 450.3(a)(3) unless the landlord has given the tenant prior notice that said conduct shall henceforth constitute a basis for termination of occupancy. Said notice shall be served on the tenant in the same manner as that provided for termination notices in § 450.4(b).

(c) *Material noncompliance.* The term "material noncompliance with the rental agreement" shall include (1) one or more substantial violations of the rental agreement, or (2) repeated minor violations of the rental agreement which disrupt the livability of the project, adversely affect the health or safety of any person or the right of any tenant to the quiet enjoyment of the leased premises and related project facilities, interfere with the management of the project or have an adverse financial effect on the project. Nonpayment of rent or any other financial obligation due under the rental agreement (including any portion thereof) beyond any grace period permitted under state law shall constitute a substantial violation of the rental agreement. The payment of rent or any other financial obligation due under the rental agreement after the due date but within the grace period permitted under state law shall constitute a minor violation.

§ 450.4 Termination notice.

(a) *Requisites of termination notice.* The landlord's determination to terminate the tenancy shall be in writing and shall (1) state that the tenancy is terminated on a date specified therein (2) state the reasons for the landlord's action with enough specificity so as to enable the tenant to prepare a defense; (3) advise the tenant that if a judicial proceeding for eviction is instituted the tenant may present a defense; and (4) be served on the tenant in the manner prescribed by paragraph (b) of this section.

(b) *Manner of service.* The notice provided for in paragraph (a) of this section shall be accomplished by (1) sending a letter by first class mail, properly stamped and addressed, to the tenant at his address at the project, with a proper return address, and (2) by serving a copy of said notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing said notice under or through the door. Service shall not be deemed effective until both notices provided for herein have been accomplished. The date on which the notice shall be deemed to be received by the tenant shall be the date on which the first class letter provided for in subparagraph (1) of this paragraph herein is mailed, or the date on which the notice provided for in subparagraph (2) of this paragraph is properly served, whichever is later.

(c) *Time of service.* When the termination of the tenancy is based on other good cause pursuant to § 450.3(a)(3), the termination notice shall be effective, and the termination notice shall so state, at the end of a term and in accordance with the termination provisions of the rental agreement, but in no case earlier than 30 days after receipt of the tenant of the notice. Where the termination notice is based on material noncompliance with the rental agreement or material failure to carry out obligations under a state landlord and tenant act pursuant to § 450.3(a)(1) or (2), the time of service shall be in accord with the rental agreement and state law.

(d) *Modification of rental agreement.* Notwithstanding any other provision of this subpart, the landlord may with the prior approval of HUD modify the terms and conditions of the rental agreement, effective at the end of the initial term or a successive term, by serving an appropriate notice on the tenant, together with the tender of a revised rental agreement or an addendum revising the existing rental agreement: Any increase in rent shall in all cases be governed by 24 CFR Parts 401, 403 and other applicable HUD regulations. This notice and tender shall be served on the tenant in the same manner as provided for in § 450.4(b) and must be received by the tenant at least 30 days prior to the last date on which the tenant has the right to terminate the tenancy without being bound by the codified terms and conditions. The tenant may accept the modified terms and conditions by executing the ten-

dered revised rental agreement or addendum, or may reject the modified terms and conditions by giving the landlord written notice in accordance with the rental agreement that he intends to terminate the tenancy.

(e) *Specificity of notice in rent nonpayment cases.* In any case in which a tenancy is terminated because of the tenant's failure to pay rent, a notice stating the dollar amount of the balance due on the rent account and the date of such computation shall satisfy the requirement of specificity set forth in paragraph (a)(2) of this section.

(f) *Failure of tenant to object.* The failure of the tenant to object to the termination notice shall not constitute a waiver of his rights to thereafter contest the landlord's action in any judicial proceeding.

(g) *Limitations on allegations of new grounds.* In any judicial action instituted to evict the tenant, the landlord may not rely on any grounds which are different from the reasons set forth in the termination notice served on the tenant pursuant to this subpart. The landlord shall not be precluded from relying on grounds of which he had no knowledge at the time the termination notice was sent.

§ 450.5 Inapplicability to substantial rehabilitation or demolition.

This subpart shall not apply in any case in which the landlord terminates the occupancy of a tenant as a direct result of a determination, concurred in by HUD, to substantially rehabilitate or demolish the project or to dispose of the project to a purchaser who purchases for the purpose of substantial rehabilitation or demolition.

§ 450.6 State and local law.

It is not the intention of this subpart to preclude a tenant from relying on state or local law governing evictions where such law is inconsistent with the provisions in this subpart. A tenant may not rely on any provision of state or local law which has been preempted pursuant to 24 CFR Part 403 or other action of the United States.

§ 450.7 Implementation.

Every rental agreement entered into or renewed on and after the date on which this subpart is applicable to such tenant shall contain appropriate provisions implementing this subpart.

Subpart B—HUD-Owned Projects

§ 450.8 Incorporation by reference.

All of the provisions of Subpart A of this part covering certain multifamily projects (excepting § 450.5) apply with full force to the property described in § 450.9 and they are hereby incorporated by reference.

§ 450.9 Applicability of procedures.

The procedures outlined in this subpart apply to all decisions to terminate the occupancy of a tenant by the termination of a lease prior to the end of its term or at the end of a term where the tenant resides in any multifamily project which is presently owned by HUD, regardless of whether said project was a subsidized project prior to the acquisition of title by HUD.

§ 450.10 Inapplicability to substantial rehabilitation or demolition; right of disposition unimpaired.

This subpart shall not apply in any case in which HUD terminates the occupancy of a tenant as a direct result of a determination by HUD to substantially rehabilitate or demolish the project or to dispose of the project to a purchaser who purchases for the purpose of substantial rehabilitation or demolition. Nothing in this subpart should be construed to affect in any way the right of HUD to exercise its full statutory authority and discretion to dispose of property acquired pursuant to the National Housing Act.

NOTE.—It is hereby certified that the economic and inflationary impacts of this interim amendment have been carefully evaluated in accordance with OMB Circular A-107.

Effective Date: These regulations are effective on publication September 30, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.76-28665 Filed 9-29-76;8:45 am]

federal register

THURSDAY, SEPTEMBER 30, 1976



PART IV:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1976–47, AOR 1976–83 through 1976–87]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's notice of proposed rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976–83 through 1976–87 have been made public at the Commission. Copies of AOR 1976–83 through 1976–85 were made available on September 17, 1976; AOR 1976–86 was made available on September 20, 1976; and AOR 1976–87 was made available on September 24, 1976. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976–83: Whether corporate funds received by a county party committee must be placed in a separate account; whether such funds may be used to support get-out-the-vote activities.—Requested by Dennis H. McKee of Procopio, Cory, Hargreaves and Savitch for the Republican Central Committee of San Diego County, San Diego, California.

AOR 1976–84: Whether a candidate may receive moneys for subsistence from family members to the extent that the candidate's other subsistence payments have been reduced; whether such payments are reportable.—Requested by William E. Schluter, Pennington, New Jersey.

AOR 1976–85: Whether a candidate's political committee which denies liability for certain fees must disclose in its reports the disputed amount.—Requested by Gary G. Cook, Chairman, Newt Gingrich for Congress, Hapeville, Georgia.

AOR 1976–86: Whether a billboard advertising firm makes a contribution by maintaining intact a candidate's billboard advertisement after completion of the contract between the firm and the candidate.—Requested by John Gilchrist, Campaign Manager, McDonald for Congress, Newark, Ohio.

AOR 1976–87: Whether a county party committee may allocate the costs of a brochure concerning several Federal candidates according to the space devoted to each candidate.—Requested by Mark E. Fields, Assistant Treasurer, Montgomery County Democratic Central Committee, Kensington, Maryland.

NOTE: The Commission decided to issue the response before expiration of the comment period. A copy of the response is available at the Commission.

Dated: September 27, 1976.

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

[FR Doc.76–28703 Filed 9–29–76;8:45 am]

federal register

THURSDAY, SEPTEMBER 30, 1976



PART V:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Republication of the List of Species

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Republication of the List of Species

Pursuant to 5 U.S.C. 553, § 17.11 of 50 CFR Chapter I is hereby republished.

The purpose of this republication of § 17.11 is to include all amendments and corrections which have been made to the list since it was published September 26, 1975 (40 FR 44418). This republication is editorial in nature and is done as a matter of reader convenience in conjunction with the next revised edition of Title 50 of the Code of Federal Regulations.

Effective September 30, 1976, § 17.11, combining the amendments and corrections made since September 26, 1975, reads as set forth below in its entirety.

Dated: September 24, 1976.

W. T. Olds, Jr.,
Acting Director,
Fish and Wildlife Service.

SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
MAMMALS:							
Anoa	Anoa depressicornis	N/A	Indonesia	Entire	E	3	N/A
Anoa, mountain	Bubalus (anoa) quarlesi	N/A	Celebes	Entire	E	15	N/A
Anteater, scaly	Manis temminckii	N/A	Africa	Entire	E	15	N/A
Antelope, giant sable	Hippotragus niger variani	N/A	Angola	Entire	E	15	N/A
Antelope, Saiga	Saiga tatarica mongolica	N/A	Mongolia	Entire	E	15	N/A
Argali	Ovis ammon hodgsoni	N/A	Tibet	Entire	E	15	N/A
Armadillo, giant	Priodontes giganteus (=maximus)	N/A	Venezuela, Guyana, Argentina	Entire	E	15	N/A
Armadillo, pink fairy	Chlamyphorus truncatus	N/A	Argentina	Entire	E	3	N/A
Ass, African wild	Equus asinus	N/A	Ethiopia, Somalia, Sudan	Entire	E	3	N/A
Ass, Asian wild	Equus hemionus	N/A	Southwestern and Central Asia	Entire	E	3	N/A
Avahis	Avahi spp. (all species)	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Aye-Aye	Daubentonia madagascariensis	N/A	Do	Entire	E	3	N/A
Babiroussa	Babyrousa babyrussa	N/A	Celebes, Tiogian Islands, Buru Island, Sula Island.	Entire	E	15	N/A
Bandicoot, barred	Perameles bougainville	N/A	Australia	Entire	E	4	N/A
Bandicoot, desert	Perameles eremiana	N/A	Do	Entire	E	6	N/A
Bandicoot, rabbit	Macrotis lagotis	N/A	Do	Entire	E	4	N/A
Bandicoot, lesser rabbit	Macrotis leucura	N/A	Do	Entire	E	4	N/A
Bandicoot, pig-footed	Chaeropus ecaudatus	N/A	Do	Entire	E	4	N/A
Banteng	Bibos banteng	N/A	Southeast Asia	Entire	E	4	N/A
Bat, gray	Myotis grisescens	N/A	Central and Southeastern USA	Entire	E	13	N/A
Bat, Hawaiian hoary	Lasiurus cinereus semotus	N/A	USA (Hawaii)	Entire	E	2	N/A
Bat, Indiana	Myotis sodalis	N/A	Eastern and Midwestern USA	Entire	E	1	N/A
Bear, brown	Ursus arctos pruinosus	N/A	Tibet	Entire	E	15	N/A
Do	Ursus arctos	Italy	Holarctic	Entire	E	15	N/A
Bear, grizzly	Ursus arctos horribilis	USA (48 conterminous States)	USA (Montana, Idaho, Wyoming)	Entire	T	9	17.40(b)
Bear, Mexican grizzly	Ursus arctos nelsoni	N/A	Mexico	Entire	E	3	N/A
Beaver	Castor fiber birulai	N/A	Mongolia	Entire	E	15	N/A
Bison, wood	Bison bison athabascae	N/A	Canada	Entire	E	3	N/A
Bobcat	Felis (lynx) rufus escuninapae	N/A	Central Mexico	Entire	E	15	N/A
Camel, Bactrian	Camelus bactrianus	N/A	Mongolia, China	Entire	E	15	N/A
Cat, Andean	Felis jacobita	N/A	Chile, Peru, Bolivia Argentina	Entire	E	15	N/A
Cat, black-footed	Felis nigripes	N/A	Southern Africa	Entire	E	15	N/A
Cat, flat-headed	Felis planiceps	N/A	Malay Peninsula, Bronco, Sumatra	Entire	E	15	N/A
Cat, leopard	Felis bengalensis bengalensis	N/A	Eastern Asia	Entire	E	15	N/A
Cat, marbled	Felis marmorata	N/A	Nepal, Malaya, Burma, Sumatra, Borneo	Entire	E	15	N/A
Cat, Temminchk's	Felis temmincki	N/A	Tibet, Sumatra	Entire	E	15	N/A
Cat, tiger	Felis tigrina	N/A	Costa Rica to Northern South America	Entire	E	4	N/A
Chamois	Rupicapra rupicapra ornata	N/A	Italy	Entire	E	15	N/A
Cheetah	Acinonyx jubatus	N/A	Africa to India	Entire	E	3,5	N/A
Chinchilla	Chinchilla brevicaudata boliviana	N/A	Bolivian Andes	Entire	E	15	N/A
Colobus, red	Colobus badius rufomitratus	N/A	Kenya	Entire	E	4	N/A
Colobus, Zanzibar red	Colobus badius kirkii	N/A	Tanzania (Zanzibar)	Entire	E	4	N/A
Cougar, Eastern	Felis concolor cougar	N/A	Eastern USA	Entire	E	6	N/A
Deer, Bawean	Helaphus kuhli (Cervus kuhli)	N/A	Indonesia	Entire	E	3	N/A

SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
Deer, Eld's brow-antelered	Cervus eldi	N/A	India, Southeast Asia	Entire	E	4	N/A
Deer, Cedros Island Mule	Odocoileus hemionus cerrosensis	N/A	Mexico (Cedros Island)	Entire	E	10	N/A
Deer, Columbian whitetailed	Odocoileus virginianus leucurus	N/A	USA (Oregon, Washington)	Entire	E	1	N/A
Deer, hog	Axis (Hyelaphus) porcinus annamiticus	N/A	India, Thailand, Indochina	Entire	E	15	N/A
Deer, key	Odocoileus virginianus clavium	N/A	USA (Florida)	Entire	E	1	N/A
Deer, marsh	Blastocerus dichotomus	N/A	Argentina, Uruguay, Paraguay, Brazil	Entire	E	4	N/A
Deer, musk	Moschus moschiferus moschiferus	N/A	South-central Asia	Entire	E	15	N/A
Deer, McNeill's	Cervus claphus macneilli	N/A	China, Tibet	Entire	E	4	N/A
Deer, pampas	Ozotoceras bezoarcticus	N/A	Brazil, Paraguay, Uruguay, Argentina	Entire	E	15	N/A
Deer, Persian fallow	Dama dama mesopotamica	N/A	Iraq, Iran	Entire	E	3	N/A
Deer, Philippine	Axis (Hyelaphus) calamianensis	N/A	Calamian Islands in Philippines	Entire	E	15	N/A
Deer, swamp	Cervus duvaucelli	N/A	India, Nepal	Entire	E	4	N/A
Dibatag (see Gazelle, Clark's)							
Dibbler	Antechinus apicalis	N/A	Australia	Entire	E	4	N/A
Dog, Asiatic wild (Dhole)	Cuon alpinus	N/A	USSR, India	Entire	E	4	N/A
Dugong	Dugong dugong	N/A	East Africa to Ryukyu Islands	Entire	E	4	N/A
Elephant, Asian	Elephas maximus	N/A	India, Burma, Thailand, Indochina, Malay Peninsula, Sumatra, Ceylon	Entire	E	15	N/A
Ferret, black-footed	Mustela nigripes	N/A	Western USA and Western Canada	Entire	E	1,3	N/A
Forester, Tasmanian (kangaroo)	Macropus giganteus tasmaniensis	N/A	Australia	Entire	E	6	N/A
Fox, Northern kit	Vulpes velox hebes	N/A	Canada	Entire	E	3	N/A
Fox, San Joaquin kit	Vulpes macrotis mutica	N/A	USA (California)	Entire	E	1	N/A
Gazelle, Clark's (Dibatag)	Ammordorcas clarkei	N/A	Somalia, Ethiopia	Entire	E	3	N/A
Gazelle, Cuviers	Gazella cuvieri	N/A	Morocco, Tunisia	Entire	E	4	N/A
Gazelle, Dorcas	Damaliscus dorcas dorcas	N/A	South Africa	Entire	E	15	N/A
Gazelle, Mhorr	Gazella dama mhorr	N/A	Morocco	Entire	E	4	N/A
Gazelle, Moroccan (Dorcas)	Gazella dorcas massaesyla	N/A	Morocco, Algeria	Entire	E	4	N/A
Gazelle, Rio de Oro Dama	Gazella dama lozanoi	N/A	Spanish Sahara	Entire	E	4	N/A
Gazelle, slender-horned (Rhim)	Gazella leptoceros	N/A	Sudan, Algeria, Egypt, Libya	Entire	E	4	N/A
Gibbon, Kloss	Hylobates klossi	N/A	Indonesia	Entire	E	4	N/A
Gibbon, Pileated	Hylobates pileatus	N/A	Laos, Thailand, Cambodia	Entire	E	4	N/A
Gibbons	Hylobates spp.	N/A	China, Burma, India, Assam, Thailand, Sumatra, Java, Borneo	Entire	E	15	N/A
Goral	Naemorhedus goral	N/A	East Asia	Entire	E	15	N/A
Gorilla	Gorilla gorilla	N/A	Central and Western Africa	Entire	E	4	N/A
Hare, hispid	Caprolagus hispidin	N/A	India, Nepal	Entire	E	15	N/A
Hartebeast, Swayne's	Alcelaphus buselaphus swayni	N/A	Ethiopia	Entire	E	4	N/A
Hog, pygmy	Sus salvanius	N/A	India, Nepal, Bhutan, Sikkim	Entire	E	4	N/A
Horse, Przewalski's	Equus przewalskii	N/A	Mongolia	Entire	E	15	N/A
Huemul, South Andean	Hippocamelus bisulcus	N/A	Chile, Argentina	Entire	E	15	N/A

SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
Huemal, North Andean	Hippocamelus antisensis	N/A	Ecuador, Peru, Bolivia, Chile, Argentina	Entire	E	15	N/A
Hyaena, Barbary	Hyaena hyaena barbara	N/A	Morocco	Entire	E	4	N/A
Hyaena, brown	Hyaena brunnea	N/A	South Africa	Entire	E	4	N/A
Ibex, Pyreanean	Capra pyrenaica pyrenaica	N/A	Spain	Entire	E	3	N/A
Ibex, Walia	Capra walie	N/A	Ethiopia	Entire	E	3	N/A
Impala, black-faced	Aepyceros melampus petersi	N/A	Southwest Africa, Angola	Entire	E	4	N/A
Indris	Indri spp. (all species)	N/A	Malagasy Republic (Madagascar), Comoro I.	Entire	E	3,4	N/A
Jaguar	Panthera onca	N/A	Central and South America	Entire	E	4	N/A
Jaguarundi	Felis yagouaroundi cacomitli	N/A	Mexico	Entire	E	15	N/A
Do	Felis yagouaroundi fossata	N/A	Mexico, Nicaragua	Entire	E	15	N/A
Do	Felis yagouaroundi panamensis	N/A	Nicaragua, Costa Rica, Panama	Entire	E	15	N/A
Do	Felis yagouaroundi tolteca	N/A	Mexico	Entire	E	15	N/A
Kangaroo, Eastern gray (see also Forester, Tasmanian)	Macropus giganteus (all subspecies except tasmaniensis)	N/A	Australia	Entire	T	7	17.40(a)
Kangaroo, red	Megaleia rufa	N/A	Australia	Entire	T	7	17.40(a)
Kangaroo, Western gray	Macropus fuliginosus	N/A	Australia	Entire	T	7	17.40(a)
Kouprey	Bos sauveli	N/A	Cambodia	Entire	E	3	N/A
Langur	Presbytis pileatus	N/A	Assam, India, Burma	Entire	E	15	N/A
Do	Presbytis entellus	N/A	Tibet, India, Nepal, Ceylon, Pakistan, Kashmir, Sikkim, Bangladesh	Entire	E	15	N/A
Langur, Douc	Pygathrix nemaeus	N/A	Indochina, China (Hainan)	Entire	E	4	N/A
Langur, golden	Presbytis geei	N/A	Assam, Bhutan	Entire	E	15	N/A
Langur, Pagi Island	Simias concolor	N/A	Indonesia	Entire	E	4	N/A
Lechwe	Kobus lechee	N/A	Southwest Africa	Entire	E	15	N/A
Lechwe, black	Kobus leche smithemani	N/A	Zambia	Entire	E	4	N/A
Lemur	Allocebus spp.	N/A	Madagascar	Entire	E	15	N/A
Lemurs	Lemuridae; all members of the Genera Lemur, Hapalemur, Lepilemur, Cheirogaleus, Microcebus, Phaner	N/A	Malagasy Republic (Madagascar) and Comoro Islands	Entire	E	3,4	N/A
Leopard	Panthera pardus	N/A	Africa and Asia	Entire	E	3,5	N/A
Leopard, clouded	Neofelis nebulosa	N/A	Southeast Asia	Entire	E	15	N/A
Leopard, Formosan clouded	Neofelis nebulosa brachyurus	N/A	Taiwan	Entire	E	4	N/A
Leopard, snow	Panthera uncia	N/A	Central Asia	Entire	E	5	N/A
Linsang, spotted	Prionodon paridicolor	N/A	Nepal, Assam, Burma, Indochina	Entire	E	15	N/A
Lion, Asiatic	Panthera leo persica	N/A	India	Entire	E	3	N/A
Lynx, Spanish	Felis lynx pardina (Felis pardina)	N/A	Spain	Entire	E	3	N/A
Macaque, lion-tailed	Macaca silenus	N/A	India	Entire	E	3	N/A
Manatee, Amazonian	Trichechus inunguis	N/A	South America; Amazon River Basin	Entire	E	3	N/A
Manatee, West Indian (Florida)	Trichechus manatus	N/A	USA (Florida), Caribbean, South America	Entire	E	1,3	N/A
Mangabey, Tana River	Cercocebus galeritus galeritus	N/A	Kenya	Entire	E	3	N/A
Margay	Felis wiedii	N/A	Central and South America	Entire	E	5	N/A

SPECIES			RANGE				
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Markhor, Chiltan	Capra falconeri chiltanensis	N/A	Pakistan	Entire	E	15	N/A
Markhor, Kabal	Capra falconeri megaceros	N/A	Afghanistan, Pakistan	Entire	E	15	N/A
Markhor, straight-horned	Capra falconeri jerdoni	N/A	Pakistan, Afghanistan border	Entire	E	15	N/A
Marmoset, Goeldi's	Callimico goeldii	N/A	Brazil, Colombia, Ecuador, Peru	Entire	E	4	N/A
Marmoset, golden (See Tamarin)							
Marsupial, Eastern jerboa	Antechinomys laniger	N/A	Australia	Entire	E	4	N/A
Marsupial-mouse, large desert	Sminthopsis psammophila	N/A	Australia	Entire	E	4	N/A
Marsupial-mouse, longtailed	Sminthopsis longicaudata	N/A	Australia	Entire	E	4	N/A
Marten, Formosan yellow-throated	Martes flavigula chrysospila	N/A	Taiwan	Entire	E	4	N/A
Monk-seal (See Seal, Mediterranean Monk)							
Monkey, howler	Alouatta palliata (villosa)	N/A	Mexico, Ecuador, Colombia	Entire	E	15	N/A
Monkey, proboscis	Nasalis larvatus	N/A	Borneo	Entire	E	15	N/A
Monkey, red-backed squirrel	Saimiri oerstedii (Saimiri sciureus oerstedii)	N/A	Costa Rica, Panama	Entire	E	3	N/A
Monkey, spider	Ateles geoffrayi frontatus	N/A	Costa Rica, Nicaragua	Entire	E	3	N/A
Monkey, spider	Ateles geoffrayi panamensis	N/A	Costa Rica, Panama	Entire	E	3	N/A
Monkey, woolly spider	Brachyteles arachnoides	N/A	Brazil	Entire	E	4	N/A
Mouse, Australian native	Zyzomys pedunculatus	N/A	Australia	Entire	E	15	N/A
Do	Notomys aquilo	N/A	Do	Entire	E	15	N/A
Mouse, Field's	Pseudomys fieldi	N/A	Australia	Entire	E	4	N/A
Mouse, Gould's	Pseudomys gouldii	N/A	Do	Entire	E	6	N/A
Mouse, New Holland	Pseudomys novaehollandiae	N/A	Do	Entire	E	4	N/A
Mouse, Salt Marsh Harvest	Reithrodontomys raviventris	N/A	USA (California)	Entire	E	2	N/A
Mouse, Shark Bay	Pseudomys praeconis	N/A	Australia	Entire	E	4	N/A
Mouse, Shortridge's	Pseudomys shortridgei	N/A	Do	Entire	E	4	N/A
Mouse, Smoky	Pseudomys fumeus	N/A	Do	Entire	E	4	N/A
Mouse, Western	Pseudomys occidentalis	N/A	Do	Entire	E	4	N/A
Native-cat, Eastern	Dasyurus viverrinus	N/A	Do	Entire	E	6	N/A
Numbat	Myrmecobius fasciatus	N/A	Do	Entire	E	6	N/A
Ocelot	Felis pardalis	N/A	Central and South America	Entire	E	5	N/A
Orangutan	Pongo pygmaeus	N/A	Indonesia, Malaysia, Brunei	Entire	E	3	N/A
Oryx, Arabian	Oryx leucoryx	N/A	Arabian Peninsula	Entire	E	3	N/A
Otter, Cameroon clawless	Paraonyx microdon	N/A	Cameroons	Entire	E	4	N/A
Otter, giant	Pteronura brasiliensis	N/A	South America	Entire	E	3	N/A
Otter, La Plata	Lutra platensis	N/A	Uruguay, Argentina, Bolivia, Brazil	Entire	E	4	N/A
Otter, long-tailed	Lutra longicaudis	N/A	South America	Entire	E	15	N/A
Otter, marine	Lutra felina	N/A	Peru, Chiloe Island, Straits of Magellan	Entire	E	15	N/A
Otter, Southern River	Lutra provocax	N/A	Chile, Argentina	Entire	E	15	N/A
Panther, Florida	Felis concolor coryi	N/A	USA (Florida)	Entire	E	1	N/A
Planigale, little	Planigale subtilissima	N/A	Australia	Entire	E	4	N/A
Planigale, Southern	Planigale tenuirostris	N/A	Do	Entire	E	4	N/A
Porcupine, thin-spined	Chaetomys subspinosus	N/A	Brazil	Entire	E	3	N/A

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Possum, mountain pygmy	Burramys parvus	N/A	Australia	Entire	E	4	N/A
Possum, scaly-tailed	Wyulda squamicaudata	N/A	Do	Entire	E	4	N/A
Prairie Dog, Mexican	Cynomys mexicanus	N/A	Mexico	Entire	E	4	N/A
Prairie Dog, Utah	Cynomys parvidens	N/A	USA (Utah)	Entire	E	6	N/A
Pronghorn, Peninsular	Antilocapra americana peninsularis	N/A	Mexico (Baja, California)	Entire	E	10	N/A
Pronghorn, Sonoran	Antilocapra americana sonoriensis	N/A	USA (Arizona), Mexico	Entire	E	1,3	N/A
Pudu	Pudu pudu	N/A	Southern South America	Entire	E	15	N/A
Puma, Costa Rican	Felis concolor costaricensis	N/A	Nicaragua, Costa Rica, Panama	Entire	E	15	N/A
Quokka	Setonix brachyurus	N/A	Australia	Entire	E	6	N/A
Rabbit, volcano	Romerolagus diazi	N/A	Mexico	Entire	E	4	N/A
Rat, Morro Bay kangaroo	Dipodomys heermanni morroensis	N/A	USA (California)	Entire	E	2	N/A
Rat, stick-nest	Leporillus conditor	N/A	Australia	Entire	E	6	N/A
Rat, false water	Xeromys myoides	N/A	Do	Entire	E	4	N/A
Rat-kangaroo, brushtailed	Bettongia penicillata	N/A	Do	Entire	E	4	N/A
Rat-kangaroo, Gaimard's	Bettongia gaimardi	N/A	Do	Entire	E	6	N/A
Rat-kangaroo, Lesueur's	Bettongia lesueur	N/A	Do	Entire	E	4	N/A
Rat-kangaroo, plain	Caloprymnus campestris	N/A	Do	Entire	E	4	N/A
Rat-kangaroo, Queensland	Bettongia tropica	N/A	Australia	Entire	E	4	N/A
Rhim (See Gazelle, Slender-horned)							
Rhinoceros, Great Indian	Rhinoceros unicornis	N/A	India, Nepal	Entire	E	4	N/A
Rhinoceros, Javan	Rhinoceros sondaicus	N/A	Indonesia, Burma, Thailand	Entire	E	3	N/A
Rhinoceros, Northern white	Ceratotherium simum cottoni	N/A	Zaire, Uganda, Sudan Central African Republic	Entire	E	4	N/A
Rhinoceros, Sumatran	Didermoceros sumatrensis	N/A	Bangladesh to Viet-Nam to Indonesia (Borneo)	Entire	E	3	N/A
Saki, white-nosed	Chiropotes albinasus	N/A	Brazil	Entire	E	4	N/A
Seal, Mediterranean monk	Monachus monachus	N/A	Mediterranean, Northwest African Coast and Black Sea	Entire	E	3	N/A
Seledang (Gaur)	Bos gaurus	N/A	India, Southeast Asia, Bangladesh	Entire	E	4	N/A
Serow, Sumatran	Capricornis sumatraensis	N/A	Sumatra	Entire	E	15	N/A
Serval, Barbary	Felis serval constantina	N/A	Algeria	Entire	E	4	N/A
Shapo	Ovis vignei	N/A	Kashmir	Entire	E	15	N/A
Shou	Cervus elaphus wallichi	N/A	Tibet, Bhutan	Entire	E	4	N/A
Siamang	Symphalangus syndoctylus	N/A	Malay Peninsula, Sumatra	Entire	E	15	N/A
Sifakas	Propithecus spp. (all species)	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Sloth, Brazilian three-toed	Bradypus torquatus	N/A	Brazil	Entire	E	4	N/A
Snow Leopard (see Leopard)							
Solendon, Cuban	Atopogale cubana	N/A	Cuba	Entire	E	4	N/A
Solendon, Haitian	Solenodon paradoxus	N/A	Dominican Republic, Haiti	Entire	E	4	N/A
Squirrel, Delmarva Peninsula fox	Sciurus niger cinereus	N/A	USA (Maryland)	Entire	E	1	N/A
Stag, Barbary	Cervus elephus barbarus	N/A	Tunisia, Algeria	Entire	E	3	N/A
Stag, Kashmir	Cervus elephus hanglu	N/A	India (Kashmir)	Entire	E	3	N/A
Tamaraw	Anoa mindorensis	N/A	Philippines	Entire	E	4	N/A

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Tamarin, Golden-rumped (Golden-headed Tamarin; Golden-lion Marmoset)	Leonitideus spp. (all species)	N/A	Brazil	Entire	E	3	N/A
Asian tapir	Tapirus indicus	N/A	Burma, Thailand, Indochina, Sumatra	Entire	E	15	N/A
Tapir, Brazilian	Tapirus terrestris	N/A	Venezuela, Argentina, Brazil, Colombia	Entire	E	4	N/A
Tapir, Central American	Tapirus bairdii	N/A	Southern Mexico to Colombia and Ecuador	Entire	E	4	N/A
Tapir, mountain	Tapirus pinchaque	N/A	Colombia	Entire	E	4	N/A
Thylacine (See Tiger, Tasmanian)							
Tiger	Panthera tigris	N/A	Temperate and Tropical Asia	Entire	E	3,5	N/A
Tiger, Tasmanian (Thylacine)	Thylacinus cynocephalus	N/A	Australia	Entire	E	3	N/A
Uakari	Cacajao spp. (all species)	N/A	Peru, Colombia, Brazil, Venezuela, Ecuador	Entire	E	3	N/A
Urial	Ovis orientalis ophion	N/A	Cyprus	Entire	E	15	N/A
Vicuna	Vicugna vicugna	N/A	Peru, Bolivia, Argentina	Entire	E	3	N/A
Wallaby, banded hare	Lagostrophus fasciatus	N/A	Australia	Entire	E	4	N/A
Wallaby, brindled nail-tail	Onychogaela frenata	N/A	Do	Entire	E	4	N/A
Wallaby, crescent nail-tail	Onychogaela lunata	N/A	Do	Entire	E	4	N/A
Wallaby, Parma	Macropus parma	N/A	Do	Entire	E	4	N/A
Wallaby, Western hare	Lagorchestes hirsutus	N/A	Do	Entire	E	4	N/A
Wallaby, yellow-footed rock	Petrogale xanthopus	N/A	Do	Entire	E	6	N/A
Whale, blue	Balaenoptera musculus	N/A	Oceanic	Entire	E	4	N/A
Whale, bowhead	Balaena mysticetus	N/A	Oceanic	Entire	E	4	N/A
Whale, finback	Balaenoptera physalus	N/A	Do	Entire	E	4	N/A
Whale, gray	Eschrichtius gibbosus	N/A	Do	Entire	E	4	N/A
Whale, humpback	Megaptera novaeangliae	N/A	Do	Entire	E	4	N/A
Whale, right	Eubalaena spp. (all species)	N/A	Do	Entire	E	4	N/A
Whale, Sei	Balaenoptera borealis	N/A	Do	Entire	E	4	N/A
Whale, sperm	Physeter catodon	N/A	Do	Entire	E	4	N/A
Wolf, Eastern timber	Canis lupus lycaon	N/A	USA (Minnesota, Michigan)	Entire	E	1	N/A
Wolf, gray	Canis lupus monstrabilis	N/A	Texas, New Mexico, Mexico	Entire	E	15	N/A
Wolf, maned	Chrysocyon brachyurus	N/A	Argentina, Bolivia, Brazil, Paraguay	Entire	E	4	N/A
Wolf, Mexican	Canis lupus baileyi	N/A	Mexico, USA (Arizona, New Mexico, Texas)	Entire	E	13	N/A
Wolf, Northern Rocky Mountain	Canis lupus irremotus	N/A	USA (Wyoming, Montana)	Entire	E	6	N/A
Wolf, red	Canis rufus	N/A	USA (Texas, Louisiana)	Entire	E	2	N/A
Wombat, Barnard's	Lasiorhinus barnardi	N/A	Australia	Entire	E	4	N/A
Wombat, Queensland hairy-nosed	Lasiorhinus gillespiei	N/A	Australia	Entire	E	6	N/A
Yak, wild	Bos grunniens mutus	N/A	Tibet, India	Entire	E	4	N/A
Zebra, mountain	Equus zebra zebra	N/A	Southern Africa	Entire	E	15	N/A

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BIRDS:							
Akepa, Hawaii. (honeycreeper)	Loxops coccinea coccinea	N/A	USA (Hawaii)	Entire	E	2	N/A
Akepa, Maui (honeycreeper) (akepuie)	Loxops coccinea ochraceu	N/A	USA (Hawaii)	Entire	E	2	N/A
Akialoa, Kauai (honeycreeper)	Hemignathus procerus	N/A	USA (Hawaii)	Entire	E	1	N/A
Akiapolaau (honeycreeper)	Hemignathus wilsoni	N/A	USA (Hawaii)	Entire	E	1	N/A
Albatross, shorttailed	Diomedea albatrus	N/A	Japan	Entire	E	3	N/A
Bird, frigate	Fregata andrewsi	N/A	East Indian Ocean Islands	Entire	E	15	N/A
Bobwhite, masked (quail)	Colinus virginianus ridgwayi	N/A	USA (Arizona, New Mexico), Northern Mexico	Entire	E	1,3	N/A
Booby, Abbott's	Sula abbotti	N/A	Christmas Island in Indian Ocean	Entire	E	15	N/A
Bristlebird, Western (flycatcher)	Dasyornis brachypterus longirostris	N/A	Australia	Entire	E	4	N/A
Bristlebird, Western rufous	Dasyornis broadbenti littoralis	N/A	Australia	Entire	E	15	N/A
Bulbul, Mauritius Olivaceous	Hypsipetes borbonicus olivaceus	N/A	Mauritius	Entire	E	3	N/A
Bullfinch, Sao Miguel (finch)	Pyrrhula pyrrhula murina	N/A	Eastern Atlantic Ocean: Portugal (Azores)	Entire	E	3	N/A
Bustard, Great Indian	Choriotis nigriceps	N/A	India, Pakistan	Entire	E	3	N/A
Cahow (Bermuda Petrel)	Pterodroma cahow	N/A	Western Atlantic Ocean: Bermuda	Entire	E	4	N/A
Condor, Andean	Vultur gryphus	N/A	Colombia to Chile and Argentina	Entire	E	4	N/A
Condor, California	Gymnogyps californianus	N/A	USA (California)	Entire	E	1	N/A
Coot, Hawaiian	Fulica americana alai	N/A	USA (Hawaii)	Entire	E	2	N/A
Cotinga, banded	Cotinga maculata	N/A	Brazil	Entire	E	15	N/A
Cotinga, white-winged	Xipholena atro-purpurea	N/A	Do	Entire	E	15	N/A
Crane, black-necked	Grus nigricollis	N/A	Tibet	Entire	E	15	N/A
Crane, Cuba sandhill	Grus canadensis nesiotes	N/A	Cuba, Isle of Pines	Entire	E	15	N/A
Crane, hooded	Grus monacha	N/A	Japan, USSR	Entire	E	4	N/A
Crane, Japanese	Grus japonensis	N/A	China, Japan, Korea, USSR	Entire	E	4	N/A
Crane, Mississippi sandhill	Grus canadensis pulla	N/A	USA (Mississippi)	Entire	E	6	N/A
Crane, Siberian white	Grus leucogeranus	N/A	Siberia to India	Entire	E	4	N/A
Crane, white-naped	Grus vipio	N/A	Mongolia	Entire	E	15	N/A
Crane, whooping	Grus americana	N/A	Canada, USA	Entire	E	1,3	N/A
Creeper, Hawaii	Loxops maculata mana	N/A	USA (Hawaii)	Entire	E	10	N/A
Creeper, Molokai (Kakawahie) (honeycreeper)	Loxops maculata flammea	N/A	USA (Hawaii)	Entire	E	2	N/A
Creeper, Oahu (Alauwahio) (honeycreeper)	Loxops maculata maculata	N/A	USA (Hawaii)	Entire	E	2	N/A
Crow, Hawaiian (Alala)	Corvus tropicus	N/A	USA (Hawaii)	Entire	E	1	N/A
Cuckoo-shrike, Mauritius	Coquus typicus	N/A	Mauritius	Entire	E	3	N/A
Cuckoo-shrike reunion	Coquus newtoni	N/A	Indian Ocean: France (Reunion I.)	Entire	E	3	N/A
Curassow, red-billed	Crax blumenbachii	N/A	Brazil	Entire	E	4	N/A

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Curassow, Trinidad white-headed	Pipile pipile pipile	N/A	West Indies: Trinidad	Entire	E	3	N/A
Curlew, Eskimo	Numenius borealis	N/A	Canada to Argentina	Entire	E	1,3	N/A
Dove, cloven-feathered	Drepanoptila holosericea	N/A	Southwest Pacific Ocean: New Calendonia	Entire	E	4	N/A
Dove, Grenada	Leptotila wellsi	N/A	West Indies: Grenada	Entire	E	4	N/A
Dove, Palau Ground	Gallicolumba canifrons	N/A	West Pacific Ocean: Palau Islands	Entire	E	4	N/A
Duck, Hawaiian(Koloa)	Anas wyvilliana	N/A	USA (Hawaii)	Entire	E	1	N/A
Duck, Laysan	Anas laysanensis	N/A	USA (Hawaii)	Entire	E	1	N/A
Duck, Mexican	Anas diazi	N/A	USA (Texas, Arizona), Mexico	Entire	E	1	N/A
Duck, pink-headed	Rhodonessa caryophyllacea	N/A	India	Entire	E	15	N/A
Duck, white-winged wood	Cairina scutulata	N/A	India, Burma, Thailand, Malaysia, Indonesia	Entire	E	3	N/A
Eagle, Greenland white-tailed	Haliaeetus albicilla groenlandicus	N/A	Greenland and adjacent Atlantic Islands.	Entire	E	15	N/A
Eagle, harpy	Harpia harpyja	N/A	Mexico, Central America, Bolivia, Brazil, Argentina	Entire	E	15	N/A
Eagle, monkeyeating	Pithecophaga jefferyi	N/A	Philippines	Entire	E	3	N/A
Eagle, Southern bald	Haliaeetus leucocephalus leucocephalus	N/A	USA (South of the 40th Parallel)	Entire	E	1	N/A
Eagle, Spanish imperial	Aguila heliaca adalberti	N/A	Spain, Morocco, Algeria	Entire	E	4	N/A
Egret, Chinese	Egretta eulophotes	N/A	China, Korea	Entire	E	4	N/A
Falcon, American peregrine	Falco peregrinus anatum	N/A	Canada, USA, Mexico	Entire	E	2,3	N/A
Falcon, Arctic peregrine	Falco peregrinus tundrius	N/A	Canada, USA, Greenland to South America	Entire	E	2,4	N/A
Falcon, peregrine	Falco peregrinus peregrinus	N/A	Europe, Russia	Entire	E	15	N/A
Finches, Laysan and Nihoa (honeycreepers)	Psittirostra cantans	N/A	USA (Hawaii)	Entire	E	1	N/A
Flycatcher, Chatham Island robin	Petroica traversi	N/A	New Zealand	Entire	E	4	N/A
Flycatcher, Euler's (tyrant)	Empidonax euleri johnstondei	N/A	West Indies: Grenada	Entire	E	3	N/A
Flycatcher, grey-necked Rock-fowl	Picathartes oreas	N/A	Cameroon	Entire	E	3	N/A
Flycatcher, Palau fantail	Rhipidura lepida	N/A	West Pacific Ocean: Palau Islands	Entire	E	4	N/A
Flycatcher, scarletbreasted robin (tyrant)	Petroica multicolor multicolor	N/A	Australia (Norfolk J.)	Entire	E	3	N/A
Flycatcher, Seychelles black	Terpsiphone corvina	N/A	Indian Ocean: Seychelles	Entire	E	4	N/A
Flycatcher, Tahiti	Pomarea nigra nigra	N/A	South Pacific Ocean: Tahiti	Entire	E	3	N/A
Flycatcher, whitenecked Rock-fowl	Picathartes gymnocephalus	N/A	Africa: Togo to Sierra Leone	Entire	E	3	N/A
Fody, Seychelles (Weaver-finch)	Foudia sechellarum	N/A	Indian Ocean: Seychelles	Entire	E	3	N/A
Gallinule, Hawaiian	Gallinula chloropus sandvicensis	N/A	USA (Hawaii)	Entire	E	1	N/A
Goose, Aleutian Canada	Branta canadensis leucopareia	N/A	Western USA, Japan	Entire	E	1,4	N/A
Goose, Hawaiian (Nene)	Branta sandvicensis	N/A	USA (Hawaii)	Entire	E	1	N/A
Goshawk, Christmas Island	Accipiter fasciatus natalis	N/A	Indian Ocean: Australia (Christmas I.)	Entire	E	3	N/A
Grackle, slender-billed	Cassidix palustris	N/A	Mexico	Entire	E	4	N/A
Grass-wren, Eyrean (flycatcher)	Amytornis goyderi	N/A	Australia	Entire	E	4	N/A
Grebe, Atitlan	Podilymbus gigas	N/A	Guatemala	Entire	E	3	N/A

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Greenshank, Nordmann's	Tringa guttifer	N/A	Assam, Pakistan, Sakhalin Island, Japan, Korea, Malaya, Burma	Entire	E	15	N/A
Guan, horned	Oreophasis derbianus	N/A	Guatemala, Mexico	Entire	E	3	N/A
Gull, Audouin's	Larus audouinii	N/A	Mediterranean Sea and adjacent lands	Entire	E	3	N/A
Hawk, Anjouan Island sparrow	Accipiter francesii pusillus	N/A	Indian Ocean: Comoro Islands	Entire	E	3	N/A
Hawk, Galapagos	Buteo galapagoensis	N/A	Ecuador (Galapagos Islands)	Entire	E	3	N/A
Hawk, Hawaiian (Io)	Buteo solitarius	N/A	USA (Hawaii)	Entire	E	1	N/A
Hermit, hook-billed	Ramphodon dohrni	N/A	Brazil	Entire	E	15	N/A
Honeycreeper, crested (Akohekohe)	Palmeria dolei	N/A	USA (Hawaii)	Entire	E	1	N/A
Honeyeater, helmeted	Meliphaga cassidix	N/A	Australia	Entire	E	4	N/A
Hornbill, helmeted	Rhinoplax vigil	N/A	Malaya, Sumatra, Borneo	Entire	E	15	N/A
Ibis, Japanese	Nipponia nippon	N/A	China, Japan, Korea, USSR	Entire	E	3	N/A
Kagu (rail), crested	Rhynochetos jubatus	N/A	Southwest Pacific Ocean: New Caledonia	Entire	E	3	N/A
Kakapo (owl parrot)	Strigops habroptilus	N/A	New Zealand	Entire	E	4	N/A
Kestrel, Mauritius	Falco punctatus	N/A	Mauritius	Entire	E	3	N/A
Kestrel, Seychelles	Falco araea	N/A	Indian Ocean: Seychelles	Entire	E	3	N/A
Kite, Cuba hook-billed	Chondrohierax wilsonii	N/A	Cuba	Entire	E	4	N/A
Kite, Grenada hookbilled	Chondrohierax uncinatus mirus	N/A	West Indies: Grenada	Entire	E	4	N/A
Kite, Florida Everglade (snail kite) plumbeus	Rostrhamus sociabilis	N/A	USA (Florida)	Entire	E	1	N/A
Kokako (Wattlebird)	Callaeas cinerea	N/A	New Zealand	Entire	E	3	N/A
Macaw, glaucous	Anodorhynchus glaucus	N/A	Paraguay, Uruguay, Brazil	Entire	E	15	N/A
Macaw, indigo	Anodorhynchus leari	N/A	Brazil	Entire	E	15	N/A
Macaw, little blue	Cyanopsitta spixii	N/A	Do	Entire	E	15	N/A
Magpie-robin, Seychelles (thrush)	Copsychus sechellarum	N/A	Indian Ocean: Seychelles	Entire	E	3	N/A
Malkoha, redfaced	Phaenicophaeus pyrrhocephalus	N/A	Sri Lanka	Entire	E	3	N/A
Megapode, La Pereouse's	Megapodius laperouse	N/A	Western Pacific Ocean: Palau Islands, Mariana Islands	Entire	E	4	N/A
Meganode, Maleo	Macrocephalon maleo	N/A	Indonesia (Celebes)	Entire	E	4	N/A
Millerbird, Nihoa (warbler)	Acrocephalus kingi	N/A	USA (Hawaii)	Entire	E	1	N/A
Mitu	Mitu mitu mitu	N/A	Amazonian Colombia, Brazil, Peru, Bolivia	Entire	E	15	N/A
Monals (see Pheasant)							
Monarch, Tinian (tyrant flycatcher)	Monarcha takatsukasae	N/A	Western Pacific Ocean: Manana Islands (Tinian)	Entire	E	3	N/A
Nukupuus, Kauai & Maui (honeycreeper)	Hemignathus lucidus	N/A	USA (Hawaii)	Entire	E	2	N/A
Oo, Kauai (Oo Aa) (honeyeater)	Moho bracatus	N/A	USA (Hawaii)	Entire	E	1	N/A
Ostrich, Arabian	Struthio camelus syriacus	N/A	Jordan, Saudi Arabia	Entire	E	3	N/A
Ostrich, West African	Struthio camelus spatzi	N/A	Spanish Sahara	Entire	E	4	N/A
Ou (honeycreeper)	Psittirostra psittacea	N/A	USA (Hawaii)	Entire	E	1	N/A
Owl, Anjouan scops	Otus rutilus capnodes	N/A	Indian Ocean: Comoro Islands	Entire	E	3	N/A
Owl, giant scops	Otus gurneyi	N/A	Islands of Marinduque and Minda	Entire	E	15	N/A
Owl, Palau	Otus podargina	N/A	Western Pacific Ocean: Palau Islands	Entire	E	4	N/A

SPECIES			RANGE				
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Owl, Seychelles	Otus insularis	N/A	Indian Ocean: Seyechelles	Entire	E	3	N/A
Owlet, Mrs. Morden's	Otus ireneae	N/A	Kenya	Entire	E	3	N/A
Palila (honey-creeper)	Psittirostra bailleui	N/A	USA (Hawaii)	Entire	E	1	N/A
Parakeet, Forbes'	Cyanoramphus auriceps forbesi	N/A	New Zealand	Entire	E	15	N/A
Parakeet, golden	Aratinga guaruba	N/A	Brazil	Entire	E	4	N/A
Parakeet, golden-shouldered	Psephotus chrysopterygius	N/A	Australia	Entire	E	4	N/A
Parakeet, Mauritius ringnecked	Psittacula krameri echo	N/A	Mauritius	Entire	E	4	N/A
Parakeet, Ochre-marked	Pyrrhura cruentata	N/A	Brazil	Entire	E	4	N/A
Parakeet, orange-bellied	Neophema chrysogaster	N/A	Australia	Entire	E	4	N/A
Parakeet, paradise	Psephotus pulcherrimus	N/A	Australia	Entire	E	4	N/A
Parakeet, scarlet-chested	Neophema splendida	N/A	Australia	Entire	E	4	N/A
Parakeet, turquoise	Neophema pulchella	N/A	Australia	Entire	E	4	N/A
Parrot, Bahaman	Amazona leucocephala bahamensis	N/A	Western Atlantic Ocean: Bahamas	Entire	E	3	N/A
Parrot, Bahaman or Cuban	Amazona leucocephala	N/A	West Indies (Cuba, Bahamas, Cayman Islands).	Entire	E	15	N/A
Parrot, ground	Pezoporus wallicus	N/A	Australia	Entire	E	6	N/A
Parrot, imperial	Amazona imperialis	N/A	West Indies: Dominica	Entire	E	4	N/A
Parrot, night	Geopsittacus occidentalis	N/A	Australia	Entire	E	3	N/A
Parrot, Puerto Rican	Amazona vittata	N/A	USA (Puerto Rico)	Entire	E	1	N/A
Parrot, red-browed	Amazona rhodocorytha	N/A	Brazil	Entire	E	4	N/A
Parrot, red-capped	Pionopsitta pileata	N/A	Brazil	Entire	E	15	N/A
Parrot, red-spectacled	Amazona pretrei pretrei	N/A	Brazil, Argentina	Entire	E	15	N/A
Parrot, St. Lucia	Amazona versicolor	N/A	West Indies: St. Lucia	Entire	E	4	N/A
Parrot, St. Vincent	Amazona guildingii	N/A	West Indies: St. Vincent	Entire	E	4	N/A
Parrot, thick-billed	Rhynchopsitta pachyrhyncha	N/A	Mexico, USA (Arizona, New Mexico)	Entire	E	3	N/A
Parrot, vinaceous-breasted	Amazona vinacea	N/A	Brazil	Entire	E	15	N/A
Parrotbill, Maui (honeycreeper)	Pseudonestor xanthorphyrs	N/A	USA (Hawaii)	Entire	E	1	N/A
Pelican, brown	Pelecanus occidentalis	N/A	USA, West Indies, Central and South America: Coastal	Entire	E	2,4	N/A
Penguin, Galapagos	Spheniscus mendiculus	N/A	Ecuador (Galapagos Islands)	Entire	E	2,4	N/A
Petrel, Hawaiian dark-rumped	Pterodroma phaepygia sandwichensis	N/A	USA (Hawaii)	Entire	E	1	N/A
Pheasant, bar-tailed	Syrmaticus humiae	N/A	Burma, China	Entire	E	3	N/A

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Pheasant, Blyth's tragopan	Tragopan blythii	N/A	Burma, China, India	Entire	E	3	N/A
Pheasant, brown-eared	Crossoptilon mantchuricum	N/A	China	Entire	E	3	N/A
Pheasant, Cabot's trapogan	Tragopan caboti	N/A	China	Entire	E	3	N/A
Pheasant, Chinese monal	Lophophorus lhuysii	N/A	China	Entire	E	3	N/A
Pheasant, Edward's	Lophura edwardsi	N/A	Vietnam	Entire	E	3	N/A
Pheasant, Elliot's	Symmaticus ellioti	N/A	Southeastern China	Entire	E	15	N/A
Pheasant, imperial	Lophura imperialis	N/A	Vietnam	Entire	E	3	N/A
Pheasant, Mikado	Symmaticus mikado	N/A	Taiwan	Entire	E	4	N/A
Pheasant, Palawan peacock	Polyplectron emphanum	N/A	Philippines	Entire	E	3	N/A
Pheasant, Sclater's monal	Lophophorus sclateri	N/A	Burma, China, India	Entire	E	3	N/A
Pheasant, Swinhoe's	Lophura swinhoii	N/A	Taiwan	Entire	E	3	N/A
Pheasant, Western's tragopan	Tragopan melanocephalus	N/A	India, Pakistan	Entire	E	3	N/A
Pheasant, white-eared	Crossoptilon crossoptilon	N/A	China (Tibet), India	Entire	E	4	N/A
Pigeon, Azores wood	Columba palumbus azorica	N/A	East Atlantic Ocean: Portugal (Azores)	Entire	E	3	N/A
Pigeon, Chatham Island	Hemiphaga nova seelandiae chathamensis	N/A	New Zealand	Entire	E	4	N/A
Pigeon, Mindoro zone-tailed	Ducula mindorensis	N/A	Philippines	Entire	E	15	N/A
Pigeon, Puerto Rican plain	Columba inornata wetmorei	N/A	USA (Puerto Rico)	Entire	E	2	N/A
Piopio (Wattlebird)	Turnagra capensis	N/A	Indian Ocean: France (Reunion Island)	Entire	E	3	N/A
Piping-guan, black-fronted	Pipile jacutinga	N/A	Argentina	Entire	E	15	N/A
Pitta, Koch's	Pitta kochi	N/A	Philippines	Entire	E	15	N/A
Praire Chicken, Attwater's greater	Tympanuchus cupido attwateri	N/A	USA (Texas)	Entire	E	1	N/A
Plover, New Zealand Shore	Thinornis novae seelandiae	N/A	New Zealand	Entire	E	4	N/A
Po'o Uli	Melamprosops phaeosoma	N/A	USA (Hawaii)	Entire	E	10	N/A
Quail, Montezuma	Cyrtonyx montezumae merriami	N/A	Mexico	Entire	E	15	N/A
Quetzel, resplendent	Pharomachrus mocinno mocinno	N/A	Central America	Entire	E	15	N/A
Do	Pharomachrus mocinno costaricensis	N/A	Costa Rica	Entire	E	15	N/A
Rail, Aukland Island	Rallus pectoralis muelleri	N/A	New Zealand	Entire	E	3	N/A
Rail, California clapper	Rallus longirostris obsoletus	N/A	USA (California)	Entire	E	2	N/A
Rail, light-footed clapper	Rallus longirostris levipes	N/A	Mexico, USA (California)	Entire	E	2	N/A
Rail, Lord Howe wood	Tricholimnas sylvestris	N/A	Lord Howe Island	Entire	E	15	N/A
Rail, Yuma clapper	Rallus longirostris yumanensis	N/A	Mexico, USA (Arizona, California)	Entire	E	1	N/A
Rhea, Darwin's	Pterocnemia pennata	N/A	Argentina, Bolivia, (Peru, Uruguay	Entire	E	4	N/A
Roller, long-tailed ground	Uratelornis chimaera	N/A	Malagasy Republic (Madagasascar)	Entire	E	4	N/A
Scrub-Bird, noisy	Atrichornis clamosus	N/A	Australia	Entire	E	3	N/A

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Shama, Cebu black (thrush)	Copsychus niger cebuensis	N/A	Philippines	Entire	E	3	N/A
Shearwater, Newell's Manx	Puffinus puffinus newelli	N/A	USA (Hawaii)	Entire	T	10	N/A
Silvereye, white-breasted	Zosterops albogularis	N/A	Norfolk Island	Entire	E	15	N/A
Siskin, red	Spinus cucullatus	N/A	South America	Entire	E	15	N/A
Sparrow, Cape Sable	Ammospiza maritima mirabilis	N/A	USA (Florida)	Entire	E	1	N/A
Sparrow, dusky seaside	Ammospiza maritima nigrescens	N/A	USA (Florida)	Entire	E	1	N/A
Sparrow, Santa Barbara	Melospiza melodia graminea	N/A	USA (California)	Entire	E	6	N/A
Starling, Ponape Mountain	Aplonis pelzelni	N/A	Western Pacific Ocean: Carolina Islands (Ponape)	Entire	E	4	N/A
Starling, Rothschild's (Myna)	Leucopsar rothschild	N/A	Indonesia (Bali)	Entire	E	4	N/A
Stilt, Hawaiian	Himantopus himantopus knudseni	N/A	USA (Hawaii)	Entire	E	2	N/A
Stork, white Oriental	Ciconia ciconia boyciana	N/A	China, Japan, Korea, USSR	Entire	E	4	N/A
Teal, Campbell Island flightless	Anas aucklandica nesiotis	N/A	Campbell Island, New Zealand	Entire	E	15	N/A
Tern, California least	Sterna albifrons browni	N/A	Mexico, USA	Entire	E	2,4	N/A
Thrasher, white-breasted	Ramphocinclus brachyurus	N/A	West Indies: Martinique, St. Lucia	Entire	E	3	N/A
Thrush, large Kauai	Phaeornis obscurus myadestira	N/A	USA (Hawaii)	Entire	E	2	N/A
Thrush, Molokai (Olomau)	Phaeornis obscurus rutha	N/A	USA (Hawaii)	Entire	E	2	N/A
Thrush, small Kauai (Puaiohi)	Phaeornis palmeri	N/A	USA (Hawaii)	Entire	E	1	N/A
Tinamou, solitary	Tinamus solitarius	N/A	Brazil, Paraguay, Argentina	Entire	E	15	N/A
Tragopans (see Pheasants)							
Trembler, Martinique brown	Cinclocerthia ruficauda gutturalis	N/A	West Indies: Martinique	Entire	E	3	N/A
Tsakhiai, Khar Turuut	Larus relictus	N/A	Indian, China, Tibet, South America	Entire	E	15	N/A
Wanderer, plain	Pedionomus torquatus	N/A	Australia	Entire	E	6	N/A
Warbler (wood), Bachman's	Vermivora bachmanii	N/A	Cuba, USA (Southeastern)	Entire	E	1,4	N/A
Warbler (wood), Barbados yellow	Dendroica petechia petechia	N/A	West Indies: Barbados	Entire	E	4	N/A
Warbler, (wood) Kirtland's	Dendroica kirtlandii	N/A	USA, West Indies: Bahamas	Entire	E	1,4	N/A
Warbler, reed	Acrocephalus luscinia	N/A	Western Pacific Ocean: Mariana Islands	Entire	E	3	N/A
Warbler, Rodrigues	Bebrornis rodericanus	N/A	Mauritius (Rodrigues I.)	Entire	E	3	N/A
Warbler, Semper's	Leucopeza semperi	N/A	West Indies: St. Lucia	Entire	E	3	N/A
Warbler, Seychelles	Bebrornis sechellensis	N/A	Indian Ocean: Seychelles	Entire	E	3	N/A
Whipbird, Western (thrush)	Psophodes nigrogularis	N/A	Australia	Entire	E	4	N/A
Whip-poor-will Puerto Rican	Caprimulgus noctitherus	N/A	USA (Puerto Rico)	Entire	E	6	N/A
White-eye, Ponape great	Rukia sanfordi	N/A	Western Pacific Ocean: Carolina Island (Ponape)	Entire	E	4	N/A
White-eye, Seychelles	Zosterops modestus	N/A	Indian Ocean: Seychelles	Entire	E	4	N/A
Woodpecker, Imperial	Campephilus imperialis	N/A	Mexico	Entire	E	3	N/A
Woodpecker, ivory billed	Campephilus principalis	N/A	Cuba, USA (South. Central and Southeast)	Entire	E	1,3	N/A
Woodpecker, red-cockaded	Dendrocopos borealis	N/A	USA (South Central and Southeast)	Entire	E	2	N/A

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Woodpecker, Tristram's	Dryocopus jarensis richardsi	N/A	Korea	Entire	E	3	N/A
Wren, Guadeloupe House	Troglodytes aedon guadeloupensis	N/A	West Indies: Guadeloupe	Entire	E	3	N/A
Wren, New Zealand bush	Xenicus longipes	N/A	New Zealand	Entire	E	3	N/A
Wren, St. Lucia	Troglodytes aedon mesoleucus	N/A	West Indies: St. Lucia	Entire	E	3	N/A
REPTILES:							
Alligator, American	Alligator mississippiensis	Wherever found in the wild, except in Cameron, Vermilion, and Calcasieu Parishes in Louisiana	Southeastern USA	Entire	E	11	N/A
Alligator, American	Alligator mississippiensis	In the wild in Cameron, Vermilion, and Calcasieu Parishes in Louisiana	USA (Cameron, Vermilion, Calcasieu Parishes in Louisiana)	N/A	T(S/A)	11	17.42(a)
Alligator, American	Alligator mississippiensis	In captivity wherever found	Worldwide	N/A	T(S/A)	11	N/A
Alligator, Chinese	Alligator sinensis	N/A	Lower Yangtze River drainage of China	Entire	E	15	N/A
Boa, Jamaican	Epicrates subflavus	N/A	Jamaica	Entire	E	4	N/A
Boa, Puerto Rico	Epicrates inornatus	N/A	Puerto Rico	Entire	E	2	N/A
Caiman, Apaporis River	Caiman crocodilus apaporiensis	N/A	Apaporis River of Columbia	Entire	E	15	N/A
Caiman, black	Melanosuchus niger	N/A	Amazon basin	Entire	E	15	N/A
Caiman, broad-spouted	Caiman latirostris	N/A	Brazil, Uruguay, Argentina, Paraguay	Entire	E	15	N/A
Crocodile, African dwarf	Osteolaemus tetraspis tetraspis	N/A	West Africa	Entire	E	15	N/A
Crocodile, African slender-snouted	Crocodylus cataphractus	N/A	Western and Central Africa	Entire	E	15	N/A
Crocodile, American	Crocodylus acutus	Florida	USA (South Florida and Florida Keys)	Entire	E	10	N/A
Crocodile, Ceylon mugger	Crocodylus palustris kimbula	N/A	Ceylon	Entire	E	15	N/A
Crocodile, Congo dwarf	Osteolaemus tetraspis osborni	N/A	Congo River drainage	Entire	E	14	N/A
Crocodile, Cuban	Crocodylus rhombifer	N/A	Cuba	Entire	E	4	N/A
Crocodile, Morelet's	Crocodylus moreletii	N/A	Mexico, British Honduras	Entire	E	4	N/A
Crocodile, mugger	Crocodylus palustris palustris	N/A	India, Pakistan, Bangladesh, Iran	Entire	E	15	N/A
Crocodile, Nile	Crocodylus niloticus	N/A	Africa	Entire	E	4	N/A
Crocodile, Orinoco	Crocodylus intermedius	N/A	South America: Orinoco River Basin	Entire	E	4	N/A
Crocodile, Philippine	Crocodylus novaeguineae mindorensis	N/A	Philippine Islands	Entire	E	15	N/A
Crocodile, Siamese	Crocodylus siamensis	N/A	Southeast Asia, Malay Peninsula	Entire	E	15	N/A

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Gavial (Gharial)	Gavialus gangeticus	N/A	Pakistan, India, Burma, Bangladesh	Entire	E	4	N/A
Gecko, day	Phelsuma newtoni	N/A	Mauritius	Entire	E	4	N/A
Gecko, Round Island day	Phelsuma guentheri	N/A	Do	Entire	E	4	N/A
Iguana, Anegada ground	Cyclura pinguis	N/A	Virgin Islands: Anegada Island	Entire	E	3	N/A
Iguana, Barrington land	Conolophus pallidus	N/A	Ecuador: Galapagos Islands	Entire	E	4	N/A
Lizard, blunt-nosed leopard	Crotaphytus silus	N/A	USA: California	Entire	E	1	N/A
Monitor, bengal	Varanus bengalensis	N/A	Persia, Afganistan, India, Ceylon, Burma, Thailand, South Vietnam, Malay Peninsula, Java	Entire	E	15	N/A
Monitor, desert	Varanus griseus	N/A	North Africa to Near-east, Caspian Sea through USSR to West Pakistan, Northwest India	Entire	E	15	N/A
Monitor, Komodo Island	Varanus komodoensis	N/A	Komodo, Rintja, Padar, and Western Flores Islands of Indonesia	Entire	E	15	N/A
Monitor, yellow	Varanus flavescens	N/A	West Pakistan through India to Bangladesh	Entire	E	15	N/A
Phyton, Indian	Phyton molurus molurus	N/A	Ceylon and India	Entire	E	15	N/A
Snake, San Francisco garter	Thamnophis sirtalis tetrataenis	N/A	USA: California	Entire	E	1	N/A
Terrapin, River (Tuntong)	Batagur baska	N/A	Burma, India, Indinesia, Malaysia, Bangladesh	Entire	E	4	N/A
Tomistoma	Tomistoma schlegelii	N/A	Borneo, Sarawak, Sumatra, Southern Malay Peninsula	Entire	E	15	N/A
Tortoise, angulated	Geochelone (-Testudo) yniphora	N/A	Madagascar	Entire	E	15	N/A
Tortoise, Galapagos	Testudo elephantopus	N/A	Ecuador: Galapagos Islands	Entire	E	4	N/A
Tortoise, Indian flap-shell	Lissemys punctata punctata	N/A	Gangs and Indus drainages of India, Pakistan, and Bangladesh	Entire	E	15	N/A
Tortoise, Madagascar radiated	Testudo radiata	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Tortoise, short-necked or swamp	Pseudemydura umbrina	N/A	Australia	Entire	E	4	N/A
Tuatara	Sphenodon punctatus	N/A	New Zealand	Entire	E	4	N/A
Turtle, aquatic box	Terrepene coahuila	N/A	Mexico	Entire	E	6	N/A
Turtle, Atlantic Ridley	Lepidochelys kempii	N/A	Do	Entire	E	4	N/A
Turtle, black soft-shell	Trionyx nigricans	N/A	Pond near Chittatong East Pakistan	Entire	E	15	N/A
Turtle, Burmese peacock	Morenia ocellata	N/A	Southern Burma	Entire	E	15	N/A
Turtle, Cuatro Cienegas soft-shell	Trionyx ater	N/A	Cuatro Cienegas Basin, Mexico	Entire	E	15	N/A
Turtle, geometric	Geochelone (-Testudo) geometrica	N/A	Cape Province, South Africa	Entire	E	15	N/A
Turtle, Hawksbill	Eretmochelys imbricata	N/A	Tropical Seas	Entire	E	3	N/A
Turtle, Indian sawback	Kachuga tecta tecta	N/A	Gangs, Brahmaputra, and Indus drainages of India	Entire	E	15	N/A

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Turtle, Indian soft-shell	Trionyx gangeticus	N/A	Pakistan, India, Bangladesh, and Nepal	Entire	E	15	N/A
Turtle, leather back	Dermochelys coriacea	N/A	Tropical and Temerate Seas	Entire	E	3	N/A
Turtle, peacock soft-shell	Trionyx hurum	N/A	Ganges and Brahmaputra drainages of India and Bangladesh	Entire	E	15	N/A
Turtle, South American	Podocnemis expansa	N/A	South America: Orinoco and Amazon River Basins	Entire	E	3	N/A
Turtle, South American	Podocnemis unifilis	N/A	Do	Entire	E	4	N/A
Turtle, spotted pond	Geoclemrys (-Damonia) hamiltonii	N/A	Northern India, Pakistan	Entire	E	15	N/A
Turtle, three-keeled Asian	Geomyda (-Nicoria) tricarinata	N/A	Central India to Bangladesh and Assam	Entire	E	15	N/A
Yacare (Caiman)	Caiman yacare	N/A	Bolivia, Argentina, Peru, Brazil	Entire	E	3	N/A
AMPHIBIAN:							
Frog, Israel painted	Discoglossus nigriventer	N/A	Israel	Entire	E	4	N/A
Frog, Panamanian golden	Atelopus varius zeteki	N/A	Panama	Entire	E	15	N/A
Frog, Stephen Island	Leiopelma hamiltoni	N/A	New Zealand	Entire	E	4	N/A
Salamander, Chinese giant	Andrias (-Megalobatrachus) davidianus davidianus	N/A	Western China	Entire	E	15	N/A
Salamander, desert slender	Batrachoseps aridus	N/A	USA (California)	Entire	E	5	N/A
Salamander, Japanese giant	Andrias (-Megalobatrachus) davidianus japonicus	N/A	Honshu and Kyushu Islands, Japan	Entire	E	15	N/A
Salamander, Santa Cruz long-toed	Ambustoma macrodactylum croceum	N/A	USA (California)	Entire	E	1	N/A
Salamander, Texas blind	Typhlomolge rathbuni	N/A	USA (Texas)	Entire	E	1	N/A
Toads, African viviparous	Nectophrynoides ssp	N/A	Tanzania, Guinea Africa	Entire	E	15	N/A
Toad, Cameroon	Bufo superciliaris	N/A	Equatorial Africa	Entire	E	15	N/A
Toad, Houston	Bufo houstonensis	N/A	USA (Texas)	Entire	E	2	N/A
Toad, Monteverde	Bufo periglenes	N/A	Monteverde, Costa Rica	Entire	E	15	N/A
FISHES:							
Ala Balik	Salmo platycephalus	N/A	Turkey	Entire	E	3	N/A
Ayumodoki	Hymenophysa curta	N/A	Japan	Entire	E	3	N/A
Blindcat, Mexican	Prietella phreatophila	N/A	Mexico	Entire	E	3	N/A
Bonytail, Pahranagat	Gila robusta jordoni	N/A	USA (Nevada)	Entire	E	2	N/A
Bonytongue, Asian	Scleropages formosus	N/A	Borneo, Banka, Sumatra, Sumatra, Malaya, Thailand	Entire	E	15	N/A

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Catfish	Pangasius sanitwongsei	N/A	Thailand	Entire	E	3	N/A
Catfish, giant	Pangsianodon gigas	N/A	Do	Entire	E	3	N/A
Chub, humpback	Gila cypha	N/A	USA (Arizona, Utah, Wyoming)	Entire	E	1	N/A
Chub, Mohave	Siphateles mohavensis	N/A	USA (California)	Entire	E	2	N/A
Cicek	Acanthorutilus handlirschi	N/A	Turkey	Entire	E	3	N/A
Cisco, longjaw	Coregonus alpenae	N/A	USA (Lakes Michigan, Hurron, and Erie)	Entire	E	1	N/A
Cu-ui	Chasmistes cujus	N/A	USA (Nevada)	Entire	E	1	N/A
Dace, Kendall Warm Springs	Rhinichthys osculus thermalis	N/A	USA (Wyoming)	Entire	E	2	N/A
Dace, Moapa	Moapa coriacea	N/A	USA (Nevada)	Entire	E	1	N/A
Darter, Bavon	Etheostoma rubrum	N/A	USA (Mississippi)	Entire	T	10	N/A
Darter, fountain	Etheostoma fontocola	N/A	USA (Texas)	Entire	E	2	N/A
Darter, Maryland	Etheostoma sellare	N/A	USA (Maryland)	Entire	E	1	N/A
Darter, Okaloosa	Etheostoma okaloosae	N/A	USA (Florida)	Entire	E	6	N/A
Darter, snail	Percina (Imostoma) sp.	N/A	USA, Little Tennessee River, Loudon County, Tennessee	Entire	E	12	17.44(b)
Darter, watercress	Etheostoma nuchale	N/A	USA (Alabama)	Entire	E	2	N/A
Gambusia, Big Bend	Gambusia gaigei	N/A	USA (Texas)	Entire	E	1	N/A
Gambusia, Clear Creek	Gambusia heterochir	N/A	Do	Entire	E	1	N/A
Gambusia, Pecos	Gambusia nobilis	N/A	Do	Entire	E	2	N/A
Killfish, Pahrump	Empetrichythys latos	N/A	USA (Nevada)	Entire	E	1	N/A
Madtom, Scioto	Noturus trautmani	N/A	USA (Ohio)	Entire	E	10	N/A
Nekogigi	Coreobagrus ichikawai	N/A	Japan	Entire	E	3	N/A
Pike, blue	Stizostedion vitreum	N/A	USA (Lakes Erie and Ontario)	Entire	E	1	N/A
Pupfish, Comanche Springs	Cyprindodon elegans	N/A	USA (Texas)	Entire	E	1	N/A
Pupfish, Devil's Hole	Cyrinodon diabolis	N/A	USA (Nevada)	Entire	E	1	N/A
Pupfish, Owens River	Cyprinodon radiosus	N/A	USA (California)	Entire	E	1	N/A
Pupfish, Tecopa	Cyprinodon nevadensis calidae	N/A	USA (California)	Entire	E	2	N/A
Pupfish, Warm Springs	Cyprinodon nevadensis pectoralis	N/A	USA (Nevada)	Entire	E	2	N/A
Squawfish, Colorado River	Ptychocheilus lucius	N/A	USA (Colorado River System)	Entire	E	1	N/A
Stickleback, unarmored threespine	Gasterosterus aculeatus williamsoni	N/A	USA (California)	Entire	E	2	N/A
Sturgeon, shortnose	Acipenser brevirostrum	N/A	Atlantic Coast of USA and Canada	Entire	E	1	N/A
Tango, Milyako	Tanakia tango	N/A	Japan	Entire	E	3	N/A
Temolek, Ikan	Probarbus jullieni	N/A	Menam River (Thailand), Mekong River (Cambodia, Laos, and Vietnam); Pahang River (Malaya)	Entire	E	15	N/A
Topminnow, Gila	Poeciliopsis occidentalis	N/A	USA (Arizona), Mexico	Entire	E	1	N/A
Trout Arizona (Apache)	Salmo apache	N/A	USA (Arizona)	Entire	T	8	§17.44(a)
Trout, Gila	Salmo gilae	N/A	USA (New Mexico)	Entire	E	1	N/A
Trout, greenback cutthroat	Salmo clarki stomias	N/A	USA (Colorado)	Entire	E	1	N/A
Trout, Lahontan cutthroat	Salmo clarki henshawi	N/A	USA (California, Nevada)	Entire	T	8	§17.44(a)
Trout, Paiute cutthroat	Salmo clarki seleniris	N/A	USA (California)	Entire	T	8	§17.44(a)
Woundfin	Plagopterus argentissomus	N/A	USA (Utah)	Entire	E	2	N/A
SNAILS:							
Snail, Manus Island Tree	Papustyla pulcherrima	N/A	Admiralty Islands (Manus I.)	Entire	E	4	N/A

CLAMS: [Reserved]

CRUSTACEANS: [Reserved]

SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
INSECTS:							
Butterfly, Bahama swallowtail	Papilio anaraeman bohnetei	USA	USA (Florida), Bahamas	USA	T	13	17.47
Butterfly, El Segundo blue	Shijimiaeoides battoides allyni	N/A	USA (California)	Entire	E	14	N/A
Butterfly, Lange's metalmark	Apodemia mormo langei	N/A	USA (California)	Entire	E	14	N/A
Butterfly, Lotis blue	Lycaeides argyrognomon lotis	N/A	USA (California)	Entire	E	14	N/A
Butterfly, mission blue	Icaricia icarioides missionensis	N/A	USA (California)	Entire	E	14	N/A
Butterfly, San Bruno elfin	Callophrys mossi bayensis	N/A	USA (California)	Entire	E	14	N/A
Butterfly, Schaus swallowtail	Papilio aristodemus ponceanus	N/A	USA (Florida)	Entire	T	13	17.47
Butterfly, Smith's blue	Shijimiaeoides enoptes smithi	N/A	USA (California)	Entire	E	14	N/A
COMMON SPONGES AND OTHER FORMS: [Reserved]							
MUSSELS:							
Mussel, Alabama lamp pearly	Lampsilis virescens	N/A	Paint Rock River system in Alabama	Entire	E	15	N/A
Mussel, Appalachian monkeyface pearly	Quadrula sparsa	N/A	Powell and Clinch Rivers (Va. and Tenn.)	Entire	E	15	N/A
Mussel, birdwing pearly	Conradilla caelata	N/A	Powell and Clinch Rivers (Va. and Tenn.); Duke River in Tennessee	Entire	E	15	N/A
Mussel, Cumberland bean pearly	Villosa (-Micromya) trabilis	N/A	Cumberland and Rockcastle Rivers, Ky.	Entire	E	15	N/A
Mussel, Cumberland monkeyface pearly	Quadrula intermedia	N/A	Powell and Clinch Rivers (Va. and Tenn.); Duck River, Tennessee	Entire	E	15	N/A
Mussel, Curtis' pearly	Epioblasma (-Dysnomia) florentia curtisi	N/A	Black River in Missouri	Entire	E	15	N/A
Mussel, Dromedary pearly	Dromus dromas	N/A	Powell and Clinch Rivers (Va. and Tenn.)	Entire	E	15	N/A
Mussel, fat pocketbook pearly	Potamilus (-Proptera) capax	N/A	White River, Ark.; St. Francis River (Ark. and Mo.)	Entire	E	15	N/A
Mussel, fine-rayed pigtoe pearly	Fusconaia cuneolus	N/A	Clinch River (Va. and Tenn.); Powell River (Va. and Tenn.); and Paint Rock River in northern Alabama	Entire	E	15	N/A
Mussel, green-blossom pearly	Epioblasma (-Dysnomia) torulosa gubernaculum	N/A	Clinch River (Va. and Tenn.)	Entire	E	15	N/A

SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
Mussel, Higgin's eye pearly	Lampsilis higginsi	N/A	Mississippi River in Minnesota, Wisconsin, and Illinois; Meramec River in Missouri; St. Croix River in Wisconsin and Minnesota	Entire	E	15	N/A
Mussel, Nicklin's pearly	Unio (possibly Megalonaias) nicklíniana	N/A	Mexico	Entire	E	15	N/A
Mussel, pale lilliput pearly	Toxolasma (-Carunculina) cylindrella.	N/A	Duck River, Tenn.; Paint Rock River, Ala.	Entire	E	15	N/A
Mussel, pink mucket pearly	Lampsilis orbiculata orbiculata	N/A	Green River, Ky.; Kanawha River in West Virginia; Tennessee River (Tenn. and Ala.); Muskingum River, Ohio	Entire	E	15	N/A
Mussel, rough pigtoe pearly	Pleurobema plenum	N/A	Tennessee River, Tenn.; Green River, Ky; Clinch River (Va. and Tenn.)	Entire	E	15	N/A
Mussel, Sampson's pearly	Epioblasma (-Dysnomia) sampsoni	N/A	Wabash River in Indiana and Illinois	Entire	E	15	N/A
Mussel, shiny pigtoe pearly	Fusconaia edgariana	N/A	Powell River (Va. and Tenn.); Clinch River (Va. and Tenn.); Paint Rock River in Alabama; and Holston River in Virginia	Entire	E	15	N/A
Mussel, Tampico pearly	Cyrtonaias tampicoensis tecomatensis	N/A	Do.	Entire	E	15	N/A
Mussel, tuberculed-bossom pearly	Epioblasma (-Dysnomia) torulosa torulosa	N/A	Lower Ohio River in Kentucky and Illinois; Nolichucky River in Tennessee; and Kanawha River in West Virginia	Entire	E	15	N/A
Mussel, turgid-blossom pearly	Epioblasma (-Dysnomia) turgidula	N/A	Duck River in Tennessee	Entire	E	15	N/A
Mussel, white cat's paw pearly	Epioblasma (-Dysnomia) sulcata delicata (including perobliqua)	N/A	Detroit River in Michigan; and the St. Joseph River in Ohio, Michigan, and Indiana	Entire	E	15	N/A
Mussel, white warty-back pearly	Plethobasis cicatricosus	N/A	Tennessee River (Tenn. and Ala.)	Entire	E	15	N/A
Mussel, yellow-blossom pearly	Epioblasma (-Dysnomia) florentina florentina	N/A	Duck River in Tennessee	Entire	E	15	N/A
Pimpleback, orange-footed	Plethobasis cooperianus	N/A	Tennessee River (Tenn. and Ala.); Duck River, Tennessee	Entire	E	15	N/A

1--32 FR 4001; March 11, 1967
2--35 FR 16047; October 13, 1970
3--35 FR 8491; June 2, 1970
4--35 FR 18319; December 2, 1970
5--37 FR 6476; March 30, 1972
6--38 FR 14678; June 4, 1973
7--39 FR 44990; December 30, 1974
8--40 FR 29863; June 16, 1975
9--40 FR 31734; July 28, 1975
10--40 FR 44149; September 25, 1975
11--40 FR 44412; September 26, 1975
12--40 FR 47506; October 9, 1975
13--41 FR 17740; April 28, 1976
14--41 FR 22044; June 1, 1976
15--41 FR 24061; June 14, 1976

[FR Doc.76-28501 Filed 9-29-76;8:45 am]

federal register

THURSDAY, SEPTEMBER 30, 1976



PART VI:

OFFICE OF MANAGEMENT AND BUDGET

■

OFFICE OF EDUCATION AND DEPARTMENT OF DEFENSE

Revision to Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

OFFICE OF EDUCATION AND DEPARTMENT OF DEFENSE

Revision to Budget Deferrals

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I report routine revisions to two deferrals previously transmitted.

A deferral for the higher education program of the Office of Education has been increased by $36.9 million. The Department of Defense's military construction deferral reflects a net increase of $3.9 million.

The details of each revised deferral are contained in the attached reports.

Gerald R. Ford

THE WHITE HOUSE, *September 28, 1976.*

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Defense - Military:	
	Military Construction	
D76-86B	Military construction all services.....	177,693
	Health, Education, and Welfare:	
	Office of Education	
D76-9B	Higher education.....	309,547

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1976 AND THE TRANSITION QUARTER
(amounts in thousands of dollars)

	Rescissions	Deferrals
Twenty-second special message:		
New items.....	---	---
Changes to amounts previously submitted..	---	40,874
Effect of the twenty-second special message.....	---	40,874
Previous special messages.....	3,582,064	8,346,541
Adjustments to eliminate double counting.....	---	-242,023
Total amount proposed in special messages.....	3,582,064 (in 50 rescission proposals)	8,145,392 (in 117 deferrals)

NOTE: All amounts listed represent budget authority except for $114,828,220 consisting of two general revenue sharing deferrals (of outlays only). Supplementary reports for these deferrals (D76-25F and D76-67A) are included in the seventeenth special message.

D76-86B

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014 (c) of P.L. 930344

This report updates Deferral No. D76-86A transmitted to the Congress on July 6, 1976, and printed as House Document No. 94-548 and Senate Document No. 94-232.

This report for Military Construction reflects a net increase of $3.9 million in the amount deferred through the transition quarter. The amount deferred has been increased from $173,750,273 to $177,693,273 largely as a result of higher unobligated balances carried into the transition quarter from fiscal year 1976 than had been previously estimated.

Deferral No: D76-86B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. 94-138) $4,078,970,000
Bureau	Other budgetary resources 2,457,382,041
Appropriation title & symbol See Coverage section below	Total budgetary resources 1/ (FY 1976 and TQ) 6,536,352,041
	Amount to be deferred: Part of transition quarter $ 177,693,273* Entire transition quarter ____
OMB identification code: See Coverage section below	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [X] Annual (no annual funds are being deferred by this action) [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Coverage*

Military Construction, Army	21X2050	07-25-2050-0-1-051	$69,319,201
Military Construction, Navy	17X1205	07-25-1205-0-1-051	8,900,000
Military Construction, Air Force	57X3300	07-25-3300-0-1-051	7,007,000
Military Construction, Defense Agencies	97X0500	07-25-0500-0-1-051	20,638,000
Military Construction, Army National Guard	21X2085	07-25-2085-0-1-051	-0-
Military Construction, Air National Guard	57X3830	07-25-3830-0-1-051	-0-
Military Construction, Army Reserve	21X2086	07-25-2086-0-1-051	8,811,000
Military Construction, Naval Reserve	17X1235	07-25-1235-0-1-051	-0-
Military Construction, Air Force Reserve	57X3730	07-25-3730-0-1-051	2,443,072
Family Housing, Defense	97X0700	07-30-0701-0-1-051	60,575,000
Family Housing, Defense	9760700	07-30-0701-0-1-051	-0-
			$177,693,273

Justification*

The above amounts in the listed no-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorizes the establishment of reserves for contingencies.

1/ Of this amount, the budgetary resources available in the transition quarter equal $3,287,019,037. These resources include $386,339,000 in new budget authority and $2,900,680,037 in estimated unobligated balances.

* Revised from previous report.

D76-86 B
2

Due to the long period of time required to construct facilities, the Congress makes appropriations for this purpose available until expended. The above funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies.

These deferrals have no programmatic or budgetary effect because the funds could not be obligated at this time, even if they were made available. It is anticipated that some of these funds will be released during the transition quarter and the remainder will be deferred through September 30, 1976.

Outlay Effect (estimated in millions of dollars)

Comparison with the President's 1977 Budget:

1. Budget outlay estimate for the Transition Quarter.....	806.6
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimate for the Transition Quarter:

3. Without deferral	806.6
4. With deferral	806.6
5. Current outlay savings (line 3 - line 4).....	-0-
Outlay savings for 1977	-0-
Outlay savings for 1978	-0-

*Revised from previous report.

D76-93

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. 76-9A transmitted to Congress on July 6, 1976, and printed as House Document No. 94-548 and Senate Document No. 94-232.

This revised deferral report for the Higher education program in the Office of Education reflects an increase of $36,930,741 in the amount deferred through September 30, 1976, from $272,615,939 to $309,546,680.

Due to a reduction in the liabilities for interest subsidies on outstanding loans, the actual unobligated balance brought forward into the transition quarter was greater than previously estimated. This increase in the unobligated balance brought forward has the effect of increasing the amount being deferred through September 30, 1976.

Deferral No: D76-9B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Dept. of Health, Education, and Welfare	New budget authority (P.L. 94-94) $576,000,000
Bureau: Office of Education	Other budgetary resources 129,664,939
Appropriation title & symbol: Higher Education 75X0293	Total budgetary resources (FY 76 and TQ) 705,664,939 1/
	Amount to be deferred: Part of transition quarter $ ——
	Entire transition quarter 309,546,680 *
OMB identification code: 09-40-0293-0-1-502	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ——
Type of account or fund: ☐ Annual ☐ Multiple-year —— (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ——

Justification*

Program	Total budgetary available in the transition quarter	Amount to be deferred
1. Construction:		
(a) Subsidized construction loan: --Annual interest grants	$ 56,757,408	$ 49,200,530
(b) Graduate facilities grants	2,976,408	2,976,408
2. Subsidized Insured Student Loan:		
(a) Interest payments and special allowance (subsidies)	340,619,074	255,095,074
(b) Reserve fund advances (loans)	2,453,926	2,274,668
Total	402,806,816	309,546,680

This deferral will extend through September 30, 1976.

1/ * Of this amount, the budgetary resources available in the transition quarter equal $402,806,816. These resources include $124,000,000 in new budget authority and $278,806,816 in unobligated balances.

* Revised from previous report.

D76-9 B

2

Construction:

A. Annual interest grants--A change in method of accounting for subsidized construction loans caused a substantial amount of prior year appropriations to be de-obligated during fiscal year 1974. Obligations are not recorded now until payments are due. Funds on hand are more than adequate to cover anticipated obligations on annual interest grant contracts signed in prior years and no new starts are authorized or planned. The unobligated funds will be needed in the future, however, to pay continuation costs on loans the Federal government has agreed to subsidize. It is anticipated that only $7,556,878 of the $56,757,408 available will be needed during the transition quarter.

B. Graduate facilities--The amount shown as deferred resulted from adjustments of prior year obligations. As projects are completed the estimated obligations are adjusted to reflect actual experience. No new funds have been appropriated for this program since 1969, and there are no program plans to utilize the funds. It is possible that they may be needed to cover obligation adjustments.

Subsidized insured loans:

A. Interest and special allowance--These funds are used to make mandatory payments for subsidies on loans made by private lenders to students under the Guaranteed student loan program. The amount deferred reflects a reduction in the estimates of liabilities for interest subsidies on outstanding loans to be incurred during this period. These decreases result from a lower dollar volume of loans subject to interest and special allowances and a lower special allowance rate paid on outstanding loans. The deferred amount does not represent a restriction on obligation, but consists of an estimate of funds that cannot be legally obligated during the current period. It is estimated that no more than $85,524,000 of the $340,619,074 available will be needed during the transition quarter.

B. Reserve fund advances--These funds were appropriated in 1969 to make advances to guarantee agencies that could not meet reserve requirements. It is estimated that no more than $179,258 of the $2,453,926 available will be needed during the transition quarter.

Estimated Effects

This action has no program effect, since it only reflects an estimate that the funds cannot be legally obligated during the transition quarter. It does not reflect a program constraint.

D76-9B

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*Outlay Effect (estimated in millions of dollars)	
Comparison with President's 1977 Budget:	
1. Budget outlay estimate for the transition quarter	114.9
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for the transition quarter:	
3. Without deferral	80.5
4. With deferral	80 5
5. Current outlay savings (line 3-line 4)	-0-
Outlay Savings for 1977	-0-
Outlay Savings for 1978	-0-

* Revised from previous report.

[FR Doc.76-28935 Filed 9-29-76;11:25 am]

federal register

THURSDAY, SEPTEMBER 30, 1976



PART VII:

GENERAL SERVICES ADMINISTRATION

■

TRAVEL EXPENSES

Investigation of the Cost of Travel and the Operation of Privately Owned Vehicles

GENERAL SERVICES ADMINISTRATION

TRAVEL EXPENSES

Investigation of the Cost of Travel and the Operation of Privately Owned Vehicles

The Travel Expense Amendments Act of 1975 (Pub. L. 94–22) requires the periodic investigation of the cost to employees of travel and of operating privately owned automobiles, motorcycles, and airplanes while engaged on official business. Further, the Act requires that the results of these investigations be reported to Congress and published in the FEDERAL REGISTER upon final determination of the average actual cost.

Publication of the following reports is in compliance with the requirements of the Act.

Dated: September 17, 1976.

JACK ECKERD,
Administrator of General Services.

REPORT ON AVERAGE DAILY SUBSISTENCE COSTS INCURRED DURING TRAVEL WITHIN THE CONTERMINOUS UNITED STATES

MAY 1976.

CONTENTS

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II. Purpose.
III. Summary of findings/conclusions.
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I. INTRODUCTION

Section 5702 of Title 5, United States Code (5 U.S.C. 5702), provides that an employee while traveling on official business is entitled to a per diem allowance for travel within the continental United States at a rate not to exceed $35 per day; or reimbursement for actual and necessary expenses of official travel up to $50 per day when the per diem allowance is determined to be inadequate to cover these expenses.

Pursuant to the provisions of the Travel Expense Amendments Act of 1975 (Public Law 94–22, May 19, 1975), 5 U.S.C. 5707(b)(1), as amended, the General Services Administration (GSA) is required to conduct periodic investigations of the cost of travel.

In conducting these investigations, the GSA is required to consult with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense and representatives of Government employee organizations. The results of these investigations must be reported to the Congress and printed in the Federal Register once a final determination has been made as to appropriate allowances for subsistence expenses.

The statutory provisions of 5 U.S.C. 5702 for Government-wide travel allowances are implemented in the Federal Travel Regulations, FPMR 101–7 (41 CFR 101–7).

The per diem allowances currently prescribed in the Federal Travel Regulations must be adjusted within 30 days following submission of the report to Congress to reflect the newly determined allowances.

II. PURPOSE

The purpose of this report is to present the results of investigations of the average daily cost of subsistence expenses incurred by Government employees while traveling on official business.

III. SUMMARY OF FINDINGS/CONCLUSIONS

Our investigations of the subsistence costs incurred during official travel are based on an update of the 1973 Employee Survey cost data and on meals and lodging cost data published on a quarterly basis by Runzheimer and Company, Inc., Rochester, Wisconsin 53167.

Restatement of the 1973 Employee Survey cost data to February 1976 cost levels indicates that average daily subsistence costs are $16.10 for lodging and $15.99 for meals and miscellaneous subsistence expenses ($13.07 and $2.92, respectively). The total of the daily average cost is $32.09. Summary cost data from the Runzheimer Meals-Lodging Cost Index indicates that the daily average subsistence costs are $18.54 for lodging and $15.32 for meals and miscellaneous subsistence expenses ($12.24 and $3.08, respectively) with a total daily average of $33.86.

Both the updated employee survey cost data and the commercial cost data indicate that an increase in the rate for meals and miscellaneous expenses from $14 to $16 is necessary for adequate reimbursement on an average basis. A corresponding $2 increase in the current maximum per diem rate of $33 to the statutory maximum of $35 is necessary to retain the present reimbursement flexibility for lodging up to $19 per day.

Our findings indicate that per diem based on the average cost of lodging (up to $19 per day) plus a uniform rate of $16 for meals and miscellaneous expenses and limited to a maximum of $35 per day will adequately reimburse employees for subsistence expenses in a majority (88 percent) of travel situations. Maximum use of the actual subsistence expense allowance up to $50 per day will provide the necessary relief for the remaining 12 percent of the travel situations in which the per diem allowance is inadequate.

IV. RECOMMENDATIONS

We recommend that the Federal Travel Regulations (FPMR 101–7) be amended to:

A. Increase the current rate of $14 for meals and miscellaneous subsistence expenses to $16.

B. Increase the current maximum per diem rate of $33 to the statutory maximum of $35.

C. Assure maximum use of the actual subsistence expense allowance in travel situations where the maximum per diem allowance is determined to be inadequate.

V. BODY OF REPORT

A "Per Diem Cost Report" was prepared by GSA in September 1973. This report was initially prepared, and updated as necessary, to support the per diem legislation which was enacted as the Travel Expense Amendment Act of 1975 (Public Law 94–22, May 19, 1975). In the 1973 report, two separate and distinct approaches were taken in arriving at the amount of per diem costs. The data bases were comprised of information from commercial sources and publications and cost data resulting from an employee survey of actual daily travel costs.

In this current report, we have used data bases similar to those in the 1973 report. We have restated the cost data from the employee survey to 1976 cost levels by applying changes in the appropriate components of the Consumer Price Index (CPI). The restated employee survey data was used as the primary base to arrive at the average level of subsistence expenses that an employee may currently incur during official travel.

We were advised by a representative of the National Restaurant Association that the particular commercial cost data uesd in our 1973 report had not been recently updated. Rather than update this data by use of the CPI changes, we used meals and lodging cost data published by Runzheimer and Company, Inc., Rochester, Wisconsin, as the most comprehensive and current data available. The cost data from the above sources are discussed below in further detail.

A. *Agency/Employee Survey.* GSA conducted a sample survey of civilian employee travel performed during the month of February 1973. Twenty-one agencies responded by providing cost information for 13,800 trips involving 62,113 man days of travel. This sample represented 0.66 percent (over ½ of one percent) of the total estimated annual man days of travel (9.4 million) performed for these agencies within the conterminous United States. The weighted average of the daily subsistence expenses reported by each agency in the 1973 survey is shown in Appendix I.

The subsistence expense elements of the 1973 employee survey show that employees incurred a daily average of $12.98 for lodging, $9.77 for meals, and $1.78 for miscellaneous expenses (total of $24.53). The total average daily subsistence expenses have been restated in Appendix II to reflect February 1976 cost levels. The total daily cost increased from 1973 to 1976 by 30.8 percent. A comparison of the average subsistence costs for 1973 and 1976 is summarized below:

Subsistence costs	February 1973	February 1976
Lodging	$12.98	$16.10
Meals	9.77	13.07
Miscellaneous expenses	1.78	2.92
Average daily costs	24.53	32.09

The 1973 survey data indicated that miscellaneous expenses amounted to 7.8 percent of the meals and lodging cost. However, in restating the cost data for 1976, we used 10 percent to determine the miscellaneous expense amount. The 10 percent factor appears to be a widely accepted figure which was used by Congressional committees in reviewing past per diem legislation (see Senate Report 91–450, October 3, 1969). The 1976 projected cost figure of $15.99 ($13.07 plus $2.92) indicates that the current $14 is inadequate for meals and miscellaneous expenses. A uniform rate of $16 per day would adequately cover these expenses on an average basis. The average cost of lodging restated from the 1973 survey data for 1976 is $16.10. The $19 currently allotted for lodging ($33 less $14) appears to be adequate on an average basis.

The 1973 average daily subsistence expenses ($24.53) were slightly under the $25 per diem rate which was the maximum at that time. The update of the 1973 employee survey data indicates that the current maximum per diem rate of $33.00 is adequate to cover the 1976 average daily subsistence cost ($32.09). However, it must be noted that these are average figures. It is axiomatic that actual expenditures for part (approximately one half) of the travel days will be less costly than the daily average and the remainder will be more costly. The 1973 survey showed that the average subsistence expenses by agency exceeded the $25 maximum per diem in 53 percent of the total survey travel days. Since there is no reason to believe that there have been appreciable changes in the mix and type of travel since the 1973 survey, we concluded that the same would hold true for travel in 1976.

The above conclusion was confirmed when we examined the relationship of the restated daily average subsistence expenses by agency to the current $33 maximum per diem rate. By applying the 30.8 percent rate of increase, the 1973 cost data was restated to show the weighted average daily subsistence cost by

agency for February 1976 along with the related number of survey travel days (Appendix III).

These restated 1976 costs by agency were grouped by dollar increments (Appendix IV). The results indicate that the 1976 agency weighted average subsistence costs exceed the current $33 per diem in 52 percent of the projected travel days. Of that 52 percent, the average daily subsistence costs for 40 percent of the travel days are between $33 and $35 and an additional 12 percent are above $35.

Under the current travel provisions (Federal Travel Regulations, FPMR 101–7), per diem is based on the average cost of lodging incurred by the employee plus $14 per day for meals and miscellaneous expenses and is limited to a maximum of $33 per day. The average daily subsistence cost of travel restated in this study to 1976 cost levels indicates that $16 per day is necessary to adequately reimburse employees for meals and miscellaneous expenses at the present time. Although the 1976 average lodging cost ($16.10) is well within the $19 amount currently allocted for lodging, this amount is necessary to provide a measure of reimbursement flexibility for employees who incur lodging costs above the average lodging.

In order to retain this flexibility, it would be necessary to increase the current $33 per diem rate to the statutory maximum of $35 to compensate for the $2 increase in the meals and miscellaneous expense rate. A per diem rate based on the average cost of lodging incurred plus $16 for meals and miscellaneous expenses and limited to $35 per day would provide adequate reimbursement to employees for necessary subsistence expenses for a majority (88 percent) of the travel performd for the Government. The lodgings-plus method of reimbursement causes the resulting per diem rate to relate more closely to the actual subsistence costs incurred by the employee during official travel.

As previously mentioned, the restated 1976 cost data shown by dollar increments indicate the average daily cost of subsistence exceeds $35 in 12 percent of the travel days. However, application of the actual subsistence expense allowance up to a statutory maximum of $50 per day for travel due to unusual circumstances of the travel assignment and for travel to "designated high rate geographical areas" should provide relief for a majority of the travel situations where the maximum per diem is inadequate.

B. *Commercial Source Data.* We reviewed lodging and meal costs found in the Runzheimer Meal-Lodging Cost Index to assess the relative accuracy of the updated 1973 Employee Survey. The Index presents meal-lodging cost information for 100 selected cities. All menu and room costs reported in the Index reflect prices in each city for first-class meal and lodging establishments. Price readings from luxury and second-class restaurants, hotels, and motels are therefore excluded. The first-class meal-lodging prices reported are in keeping with the policies of most business firms. All costs reported in the Index include State sales taxes (where applicable) and a 15 percent gratuity on meals. The lodging costs shown reflect the average year-around cost in each city. Commercial discounts at hotels/motels and cocktail expenses are excluded from all cost data.

For the purpose of this report we excluded the cities of Anchorage, Alaska, and Honolulu, Hawaii, from the 100 cities shown in the Runzheimer Index, because separate per diem rates are established for these overseas locations. We also excluded those cities which have been established as "high rate geographical areas" (Boston, Massachusetts; Chicago, Illinois; Los Angeles and San Francisco, California; New York City, New York; and Washington, DC). Employees traveling to these locations are reimbursed for their subsistence expenses on an actual expense basis rather than on a per diem basis. The resultant averages of the remaining 92 cities (Appendix V) as of March 1976 are as shown below:

Average daily meal cost	$12.24
Average lodging cost	18.54
Total meals and lodgings	30.78
Misc. expenses ($30.78 x .10)	3.08
Total avg. daily subsistence	33.86

The individual daily subsistence costs of $33.86 compares favorably with the restated 1973 Employee Survey average of $32.09. The difference of $1.77 may be explained by the fact that the Runzheimer figures were used to arrive at a mean average while the employee survey data resulted in a weighted average influenced by the employee travel assignment patterns. It was noted in the 1973 Employee Survey that extensive rural travel had exerted a downward effect on the agency average subsistence costs. (Over 32 percent of the survey travel was reported by the Departments of the Interior and Agriculture and the Tennessee Valley Authority). The greatest difference in the average daily cost between the two sources of data is for the lodging (Runzheimer $18.54; employee survey $16.10). This difference further illustrates the benefit of determining the per diem allowance under the lodgings-plus method which provides flexibility for varying lodging costs. The lodging-plus method can accommodate either the Runzheimer average or the employee survey weighted average.

The average daily cost of meals and miscellaneous subsistence expenses resulting from the Runzheimer data is $15.32 ($12.24 for meals plus $3.08 for miscellaneous expenses). This amount compares favorably with the $16.47 average from the employee survey data.

APPENDIX I.—*Agency employee survey data—1973 per diem cost report*

Agency	Average cost per travel day			
	Lodgings	Meals	Miscellaneous	Total
Agriculture	$11.47	$8.77	$1.10	$21.34
Atomic Energy Commission	14.20	10.83	.80	25.83
Civil Aeronautics Board	14.15	13.59	1.09	28.83
Civil Service Commission	14.13	10.07	1.37	25.57
Commerce	15.95	11.36	1.31	28.62
Department of Defense	13.25	10.41	1.97	25.63
Environmental Protection Agency	18.47	10.79	1.71	30.97
General Accounting Office	14.73	9.68	1.89	26.30
General Services Administration	14.88	11.09	1.92	27.89
Health, Education, and Welfare	15.65	10.92	2.31	28.88
Housing and Urban Development	15.07	10.63	1.88	27.58
Interior	11.28	8.92	2.32	22.52
Justice	13.15	10.41	1.84	25.40
Labor	14.19	10.33	2.70	27.22
National Aeronautics and Space Administration	13.48	10.48	1.42	25.38
Securities and Exchange Commission	16.00	12.00	2.00	30.00
State	16.90	12.74	1.06	30.70
Tennessee Valley Authority	12.82	8.26	.91	21.99
Transportation	12.07	9.46	1.08	22.61
Treasury	13.43	9.51	1.63	24.57
Veterans Administration	15.20	10.35	2.02	27.57
Weighted averages	12.98	9.77	1.78	24.53

APPENDIX II.—*1976 average daily subsistence cost restated to February 1976*

Item	February 1973 cost [1]	Change in CPI February 1973 to February 1976 (percent)	February 1976 cost
Restaurant meals	$9.77	[2] 33.73	$13.07
Hotel and motel	12.98	[3] 24	16.10
Total 1976 meals plus lodging			$29.17
Miscellaneous expenses			[4] 2.92
Total restated 1976 daily subsistence costs			[5] 32.09

[1] Source: 1973 Employee Survey (app. I).
[2] The CPI for restaurant meals increased 33.73 pct, from 135.2 in February 1973 to 180.8 in February 1976.
[3] The Bureau of Labor Statistics would not provide specific index data, but stated that hotel and motel costs had increased 24 pct from February 1973 to February 1976.
[4] 10 percent of total 1976 meals plus lodging. Senate Report No. 91–450 dated Oct. 3, 1969, computed miscellaneous expenses as 10 percent of the total cost of lodgings and meals. (The 1973 Employee Survey indicates that the miscellaneous expenses constituted 7.8 pct of the meals and lodging costs incurred.)
[5] The $32.09 represents an increase of 30.8 pct from the average daily subsistence cost of $24.53 found in the 1973 Employee Survey.

APPENDIX III.—*1976 Employee Survey costs restated to 1976 price level*

Agency	February 1973 cost	Expansion factor [1]	February 1976 cost	Survey travel days
U.S. Department of Agriculture	$21.34	1.308	$27.91	10074
Atomic Energy Commission	25.83	1.308	33.79	375
Civil Aeronautics Board	28.83	1.308	37.71	32
Civil Service Commission	25.57	1,308	33.45	1168
Commerce	28.62	1.308	37.43	474
Department of Defense	25.63	1.308	33.52	17638
Environmental Protection Agency	30.97	1.308	40.51	258
General Accounting Office	26.30	1.308	34.40	2220
General Services Administation	27.89	1.308	36.48	222
Health, Education, and Welfare	28.88	1.308	37.78	3048
Housing and Urban Development	27.58	1.308	36.07	1229
Interior	22.52	1.308	29.46	9054
Justice	25.40	1.308	33.22	2446
Labor	27.22	1.308	35.60	953
National Aeronautics and Space Administration	25.38	1.308	33.20	1088
Securities and Exchange Commission	30.00	1.308	39.24	234
State	30.70	1.308	40.16	63
Tennessee Valley Authority	21.99	1.308	28.76	996
Department of Transportation	22.61	1.308	29.57	1982
Treasury	24.57	1.308	32.14	7653
Veterans Administration	27.57	1.308	36.06	906
Average	24.53		32.09	
Total				62113

[1] The weighted average subsistence costs calculated from employee survey increased 30.8 pct from $24.53 in February 1973 to $32.09 in February 1976.

APPENDIX IV.—*1976 subsistence cost distribution*

(A) Employee survey Amount [1]	(B) Agencies	(C) Survey travel days	(D) Estimated annual travel days [2]	(E) Percentage
$33 and under	U.S. Department of Agriculture, Interior, Tennessee Valley Authority, Department of Transportation, and Treasury.	29,759	4,509,085	48
$33.01 to $34	Atomic Energy Commission, Civil Service Commission, Department of Defense, National Aeronautics and Space Administration, and Justice.	22,715	3,441,777	36
$34.01 to $35	General Accounting Office	2,220	336,374	4
Over $35	Civil Aeronautics Board, Commerce, Environmental Protection Agency, General Services Administration, Health, Education, and Welfare, Housing and Urban Development, Labor, Securities and Exchange Commission, State, and Veterans Administration.	7,419	1,124,127	12
Total		62,113	9,413,363	100

[1] App. III.
[2] Sample days expanded by 151.52. The sample constituted 0.66 pct of the total travel, and 151.52 is the reciprocal of 0.66 pct.

APPENDIX V.—*Commercial cost data Runzheimer Meal-Lodging Cost Index [1] as of first quarter, calendar year 1976*

U.S. cities by population groups	Average daily costs		
	Meals [2]	Lodging	Total meals and lodging
(Under 100,000)			
Albany, Ga	$9.85	$13.50	$23.35
Boise, Idaho	13.00	15.50	28.50
Burlington, Vt	11.20	17.00	28.20
Charleston, W. Va	9.55	19.00	28.55
Cheyenne, Wyo	9.75	17.00	26.75
Great Falls, Mont	11.40	18.50	29.90
Manchester, N.H	12.60	19.00	31.60
Roanoke, Va	14.40	19.50	33.90
Sioux Falls, S. Dak	11.15	16.00	27.15
(From 100,000 to 500,000)			
Albuquerque, N. Mex	10.65	15.50	26.15
Amarillo, Tex	10.50	15.00	25.50
Ashville, N.C	13.50	19.00	32.50
Atlantic City, N.J	13.15	25.50	38.65
Austin, Tex	9.75	16.50	26.25
Baton Rouge, La	11.30	15.50	26.80
Charleston, S.C	11.80	15.00	26.80
Charlotte, N.C	10.70	15.50	26.20
Des Moines, Iowa	11.75	15.50	27.25
El Paso, Tex	9.80	15.00	24.80
Fort Wayne, Ind	9.25	18.00	27.25
Fresno, Calif	13.30	17.00	30.30
Harrisburg, Pa	11.40	18.00	29.40
Huntsville, Ala	11.40	15.50	26.90
Jackson, Miss	12.65	16.50	29.15
Kalamazoo, Mich	11.85	15.50	27.35
Las Vegas, Nev	12.90	23.00	35.90

See footnotes at end of table.

U.S. cities by population groups	Average daily costs		
	Meals [2]	Lodging	Total meals and lodging
Lexington, Ky	11.85	16.50	28.35
Little Rock, Ark	12.00	16.50	28.50
Madison, Wis	12.25	19.50	31.75
Nashville, Tenn	13.10	17.50	30.60
Orlando, Fla	11.45	19.50	30.95
Pittsfield, Mass	13.30	24.50	37.80
Portland, Maine	14.25	20.00	34.25
Raleigh, N.C	13.35	17.50	30.85
Rockford, Ill	11.20	18.00	29.20
Salt Lake City, Utah	13.40	18.50	31.90
Santa Barbara, Calif	12.80	19.50	32.30
Spokane, Wash	12.90	18.50	31.40
Springfield, Ill	11.00	16.00	27.00
Springfield, Mo	9.05	14.00	23.05
Toledo, Ohio	12.50	17.50	30.00
Tucson, Ariz	11.10	19.00	30.10
Wichita, Kans	10.40	16.50	26.90
Wilmington, Del	12.15	18.00	30.15
York, Pa	11.75	16.50	28.25
(500,000 to 1,000,000)			
Akron, Ohio	12.25	17.50	29.75
Albany, N.Y	13.05	19.00	32.05
Birmingham, Ala	10.45	16.00	26.45
Bridgeport, Conn	13.50	22.00	35.50
Columbus, Ohio	12.50	18.50	31.00
Dayton, Ohio	13.25	16.00	29.25
Hartford, Conn	13.85	19.50	33.35
Indianapolis, Ind	13.10	18.00	31.10
Jacksonville, Fla	10.80	15.00	25.80
Louisville, Ky	12.55	17.50	30.05
Memphis, Tenn	12.80	17.50	30.30
New Haven, Conn	12.80	19.50	32.30
New Orleans, La	15.60	20.00	35.60
Norfolk, Va	12.95	19.00	31.95
Oklahoma City, Okla	13.75	17.50	31.25
Omaha, Nebr	13.60	17.50	31.10
Phoenix, Ariz	12.55	21.00	33.55
Portland, Oreg	13.75	18.50	32.25
Providence, R.I	13.65	20.00	33.65
Richmond, Va	12.65	21.50	34.15
Rochester, N.Y	12.25	20.00	32.25
Sacramento, Calif	12.20	17.00	29.20
San Antonio, Tex	10.45	16.00	26.45
San Jose, Calif	10.90	18.50	29.40
Springfield, Mass	12.95	18.00	30.95
Syracuse, N.Y	12.65	18.00	30.65
Tampa, Fla	10.90	18.00	28.90
Worcester, Mass	12.40	20.00	32.40
(Over 1,000,000)			
Atlanta, Ga	12.35	21.00	33.35
Baltimore, Md	13.90	21.50	35.40
Buffalo, N.Y	12.90	19.00	31.90
Cincinnati, Ohio	12.50	18.00	30.50
Cleveland, Ohio	12.90	20.00	32.90
Dallas, Tex	13.45	19.50	32.95
Denver, Colo	10.65	21.00	31.65
Detroit, Mich	12.80	20.50	33.30
Houston, Tex	13.15	20.00	33.15
Kansas City, Mo	10.70	19.50	30.20
Miami, Fla	11.30	26.00	37.30
Milwaukee, Wis	13.50	20.00	33.50
Minneapolis, Minn	14.35	23.00	37.35
Newark, N.J	15.95	25.50	41.45
Philadelphia, Pa	14.05	22.50	36.55
Pittsburgh, Pa	11.20	21.00	32.20
St. Louis, Mo	12.70	20.00	32.70
San Diego, Calif	12.05	21.50	33.55
Seattle, Wash	13.45	19.50	32.95
Average daily costs	12.24	18.54	30.78

[1] Runzheimer Meals-Lodgings Cost Index complied and published by Runzheimer & Co., Inc., Runzheimer Park Rochester, Wis. 53167.
[2] Breakfast, lunch, and dinner.

Report on Operating Costs for Privately Owned Automobiles

May 1976.

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III. Summary of Findings and Conclusions.
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I. INTRODUCTION

Section 5704 of Title 5, United States Code (5 U.S.C. 5704), provides that an employee who uses a privately owned vehicle (motorcycle, automobile or airplane) while performing official business is entitled to payment or reimbursement for the use of that vehicle on a per mile basis instead of actual expenses for transportation when the use of that vehicle is authorized or approved as more advantageous to the Government.

Pursuant to the provisions of the Travel Expense Amendments Act of 1975 (Public Law 94–22, May 19, 1975), 5 U.S.C. 5707(b)(1), as amended, the General Services Administration (GSA) is required to conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business.

In conducting these investigations, the GSA is required to consult with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense and representatives of Government employee organizations. The results of these investigations must be reported to the Congress and printed in the FEDERAL REGISTER once a final determination has been made as to the average, actual operating cost per mile of privately owned vehicles.

The statutory provisions of Government-wide allowances are implemented in the Federal Travel Regulations, FPMR 101–7 (41 CFR 101–7). The mileage allowances currently prescribed in the Federal Travel Regulations must be adjusted within 30 days following submission of the reports to Congress to reflect the newly determined mileage allowances.

II. PURPOSE

The purpose of this report is to present the results of GSA's investigations of the cost of operating a privately owned automobile as required by Public Law 94–22. These results are to be used as a basis for determining specific figures, each rounded to the nearest one-half cent, of the average, actual cost per mile for use of a privately owned automobile by an employee while engaged on official travel.

III. SUMMARY: FINDINGS AND CONCLUSIONS

The costs presented in this study are based on cost data collected during January and February 1976 by the Department of Transportation (DOT) which will be included in the 1976 DOT report: "Cost of Operating an Automobile." The DOT study presents costs over a 10-year period. However, we have assumed that a privately owned automobile would not be retained by employees beyond the fifth year. Accordingly, the costs stated in this report are based on the average annual cost per mile for the first 5 years of the automobile operation. We also eliminated the annual cost element for garaging, parking and tolls as used by DOT. Such items of expenses are reimbursed separately under the Federal Travel Regulations rather than as part of the mileage allowance.

Based on the above criteria, the average cost per mile for the operation of privately owned automobiles is 15.46 cents for a standard size automobile as of February 1976. Since we are required to round to the nearest one half of a cent, the cost per mile for operating a privately owned automobile is restated at 15.5 cents.

IV. RECOMMENDATION

We recommend that the Federal Travel Regulations be amended to increase the current mileage allowance for use of a privately owned automobile when advantageous to the Government from 15 cents to 15.5 cents per mile.

V. BODY OF REPORT

A. *Discussion.* The most current and reliable cost data available is contained in a Department of Transportation (DOT) 1976 report entitled "Cost of Operating an Automobile". Although DOT's 1976 report had not been issued at the time of our investigations, DOT representatives furnished advance cost data (Appendix II).

It should be emphasized that the DOT report is based upon a study that was conducted in suburban Baltimore, and therefore reflects the costs and the road and driving conditions of suburban Baltimore. City driving would be more costly while driving costs in rural areas should be lower. There are also geographic variations in the cost of living. For example, the residents of Baltimore experience cost levels which are different from those in Chicago, Los Angeles, or Atlanta. The December 1975 U.S. City Average Consumer Price Index shows that the cost of "all items" was at an index level of 166.3 or 1.2 percent lower than the Baltimore level of 168.3. This indicates that the cost

of operating an automobile in Baltimore is slightly higher than the national average cost. Therefore, in this report we have adjusted the DOT study results to the national level.

Additionally, we compared our findings to the cost data contained in the American Automobile Association (AAA) pamphlet, *Your Driving Costs 1975–1976 Edition*. Using the AAA data of $3.45 a day for fixed costs and 6.65 cents per mile for variable costs, we found that an automobile operated 14,500 miles a year costs 15.33 cents per mile. This compares favorably to the restated DOT study data on a standard size automobile which costs 15.65 cents per mile to operate. The difference is probably attributable to the variations discussed above and to the DOT's use of more current cost data.

B. *Methodology*. The standard size automobile costs used in the DOT study were those for a 1976 model 4-door sedan, equipped with V–8 engine, automatic transmission, power steering and brakes, air conditioning, tinted glass, radio, clock, white stripe radial tires, wheel covers, remote control left-hand mirror and body protective moulding. This car and equipment are presumed to be typical of the standard size 4-door sedans offered in model year 1976.

Although the DOT study computed costs of operating an automobile over a period of 10 years (100,000 miles) this report assumes that a privately owned automobile is not likely to be retained by employees beyond the fifth year. Consequently, the costs presented in this report are the estimated annual costs of the first 5 years of ownership, as shown in Appendix I.

In determining the overall cost of operating a standard size automobile, the following individual elements were evaluated:

1. *Depreciation*. Depreciation is the greatest single cost of owning and operating a standard size automobile. The cost of the depreciation is determined by the purchase price and resale value (which is turn is a function of the age of the vehicle).

2. *Maintenance and Repair*. This cost element includes routine maintenance such as lubrication, repacking wheel bearings, flushing cooling system, and aiming head lamps; replacement of minor parts such as spark plugs, fan belts, radiator hoses, distributor cap, fuel filter, and pollution control equipment; minor repairs to brakes, water pump, carburetor, and universal joints; and some major repairs such as complete "valve job." Costs were calculated using 1976 parts prices and a $13.50 per hour labor rate. Repairs for collision damage and those made under warranty were excluded. The purchase of accessories such as extra wheels and floor mats were included as was an amount of $2.65 a year for incidental accessories.

3. *Tires*. Because the cost of the original five tires is included in the purchase price of the automobile, this cost element includes only replacement tires. It is assumed that 3 new radial tires and 2 snow tires would have to be purchased in the first five years of ownership.

4. *Gasoline*. The DOT estimated an automobile's gasoline consumption rate to be 15 miles per gallon. A gasoline price of 60.9 cents (retail price less tax=47.9 cents) per gallon including taxes was used.

5. *Motor Oil*. Oil consumption was associated with gasoline consumption at a rate of 1 gallon of oil for every 167 gallons of gasoline. A price of $1.06 per quart (retail price less tax=$1.045) of oil was used.

6. *Insurance*. Insurance coverage, as applied to this study, includes $50,000 combined public liability ($15,000/$30,000 bodily injury, and $5,000 property damage), $2,500 personal injury protection, uninsured motorist coverage, and full comprehensive coverage. Deductible (−$100) collision insurance was assumed for the first five years.

7. *Taxes*. The study includes Federal excise taxes on tires (10 cents per pound), lubricating oil (6 cents per gallon) and gasoline (4 cents per gallon); plus state gasoline tax (9 cents per gallon), and sales tax (4 percent). Taxes are stated as separate cost items in the Appendix.

8. *Registration*. Included in this are a $30.00 annual registration fee and a one-time titling fee of $195.76.

9. *Garaging, Parking, Tolls, etc.* Although the DOT study data (Appendix II) included these costs in computing the total cost per mile, they have been excluded from this study, Appendix I). The law and the implementing regulations provide for reimbursement of parking, tolls, ferry fares, etc. on an actual expense basis in addition to the mileage allowance. Inclusion of these costs in our mileage computation would, in effect, provide double compensation for these expenses and would result in an artificially high mileage allowance.

The cost per mile for each of the above expense elements is shown in Appendix I. However, as stated earlier, the total cost per mile shown in Appendix I (15.65 cents) is the cost of operating an automobile in suburban Baltimore. Since in December 1975, the CPI for "all items" in Baltimore was 168.3 and the national CPI for all items was 166.3, a further computation is appropriate to adjust the Baltimore costs to more closely reflect the national average level of costs. This adjustment was made using the following ratio:

$$\frac{166.3}{168.3}=\frac{X}{15.65¢}$$

Using this formula, X (the national average cost of operating a privately owned automobile) equals 15.46 cents per mile. This adjusted figure, rounded to the nearest one half cent, becomes 15.5 cents.

Annual Automobile Operating Costs
(Standard Size 1976 Model)

(1) Item	(2) 1st Year	(3) 2nd Year	(4) 3rd Year	(5) 4th Year	(6) 5th Year	(7) Total	(8) 1/ Cost/Mile (cents)
Depreciation	$1,215.00	$ 748.00	$ 637.00	$ 466.00	$ 340.00	$3,406.00	5.78
Maintenance/ Repairs	165.43	207.74	421.86	554.63	413.08	1,762.74	2.99
Tires	30.94	27.74	24.52	24.54	58.09	165.83	.28
Gasoline	463.03	415.13	367.23	319.33	316.14	1,880.86	3.19
Motor Oil	14.84	13.78	14.84	13.78	19.08	76.32	.13
Insurance	214.00	200.00	200.00	182.00	182.00	978.00	1.66
Taxes	135.84	124.19	119.53	111.77	108.51	599.84	1.02
Registration	225.76	30.00	30.00	30.00	30.00	345.76	.59
Total cost	$2,464.84	$1,766.58	$1,814.98	$1,702.05	$1,466.90	$9,215.35	15.65 2/
Miles per year	14,500	13,000	11,500	10,000	9,900	58,900	

Source: Appendix II

1/ Column 7 divided by 58,900 miles

2/ 15.65 was computed by dividing $9,215.35 by 58,900 miles. This figure does not agree with the sum of the cost elements in column 8 (15.64). The difference is due to the rounding process applied to column 8.

TABLE 2 - ESTIMATED COST OF OPERATING A STANDARD-SIZE 1976 MODEL AUTOMOBILE [1]

(Total costs in dollars, costs per mile in cents)

Office of Highway Planning
Highway Statistics Division

ITEM	FIRST YEAR (14,500 miles)		SECOND YEAR (13,000 miles)		THIRD YEAR (11,500 miles)		FOURTH YEAR (10,000 miles)		FIFTH YEAR (9,900 miles)	
	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE
Costs Excluding Taxes:										
Depreciation	1,215.00	8.38	748.00	5.75	637.00	5.54	466.00	4.66	340.00	3.43
Repairs and Maintenance	157.05	1.08	199.95	1.54	414.67	3.61	548.03	5.48	406.52	4.11
Replacement Tires	30.94	.22	27.74	.21	24.52	.21	24.54	.24	58.03	.59
Accessories	8.38	.06	7.79	.06	7.19	.06	6.60	.07	6.56	.07
Gasoline	463.01	3.19	415.13	3.19	367.22	3.19	319.33	3.19	316.14	3.19
Oil	14.84	.10	13.78	.11	14.84	.13	13.76	.14	19.08	.19
Insurance	214.00	1.48	200.00	1.54	200.00	1.74	182.00	1.82	182.00	1.84
Garaging, Parking, Tolls, etc.	250.96	1.73	240.94	1.86	230.91	2.01	220.86	2.21	220.21	2.22
Total	2,354.22	16.24	1,853.33	14.26	1,896.35	16.49	1,781.16	17.81	1,548.50	15.64
Taxes and Fees:										
State:										
Gasoline	87.00	.60	78.00	.60	69.00	.60	60.00	.60	59.40	.60
Registration	30.00	.20	30.00	.23	30.00	.26	30.00	.30	30.00	.30
Titling	195.76	1.35	-	-	-	-	-	-	-	-
Sales	8.45	.06	9.97	.07	18.45	.16	23.72	.24	19.61	.20
Subtotal	321.21	2.21	117.97	.90	117.45	1.02	113.72	1.14	109.01	1.10
Federal:										
Gasoline	38.67	.27	34.67	.27	30.67	.27	26.67	.27	26.40	.27
Oil 2/	.21	-	.20	-	.21	-	.19	-	.27	-
Tires	1.51	.01	1.35	.01	1.20	.01	1.19	.01	2.83	.03
Subtotal	40.39	.28	36.22	.28	32.03	.28	28.05	.28	29.50	.30
Total Taxes	361.60	2.49	154.19	1.18	149.53	1.30	141.77	1.42	138.51	1.40
Total of All Costs	2,715.82	18.73	2,007.52	15.44	2,045.89	17.79	1,922.93	19.23	1,687.11	17.04

ITEM	SIXTH YEAR (9,900 miles)		SEVENTH YEAR (9,500 miles)		EIGHTH YEAR (8,500 miles)		NINTH YEAR (7,500 miles)		TENTH YEAR (5,700 miles)		TOTALS AND AVERAGE FOR TEN YEARS (100,000 miles)	
	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE	TOTAL COST	COST PER MILE
Costs Excluding Taxes:												
Depreciation	306.00	3.09	292.00	3.08	292.00	3.44	291.00	3.88	277.00	4.86	4,864.00	4.86
Repairs and Maintenance	471.46	4.76	704.82	7.42	280.80	3.30	421.20	5.75	49.63	.87	3,664.13	3.67
Replacement Tires	61.36	.64	55.73	.59	54.38	.64	53.98	.72	54.72	.96	468.00	.45
Accessories	12.70	.13	12.30	.13	11.26	.13	10.26	.14	8.44	.15	91.50	.09
Gasoline	316.14	3.19	303.37	3.19	271.43	3.19	239.50	3.19	182.02	3.19	3,292.32	3.19
Oil	19.08	.19	21.20	.22	19.08	.23	20.14	.27	13.78	.24	169.60	.17
Insurance	140.00	1.42	140.00	1.47	140.00	1.65	140.00	1.87	140.00	2.46	1,678.00	1.68
Garaging, Parking, Tolls, etc.	220.21	2.23	217.54	2.29	210.85	2.48	204.16	2.72	192.12	3.37	2,208.50	2.21
Total	1,548.95	15.65	1,746.96	18.39	1,279.82	15.06	1,390.24	18.54	917.71	16.10	16,317.75	16.32
Taxes and Fees:												
State:												
Gasoline	59.40	.60	57.00	.60	51.00	.60	45.00	.60	34.20	.60	600.00	.60
Registration	30.00	.30	30.00	.32	30.00	.35	30.00	.40	30.00	.52	300.00	.30
Titling	-	-	-	-	-	-	-	-	-	-	195.76	.20
Sales	22.66	.23	31.76	.33	14.62	.17	20.63	.27	5.06	.09	174.91	.17
Subtotal	112.06	1.13	118.76	1.25	95.62	1.12	95.63	1.27	69.26	1.21	1,270.69	1.27
Federal:												
Gasoline	26.40	.27	25.33	.27	22.67	.27	20.00	.27	15.20	.27	266.68	.27
Oil 2/	.27	-	.30	-	.27	-	.29	-	.19	-	2.40	-
Tires	3.09	.03	2.72	.03	2.65	.03	2.63	.04	2.67	.05	21.84	.02
Subtotal	29.76	.30	28.35	.30	25.59	.30	22.92	.31	18.06	.32	290.92	.29
Total Taxes	141.82	1.43	147.11	1.55	121.21	1.42	118.55	1.58	87.32	1.53	1,561.61	1.56
Total of All Costs	1,690.77	17.08	1,894.07	19.94	1,401.03	16.48	1,508.79	20.12	1,005.03	17.63	17,878.96	17.88

1/ This estimate covers the total costs of a fully equipped, medium priced, standard size, 4-door sedan, purchased for $4,899, operated 100,000 miles over a 10-year period, then scrapped for $35. Baltimore area prices, considered to be in the middle range, were used.
2/ Where costs per mile are less than 1/20 cent, a dash (-) appears in the column.

REPORT ON OPERATING COSTS FOR PRIVATELY OWNED MOTORCYCLES

MAY, 1976.

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I. INTRODUCTION

Section 5704 of Title 5, United States Code (5 U.S.C. 5704), provides that an employee who uses a privately owned vehicle (motorcycle, automobile or airplane) while performing official business is entitled to payment or reimbursement for the use of that vehicle on a per mile basis instead of actual expenses for transportation when the use of that vehicle is authorized or approved as more advantageous to the Government.

Pursuant to the provisions of the Travel Expense Amendments Act of 1975 (Public Law 94-22, May 19, 1975), 5 U.S.C. 5707(b)(1), as amended, the General Services Administration (GSA) is required to conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business.

In conducting these investigations, the GSA is required to consult with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense and representatives of Government employee organizations. The results of these investigations must be reported to the Congress and printed in the FEDERAL REGISTER once a final determination has been made as to the average, actual operating cost per mile of privately owned vehicles.

The statutory provisions of Government-wide allowances are implemented in the Federal Travel Regulations, FPMR 101-7 (41 CFR 101-7). The mileage allowances currently prescribed in the Federal Travel Regulations must be adjusted within 30 days following submission of the reports to Congress to reflect the newly determined mileage allowances.

II. PURPOSE

The purpose of this report is to present the results of GSA's investigations of the costs of operating a privately owned motorcycle as required by Public Law 94-22. These results are to be used as a basis for determining specific figures, each rounded to the nearest one-half cent, of the average, actual cost per mile for use of a privately owned motorcycle by an employee while engaged on official business travel.

III. SUMMARY OF FINDINGS AND CONCLUSIONS

The costs presented in this study are based on data collected from private industry and Federal agency sources. Five motorcycles were selected to represent the type and size of motorcycles that employees would most likely use while on official business. The ownership and operating costs shown in this report are average costs and assumed to be typical for the selected motorcycles.

The average annual cost of owning and operating a privately owned motorcycle is approximately $572 per year. The average cost for both the fixed and the variable costs of operating a privately owned motorcycle is 12.72 cents per mile as of December 1975. This figure, rounded to the nearest one-half cent is 12.5 cents per mile.

IV. RECOMMENDATION

We recommend that the Federal Travel Regulations be amended to increase the mileage reimbursement rate for use of a privately owned motorcycle when advantageous to the Government from the current 8 cents per mile to the statutory maximum of 11 cents per mile.

V. BODY OF REPORT

A. *Discussion.*—This report presents cost data collected from private industry sources and Federal agencies that accumulate the type of data relevant to our study needs. The ownership and operating costs shown in this report are average costs which we assumed to be typical for the type and size of motorcycles employees would most likely use while on official business.

With the assistance of the Motorcycle Industry Council, Inc. (M.I.C.) five motorcycles were selected which we felt would be representative of the types of motorcycles that would most likely be used for business travel. A motorcycle, as used in this report, is defined as a motorcycle licensed or registered by state regulations and operated in a manner similar to that of a passenger carrying automobile. Further consideration was given to the size (engine displacement) of the motorcycles. The M.I.C. suggested that a range from 350 cubic centimeters (cc.) to 1000 cc. would be representative for our report. Based on the above criteria, we selected the following motorcycles:

1. Harley Davidson XLCH-1000 (1000 cc.)
2. BMW (Bavarian Motor Works) R60/5 (599 cc.)
3. Kawasaki 500 H-1 (498 cc.)
4. Honda CB-750 (736 cc.)
5. Yamaha RD 350 (350 cc.)

B. *Average annual mileage.*—In computing the per mile cost of owning and operating the five selected motorcycles, we assumed an average usage of 4,500 miles traveled per year. The M.I.C. recommended and the Environmental Protection Agency (EPA) agreed that 4,500 miles was an appropriate nationwide average.

C. *Average costs.*—Most of the ownership and operating costs reflect the environment in which the vehicle is operated. Ownership costs such as registration, licensing, taxes and insurance vary from state to state and even from one locality to another within the same state. The same holds true for operating costs; gasoline, oil, maintenance, parts and labor. For each of the selected motorcycles we have identified an estimated average for each cost factor. If an estimated average cost was not readily available (as with insurance) we sampled costs in several localities throughout the United States to arrive at an estimated average cost. The use of estimated costs was unavoidable as the loose and relatively unstructured motorcycle owner population precluded the collection of reliable empirical operating cost statistics.

D. *Elements of cost.*—The most complete, current cost data available was for calen-

dar year 1975. The costs shown in Appendix I for the five selected motorcycles and the arithmetic mean are based upon December 1975 costs. To develop and project the overall cost of operating a motorcycle, the following individual cost components were evaluated:

1. *Depreciation.* Depreciation is the greatest single cost of owning a motorcycle and may be simply stated as the difference between the purchase price and the resale or salvage value (which in turn is influenced by the vehicle's age).

Prudent operation and maintenance of a motorcycle should ensure the longevity of the motorcycle to the maximum of its expected useful life. The EPA estimated the average useful life of a motorcycle to be approximately 18,500 miles. The useful life, from purchase to salvage is not necessarily synonymous with the ownership life. A motorcycle may be sold or traded, as a personal preference, sometime before the end of its useful life. We have assumed an ownership life of 3 years or 13,500 miles for our selected motorcycles. If we had used 5 years of ownership, the motorcycle would probably need to be salvaged in the fifth year. The annual rate of depreciation would have been slightly less than that for three years but increased maintenance costs would offset the reduction in annual depreciation costs.

Using information from the National Automotive Dealers Association, Motorcycle Appraisal Guide, December 1975-March 1976 Edition, we found the annual depreciation cost to be as shown in Appendix II.

2. *Registration.* The annual registration fees are fixed by individual state regulatory agencies. By using data provided by the Federal Highway Administration in their July 1975 Highway Statistics Report, we were able to estimate that in 1974 approximately 1.65 million motorcycles were registered in the 50 states and the District of Columbia, and motorcycle regitrations fees amounted to $41.5 million. The average fee was $25. We used 1974 data because that was the most current data available. The CPI for registration fees increased only 0.3 percent from December 1974 to December 1975, so we assumed that the $25 fee would be the average also paid in 1975.

3. *Insurance.* We investigated three types of insurance coverage available to motorcycle owners: property liability insurance, fire insurance, and theft insurance. The Insurance Services Office (ISO) provided invaluable assistance in helping us determine average rates for motorcycle insurance costs. The ISO is a large service organization providing recommended rates and other statistical information to over 40 percent of the property insurance industry.

Motorcycle property liability insurance costs are computed as a percentage of the basic automotive liability rate for each individual locality. The percentage factor is dependent upon the age of the operator and the engine size/displacement measured in cubic centimeters. The following table shows the percentages that were applied to the basic automobile rates.

Engine size	Age of operator	
	Less than 30 yrs	30 yrs and over
	Percent	*Percent*
350 cm³ to 500 cm³	130	110
501 cm³ to 800 cm³	145	130
Greater than 800 cm³	160	145

The basic automobile rates were selected for ten localities: 3 cities with over 1 million population, 2 cities with 500,000 to 1 million, 3 cities with 100,000 to 500,000, and 2 cities with less than 100,000 population. The minimum required liability coverage for the basic automobile rate varied from $5,000/$10,000 per occurrence in one location to $25,000/$50,000 in another, all depending upon local or state regulation. The most frequent minimum coverage was $10,000/$20,000.

The fire insurance cost was computed at a rate of $.60 per $100 of the motorcycle replacement value. The theft insurance cost was computed at a rate of $1.40 per $100 of the replacement value.

These rates are recommended by the ISO for use by their customer insurance companies. Individual insurance companies may vary the rates by locality according to their own risk experience.

Insurance is the second most expensive cost of operating a motorcycle. The cost may be lessened by not obtaining fire or theft coverage. However, we assumed that a prudent motorcycle owner would purchase full insurance coverage.

4. *Gasoline.* Gasoline consumption is greatly influenced by the driving environment (city vs. highway). The EPA certification laboratory provided estimates of gasoline consumption rates (miles per gallon) for each of the five motorcycles. We used the average rate, assuming an equal amount of city and highway driving. The average consumption for each motorcycle was as follows:

	Miles per gallon
Harley Davidson XLCH-1000	35
Kawasaki 500 H-1	40
BMW R60/5	40
Honda CB-750	40
Yamaha RD 350	45

An average price of 46 cents per gallon, excluding taxes, was used in the study. This was the December 1975 national average price provided by the National Energy Information Center, Federal Energy Administration.

5. *Motor Oil.* The oil consumption rate was computed by multiplying the engine oil capacity (quarts of oil) by the recommended frequency (per miles) for oil change. Using the 4,500 average annual mileage, the frequency would be 3 oil changes per year for the BMW, Kawasaki, and Honda motorcycles, 2 for the Harley Davidson, and 4 for the Yamaha.

The Kawasaki and Yamaha motorcycles have 2-stroke engines which require special injection oil at an average price of $2.00 per quart. The other three motorcycles require a heavy grade standard motor oil with an average price of $1.35 per quart.

6. *Tires.* In 3 years or 13,500 miles of prudent operation, none of the motorcycles should require replacement tires.

7. *Maintenance and Repairs.* The routine required maintenance of a motorcycle includes lubrications and engine adjustment. Replacement of spark plugs, rear drive chain, cables and air filters are periodically required for some of the motorcycles. Minor repairs such as for brakes and carburetors would also be required.

The M.I.C. used an average labor rate of $11.00 per hour in estimating the annual average maintenance costs. We used the M.I.C.'s estimated costs because no other data were available.

8. *Miscellaneous.* The miscellaneous items considered were those accessories which an operator would most likely purchase to enhance the safe operation of the motorcycle. We included helmets, which are required by law, and mirrors and windscreens. We used the appropriate unit prices shown as "Average Amount Spent" in the 1975 Cycle magazine market analysis booklet published by Ziff/Davis, Inc.

9. *Taxes.* The Federal gasoline tax of 4 cents per gallon and the average state gasoline tax of 8 cents per gallon were used to compute the annual tax cost. Retail and service taxes were included in the other cost components examined.

ANNUAL MOTORCYCLE OPERATING COSTS 1/

ITEM	BMW R 60/5		Kawasaki 500 H-1		Harley-Davidson XLCH-1000		Honda CB-750		Yamaha 350		Average	
	Total cost	Cost, per mile	Total cost	Cost per mile	Total cost	Cost per mile	Total cost	Cost per mile	Total cost	Cost per mile	Total cost	Cost per mile
Fixed Costs												
Depreciation	$319.90	7.11¢	$211.76	4.71¢	$231.63	5.15¢	$278.92	6.20¢	$131.12	2.91¢	$234.67	5.21¢
Registration	25.00	.56	25.00	.56	25.00	.56	25.00	.56	25.00	.56	25.00	.56
Insurance	146.93	3.27	118.97	2.64	164.36	3.65	144.06	3.20	112.24	2.49	137.32	3.05
Subtotal	$491.83	10.94¢	$355.73	7.91¢	$420.99	9.36¢	$448.00	9.96¢	$268.36	5.96¢	$396.99	8.82¢
Variable Costs												
Gasoline	51.75	1.15	51.75	1.15	59.16	1.31	51.75	1.15	46.00	1.02	52.08	1.16
Motor oil	16.20	.36	12.00	.27	10.80	.24	12.15	.27	16.00	.36	13.43	.30
Maintenance/repairs	52.00	1.16	48.00	1.07	56.00	1.24	48.00	1.07	50.00	1.11	50.80	1.13
Miscellaneous	45.42	1.01	45.42	1.01	45.42	1.01	45.42	1.01	45.42	1.01	45.42	1.01
State gasoline tax	9.00	.80	9.00	.20	10.29	.23	9.00	.20	8.00	.18	9.06	.20
Federal gasoline tax	4.50	.10	4.50	.10	5.14	.11	4.50	.10	4.00	.09	4.53	.10
Subtotal	$178.87	3.96¢	$170.67	3.80¢	$186.81	4.14¢	$170.82	3.80¢	$169.42	3.77¢	$175.32	3.90¢
TOTAL	$670.70	14.92¢	$526.40	11.71¢	$607.80	13.50¢	$618.82	13.76¢	$437.78	9.73¢	$572.31	12.72¢

1/ Average annual mileage = 4,500 miles

DEPRECIATION COST

(After three years or 13,500 miles)

	(A) 1/ Retail Price	(B) 2/ Sales Tax	(C) 3/ Total Price	(D) 4/ Recoverable after 3 yrs.	(E) 5/ Depreciation	(F) Annual Depreciation
BMW R60/5	$2020	$70.70	$2090.70	$1131	$959.70	$319.90
Kawasaki 500H-1	1265	44.28	1309.28	674	635.28	211.76
Harley-Davidson XLCH-1000	2025	70.88	2095.88	1401	694.88	231.63
Honda CB-750	1822	63.77	1885.77	1049	836.77	278.92
Yamaha 350	839	29.37	863.37	470	393.37	131.12

1/ Manufacturers' suggested list price; National Automobile Dealers Association (N.A.D.A.) Motorcycle Appraisal Guide, December 1975 - March 1976.

2/ Average state sales tax = 3.5%; 44 of the 50 United States have retail sales tax ranging from 7% to 2%.

3/ Column A + Column B.

4/ Used wholesale price, N.A.D.A. Motorcycle Appraisal Guide, December 1975 - March 1976 Edition.

5/ Column C - Column D.

REPORT ON OPERATING COSTS FOR PRIVATELY OWNED AIRPLANES

MAY 1976.

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I. INTRODUCTION

Section 5704 of Title 5, United States Code (5 U.S.C. 5704), provides that an employee who uses a privately owned vehicle (motorcycle, automobile or airplane) while performing official business is entitled to payment or reimbursement for the use of that vehicle on a per mile basis instead of actual expenses for transportation when the use of that vehicle is authorized or approved as more advantageous to the Government.

Pursuant to the provisions of the Travel Expense Amendments Act of 1975 (Public Law 94-22, May 19, 1975), 5 U.S.C. 5707(b)(1), as amended, the General Services Administration (GSA) is required to conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business.

In conducting these investigations, the GSA is required to consult with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense and representatives of Government employee organizations. The results of these investigations must be reported to the Congress and printed in the FEDERAL REGISTER once a final determination has been made as to the average, actual operating cost per mile of privately owned vehicles.

The statutory provisions of Government-wide allowances are implemented in the Federal Travel Regulations, FPMR 101-7 (41 CFR 101-7). The mileage allowances currently prescribed in the Federal Travel Regulations must be adjusted within 30 days following submission of the reports to Congress to reflect the newly determined mileage allowances.

II. PURPOSE

The purpose of this report is to present the results of GSA's investigations of the costs of operating a privately owned aircraft as required by Public Law 94-22. These results are to be used as a basis for determining specific figures, each rounded to the nearest one-half cent, of the average, actual cost per mile for use of a privately owned aircraft by an employee while engaged on official business travel.

III. SUMMARY

The costs presented in this report are based on studies prepared for the Federal Aviation Administration (FAA). The 1974 costs shown in the March 1975 "Data Base Supplement" to the FAA study entitled "General Aviation Cost Impact Study" have been restated to February 1976 price levels. The restated costs indicate that the average per mile cost of operating a single-engine piston aircraft is 34.18 cents as of February 1976. This figure rounded to the nearest one-half cent is 34 cents per mile.

IV. RECOMMENDATION

We recommend that the Federal Travel Regulations be amended to increase the current mileage allowance for use of a privately owned aircraft when advantageous to the Government from 22 cents to 24 cents per mile, which is the statutory maximum allowance prescribed in 5 U.S.C. 5704(a)(3).

V. BODY OF REPORT

A. *Background.*—The initial review by GSA of the cost of operating privately owned aircraft was based on a report entitled "General Aviation Aircraft Operating Costs" prepared by the Federal Aviation Administration (FAA) in February 1969. The FAA's 1969 reported cost data, which was the most current usable and reliable data available at that time, was updated through the use of Consumer Price Index (CPI) cost increases. These updated costs were initially reported by GSA in a "Study of Operating Costs for Privately Owned Aircraft" dated September 1973. The September 1973 study was updated to include December 1973 cost data in support of the 1974 per diem and mileage legislation which was subsequently enacted as the Travel Expense Amendments Act of 1975 (Public Law 94-22, May 19, 1975). The 1973 GSA study was further updated and used as the basis for implementation of the current allowance of 22 cents per mile for an employee's use of a privately owned aircraft when advantageous to the Government.

We anticipated that it would be necessary to utilize a further update of the existing 1973 study to 1976 cost levels to satisfy the statutory requirements for periodic investigations of the cost of operating a privately owned aircraft. However, though consultations with FAA representatives, we were advised that a more recent and detailed study was available. Representatives of FAA recommended that we use the "General Aviation Cost Impact Study" which states aircraft operating cost data as of 1974. Review of these costs is discussed below.

B. *Discussion.*—The costs presented in this report are based on a study prepared by Battelle-Columbus consultants for the Federal Aviation Administration (FAA), Office of Administration in March 1975 entitled, "General Aviation Cost Impact Study". We also used information contained in the November 1975 FAA study entitled, "Study of the Effects of Increased Costs on Corporate and Business Flying". The FAA studies include costs for several types of general aviation aircraft and for several categories of use.

The FAA studies identified nine user categories (column headings of Appendix I) of general aviation aircraft operation. However, only two categories (Business and Personal) are representative of the type of use Govenment employees make of their aircraft while on official business. For this report we have used the data shown for "Business" user category which the FAA defines as: "Any use of an aircraft not for compensation or hire by an individual for the purpose of transportation required by a business in which he is engaged". We did not use the "Personal Flying" category because it was too limited in scope. The "Personal Flying user category has been defined by the FAA as: "Any use of an aircraft for personal purposes not associated with a business or profession, and not for hire". The Government mileage allowance is paid to employees for the use of their aircraft while on official business. Consequently, the "Personal Flying" category would not be an accurate representation for this report.

The selection of the most representative type of aircraft was essential to determine the average costs incurred by Government employees when they use their privately owned aircraft on official business. The FAA studies identified eleven types of aircraft (row stubs—Appendix I). We selected the single-engine piston aircraft as the most representative for this report because the FAA studies showed that type of aircraft constituted 90 percent of the personally owned and operated aircraft in the General Aviation Fleet. We eliminated multi-engine piston and turbine engine because these types are mostly owned and operated by corporate businesses.

Th FAA studies categorize the single-engine piston aircraft into two groups: 1–3 seat aircraft and 4 seat and over aircraft. The annual operating costs shown in the FAA studies for 1–3 set aircraft are substantially less than those shown for the 4 seat and over aircraft (Appendix II). However, the average costs per mile are primarily influenced by the annual utilization and the average speed of the aircraft. The average annual utilization for the 1–3 seat aircraft is 108.08 hours per year and for the 4 seat and over aircraft—176.36 hours. The average cruise speed of the 1–3 seat aircraft is 117 miles per hour and the 4 seat and over aircraft is 128 miles per hour. By multiplying the hours of utilization times the average speed, we found the average mileage for the 1–3 seat aircraft is 12,645 miles and for the 4 seat and over aircraft—22,574 miles. The substantially greater utilization of the 4 seat and over aircraft results in a lower per mile cost than for the 1–3 seat aircraft even though the total annual cost is substantially greater for the 4 seat and over aircraft.

We determined the average per mile costs for the two categories of single-engine piston aircraft by dividing the per hour operating costs by the average cruise speed. The results show that the difference in the cost per mile for the two aircraft is 1.15 cents (Appendix III). Since the per mile costs are only slightly different we computed the mean average costs of the two categories of aircraft which resulted in a single average cost per mile of 30.06 cents as of 1974 (Appendix IV).

C. *Cost elements.*—In developing the overall cost of operating a privately owned aircraft, the FAA studies considered all of the cost elements discussed below, and shown in Appendix II. We retained only those costs which are reimbursable to Government employees, and modified the depreciation cost element as shown in the adjusted cost table (Appendix III).

1. *Fuel and Oil Costs.* Fuel and oil costs per hour are shown as an aggregate amount based upon the average consumption rate of 75 percent power (10.2 gallons for the 1–3 seat aircraft and 13.1 gallons for the 4 seat and over aircraft). Airframe and engine manufactures' recommended fuel types were used for all calculations.

The FAA studies did not segregate the retail prices and the taxes, therefore, fuel and oil costs shown in the Appendix III include taxes. The FAA was able to tell us that average retail price of 80/87 aviation gasoline in 1974 was 62 cents per gallon and for 100/130 aviation gasoline the price was 65 cents per gallon. The Federal tax on gasoline was 7 cents per gallon in 1974 and has not been changed since that time. The Aircraft Owners and Pilots Association informed us that approximately 39 States tax aviation fuel sold for use in privately owned and operated aircraft and 19 States provide a full or partial refund of the tax.

2. *Airframe and Avionics Maintenance and Overhaul Costs.* This cost element includes all labor and parts costs associated with scheduled and unscheduled airframe and avionics maintenance and overhaul.

3. *Engine Maintenance and Overhaul.* Engine maintenance and overhaul include all labor and parts costs for scheduled and unscheduled engine maintenance and overhaul; also 100 hour, 1000 hour, and/or annual inspections.

4. *Depreciation (Annualized Investment).* The FAA studies used a straight line annualizing schedule applied to the aircrafts' first year retail price. The method used in the FAA studies depreciated the aircraft over the first 5 years of ownership with the residual value after the fifth year being 25 percent of the first year retail price. The straight line 5-year depreciation is consistent with the Internal Revenue Service "Class Life Asset Depreciation Range System" and applicable to business or corporate owned aircraft. We modified the FAA depreciation method to reflect an annual depreciation cost that we feel is more representative of privately owned aircraft. (Appendix III).

We calculated depreciation by dividing the retail purchase price of the aircraft by the number of years of its useful life. In the FAA studies, the 1974 retail purchase price for the 1–3 seat aircraft was shown as $24,672 and for the 4 seat and over aircraft $35,165.

We assumed an average useful life span of 20 years for the aircraft. The 20-year useful life was consistent with aircraft bluebook prices, however, when we consulted with FAA personnel they presented examples which imply that the life span for some aircraft may be greater than 20 years (i.e., Navions, Stearmans, and Piper Cubs). In this respect, a representative of the Airplane Owners and Pilots Association (AOPA) reflected that 20 years appeared to be reasonable, but added that no one really knows the technological life of an aircraft which has been properly maintained and protected from the elements. Individually, the above factors may be of minor importance, but together they indicate that our use of a 20-year period of depreciation is reasonable.

5. *Hull Insurance.* Hull insurance cost is the annual premium paid to insure the aircraft against damage while in motion or at rest. A deductible amount is normally assumed by the aircraft owner.

6. *Liability and Medical Insurance.* Liability insurance premiums are paid annually to insure the aircraft owner against damage to persons or property by reason of his or her operation of the aircraft.

7. *Hangar, Storage and Tie Down.* Although these costs were included in FAA studies (Appendix II) we excluded them from the adjusted cost elements shown in Appendix III to this report. These types of expenses are reimbursed separately when a Government employee uses a privately owned aircraft for official travel.

8. *Federal Registration Fee and Weight Tax.* The Federal registration fee and weight tax went into effect July 1, 1970. The annual rate for single-engine, piston aircraft is $25 plus 2 cents per pound for aircraft over 2,500 pounds gross weight.

9. *Miscellaneous.* Miscellaneous costs include the expenses incurred by the aircraft owner for state aircraft registration fees, training, navigation materials, airworthiness directive requirements, and minor aircraft modifications.

D. *Estimate of current costs.*—The most recent costs (1974) provided in the FAA studies do not reflect subsequent changes in the price levels. In order to calculate current (1976) costs, it was necessary to use an index for estimating the relative price changes since 1974.

The Wholesale Price Index (WPI) could not be used because it is essentially a commodity index and excludes the value of services; yet many of the cost elements which comprise the total cost per mile of operating an aircraft are in the nature of services (i.e., inspection, maintenance and insurance). In addition, the WPI reflects prices at the wholesale level and does not accurately measure the level of costs borne by the owners of private aircraft who must make their purchases in the retail market.

The Consumer Price Index (CPI) measures the prices of both goods and services at the retail level but does not provide any data regarding the specific cost elements which make up the aggregate cost per mile for the operation of privately owned aircraft. Although the CPI does provide price levels for specific automobile operating costs (maintenance and repairs, gasoline, oil, insurance, etc.) price level changes for those elements cannot be applied to aircraft operating costs, as the two items (aircraft and automobiles) are not analogous.

In the absence of specific aircraft price index level data, we decided that the change reported in the CPI for "all items less food" could be applied to the total per mile costs for 1974. Although this approach may not yield a high degree of precision it, provides a general estimate of the change in the aggregate retail costs of operating a private aircraft.

Apoendix IV shows the method by which the 1974 per mile costs of operating a privately owned aircraft have been restated to reflect the February 1976 cost levels. The appendix shows that the average cost of operating a privately owned aircraft is 34.18 cents per mile. This figure adjusted to the nearest one half cent is 34 cents per mile.

AIRCRAFT TYPE	USER CATEGORY: PERSONAL	BUSINESS/EXECUTIVE	INSTRUCTIONAL	INDUSTRIAL/SPECIAL	AERIAL APPLICATION	AIR TAXI	RENTAL	OTHER
1. SINGLE-ENGINE PISTON 1 TO 3 PLACE		X						
2. SINGLE-ENGINE PISTON 4 PLACE & OVER		X						
3. TWIN-ENGINE PISTON UNDER 12,500 Lbs. TOGW								
4. TWIN-ENGINE TURBOPROP UNDER 12,500 Lbs. TOGW								
5. TWIN-ENGINE TURBOPROP OVER 12,500 Lbs. TOGW								
6. TWIN-ENGINE TURBOJET UNDER 20,000 Lbs. TOGW								
7. TWIN-ENGINE TURBOJET/FAN OVER 20,000 Lbs. TOGW								
8. MULTI-ENGINE TURBOJET/FAN OVER 20,000 Lbs. TOGW								
9. ROTARY WING-PISTON								
10. ROTARY WING-TURBINE								
11. OTHER								

TABLE 1. MATRIX OF AIRCRAFT TYPE AND USER CATEGORIES

APPENDIX II.—*Variable and fixed costs—1974*

	Aircraft category type	
	1 to 3 seat	4 seat and over
VARIABLE COSTS PER HOUR		
Fuel and oil (including taxes)	$7.14	$9.17
Airframe and avionics reserve	2.37	3.90
Engine maintenance and overhaul reserve	1.77	2.74
Total	11.28	15.81
ANNUAL FIXED COSTS		
Annualized investment	3,700.00	5,275.00
Ins. hull	1,110.00	1,582.00
Ins. lia. and med	175.00	306.00
Hgr. and tie down	730.00	842.00
Federal user charges	25.00	76.00
Miscellaneous	110.00	144.00
Total	5,850.00	8,225.00

SOURCE.—(Data base supplement) general aviation cost impact study; Federal Aviation Administration, Office of Aviation Policy.

APPENDIX III.—*Adjusted operating costs—1974 [Single-engine, piston aircraft]*

Item	1 to 3 seat		4 seat and over	
	Cost per year	Cost per hour [1]	Cost per year	Cost per hour [1]
VARIABLE COSTS				
Fuel and oil	$772	$7.14	$1,617	$9.17
Airframe and avionics reserve	256	2.37	688	3.90
Engine maintenance and overhaul reserve	191	1.77	483	2.74
Subtotal	1,219	11.28	2,788	15.81
FIXED COSTS				
Depreciation	1,234	11.42	1,758	9.97
Hull insurance	1,110	10.27	1,582	8.97
Lia. and med. ins	175	1.62	306	1.74
Federal user charges	25	.23	76	.43
Miscellaneous	110	1.02	144	.82
Subtotal	2,654	24.56	3,866	21.93
Total	3,873	35.84	6,654	37.74
Miles per year	12,645		22,574	
Cost per mile	$0.3063		$0.2948	
Miles per hour		117		128
Cost per mile		[2] $0.3063		[2] $0.2948

[1] Average utilization for 1 to 3 seat aircraft is 108.08/yr; utilization for 4-seat and over aircraft is 176.36/yr.
[2] The difference in the cost per mile between aircraft types is $0.0115 (1.15c).

Privately owned aircraft operating costs—February 1976

[Single-engine, piston aircraft]

Aircraft type	Cost per mile, 1974 (cents)	Change in CPI [1] for "all items less food" from 1974 to February 1976 (percent)	Change in cost per mile (cents)	Cost per mile, 1976 (cents)
1 to 3 seats	30.63	13.7	+4.20	34.83
4 seats and over	29.48	13.7	+4.04	33.52
Average	30.06	13.7	+4.12	34.18

[1] CPI "all items less food": February 1976, 163.4 percent; average 1974, 143.7 percent; (13.7 percent increase).

[FR Doc.76-28387 Filed 9-29-76;8:45 am]

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